

Agenda

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

December 27, 2016
Assembly Chambers
7:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF MINUTES**
 - A. November 30, 2016 - Draft Minutes - Regular Planning Commission
- III. **WRITTEN AGENCY AND PUBLIC COMMENTS POST DEADLINE**
 - A. Additional Materials Received Post Deadline
- IV. **PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**
- V. **PLANNING COMMISSION LIAISON REPORT**
- VI. **RECONSIDERATION OF THE FOLLOWING ITEMS**
- VII. **CONSENT AGENDA**
 - A. CSP2016 0012 A city project review for paving and drainage improvements along Aspen Avenue and Pinewood Drive
 - B. USE2016 0030 A Conditional Use Permit for a Marijuana Cultivation Facility in an Industrial Zone
- VIII. **CONSIDERATION OF ORDINANCES AND RESOLUTIONS**
- IX. **UNFINISHED BUSINESS**
- X. **REGULAR AGENDA**
 - A. AME2016 0015 Text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements
- XI. **BOARD OF ADJUSTMENT**
- XII. **OTHER BUSINESS**
- XIII. **DIRECTOR'S REPORT**
- XIV. **REPORT OF REGULAR AND SPECIAL COMMITTEES**
- XV. **PLANNING COMMISSION COMMENTS AND QUESTIONS**
- XVI. **ADJOURNMENT**

Planning Commission
REGULAR MEETING
 CITY AND BOROUGH OF JUNEAU
Ben Haight, Chairman
 November 30, 2016

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 7:01 p.m.

Commissioners present: Ben Haight, Chairman; Paul Voelckers, Vice-Chair; Bill Peters, Clerk; Percy Frisby; Matthew Bell; Michael Levine, Vice-Clerk; Nathaniel Dye

Commissioners absent: Carl Greene, Kirsten Shelton-Walker

Staff present: Rob Steedle, CDD Director; Beth McKibben, Planning Manager; Jonathan Lange, Planner II; Eric Feldt, Planner II; Robert Palmer, Assistant Municipal Attorney

Assembly Members: Jerry Nankervis

II. APPROVAL OF MINUTES - None

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS - None

IV. PLANNING COMMISSION LIAISON REPORT

Mr. Nankervis attended the meeting in place of Assembly liaison Debbie White.

Mr. Nankervis said the Assembly made a motion to adopt the Housing Action Plan at their November 28, 2016 meeting via a resolution and not an ordinance, which means that it would not be included into the Comprehensive Plan. This will come back before the Assembly at their next meeting.

The Assembly authorized the City Manager to negotiate a sale to the Juneau Housing Trust for one of lots in the Renninger Subdivision. They also passed an ordinance authorizing the Manage to negotiate a sale of the Second Street and Franklin lot to Eagle Rock Ventures, for workforce housing.

There is an Assembly retreat on Saturday, December 3, beginning at 8 am. This is an open meeting and the public is invited to attend. There is a meeting planned with the Planning Commission and the Committee of the Whole on January 30, 2017, after the new members are seated.

Mr. Levine asked why the motion for the Juneau Housing Plan was by resolution. Mr. Nankervis said Ms. Becker made the motion, and there were a number of concerns about particular items that were in the

Plan that, if they went into the Comprehensive Plan, would be policy. This caused hesitation, he said, for some people.

V. RECONSIDERATION OF THE FOLLOWING ITEMS - None

VI. CONSENT AGENDA

- A. USE2016 0029:** A Conditional Use Permit request for a new outdoor seasonal restaurant in a landslide and avalanche zone
Applicant: James Bibb
Location: 406 South Franklin Street

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of outdoor restaurant uses within a mapped landslide hazard zone.

MOTION: *by Mr. Peters to move Item A on the Consent Agenda to Item D on the regular agenda, given the relationship between the consent agenda item and the board of adjustment item.*

The motion was approved with no objection.

VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None

VIII. UNFINISHED BUSINESS - None

IX. REGULAR AGENDA

- A. CSP2016 0011:** A City Project Review of the Downtown Street Improvements Project
Applicant: City and Borough of Juneau
Location: Downtown Juneau

Staff Recommendation

Staff recommends that the Planning Commission recommend to the Assembly that CSP2016 0011, a City Project Review of the Downtown Street Improvements Project, which is consistent with the 2013 Comprehensive Plan, Title 49, and other CBJ plans, be approved with the following amendments:

1. Installation of pedestrian-scale lighting having a maximum height of 15';
2. Pedestrian-scale lighting will be a "full cut-off" design;
3. Pedestrian-scale lighting will be LED or other highly efficient light;
4. Pedestrian-scale lighting posts will accommodate hanging baskets and/or banners;
5. Provide covered bicycle parking through the project area.

Mr. Haight stepped down from this item as he is involved with the project. Mr. Voelkers took over the discussion. Mr. Dye put on the record that his wife has done work on this project, facilitating public

outreach. He has talked to the city and believes there is not a conflict. Mr. Voelkers asked if any Commissioners had a problem with Mr. Dye's involvement with the item, but there was no objection.

Jonathan Lange presented a PowerPoint of the item, a city project review of what has been called the Front and Franklin project. This includes improvements to the streetscape, sidewalks, curbs, gutters and travel way in the downtown core. Also proposed are improvements to lighting and to street amenities like benches and planters. The CBJ Engineering Department has organized the project into three phases, with construction to begin in 2017. Streets included are sections of Franklin Street, the entire length of Front Street, Admiral Way, Ferry Way, Municipal Way and Shattuck Way, and the southern part of Seward Street as well as a portion of First Street.

The public has been involved with the project for quite some time. There have been four neighborhood meetings, the first in April of 2015. It was an informational item to the Planning Commission at a prior meeting, in the form of a Director's update. The community has made comments. The Engineering Department has really reached out to the business owners and community members in the downtown core and involved them in the process. There has been a website on Juneau.org to supply information and to receive comments.

Commission Comments and Questions

Mr. Levine said he was confused where the Planning Commission is in the process. Where did the conditions come from? What exactly it is that they are supposed to be approving? He said he read the documents and did not see any specificity about what is going to happen. Is Michele going to add more specifics as those would be helpful to him, he said. Are we approving all three phases or just the first phase?

Mr. Lange said the recommendation would be for approval of all three phases. This is a city project review, so the Commission is reviewing the project to conformity with these plans in order to make a recommendation to the Assembly. The conditions came from staff and are standard recommendations staff has used in the past for CSP review on street improvement projects. The covered bicycle parking area recommendation follows along with the consistency of the Non-Motorized Transportation Plan.

Mr. Dye asked for clarification about if these are recommendations or conditions. Mr. Lange responded that these are recommendations to the Assembly for the project.

Mr. Voelkers said these are marked as 65% complete plans, so the department is at the two-thirds point. He thinks several of the commissioners have questions about if they are approving a completed set of documents or giving direction to a plan that continues to evolve. Perhaps when Ms. Elfers presents, some of these questions will be answered.

CBJ Engineering Department Presentation

Michele Elfers of the CBJ Engineering Department followed with a PowerPoint presentation which, she said, would provide more detail and specificity.

She said the project started with a group of community members who came to the Assembly asking for the project to be done. In response, the Assembly appropriated \$100,000 to start a planning process. Since then the community has been integral to the process of visioning and development. All of the

information about these meetings and their results is on the website in great detail. With all of the feedback, the Engineering Department developed a final recommendation report.

At this stage, the project area scheduled to begin work in the spring of 2017 is at 100% project design, but the rest of the project area is still at 35% schematic design.

In 2016, they went into budget process and requested money to further the Phase I project design and construction, which was received in July, 2016. There was a fourth community meeting in September, 2016. They showed 65% design drawings to the community and received feedback which led to 100% design. Phase I of the project went to bid and was awarded to Arete Construction.

Mr. Voelkers asked if they would expect to see the same detailing in Phase II and III as they would see and approve now at the Phase I level, i.e. same curb cuts, lighting, so that there would be a visual consistency.

Yes, that is the plan, said Ms. Elfers, especially in lighting. She then continued to provide details of the proposed design and features of the project.

One thing to note, she said, was as they move through design development they are looking at possibly changing Phase II to be Front Street and Ferry Way because of phasing and vehicular movements it may make more sense.

Funding sources for Phase I are a combination of marine passenger fees, area-wide sales tax and a small amount of water funding. Future phases are not funded at present, and they will have to go through the budget cycle two more times for each phase of the project.

The contractor plans on starting construction in February, 2017, weather dependent with completion in June 2017. If the project is funded for Phase II and III, the project schedule will look very similar to Phase I. There will also be public meetings in the fall for each of the future phases.

The contractor will be allowed to complete one side of the street at a time. They are also required to complete the project by blocks and to provide pedestrian ramps. There are quite a few requirements on providing access to businesses and residences during construction.

They have planned an intensive communication and outreach program during the course of the project. They will keep the project website updated, will have weekly face-to-face check ins for locals to learn what happening and to ask questions or share concerns. Also staff is always available via email and phone. The project manager is Lori Sowa with the support of Ms. Elfers.

Commission Comments and Questions

Mr. Voelkers asked for more specifics about lighting as he believed the design hits the majority of the conditions that were in the CDD planning report. Ms. Elfers reviewed the list and determined that all the lighting recommendations were addressed already in the design.

What about bicycles asked Mr. Voelkers? Are these addressed in the current construction documents? Ms. Elfers explained that they worked with the Juneau Riders Group, who provided them with a map of

recommended bike parking locations which they are using in their planning process. There is a location under the canopy along the Marine View Building that is a CBJ right-of-way that they hope to use but they don't at this point have other plans for location, simply because they have not gotten into design development although it is understood through public process that this is desirable. However, they need to be careful about having unintended consequences as a result of covered areas.

Mr. Frisby asks if staff recommends approval of all three phases. Yes that is correct, said Mr. Lange. Do we normally follow that process to approve if a project is not fully designed? Ms. Elfers said it is common practice to come for approval at 35 to 65% design.

Mr. Frisby asked if funding for Phases II and III was yet to be identified. That is correct, said Ms. Elfers. They anticipate requesting a similar combination of funds of marine passenger fees and area-wide sales tax.

Mr. Levine asked if the conditions, with the exception of the bicycle parking one, are already specified in Engineering's plan. Would it be redundant to have the Planning Commission add them to their recommendation? Yes, having consistent lighting has been a goal of the project from the beginning, said Ms. Elfers.

Mr. Voelkers asked about the conversation regarding permanent benches in front of drugstore in the Valentine Building. How did that resolve in the 100% documents? Ms. Elfers said that Phase I doesn't include that area. This topic of benches has been an on-going topic and needs to be discussed in further public meetings.

Mr. Voelkers invited members of the public to comment. There was no response.

MOTION: *by Mr. Peters, to approve CSP2016 0011 accepting the staff's analysis and findings and adopt it with the recommendations from staff.*

Mr. Levine said he supports the motion. He is glad for all the public process that went into the project and looks forward to the three phases coming to completion.

The motion passed with unanimous support.

- B. USE2016 0026:** A Conditional Use Permit for Marijuana retail use along Front Street in downtown Juneau
Applicant: Fireweed Factory LLC
Location: 237 Front Street

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of a marijuana retail business in downtown Juneau. The approval is subject to the following conditions:

1. Prior to issuing Certificate of Occupancy, the applicant shall submit to CDD a state of Alaska license that permits the use of marijuana retail at the subject site that matches subject plans and operations described in the subject Conditional Use permit.
2. The applicant shall ensure that no obstruction onto a public right-of-way is created by the business.
3. Prior to issuance of a building permit, the applicant shall submit detailed drawings of the proposed door to ensure retention of the building's historic integrity.

Eric Feldt made a presentation to the commission on the project, summarizing the project. His presentation included information about the new Title 49 Land Use Marijuana Conditional Use permit items 49.65.1245(a). This is new to many of the commissioners as well as the general public and business owners, he said.

Mr. Feldt clarified the permits and licenses required for marijuana businesses. They must get an issued license from the state; the applicant must obtain an approved Conditional Use Permit and then a city license. In order for any type of marijuana facility to operate they must have all three of these in place.

CBJ 49.65.1250 discusses the permissible hours of operation for a marijuana facility. Mr. Feldt explained that marijuana may be retailed between 8:01 am and 12:50 am, Monday through Sunday however the applicant at present plans to have the shop open 10 am to 7 pm, with the flexibility to be open additional hours for special events. Mr. Feldt pointed out that his report determines that there would not be detriment to neighborhood public safety or property values if the applicant's hours of operation were extended to what is allowed under code. If the Planning Commission finds that the permit shall be approved, they will be approving the project's hours of operation to what is allowable in code.

Another new aspect of a marijuana facility is the required signage for inside the establishment, CBJ 49.65.1255. These signs relate to health, minimum consumption age and transportation restrictions. They are also required to post the municipal marijuana establishment license.

CBJ 49.65.1260 is another new piece of code which requires them to utilize a system prohibiting detection of noxious odors from outside the licensed premises. Mr. Feldt's PowerPoint explained how the applicant plans to conform to this requirement.

Mr. Feldt reviewed his analysis of the adopted CBJ plans as relates to this permit. He noted that the Comprehensive Plan has not yet been updated to address marijuana businesses, but there are some policies relating to the diverse economy, entrepreneurship, noise levels and so forth that do apply to a Conditional Use permit for a new business in the downtown area, which he addressed in his staff report and summarized in his PowerPoint. Under staff's finding, he concluded that the proposal does conform to adopted plans and it will not decrease property value or neighborhood harmony. The proposed business will be located in a mixed-use zoning district which is appropriate, and there are many restrictions on the state and city levels that limit the marijuana business as a whole and these restrictions are greater than other food and beverage businesses.

Staff also finds that there is no decrease to health and safety. Staff received comments from the public opposing the project. There is concern that the project could increase levels of inebriation and crime given that the facility is to be located in an area of homelessness and a vulnerable population. It is also close to children-oriented businesses, which is also of concern to those opposing the project. The

comments suggest that neighborhood harmony could be upset by adding more adult-oriented businesses on Front Street. However staff finds that these issues will not be increased by the approval of the permit.

Mr. Feldt reviewed the recommended conditions and added his comments. Regarding the first condition, the applicant has submitted his application to the state, and it is under review. The second condition insures that obstruction will not be occurring on the public right-of-way. Last week the first marijuana retail business opened up and there were long lines on the sidewalk, so this condition will address that element. The third condition insures that the new door to the facility will be consistent with historic design guidelines.

Commission Comments and Questions

Mr. Voelkers asked about intent regarding the second condition. Is the intent that pedestrians don't build up on the sidewalk or is it a physical impediment built into the sidewalk? Mr. Feldt replied that it is mainly an issue of pedestrians lining up to enter the building. There will be a controlled access into the facility and the square footage of the business is very small. Therefore, the condition states that shoppers waiting to enter the building cannot block entrances of adjacent buildings, parking spaces or the road nor can they impact travel on the sidewalk.

Mr. Voelkers asked if there is a similar condition for other businesses like the movie theatre. It seems to him a bit of a slippery slope to say one use only cannot block a sidewalk. Mr. Feldt said he was not sure but that staff can research the question. Mr. Voelkers asked if we have used this type of limitation on other businesses lately. Ms. McKibben recalled some years ago when a new coffee window opened onto the street and there were issues with people queuing up for a coffee and blocking people walking on the sidewalk. This had to be addressed through enforcement.

Mr. Levine asked what authority the applicant will have to move people off the sidewalk. Mr. Feldt said the applicant is responsible for their customers. The city's zoning and compliance officer can enforce this condition through complaints, but that is reactive not proactive. It is hard to pinpoint exactly how this will be done, but the condition gives our department leeway for enforcement in case obstructions do occur. Ms. McKibben said as an alternative, this could be an advisory condition to keep the applicant on notice that they need to try to keep the sidewalk from being blocked by their customers.

Mr. Levine said that the location of the project is not connected to city water. In light of the street reconstruction project plans, which will not address Front Street until Phase II provided there is funding, he wonders if there is a requirement for this type of business that there be running water for facility. Mr. Feldt said staff can give a better response after consultation with the building department.

Mr. Dye asked a question regarding the third condition. Changing the exterior of a building in the historic district means that they have to go through Historic Resources Advisory Committee, correct? Yes, said Mr. Feldt. So the applicant will need to make the door consistent with historic guidelines whether or not that condition is part of the Conditional Use permit? Yes, said Mr. Feldt.

Mr. Paul V. Disdier, applicant for the permit and manager of Fireweed Factory LLC came forward to answer questions.

Regarding the water question, he said that they are required by law to have a bathroom facility with hot water. The city has asked them to make sure they have a Department of Environmental Conservation (DEC) permit to use an incinerator toilet and a portable hand washing device, similar to those used by the food carts around town. DEC classifies this location as a convenience store because they are planning to bring all the product pre-packaged for sale on the site. There will be no handling of any product other than what is in a childproof, opaque, labeled package. Though it is legal in Alaska to have jars of marijuana sitting on the counter, this particular location is such that with if the door is opened, all of the products in the interior would be visible to someone walking by. This does not work in the applicant's situation, hence the decision to keep prepackaged items only in the store. DEC has no objection with incinerator toilets and hand washing devices. There is an internal water heater, and the store employees will bring water every day to the site from their cultivation facility out by airport. Grey water will be taken back to that facility and entered into the CBJ sewer system. The city has agreed to let them use this system as long as they have DEC approval, which they have. They have already received a food handlers' permit, which is required by the State Marijuana Control Board in order to have a marijuana retail store.

Mr. Levine asked if it is the applicant's intent to connect to city water if becomes available? Yes, said Mr. Disdier. They would love to have running water and a bathroom as soon as this is possible. However it is his understanding that it is the city's responsibility to bring the water line to the property line. When the city is ready to do that, they are ready to hook up.

Mr. Voelkers asked given the store's tiny frontage, does the required signage fit? Mr. Disdier replied that the signage required by the city is not that large; it could fit on a door. Mr. Feldt clarified that the signage required by the city must be posted inside the establishment. Outside signage desired by the applicant has to meet city requirements for historic district signage.

Mr. Levine said he understands the concerns that led to Condition 2. What does the applicant think they will do meet this condition? Mr. Disdier said they have given a lot of thought to this, especially as they are likely to only be allowed to have about 10 people inside the building at one time. Legal retail marijuana is new thing in Alaska and so the long lines that occurred at the first opening are likely to mellow out by time they open their store. However should it occur at their opening, they intend to have an employee outside, managing the crowd in a non-abrasive manner telling people to not block entry doors and to keep folks in a line. In the summertime if this were to occur, they plan to deal with it in the same way.

Public Testimony

Mike Adams, owner of the old Red Dog building next to the Alaskan Hotel, asked if the bathroom will be ADA compliant. Or does it need to be? Mr. Haight said the applicant will reply to the question after public testimony is finished.

Kenneth Solomon Gross, owner of Gross Alaska Theater across the street from the proposed establishment, wanted to know more about the hours of operation. Is the applicant only going to be open from 10 to 7, or until 1:00 in the morning? Mr. Feldt said they plan to keep open to 7 pm but they want the flexibility to keep open longer for special events. Staff recommended approval of the hours permissible by the state so that the applicant will not need to come back before the Planning Commission should they discover different hours would work better for their business. Mr. Gross asked

if they will be open as late as 1:00 in the morning. Mr. Feldt reiterated that they must be closed between 1:00 am and 8:00 am. Mr. Gross asked what would constitute a special event. Mr. Feldt deferred the question to the applicant.

Mr. Frisby asked if the applicant will need to come back to the commission and amend the permit if he wants to stay open beyond 7 pm. No, said Mr. Feldt, these are just example hours.

Mr. Bell asked why Mr. Gross is concerned about the hours of operation. Mr. Gross said because his business attracts families and kids. He is concerned that parents might be concerned if people are buying marijuana across street when their children are in line for the movies. Mr. Dye asked if this is also a concern for the bars in that area. Absolutely, said Mr. Gross. This has been an ongoing concern for the last 120 years. So this is just one more concern added onto their plate.

Fred Wiley, owner of the Ben Franklin Store, said that his business strives to be a family oriented store. His concern is similar to that of Mr. Gross. He is concerned about children seeing and asking questions about the activity at this store. He asked what happens next after tonight. Is this it if the permit is approved? Mr. Feldt explained that if approval is given tonight, the application will not be required to come back to a public hearing. Next the applicant will file a building permit, start construction and inspections will be done by CBJ inspectors and by CBJ planners to make sure of compliance with building and permitting requirements. At some point the State will issue their license. When construction is finished, the applicant will gain a Certificate of Occupancy from the city. Then the city will issue a business license and the store will be free to open and sell their product. Mr. Wiley asked if there will be any more opportunity for public input. This is the public hearing here, said Mr. Haight.

Mr. Dye said he believes there may be an opportunity for public input through state license process.

Mr. Levine asked if other adult businesses like bars have had a negative impact on Mr. Wiley's place of business. Mr. Wiley says this is a new venture while those other businesses preceded his. He asked if the city has a cap on these types of businesses in one area. His opinion is that somebody in the city should come up with a good idea of how many businesses there should be.

Mr. Wiley asked about windows in the historic district. Will there just be a plain opaque front? Also, it bothers him that if it does go through there is a 5-year permit, is that correct? Mr. Feldt clarified that every 5 years of an approved marijuana facility, the project has to come back before the commission to ensure that everything is in place that meets all applicable regulations. Another timing trigger is the city license. This has an active period of one year. Applicants must file for a new license each year; this is brand new to development in Juneau. There are required inspections for renewal. Mr. Wiley asked if this permit before the commission is the 5-year one. Mr. Feldt responded that the permit does not expire, but the 5-year timing trigger is to insure that everything is in place. If they are not, if conditions are outstanding, the city will coordinate with the applicant to bring those issues into satisfactory condition.

Mr. Wiley asked if this business is sold and purchased by another entity and retains the same time of business, can this go on and on? Mr. Feldt said once the Conditional Use permit is approved, there is no expiration date. However if the use of the building changes, for example if it changes to a restaurant, then the marijuana CUP is no longer active at that site. If in the future a different business entity wants

to acquire the building and establish a marijuana retail business, they need to obtain their own CUP for that endeavor.

Mr. Wiley wondered how many people will be on the sidewalk. He is concerned that the customer line will come his way, as his store is right next to the marijuana shop. He asked about his liability if someone gets pushed and goes through his window, if things get out of hand.

Mr. Dye asked for clarification about the 5-year mark, will there be another public hearing to assess if any new conditions need to be put in place? Also is he correct in understanding that the Conditional Use permit is severed from the land and tied to the applicant and someone else could not move in and start a marijuana business without starting all over? Staff confirmed that both of these are correct.

Mr. Wiley suggested that the 5-year mark is too long, since this is such a new area. Ms. McKibben said this could be address through the annual inspection that is required for the renewal of the marijuana business license.

Mike Wiley, one of the owners of Ben Franklin, came forward to speak. He said he thinks this has gone on so fast, there has to be real thought about how the city moves forward with this. In the main part of downtown where there are the most problems with alcoholics, drug addicts, homeless he gets fed up. This contributes to the situation we are trying to remedy with street improvements and so forth. This is just like another bar. He said it is heartbreaking to see how things have gone downhill. Another thing of concern is the amount of space on the frontage of this particular establishment. He is not willing to have people line up in front of his windows, which are 90% of his advertising. What kind of precedent are we setting for tourists if we have eight different marijuana dispensaries all around town? He does not agree with this particular location and thinks a lot of thought needs to be put into each location. He asked why there are no retail spots in the Valley.

Tracy LeBarge, business owner downtown, spoke in support of Fireweed Factory. She said she understands the fears of what might happen. She thinks the opening of Rainforest Farms went well. People in this industry are serious about it not getting out of control, she said. Fireweed has done a good job getting through the rigorous process.

Mr. Disdier stepped forward to answer more questions. Concerning the ADA requirements, they had a pre-application meeting with city officials, which is required for a CUP. He learned that if a building requires so much renovation in order to put an ADA bathroom in, it is not required. The building has been there since 1899 and has been a retail outlet for most of those years. It would be impractical to install an ADA bathroom given the size and age of the building, so it is not required. There will only be two employees regularly on site, and it is not a public bathroom. That was the conclusion from the pre-application meeting.

Mr. Haight asked for clarification of the hours of operation. Mr. Disdier said the hours would only change for special events such as First Friday or Gallery Walk at Christmas time when they might go until 9:00 at night when things wind down. Since the city allows them to operate until 1:00 in morning, he does not think they would need a condition for that sort of operation.

As to the number of people allowed to be in the store, Mr. Disdier said it is yet to be determined. It is their intention to limit the numbers so as to avoid confusion inside and to avoid any security issues. Mr. Voelkers asked if the fire department will make this determination of safe carrying load. Mr. Steedle said yes, the fire marshal will do so.

Mr. Voelkers asked what the sidewalk width is and will it increase with the reconstruction. Mr. Steedle said there is no plan to widen the sidewalk on Front Street.

Mr. Disdier said they have received a state license for the facility already. What they need now is approval of the Conditional Use permit and the building permit from the CBJ.

Commission discussion:

Mr. Voelkers moved the motion USE2016 0026 and proposed a modification to Recommendation 2. He is concerned it would be tricky to enforce with an absolute statement about no obstructions. He proposes language to consider, "The applicant is encouraged to take steps to minimize pedestrian conflicts in the public right-of-way, created by the business."

Mr. Voelkers said the applicant has shown intent to address this concern, therefore phrasing it as a strong aspirational intent is the best way to go since the applicant does not have legal control of what happens on the sidewalk.

Mr. Dye suggested a friendly amendment to make this an advisory condition.

Mr. Levine concurred with Mr. Voelkers but thinks there needs to be some tweaking to the end of the condition so that it is clear that it is the obstruction caused by the business, not the right-of-way created by the business: "The applicant is encouraged to take steps to insure that no obstruction is caused by the business onto a public right of way."

Mr. Haight asked if this is taken as a friendly amendment. Yes, that's sounds great, said Mr. Voelkers. And it is an advisory amendment? Correct, said Mr. Voelkers.

Mr. Dye makes a friendly amendment to strike Condition 3 since it is already in play anyway.

Mr. Voelkers accepted the amendment.

Mr. Levine said he has come to the conclusion, after Mr. Disdier's testimony, that if DEC is satisfied with the incinerator toilet and the hot water being carted back and forth, then the Planning Commission doesn't need to add a condition that the applicant connect to city water. He asked if everyone was okay with that before that passed.

Mr. Haight noted there was consensus.

Mr. Peter spoke in favor of the motion. He said he sat on the marijuana commission and, while he empathized with some of the concerns raised at this hearing, he felt the business discussion was missed at that time. When the marijuana commission was meeting and talking about regulations, that was the time to bring these concerns forward. Another opportunity was when the Planning Commission brought

to the forefront the regulation and the ordinance that went to the Assembly, which was another opportunity for businesses to get involved and speak to that. He agreed with Ms. LeBarge; many cannabis owners participated in those discussions and have been in front of the Commission, striving hard to be productive business clients within the community. The fact of the matter is 52% of Alaskans voted to pass marijuana.

MOTION: *by Mr. Voelkers, to approve USE2016 0026 accepting the staff's analysis and findings with the striking of condition 3 and the rewrite of condition 2 to read, "The applicant is encouraged to take steps to insure that no obstruction is caused by the business onto a public right of way."*

The motion passed unanimously via a voice vote.

- C. AME2016 0018:** A proposed Comprehensive Plan Map Amendment of a vacant lot near the end of St. Ann's Avenue in downtown Douglas from Natural Area Park to Medium Density Residential
Applicant: City and Borough of Juneau
Location: St. Ann's Avenue

Mr. Feldt said the map amendment comes on heels of rezone proposal before the commission recently. The commission concluded the rezone was consistent with the Comprehensive Plan and thereby provided a favorable recommendation to the Assembly to make the change. More recently staff concluded that the existing land use designation was inappropriate enough to the degree that it needed to be changed for general housekeeping purposes and to facilitate the rezone project that the commission took action on a few months prior.

Mr. Feldt summarized from the Comprehensive Plan, page 230. "The Planning Commission may make recommendations to the Assembly to amend the Comprehensive Plan as necessary to reflect changing conditions and needs." This is essentially why we are here today, said Mr. Feldt.

Mr. Feldt presented a PowerPoint with maps of the recommended map change for two lots on St. Ann's Avenue, from Natural Area Park to Medium Density Residential. The Comprehensive Plan land use designation gives direction for future rezone proposals. When such a proposal is presented to the commission, they and staff have to find whether or not the rezone is consistent with the maps of the Comprehensive Plan. What is being done tonight is a little backwards, said Mr. Feldt, because it has already been determined that Natural Area Park is inappropriate for these two lots and a change has to happen. The change that staff is recommending will realign the land use designation with the rezone proposal that the commission took action on.

Staff recommends that the Planning Commission recommend to the Assembly to take the rezone proposal and the Comprehensive Plan land use map change as one package and approve it as such. This is a different approach than has been done in the past.

Mr. Levine asked for clarification that the previous rezone recommendation concerns only one property while the map change concerns two properties. Mr. Feldt said that was correct. The property with the triplex is already zoned D18. However the map change affects the property with the triplex and the vacant property.

Public testimony – none.

MOTION: *by Mr. Levine, to approve AME2016 0018 accepting the staff's analysis and findings.*

Mr. Frisby seconded the motion.

The motion passed with no objection.

Mr. Haight recessed the body as a Planning Commission and took up business as the Board of Adjustment at 9:15 pm.

X. BOARD OF ADJUSTMENT

- A. FZE2016 0001:** A Flood Zone Exception to allow new restaurant buildings to be built on a dock seaward of the man high tide in a Velocity flood zone.

Applicant: James Bibb

Location: 406 South Franklin Street

Staff Recommendation

Staff recommends that the Board of Adjustment adopt the Director's analysis and findings and deny the requested Flood Zone Exception, FZE2016-0001.

If the Board of Adjustment makes findings to grant the applicant's project, staff recommends the following conditions:

1. Prior to issuance of a Building permit, the applicant shall submit plans showing how improvements to the deck will be made, consistent with the attached 2016 engineer's letter.
2. Prior to issuance of a building permit the applicant shall submit plans showing that the existing footings on the beach will be improved to withstand forces from a 100-year storm event.
3. Prior to issuance of a Certificate of Temporary Occupancy, the applicant shall make improvements consistent with Conditions 1 & 2.

Mr. Feldt explained that the proposal before the commission is similar to a variance but is not through the land use code. Rather it is a variance of the flood zone regulations.

The reason why the flood zone exception is brought to the commission at this time is that the structures of the previous restaurant on this deck were smaller and substantially different from the new proposed structures. This requires a new flood zone exception to be filed, reviewed and taken action upon.

The focal point of the review was that the proposed buildings are located on an area seaward of mean high tide and the property is in a velocity flood zone, which means that during a 100-year storm event the shoreline would experience either a combination of three-foot tall waves or higher or a wave of lesser height that, when it hits the shoreline, has a high wave run up. There are more stringent building

regulations in such an area to withstand the greater wave force as compared to a building located near a river.

Mr. Feldt presented a PowerPoint of the project and staff's findings. He noted that there were three findings in the flood zone exception of the land use code that were found to be unmet. One of these would be met automatically if the other two were found to be met. There are 11 items to consider under CBJ 49.70.410(b). Staff found items 4 and 5 unmet:

- (4) The importance of the services provided by the proposed facility to the community
- (5) The necessity to the facility of a waterfront location, where applicable

Because of these unmet conditions, staff recommends denial. But if the Board of Adjustment makes findings to grant the applicant's proposal, staff recommends three conditions. Staff reviewed these conditions with the applicant, who in turn had a conversation with their clients, and they found it would be viable to meet conditions 1 and 2.

Board of Adjustment questions and comments:

Mr. Voelkers remembers seeing this exemption a few years ago and recollects one of the reasons there was favorable sympathy to the applicant in granting this was because there had not been FEMA loading criteria established yet for how strong a dock had to be to survive a 100-year event. Has this been clarified any more, he asked?

Mr. Feldt said the FEMA regulations were in place in 2014 when the exception was heard. In order for the community to have flood insurance for business owners and property owners, the city has to adopt very specific flood regulations through FEMA to participate in the national flood insurance program. The program is the tool where flood insurance is enabled for the local community. When a mortgage is issued or when a property is involved with a lender, the lender is the mechanism that triggers flood insurance. FEMA regulations that are in CBJ's land use code were established well before 2014. There were different findings to get to the approval of the flood zone exception by the previous Board of Adjustment instead of being explained by FEMA regulations being flexible.

Mr. Voelkers asked if Mr. Feldt could describe how the features being added are treated as a building. Would they remain permanently on the dock? Mr. Feldt said the structures are enclosed areas, but he deferred the question to the applicant.

Mr. Voelkers said he does not understand the logic regarding Criteria 6, which the staff report said had been met in the review. There is a burden on proving that there is not an alternative location for the proposed use which is not subject to flooding or erosion damage. The conclusion in the report is that it is non-applicable because the restaurant is sitting on top of dock, above the high water mark. He said it seems like faulty logic because of the vulnerability of a dock to wave action below. Mr. Feldt said once the fact that the deck will be able to withstand a 100-year storm force, there will likely be some degree of erosion and damage, but structurally the deck will be intact because of the conditions on the permit, if the flood zone exception is approved.

Mr. Levine asked if the intent of the criterion is more narrowly focused. Mr. Feldt said staff's focus was on the improvement seaward of mean high tide. Once structural integrity is established, strong enough to withstand a 100-year storm force, anything on top would not be damaged. Furthermore, the decking and the lowest horizontal members of the deck itself are above the base foot elevation, meaning that if a 100-year storm event were to impact the property it would only surround the piers, the waves would not impact the deck itself.

Mr. Levine asked if the natural extension of this logic would be that they don't need the flood zone exception at all. Mr. Feldt said the origin of the requirement to not build seaward of mean high tide is along more open shore lines and where fill is brought in to raise the starting point of the foundation, which could erode away in a storm event. Juneau's South Franklin development does not have that amount of fill projecting out into the channel. There are piers instead. There are shoreline areas consisting of fill that is decades old and have withstood a lot of storm force.

Mr. Voelkers said there was some narrative about the new 16-B dock adding greater buffering. He wonders if this is considered; does FEMA make this sort of subjective determinations? Mr. Feldt said the second dock will create some buffering. The process to prove to FEMA to change the maps behind the loading dock will have to go through a map amendment. Staff can pursue this with FEMA and work with Docks & Harbors and their engineers, etc. Mr. Voelkers said he doesn't understand how FEMA could allow one to make subjective judgements about whether an area was more or less dangerous. He thought it was just a question of vertical height. Mr. Feldt said they do draw the line which they say that the community has some given flexibility through a flood zone exception, so long as all the findings are met. Certainly you have to build above the base foot elevation, but along a velocity flood zone, it also adds another limitation above and behind the mean high tide line.

Mr. Haight said it seems we have come to a technical review of what we think the velocity condition might present to the site in determining this exception. That is correct, said Mr. Feldt.

Mr. James Bibb of Northwind Architects, the applicant representing his client who is the restaurant owner, came forward to speak along with Kate Nichols of Numan Development, the design consultant on the project specifically the container portion of the project.

Mr. Bibb said that the engineer on the project was not present but can answer questions and follow up as necessary. Mr. Bibb said he wanted to follow up regarding the two unmet criteria on the exception and address these similarly to how they were addressed two years ago when Northwind Architects represented the previous client/restaurant owner and the board ruled in favor. The question is for the community, where does Juneau see the waterfront going? A goal for the city is to become more pedestrian-oriented along the waterfront, as evidenced by the development of the sea walk and the long-range waterfront plan. Therefore, development along that edge is critical to economic success and needs to be done in a manner according to the Comprehensive Plan, building codes, and so forth. This project is a verification of that.

Mr. Bibb shared a handout to commission members that included his bullet points. His points go to the question of why waterfront development is taking place and why that is critical in supporting Juneau's visitation industry. The growth of this industry puts some pressure on us to make sure that amenities along the sea walk, specifically along South Franklin Street, are encouraged.

The reason why this project is critical in this location is because that is the success or failure of businesses. A seafood restaurant marketing local product has to be near the waterfront, that makes sense and the market itself, the private sector, is making that determination. Location is critical for this, said Mr. Bibb.

Regarding number 5, Mr. Bibb said the reason why two years ago they proposed the dock had a lot to do with the operation of the restaurant. There are very few locations with dock waterfront south-facing venues and that character and atmosphere. Also, he said, one would not expect fresh, local seafood to be served internally; the success of that is the ability to go out on deck and have that connection to the waterfront. This is how you market the main asset.

Mr. Bibb pulled up the graphic he had handed out, which compared the previous restaurant layout to the proposed one. He noted that for the most part, they tried to pull the structures back from the flood zone line but their final plan reflects the best way that a restaurant operates. They also had a structural engineer do an assessment of the existing dock. Upgrades were done to the dock two years ago and so they leveraged the existing qualities of the dock itself, finding the best places that make the most structural sense. This gets to the idea that the dock is going to maintain a design that supports the resistance for the loading criteria based on a 100-year flood zone or seismic occurrence. This is similar to the criteria that they had to meet last time, and they were successful in arguing these points then.

Kate Nichols spoke and stated that she is an engineer by education and has been involved in all of the discussion with Bruce Berryhill regarding this project. She spoke to comments regarding the 100-year flood concern and the mean tide issue. It has been determined that the criteria can be met for the pier to withstand a 100-year storm which means that since the mean tide is beneath the pier that anything above the pier would be safe. She believes this is the key requirement being looked at for the FEMA requirement. Also if trying to elevate the waterfront to a world class status, she said she has yet to be in a place better suited for a marriage of this method of architecture and an environment. Structurally and operationally the modules that are beyond the mean high-tide line need to be there. The combination of the fact that the pier can withstand a 100-year storm event, that no one is being put in harm's way and that it is required for the project to proceed successfully and capitalize on the magnificent nature of Juneau's waterfront are key points.

Mr. Voelkers asked if the intent is that the structures would not move seasonally. Ms. Nichols said although they could be moved, the intent is not to move them seasonally. Are they heavier than what was there before, asked Mr. Voelkers? Yes, said Ms. Nichols, but those lateral loads and their effects come more into play in a seismic situation than in a storm situation. They will be adequately addressed in the building permit process. There should be no concern there.

Public testimony – none.

Commission Comments and Questions:

Mr. Voelkers said he had staff questions, perhaps best directed to law staff. He said he buys the focus on a vital waterfront but he was having trouble reconciling the criteria the board is supposed to review. He wondered who takes the liability from what might happen from this decision.

Mr. Palmer took the floor. He referred the board to CBJ 49.75.10(J). There is a wording and disclaimer of liability specifically in code, “This article shall not create liability on the part of the city and borough or in the office thereof or the Federal Insurance Administration.” Hopefully that resolves the question about liability. Liability, if it exists, is with the users and/or owners of the property. Mr. Voelkers asked if the lender is satisfied that the applicant has made appropriate corrections to take this design load then everybody is cool. On the private market side, yes, said Mr. Palmer. Mr. Voelkers asked if there was any cautionary in terms of precedent setting, similar to issues raised with variances about making sure all of the readings can be justified because of further legal consequences or the potential of something being overturned. There could be, said Mr. Palmer. The general guidance is what is specific about this application as evaluated by the criteria. He said that Mr. Feldt has provided one set of proposed analysis, but the board can make a change if they believe there is something else that is more unique or that needs to be emphasized.

Mr. Levine said he was also conflicted about this application. He wondered how previous findings of this body which granted the exemption two years ago might bind this board. And, if so, what were those conclusions? Mr. Palmer said they are not bound by the previous approval; however they can look to those conclusions for precedential value. One of the inherent reasons why this applicant came before the board is because staff determined that this application is significantly different from the prior application. If the board wants to address that finding tonight, and if the board articulates that this applicant is not so significantly different, then the board might determine that the presumption in the staff report that a prior land use permit goes with the land, not the applicant, does not apply here. The board might determine that this application is so similar to the past that there is no need for this application tonight.

Mr. Levine asked Mr. Feldt how this application is different. Mr. Feldt said the differences lie in the amount of enclosed versus un-enclosed structures and there are more enclosed structures seaward of mean high tide than other project. These are the two primary differences that led to staff’s conclusion. Mr. Levine asked if the board decides the projects are substantially similar, then would they eliminate the obligation to address the Conditional Use permit that is also before the other body of the Planning Commission.

Mr. Palmer said the answer is yes. The Community Development Department has focused on the use above the dock. The board might also consider whether the use below the dock has changed and whether or not that is the focal point for this application or if it may also be the focal point for the CUP.

Mr. Voelkers said it seems the fundamental difference is that the last project did not involve wholesale dock strengthening and additional lateral and seismic upgrades while this one does.

Mr. Feldt spoke to the Conditional Use permit. He said that regardless of the similarity to the previous restaurant, this is new development and new structures which trigger the need for obtaining a new CUP for development in a mapped landslide and avalanche hazard zone.

Mr. Levine said he just heard two different answers to the question. Ms. McKibben said that Mr. Feldt explained the rationale for the CUP application. You are not evaluating the use; you are evaluating the development within the hazard area, which is required. She said that what Mr. Palmer said, and which she agrees with, is if it is determined that the use is substantially similar and the flood exception evaluation is substantially the same, then the same would be true for the development within the hazard area.

MOTION: *Mr. Peters moved to adopt the Director's analysis and findings and deny the requested Flood Zone Exception, FZE2016-0001, recognizing that criteria B, 4 & 5 are not met. Looking at the plans before the board, the use has substantially changed in design and elements on the deck.*

Mr. Haight said that he felt the applicant has proposed modifications and upgrades to the dock to offset the increased loading to the dock in a manner that would bring it back into a compliance to meet that exception. In that manner, he opposed Mr. Peters' motion.

Mr. Levine said he remains conflicted. He said he thinks there ought to be a restaurant in this location but he finds himself beholden to the criteria and is still not fully confident that this satisfies the criteria. He also feels beholden to the previous grant of the exception. Therefore, he will vote reluctantly in favor of Mr. Peters' motion.

Mr. Dye asked to clarify that the two items not met are not regarding the structural aspects of the dock. Items 4 and 5 are about land use, correct? He asked Mr. Haight if he had any language for 4 and 5 to find in the affirmative. Mr. Haight said with regard to 4, the economics and use of the area would be broadened with more diversity of market that brings and holds visitors in that area. He said that if the city is reliant on singular types of stores then he thinks the people will move on through. In this respect it becomes an important service to that part of the community. The necessity of being on the waterfront falls into the same argument. We want to hold visitors to this area. The other part of it, as the applicant has brought forward, is that the project works well with the sea walk that the city is promoting. Mr. Haight said that from his perspective those two criterion are met.

Mr. Voelkers said that he is conflicted but will oppose the motion and agree with the chair. This is a good use with the city's new, revitalized sea walk and would add pedestrian usage to this area. He did not think item 6 and maybe item 10 are technically met, however he took satisfaction from Mr. Palmer's remarks that imply that this is not the same level of rigorous point-of-the-knife issue that the board might have in some other type of variance. There is a little bit of figuring out relative to FEMA

regulations which, he thinks, have been structured too oppressively. He is satisfied that the dock itself is going to be taken care of.

Mr. Bell stated he was also torn trying to justify supporting this application. He said he sees economic value and the rejuvenation of the area. The dock is a critical issue, he said. It is a substantial investment on the community's part. It has the opportunity to create a pleasant atmosphere for the area, yet all criteria are not met.

Mr. Steedle asked a technical question of Mr. Palmer. Are these to be treated as criteria all of which must be met or does the board simply have to consider each of them and if 10 of them are met, would that be sufficient? Mr. Palmer read the introductory language and said ultimately it is a question for the board. "In passing upon such application, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and then it lists the eleven criteria and they are in the conjunctive with the 'and' between 10 and 11." Mr. Palmer said that if the board wants to say all must be met to pass, there is basis for that. If the board wants to go to a different conclusion, there may be a basis for that but the board would have to articulate it.

Mr. Levine said Mr. Steedle's question changes the way the board might think about this. He paraphrased what Mr. Palmer read and asked if his understanding was correct. He said that the way he read the staff report, it has been treated the way a variance criteria works, where the applicant has to meet all 5 of the things or a variance cannot be granted. He believes Mr. Palmer is suggesting that if the board wants to interpret the code, the board could interpret their obligation to consider the 10 or 11 factors and make their own determination based on a consideration of those factors. Mr. Palmer said that is a fair representation. He emphasized that there is an easier basis for him to say that the board has to bind all 11 to be found in the positive. If the board wants to articulate some reason that means there is an 'or', it is for this body to do so.

Mr. Frisby said he would disagree with the motion on the floor for the same reasons that Mr. Levine agreed. He wondered if the board could table this as he feels they are talking about issues that they don't really have answers to regarding load and structural integrity. He said he thinks the board needs more information. He said he feels they would be making a decision with insufficient information.

Mr. Peters made a point of order in terms of precedence. His question to staff was what is the past history in terms of looking at these 11 criteria? He said he believes in the past all 11 had to be met. He raised the issue that they will be setting precedent moving forward as to how the board considers these criteria.

Mr. Feldt explained that in the past they have treated it very similar to a variance and have put variance findings in addition to the flood zone exception findings in the same report. This is the first one that staff has not done this because of the different interpretation staff has made recently about the use of variances. Ultimately staff concluded to remove the variance findings and depart from past practices

and, now, only has the flood exception findings in this report. The two are very different even though they sound kind of similar.

Mr. Haight restated that there was a motion on the floor.

Mr. Bell asked if the board would consider tabling this for further evaluation. Mr. Haight said yes if the board is looking for additional information. If so, what is that information that we would hand to the staff to bring back to the board.

Mr. Voelkers said the board has had information from Mr. Palmer and staff that this is different from the normal variance that is explicit that the board has to find in the affirmative for all criteria. He said in the language that a couple of times it talks about 'upon consideration' which implies that this is different.

Ms. McKibben pointed out some other language that she felt might provide guidance. She directed the board's attention to 49.70.410(d): *Upon consideration of the factors of subsection (b) of this section and the purposes of this article, the board may deny or grant the application and may attach such conditions to the grant of an exception as it deems necessary to further the purposes of this article.*

She directed the board's attention to 49.70.400(a) *Purpose. The purpose of this article is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. Other purposes are to:*

- 2) Prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions, or other hazards;*
- (3) Minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage;*
- 4) Reduce the financial burdens imposed on the community, its governmental units, and its individuals by frequent and periodic floods and overflow of lands;*
- (6) Ensure that potential buyers are notified that property is in a special flood hazard area; and*
- (7) Ensure that those who occupy the special flood hazard area assume financial responsibility for their development.*

Ms. McKibben said this section is followed by a whole section on interpretation the board might want to read. She quoted from 49.70.400(b); 1) . . . *provisions shall be considered as the minimum requirements and shall be liberally construed in favor of the governing body.* She quoted other points in this section of the code regarding the purposed of the chapter.

Mr. Haight said that there was still have a motion on the floor. He asked for a roll call vote.

Yes Votes	No Votes
Mr. Dye	Mr. Levine
Mr. Peters	Mr. Frisby
	Mr. Voelkers
	Mr. Bell
	Mr. Haight

The motion failed.

MOTION: *Mr. Levine moved as follows: The Board of Adjustment has considered all relevant factors including those set forth in 49.70.410(b). Upon such consideration, the board grants FZE2016 0001 and includes staff's recommended conditions:*

1. *Prior to issuance of a Building permit, the applicant shall submit plans showing how improvements to the deck will be made, consistent with the attached 2016 engineer's letter.*
2. *Prior to issuance of a building permit the applicant shall submit plans showing that the existing footings on the beach will be improved to withstand forces from a 100-year storm event.*
3. *Prior to issuance of a Certificate of Temporary Occupancy, the applicant shall make improvements consistent with Conditions 1 & 2.*

Mr. Levine said he now reads the provision of the language as allowing the board to award this exception upon fully considering all of those factors and, when alleviated of the responsibility of having to find that all of them were affirmatively met, he concurs that this project is one that ought to go forward. He said he is satisfied that it qualifies for the flood zone exception.

Mr. Dye asked for clarification that the board will not find different findings for 4 or 5 or try and fix 6 or 10. No, said Mr. Levine.

Mr. Frisby seconded the motion.

Mr. Voelkers spoke in favor of the motion. He said it was a well-phrased way to finesse the problem where it gets away from trying to look at the 11 issues individually but, on balance, the board believes public safety and welfare and the general good of community has been met.

Mr. Peters wanted to renew his concern and acknowledge that not 11 items under (b) have been met. He was concerned that the board would pass this, acknowledging that comments have been put in the record that 6 and 10 may or may not be met. He said he will oppose the motion.

Mr. Levine said that he agrees that not all criteria have been strictly met, but it is his reading that they do not need to be.

Mr. Dye asked if this decision will carry over to the board's on-going struggles with variances and their interpretation or are we leaving that well enough alone. Mr. Palmer responded that if this motion passes with the analysis that was done in this case, it could be used for persuasive authority in similar cases in the future.

Mr. Voelkers asked Mr. Palmer if he was talking about a FEMA determination, not broadly in other land use categories. Mr. Palmer said specific to the analysis and requirements of 49.70.410.

Mr. Haight called the motion with a roll call vote.

Yes Votes	No Votes
Mr. Levine	Mr. Peters
Mr. Frisby	
Mr. Voelkers	
Mr. Bell	
Mr. Haight	
Mr. Dye	

The motion passes.

Mr. Haight adjourns the Board of Adjustment at 10:24 pm and reconvenes the body as the Planning Commission.

- A. USE2016 0029:** A Conditional Use Permit request for a new outdoor seasonal restaurant in a landslide and avalanche zone
Applicant: James Bibb
Location: 406 South Franklin Street

Staff Recommendation

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of outdoor restaurant uses within a mapped landslide hazard zone.

Mr. Feldt said he did not prepare a presentation but was happy to go over the findings. He asked if the commission wished for staff to provide a presentation but the commissioners did not want this.

Mr. Haight asked for questions from commissioners for staff or for the applicant. There were none.

Public comments – none.

MOTION: *by Mr. Voelkers to approve USE2016 0029 accepting the staff's analysis and findings and asked for unanimous consent.*

The motion passed with no objection.

XI. OTHER BUSINESS

Mr. Voelkers said that they are on track with the CIP Ad Hoc Committee meeting at 5:30 on December 1 in Assembly Chambers. Mr. Steedle said that Mr. Healy and Mr. Watt will be present at that meeting. If that meeting is brief, Mr. Steedle said there will be time to make it to the Lemon Creek Steering Committee meeting at 6:00 at Gruening Park Community Hall.

Mr. Voelkers said a draft letter was begun at last week's meeting which raises four or five general categories that the commission thought should be looked at. Things like downtown parking structures or

recreational facilities in Lemon Creek were emphasized but phrased as generalities that should be looked at as a strategic goal.

Mr. Haight stated that the CIP committee is comprised of Mr. Bell, Mr. Voelkers and Mr. Levine.

XII. DIRECTOR'S REPORT – None

XIII. REPORT OF REGULAR AND SPECIAL COMMITTEES - None

XIV. PLANNING COMMISSION COMMENTS AND QUESTIONS

Mr. Dye reported that three commissioners went to the American Planning Association conference and it was very helpful. He recommends that other commissioners go next year. Mr. Haight echoed this sentiment and said that the first day which was specifically for commissioners was enlightening and it was good to collaborate with others from around the state. Mr. Voelkers said he thought it was unusually content rich, and it was inspiring to take the role as a Planning Commissioner seriously.

Ms. McKibben noted that Mr. Dye won two medals in the Planners Olympics.

XV. ADJOURNMENT

Mr. Haight adjourned the meeting at 10:30 pm.

Additional Materials

Regular Planning Commission Meeting

Assembly Chambers
7:00pm
Meeting Date: December 27, 2016

1. CSP2016 0012:

- a. Notes from a Pinewood Drive public meeting, held 12/07/16, sent from Kevin Puustinen, R&M Engineering, to Alan Steffert, CBJ Engineering Department
- b. Sign in sheet from 12/07/16 public meeting

2. Draft of Dates for 2017 Planning Commission meetings

From: Kevin Puustinen [<mailto:KevinPuustinen@pdceng.com>]
Sent: Thursday, December 08, 2016 9:24 AM
To: Alan Steffert
Cc: Mark Pusich
Subject: Pinewood Drive - Public Meeting

Good morning Alan,

Attached is a copy of the sign-in sheet from last night's meeting.

Notes I have from the meeting:

- Alison (8132) wanted to know if there was a way to find out if her water service was replaced all the way to her home during the 1996 water line project.
- Pierre (8136) notified us that they have an additional water and sewer service for an addition on their home located behind the garage. He believes the services run under the driveway. No additional sewer laterals were noted on the sewer camera notes. I suspect the second sewer service may combine with the original service.
- Cherri (8136) asked if street lights would be improved or added. Her home is located in a dark area between two light poles and she says they prefer the darkness.
- Tom (8120) notified us of his two (2") drain lines which he has daylighting in the existing curb line. We discussed the 6" PVC storm services that are now the CBJ standard and that his drain lines could be tied into this new service.
- Tom notified us that the resident at 8116 is bedridden and special accommodations may need to be made during construction.
- Alison (8132) asked if there were any plans to move the fire hydrant located near her home. Answer, no plans to move the hydrant.
- Pinewood residents would appreciate being notified if/when it is decided to push the Pinewood improvements back another season.

Let me know if I've missed anything that we should be addressing in our design.

Thanks,

Kevin Puustinen, PE
Civil Engineer

R&M ENGINEERING
*has joined the **PDC Inc. Engineers** family*

Same great firm...now offering expanded capabilities!

6205 Glacier Highway, Juneau, Alaska 99801 | 907.780.6060 | www.rmjuneau.com

Aspen Avenue & Pinewood Drive Pavement & Drainage Improvements

CBJ Contract No. BE17-165

PUBLIC MEETING SIGN-IN SHEET

December 7, 2016
Floyd Dryden Middle School Library 6:00-7:00 PM

Name	Address	Phone	Email
Alison Greever Daniel Greever	8132 Pinewood Drive	907 123 9801	grecvera@gmail.com
Alan Steffert	CBJ ENG.	586-0481	Alan.Steffert@Juneau.org
Pete Morrissette Cherri Bell	8136 Pinewood	586-1485	guruweb@yahoo.com
Tom Dawson	8120 Pinewood	321-3474	TommyD@Alaskan.com
Kevin Puustinen	PDC	760-6060	Kevin.Puustinen@PDCeng.com

Planning Commission Meetings - 2017

January 10

January 24

February 14 - *Valentines*

February 28 – *Mardi Gras*

March 14

March 28 – *Seward's day on 3/27 (State holiday)*

April 11 – *Passover? (starts night of 4/10)*

April 25

May 9

May 23

June 13

June 27

July 11

July 25

August 8

August 22

September 12

September 26

October 10

October 24

November 14

November 28

December 12

December 26 – *Day after Christmas*



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

DATE: December 15, 2016

TO: Planning Commission

FROM: Allison Eddins, Planner
Community Development Department

FILE NO.: CSP2016 0012

PROPOSAL: A city project review for paving and drainage improvements along Aspen Avenue and Pinewood Drive

GENERAL INFORMATION

Applicant: CBJ Engineering Department

Property Owner: City and Borough of Juneau

Location: Mendenhall Valley - Aspen Avenue (Mendenhall Blvd to Duck Creek Crossing) and Pinewood Drive

Comprehensive Plan Future Land Use Designation: ULDR - Urban Low Density Residential

Zoning: D5 – Single family/duplex

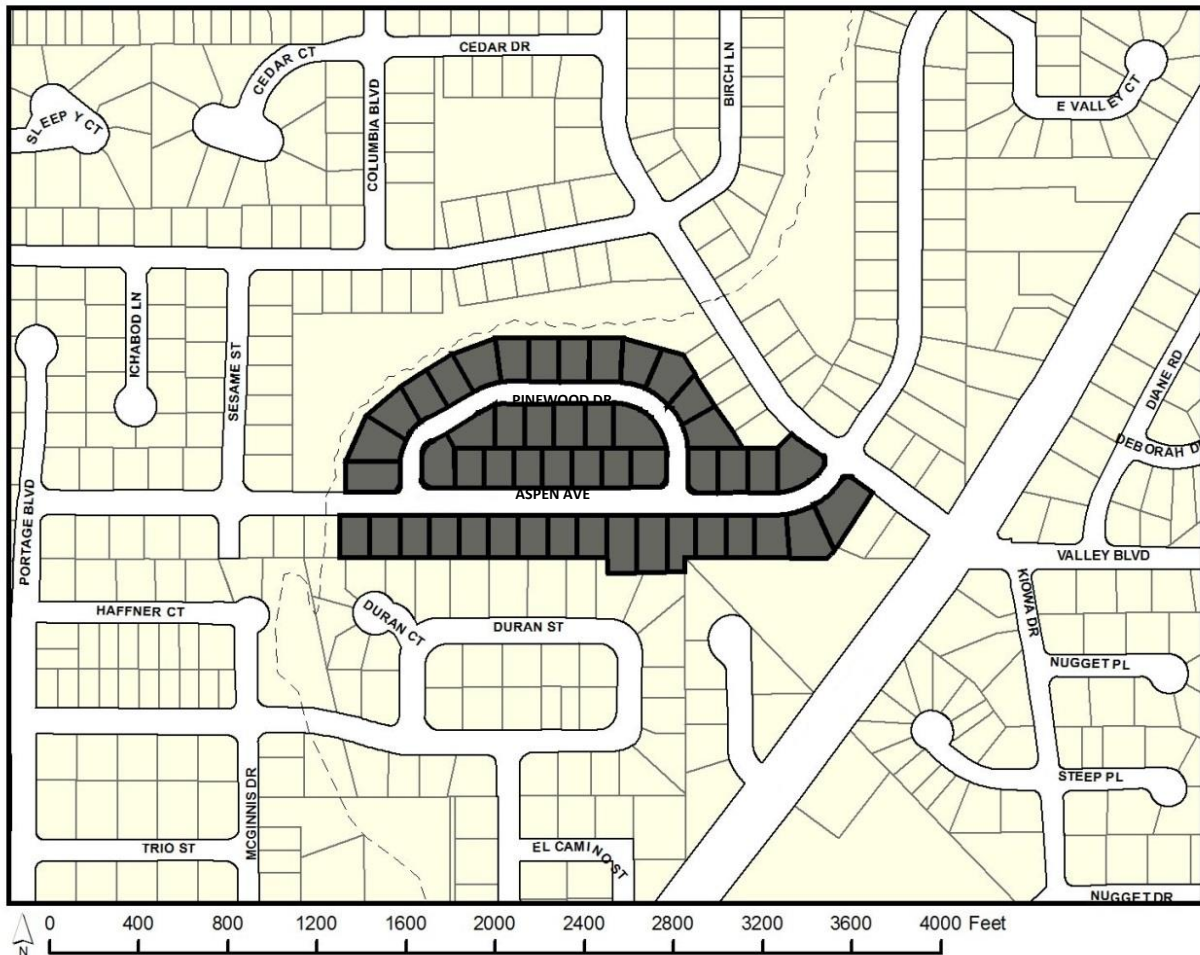
Utilities: City Water and Sewer

Existing Land Use: CBJ right-of-way

Surrounding Land Use: D5 – Single family/duplex

Planning Commission
File No.: CSP2016 0012
December 15, 2016
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VICINITY MAP



ATTACHMENTS

- Attachment A: Project Application
- Attachment B: Public Notice
- Attachment C: Public Comment

Planning Commission
File No.: CSP2016 0012
December 15, 2016
Page 3 of 7

PROPOSAL

The applicant, the City and Borough of Juneau (CBJ) Engineering and Public Works Department (E/PW), is requesting a City Project Review of the proposed sewer, water, and drainage improvements along Pinewood Drive and a section of Aspen Avenue from Duck Creek to Mendenhall Blvd. Originally, the project did not include Pinewood Drive. However after examining the condition of the water and sewer lines under Pinewood, the E/PW Department decided to include this in the project. The project includes the following work to be done:

- Approximately 2,800 feet of new 8" PVC sewer line
- Approximately 850 feet of new 10" HDPE water line
- Replacement of existing sanitary sewer manhole covers
- New storm drains and catch basins
- New oil/water separator
- Resurfacing of the roadway to include a change in the road elevation to allow storm water to better flow into the catch basins

BACKGROUND

Aspen Avenue and Pinewood Drive were both developed in 1960. Aspen Avenue was developed as a 60 foot right of way with 24 foot wide travel lanes and Pinewood Drive as a 50 foot right of way with 22 foot wide travel lanes. The existing sewer lines are 30+ years old and are beginning to fail. Residents along Aspen have reported plumbing issues that are a result of the failures in the City sewer pipes. Both roads had partial water line replacements in 1996. This project will only be replacing the older sections of water line that were not replaced in 1996. The roads have numerous potholes and depressions have formed in the pavement at the intersections of Aspen Avenue and Pinewood Drive. These depressions and potholes collect water and create a safety hazard for vehicles when the water freezes.

AGENCY REVIEW

Staff contacted CBJ General Engineering, Streets, Wastewater Utility, Capital City Fire and Rescue, and the Alaska Department of Fish and Game. General Engineering, Streets, Wastewater Utility and Fire have no issues with the project. Alaska Department of Fish and Game does not have any concerns with the project but did want confirmation that best management practices will be used to protect Duck Creek. Catch basins and oil/water separators will be installed, thus meeting the state's Best Management Practices.

PUBLIC COMMENTS

CBJ Engineering held public meetings on November 16th and December 7th in the Floyd Dryden Middle School Library. All property owners within the project boundary were invited. The

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project design and construction plans were presented and discussed, and residents were generally in favor of the project.

There are no public notice requirements associated with a city project review. However, notices were mailed to all affected property owners. At the time this staff report was written, two property owners had provided comments via email, and a property owner called wanting general information. One property owner is concerned about orange hawkweed, an invasive species, being spread from one property to another via the contractor's equipment. Staff provided a parcel map of the neighborhood and requested that the property owner identify which lots have orange hawkweed, to the best of her ability. This information will be passed along to the contractor.

A second property owner would like the city to install sidewalks along Aspen Avenue. CBJ Staff informed the property owner that sidewalks are not included in this sewer and drainage improvement project. Although it is not part of this project, in response to property owners' concerns CBJ Streets Department will work with AEL&P to upgrade the lighting. This will provide more light for pedestrians and will improve safety for those walking.

ANALYSIS

Local review and concurrence is required for City projects by 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 FY2016-2021 lists this project as Aspen Avenue Improvement – Mendenhall Blvd to Portage, and \$1 million of area wide sales tax funds are allocated for the project. At the time the CIP was adopted, Pinewood Drive was not part of this project. However, after examining the condition of the water and sewer lines under Pinewood the E/PW Department decided to include the street in this project. The total cost for Aspen Avenue and Pinewood Drive is estimated to be \$1.6 million.

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.

Planning Commission
File No.: CSP2016 0012
December 15, 2016
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This project will improve road conditions and storm water drainage by resurfacing the roadway to have an elevation with slightly rolling hills with storm drains and catch basins in each valley. This will alleviate the potholes and will allow storm water to flow into the catch basin from both directions. A new 8" PVC sewer pipe will be installed. This should alleviate the plumbing issues that residents are having. This project will also install a new 10" water line that was not part of the 1996 water line replacement and a new oil/water separator to help filter the water before it flows into Duck Creek.

In response to property owners' concerns regarding pedestrian safety, CBJ Engineering and CBJ Streets Departments will work with AEL&P to replace the existing lighting with newer fixtures that will focus the light downward to provide better lighting for pedestrians.

CONFORMITY WITH ADOPTED PLANS

2013 Comprehensive Plan

The Comprehensive Plan recognizes the importance of investing in public and private utilities and facilities stating 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..."* (pg. 197) The Aspen Avenue and Pinewood Drive project will be an improvement of current conditions and demonstrates a level of compliance with the 2013 Comprehensive Plan, which strongly supports standards to ensure safe and well maintained utility infrastructure.

POLICY 12.1 TO PLAN FOR THE TIMELY AND EFFICIENT PROVISION OF AN APPROPRIATE LEVEL OF PUBLIC FACILITIES AND SERVICES IN ALL DEVELOPED AND DEVELOPING AREAS WITHIN THE URBAN SERVICE AREA.

The neighborhood served by Aspen Avenue and Pinewood Drive is fully built with single family homes and will not likely see extensive redevelopment in the near future. The sewer line, water line, and storm water drainage improvements will bring the streets further into compliance with the city's standards to better serve the neighborhood and will improve safety and quality of life.

The Comprehensive Plan also gives the following policy guidance regarding storm water management and water quality:

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.

Planning Commission
 File No.: CSP2016 0012
 December 15, 2016
 Page 6 of 7

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.*

This project is incorporating Best Management Practices for storm water quality. The road resurfacing will change the existing elevation from relatively flat with potholes and depressions to a slightly rolling elevation with shallow valleys that will allow water to drain into the valleys from all directions. Storm water drains and catch basins will be located in these shallow valleys and storm water will then flow through an oil/water separator before discharging in Duck Creek.

Title 49

Although this is a utility and storm water drainage project, the proposed improvements will result in greater compliance with current Title 49 requirements. *CBJ 49.35.240 Improvement Standards* requires a minimum 60 foot wide right-of-way and sidewalks on one side for all CBJ streets other than major arterial and collectors that have between 212 to 499 average daily vehicle trips. The Pinewood Drive right-of-way is 50 feet wide, and neither Aspen Avenue nor Pinewood Drive has sidewalks. Therefore, these streets do not meet the requirements of Title 49. The widening of the Pinewood Drive right-of-way would require purchasing private property, which is not financially feasible at this time. Although this sewer and drainage project does not include the expansion of the Pinewood Drive right-of-way or the installation of sidewalks, the improved utilities ensure greater compliance with current requirements than the current conditions.

Juneau Non-Motorized Transportation Plan

The purpose of the Non-Motorized Transportation Plan is to advocate for and make recommendations to ensure pedestrian safety in road construction projects. The plan does not address Aspen Avenue or Pinewood Drive specifically. As this is primarily a sewer, water and drainage improvements project, it was not analyzed for compliance with the Non-Motorized Transportation Plan.

HABITAT

Duck Creek, a mapped anadromous waterbody, runs under the Aspen Avenue right-of-way. This portion of the creek was culverted when the road was first constructed. *CBJ 49.70.950 (f)* exempts culverts and similar public structures from the 50 foot stream-side setback requirement.

CBJ49.70.950 (f) *All structures and foundations located adjacent to streams or lakes listed in Table VI-2 of Appendix C of the Juneau Coastal Management Plan, shall have a 50-foot setback from each side of the stream or lake measured from the ordinary high*

Planning Commission
 File No.: CSP2016 0012
 December 15, 2016
 Page 7 of 7

water mark, where feasible and prudent; provided, docks, bridges, culverts and public structures whose purpose is access to or across the stream or lake are not subject to this policy....

The storm water that comes off Aspen Avenue and Pinewood Drive will be filtered through a new oil/water separator before it enters Duck Creek. The storm water filtration meets all applicable federal, state, and city regulations.

FINDINGS

Staff finds the proposed Aspen Avenue and Pinewood Drive sewer and drainage improvements to be consistent with Title 49 and CBJ adopted plans.

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2016 0012 to be consistent with adopted local plans and polices, as required by CBJ 49.15.580, and **recommend approval of** CSP2016 0012 to improve the existing sewer and water service and storm water drainage along Aspen Avenue and Pinewood Drive.

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 that a construction noise permit will be required for heavy equipment work during night-time hours as provided by CBJ 42.20.095(b) and that notice of any street closure must be provided to both Juneau Police Department and Capital City Fire and Rescue.

Advisory Conditions:

1. **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 shall first be obtained from the City and Borough of Juneau Building Official. Such permit shall be issued by the Building Official only upon a determination that such operation during hours not otherwise permitted under this section 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

Project Number CSP20160012	CITY and BOROUGH of JUNEAU	Date Received: 11-2-16
Project Name (City Staff to Assign Name)		

INFORMATION PROJECT / APPLICANT	Project Description ASPEN AVENUE PAVEMENT & DRAINAGE IMPROVEMENTS AND PINEWOOD DRIVE		
	PROPERTY LOCATION		
	Street Address ASPEN AVENUE - MEND. BLVD TO DUCK CK. AND		City/Zip 99801
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) PINEWOOD DRIVE		
	Assessor's Parcel Number(s)		
	LANDOWNER/ LESSEE		
	Property Owner's Name CBSJ - ENG DEPT.		Contact Person: ALAN STEFFERT
	Mailing Address 155 SOUTH BELWARD ST.		Work Phone: 586-0481
	E-mail Address Alan.Steffert@juneau.org		Home Phone: _____ Fax Number: _____
	Other Contact Phone Number(s): _____		
LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X		11-02-16	
Landowner/Lessee Signature		Date	
X _____		_____	
Landowner/Lessee Signature		Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name		Contact Person:	Work Phone:
Mailing Address		Home Phone:	Fax Number:
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		11-2-16	CSP20160012	
		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)				
		Variance Case (De Minimis and all other Variance case types)				
		Wetlands Permits				
		Zone Change Application				
		Other (Describe)				
	***Public Notice Sign Form filled out and in the file.					
	Comments:					Permit Intake Initials
						CAS

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

I:\FORMS\2010 Applications

Revised November 2009

CITY/STATE PROJECT AND LAND ACTION REVIEW APPLICATION Packed Page 38 of 42

Project Number	Project Name (15 characters)	Case Number CSP20160012	Date Received 11-2-16
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TYPE OF PROJECT REVIEW:

☒ City Project Review
 ☐ City Land Acquisition /Disposal
 ☐ State Project Review

DESCRIPTION OF PROJECT ASPEN AVENUE: PINEWOOD DR. PAVEMENT & DRAINAGE IMPROVEMENTS - BETWEEN MENDELL BLVD & DOCK CREEK CROSSING. IMPROVEMENTS INCLUDE: REPLACEMENT OF ASPHALT PAVED ROAD SECTION, CURB & GUTTER, STORM DRAINAGE SYSTEM, SEWER REPAIRS, & MINOR WATER SYSTEM WORK.

Please attach a cover letter to fully explain the project if there is not adequate space on this form.

CURRENT USE OF LAND OR BUILDING(S):

CITY STREET

PROPOSED USE OF LAND OR BUILDING(S):

NO CHANGE

PROJECT NUMBERS ASSOCIATED WITH PROPOSAL:

Is this project associated with any other Land Use Permits? ☐ No ☐ Yes Case No.: _____

Capital Improvement Program # (CIP) R 72-125

Local Improvement District # (LID) _____

State Project # _____

ESTIMATED PROJECT COST: \$ 1.0 Million

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.

CITY/STATE PROJECT FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ _____	_____	_____	_____
Total Fee	\$ _____	_____	_____	_____

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

&
EVEN IF THE PROPOSED PROJECT IS ASSOCIATE WITH OTHER LAND USE PERMITS, THIS APPLICATION MUST BE FILLED OUT



NOTICE OF PUBLIC MEETING

Pinewood Drive Pavement and Drainage Improvement Project

Floyd Dryden Middle School
Library

6 PM – 7 PM Wednesday December 7, 2016

November 11, 2016

Dear Pinewood Drive Residents

Next year the City & Borough of Juneau (CBJ) will be making pavement and drainage improvements to Aspen Avenue from the intersection of Mendenhall Boulevard to the Duck Creek crossing. We intend to reconstruct **Pinewood Drive** in conjunction with the Aspen Avenue improvements. Our engineering design consultants, R&M Engineering (R&M), recently completed the field survey and mapping work and have prepared a preliminary design that we would like to share with you at a public meeting.

You are cordially invited to attend a public meeting to be held at the **Floyd Dryden Middle School Library from 6:00 to 7:00 PM Wednesday, December 7, 2016.**

At the meeting, the CBJ project manager and R&M's design engineer will be available to present the preliminary plans and explain the reconstruction work. In general, we intend to install new underground storm drains, replace old sewer lines and water mains, replace the existing concrete curb with new, reconstruct the road base and lay down new asphalt pavement. We will have maps of the project area laid out on desks for you to look at. We will be able to show you how the reconstruction will affect your specific property and answer any questions you may have. If your property has drainage or other issues of concern, this meeting would be an excellent time to bring these to our attention.

Should you have any questions about the meeting or the project please contact either Alan Steffert, P.E., (CBJ Project Manager) at 586-0481, email: alan.steffert@juneau.org or Mark Pusich, P.E. (R&M Project Manager) at 780-6060, email: MarkPusich@pdceng.com

I look forward to seeing you at the meeting.

Thank you,

Alan Steffert, P.E.
CBJ Project Engineer



NOTICE OF PUBLIC MEETING

Aspen Avenue Pavement and Drainage Improvement Project

Floyd Dryden Middle School
Library

6 PM – 7 PM Wednesday November 16, 2016

November 4, 2016

Dear Aspen Avenue Residents

Next year the City & Borough of Juneau (CBJ) will be making pavement and drainage improvements to the section of Aspen Avenue from the intersection of Mendenhall Boulevard to the Duck Creek crossing. Our engineering design consultants, R&M Engineering (R&M), recently completed the field survey and mapping work and have prepared a preliminary design that we would like to share with you at a public meeting.

You are cordially invited to attend a public meeting to be held at the **Floyd Dryden Middle School Library from 6:00 to 7:00 PM Wednesday November 16, 2016.**

At the meeting, the CBJ project manager and R&M's design engineer will be available to present the preliminary plans and explain the reconstruction work. In general, we intend to install new underground storm drains, replace sewer lines, replace the existing concrete curb, reconstruct the road base and lay down new asphalt pavement. We will have maps of the project area laid out on desks for you to look at. We will be able to show you how the reconstruction will affect your specific property and answer any questions you may have. If your property has drainage or other issues of concern, this meeting would be an excellent time to bring these to our attention.

Should you have any questions about the meeting or the project please contact either Alan Steffert, P.E., (CBJ Project Manager) at 586-0481, email: alan.steffert@juneau.org or Mark Pusich, P.E. (R&M Project Manager) at 780-6060.

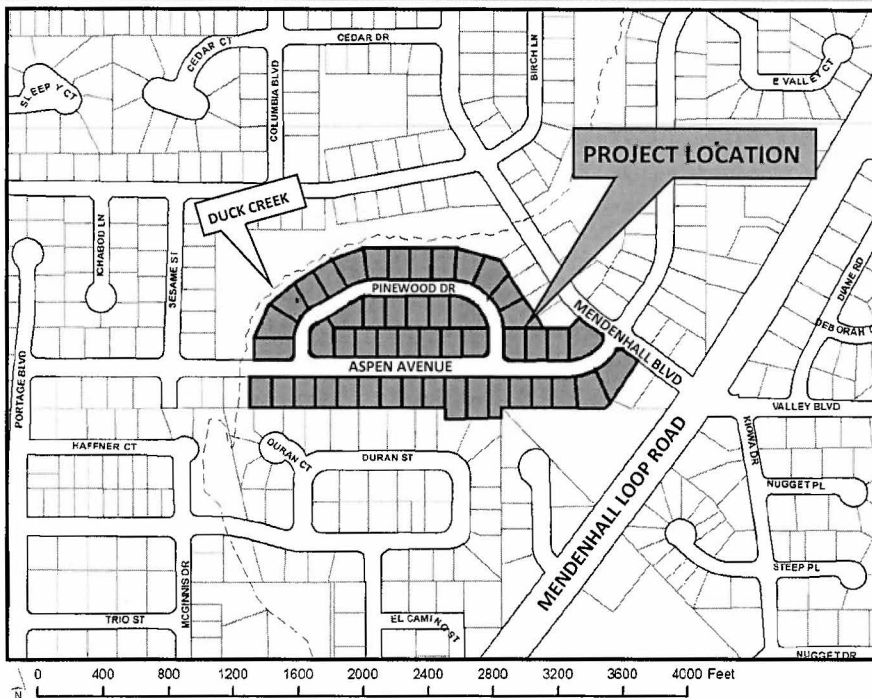
I look forward to seeing you at the meeting.

Thank you,

Alan Steffert, P.E.
CBJ Project Engineer

NOTICE OF PUBLIC HEARING

Packet Page 41 of 142



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:

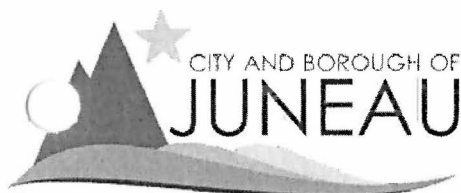


PROPOSAL: A city project review for paving and drainage improvements along Aspen Avenue and Pinewood Drive

File No:	CSP2016 0012	Applicant:	CBJ Engineering Department
To:	Adjacent Property Owners	Owner:	City & Borough of Juneau
Hearing Date:	December 27, 2016	Zoned:	D5
Hearing Time:	7:00 PM	Site Address:	Aspen Avenue (Mendenhall Blvd to Duck Creek crossing) and Pinewood Drive
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Time Frame:	Reconstruction is expected to begin in Spring, 2017 and will be on-going for 3 1/2 to 4 months.

PROPERTY OWNERS PLEASE NOTE:

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



If you have questions, please contact Allison Eddins at Allison.eddins@juneau.org or (907) 586-0758.

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

Date notice was printed: November 23, 2016

From: [Allison Eddins](#)
To: ["Barb Adams"](#)
Cc: [Alan Steffert](#)
Subject: RE: 2017 Aspen Avenue improvement project
Date: Wednesday, November 23, 2016 11:03:04 AM
Attachments: [Aerial image.PNG](#)

Hi Barb,

Thank you for providing comment. Alan Steffert, CBJ Engineer, will share the contractor's information with you and your neighbors as soon as one is selected. I believe he mentioned doing this at the meeting last week. The bidding process should begin early next year and there should be a contractor selected soon after. I do have a favor. Could you indicate on the attached map which lots (to the best of your knowledge) have orange hawkweed? We can pass this information along to the contractor.

Thanks again,
Allison

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

From: Barb Adams [<mailto:bjadams@suddenlink.net>]
Sent: Tuesday, November 22, 2016 1:27 PM
To: Allison Eddins
Subject: Re: 2017 Aspen Avenue improvement project

Hello Allison,

I guess one of the things I am worried about is invasive species in my yard, mainly the orange hawkweed. I do have a few places now that I am actively trying to get rid of them in my yard and don't want to have more places to deal with. I think I brought this up at the meeting. I know the yard directly across the street has a major infestation. I guess I would ask that if there is digging in the area, to dig in the yards that do not have the orange hawkweed first before digging in yards that have orange hawkweed.

I would also like to be kept up with information on who the contractor is so I can discuss additional stuff like replacing my water line at the same time they replace the city line. I know this would be an expense for me and not the city.

Thanks for the opportunity to comment.

Barb

--

Barb Adams
8267 Aspen Ave
Juneau, AK 99801
(907)957-6671

----- Allison Eddins <Allison.Eddins@juneau.org> wrote:

> Good Morning,

> I am a Planner with CBJ and I will be reviewing the Aspen Avenue improvement project. I would like to thank you all for attending last week's meeting. It's always good for us to get feedback early. The project is scheduled to go before the Planning Commission on December 27th at 7pm. I encourage you to submit any comments, questions or concerns that you may have to me and Alan Steffert, CBJ Project Manager. We will do our best to answer your questions and address your concerns. All public comment will be presented to the Planning Commission.

> All the best,

> Allison

>

> Allison Eddins - Planner I

> City and Borough of Juneau, AK

From: [Alan Steffert](#)
To: ["Jen Lium"](#); [Steve Lium](#)
Cc: markpusich@pdceng.com; [Allison Eddins](#)
Subject: RE: Aspen Ave
Date: Friday, November 18, 2016 10:17:29 AM

Jen and Steve,

Thank you for getting in touch with me. I am the CBJ's project manager for this road reconstruction project. I am sorry you missed the meeting we held on Wednesday night. We had a great turnout for a meeting of this type. I appreciate getting input and feedback from residents about the CBJ's projects. The driving force for the Aspen Avenue reconstruction project is the need to replace the deteriorated pavement and improve the road drainage. The sewer main running down the center of the street is in poor condition so will also need to be replaced while we have the road dug up.

As you are aware, limited funding plays a major role in determining what we can and cannot afford to do whenever we have reconstruction on any particular street. The more we spend on one street means the less we can spend on another, and we have a lot of other streets also in need of work. In this case, the replacement of like with like, i.e. make the necessary improvements from curb to curb, was how we scoped out and funded this project. Unfortunately we can't do everything; adding a sidewalk was not in the budget for this street, sorry.

If you want to talk to me in person about this, I can be reached at the numbers below.

Thanks,
 Alan

Alan Steffert PE
 Project Engineer
 City & Borough of Juneau
 155 South Seward Street
 Juneau AK 99801
 Ph: (907) 586-0481
 Cell: (907) 321-4934
 Email: Alan.Steffert@juneau.org

From: Jen Lium [<mailto:jennifermaki@hotmail.com>]
Sent: Thursday, November 17, 2016 10:34 PM
To: Alan Steffert; allison_eddis@juneau.org; markpusich@pdceng.com
Cc: Steve Lium
Subject: Aspen Ave

To whom it may concern:

I am a resident on Aspen Avenue. My family was unable to attend the recent meeting, but we will be advocating for a sidewalk. We are a young family with 2 little ones at home. Both my husband and I were born and raised here, I actually grew up on Birch and my parents still live there, and have lived on Aspen since 2010. We hope this will be our forever home and have no intentions on moving.

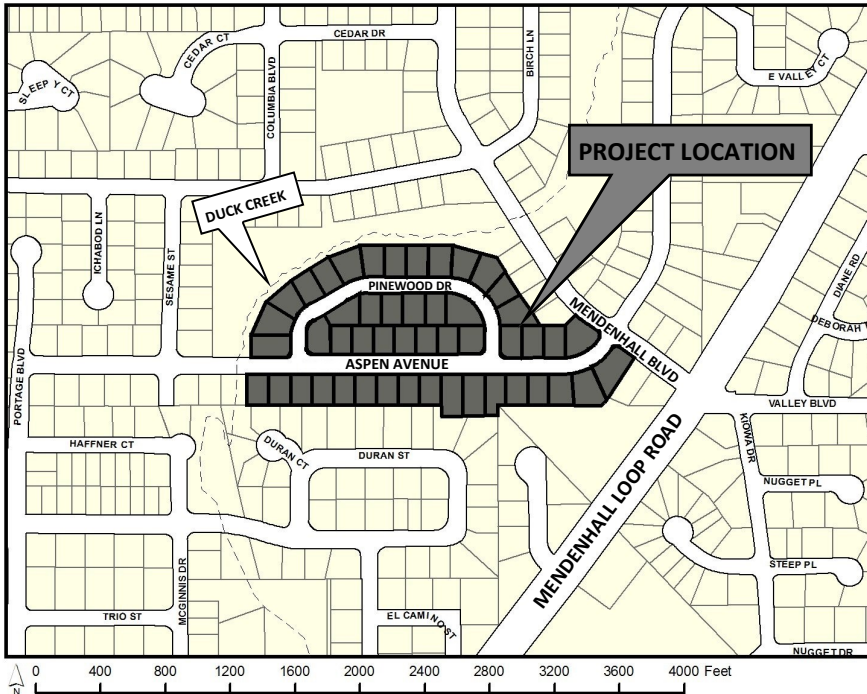
I'm sure you have heard the pros/cons for a sidewalk already and I'm aware of the budget issue at hand, so I'll be brief in stating my opinion. I often walk with my kids to the nearby parks (both Melvin and Hidden Park) and we often have to veer off to the side of the road to get out of a car's way. I watch the same thing happen from our front window as older kids leave for school and come home, as well as the numerous neighbors from surrounding streets. It's also awful when we get snow and really, there's nowhere to go when a car comes. Regardless of the speed of traffic though, I obviously feel safer on a sidewalk. In a couple of years I want to be able to tell my kids they can walk to and from the school bus stop or to a friend's house down the street without that fear.

We looked at our property line and the city's this summer when deciding to build a fence, so we are aware of how much yard (that's not our property to begin with) would be missing (we're on the even side where the sidewalk would be built). It's something my family is more than willing to give up for the safety of our neighborhood.

I appreciate your thoughtful consideration on this matter and look forward to your response.

-Jen & Steve Lium (8223 Aspen Ave)

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



PROPOSAL: A city project review for paving and drainage improvements along Aspen Avenue and Pinewood Drive

File No:	CSP2016 0012	Applicant:	CBJ Engineering Department
To:	Adjacent Property Owners	Owner:	City & Borough of Juneau
Hearing Date:	December 27, 2016	Zoned:	D5
Hearing Time:	7:00 PM	Site Address:	Aspen Avenue (Mendenhall Blvd to Duck Creek crossing) and Pinewood Drive
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Time Frame:	Reconstruction is expected to begin in Spring, 2017 and will be on-going for 3 1/2 to 4 months.

PROPERTY OWNERS PLEASE NOTE:

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



If you have questions, please contact Allison Eddins at Allison.eddins@juneau.org or (907) 586-0758.

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CSP2016 0012 – Sewer, water and drainage improvement project to include road resurfacing along Pinewood Drive and a portion of Aspen Avenue

December 27, 2016



CSP16-12

PROJECT AREA



CSP16-12

PROJECT DESCRIPTION

- Approximately 2,800 feet of new 8" PVC sewer line
- Approximately 850 feet of new 10" HDPE water line
- Replacement of existing sanitary sewer manhole covers
- New storm drains and catch basins
- New oil/water separator
- Resurfacing of the roadway to include a change in the road elevation to allow storm water to better flow into the catch basins



CSP16-12

RECOMMENDATION

Staff recommends that the Planning Commission find CSP2016 0012 to be consistent with adopted local plans and policies, as required by CBJ 49.15.580, and recommend that the Assembly **approve** CSP2016 0012 to improve the existing sewer and water service and storm water drainage along Aspen Avenue and Pinewood Drive, with the following advisory conditions:



CSP16-12

ADVISORY CONDITIONS

1. 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 shall first be obtained from the City and Borough of Juneau Building Official. Such permit shall be issued by the Building Official only upon a determination that such operation during hours not otherwise permitted under this section 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.



CSP16-12

QUESTIONS?





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

**PLANNING COMMISSION
NOTICE OF RECOMMENDATION**

Date: December 28, 2016
File No.: CSP2016 0012

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

Proposal: A city project review for paving and drainage improvements along Aspen Avenue and Pinewood Drive

Location: Mendenhall Valley - Aspen Avenue (Mendenhall Blvd to Duck Creek Crossing) and Pinewood Drive

Hearing Date: December 27, 2016

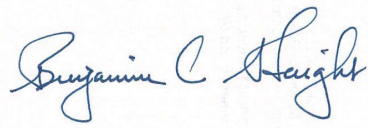
The Planning Commission, at a regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 15, 2016, and recommended that the Assembly approve the project in accordance with the following advisory recommendations:

1. 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 shall first be obtained from the City and Borough of Juneau Building Official. Such permit shall be issued by the Building Official only upon a determination that such operation during hours not otherwise permitted under this section 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.

City and Borough of Juneau
 CBJ Assembly Members
 File No.: CSP2016 0012
 December 28, 2016
 Page 2 of 2

Attachments: December 15, 2016 memorandum from Allison Eddins, Community Development Department, to the CBJ Planning Commission regarding CSP2016 0012.

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:	 Allison Eddins, Planner Community Development Department	 Benjamin Haight, Chair Planning Commission
	 Filed With City Clerk	December 29, 2016 Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ - adopted regulations. 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, Alaska 99801

DATE: December 19, 2016

TO: Planning Commission

FROM: Tim Felstead, Planner II 
Community Development Department

FILE NO.: USE2016 0030

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

GENERAL INFORMATION

Applicant: Farmed Ceuticals LLC

Property Owner: Grant Properties LLC

Property Address: 5011 Short Street

Legal Description: USS 204 Fraction

Parcel Code Number: 5-B12-0-100-003-3

Site Size: 213,000 square feet (4.89 acres) approx.

Comprehensive Plan Future Land Use Designation: Commercial

Zoning: Industrial

Utilities: Public water/public sewer

Access: Stark Street via Short Street/Glacier Highway

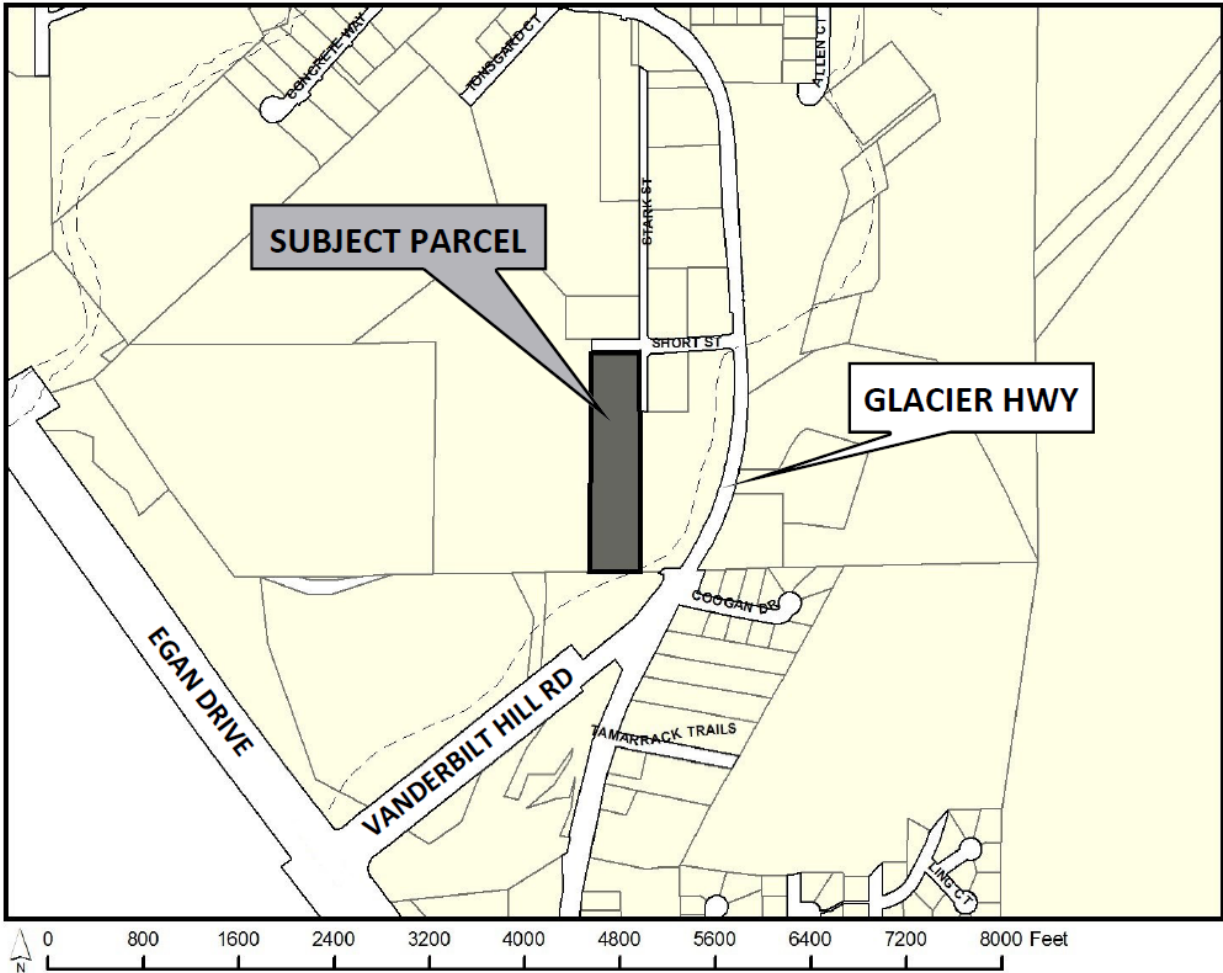
Existing Land Use: Warehouse

Surrounding Land Use: North - Commercial office/warehouse
South - Vacant wetlands (State of Alaska))

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- East - Commercial retail
- West - Industrial/ Landfill

Vicinity Map



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ATTACHMENTS

Attachment A – Application including narrative, site photos, site plans and floor plans.

Attachment B – Public Notice.

Attachment C – Revised security camera plan.

Attachment D – Aerial photograph of the site showing security gate at the end of Stark Street and proposed access arrangements.

PROJECT DESCRIPTION

The applicant requests a Conditional Use permit for the development of an 8,100 square foot marijuana cultivation facility on an Industrial zoned lot in the Lemon Creek area.

The applicant intends to develop some space in the building as a commercial kitchen for marijuana product manufacturing in the future. Manufacturing is mentioned in the applicant's narrative. It is not considered under this Conditional Use permit and a separate Conditional Use permit will be required.

BACKGROUND

The location of the proposed cultivation facility is in approximately one half of an existing warehouse. The construction of the warehouse was approved with an Allowable Use permit (USE2006-00006). The Allowable Use permit was required as the warehouse was more than 5000 square feet. A use permit for this structure would not be required under today's land use code. The building was constructed with appropriate building permits in two phases (Phase 1, BLD2006-00068 and Phase 2, BLD2009-00081). The proposed facility will occupy the area constructed in Phase 2 and will be remodeled to make it suitable for cultivation operations. The building was previously the State of Alaska archives storage building.

ANALYSIS

The applicant has submitted an application with the State of Alaska Marijuana Control Board and will be eligible to obtain a CBJ Marijuana License if both the state license and this CUP are approved. The inspection required for the CBJ marijuana license will ensure that the applicant is held to the plans as submitted, special use requirements found in CBJ 49.65.1200, and any conditions required by this permit.

According to CBJ 49.65.1245(e) an approved Conditional Use Permit for marijuana establishments is subject to review by the Commission every five years from the date of issuance.

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Project Site - The subject lot is located behind Western Auto in the Lemon Creek area. Access will be through the Grant's Plaza lots that have frontage on Glacier Highway, alternative access could be provided via Short Street/Stark Street if access through the Grant's Plaza lot is ever restricted. At present the subject lot and the Grant's Plaza lot are under common ownership and a gate/fence prevents access to the portion of the building addressed in this application (see **Attachment D**).

The subject lot was created through a platting waiver in 1976 (SUB W76-454). The subject lot meets all current dimensional requirements for the Industrial zoning district. The lot is approximately 213,000 square feet; the minimum lot size in Industrial zones is 2000 square feet. The minimum required lot width is 20 feet and depth 60 feet; the subject lot is 230 feet deep and 950.7 feet wide. The required setbacks are 10 feet from front and rear lot lines, and zero feet from side lot lines. The subject building meets the required setbacks.

The lot currently contains 2 buildings. The subject building is 16,722 square feet. Half of this building will be used for the marijuana cultivation use sought by this conditional use permit. This portion of the building is already separated from the other half of the building with a fire rated wall. The other half of the building is currently used for storage by the property owner. The second building on this lot is used as workshop space for other businesses and is not included in this application.

The applicant is considering operating a marijuana manufacturing operation in the same half of the building. This will require a separate conditional use permit. No marijuana retail use is proposed at this time.

The location of the proposed marijuana cultivation facility meets State distance requirements from schools, recreation or youth centers, buildings in which religious services are regularly conducted, or correctional facilities.

Project Design - The exterior of the building will be unchanged. Higher level security doors, locks, and exterior video surveillance cameras will be installed (see floor plans in **Attachment A**). The building has no windows. There will be a single door used as the main entrance adjacent to the existing loading door on the south side of the building. The other existing door will be a locked fire exit. There will also be a mechanical room with a single locked door that can only be accessed from the exterior of the building.

A floor plan is provided in **Attachment A**. Except for an existing bathroom, closet, office and storage room, the interior of this half of the building is an open space. This open space will be partitioned into 4 separate cultivation rooms all accessed from a single corridor:

- One vegetation room (~1,1150 square feet).

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- Two flowering rooms, A and B (~1000 square feet each); third flowering room, C, of ~2,000 square feet proposed for future.
- One drying/curing room (500 square feet).

These new rooms will be separated from the existing rooms by a material handling and circulation area. The existing storage room will be used as a trim and packaging room. A third flowering room (Flowering Room C) is proposed and a partition wall will be added at a later date if this additional room is required to meet demand. This third flowering room is included under this Conditional Use permit. Renovations to the building needed to enable the cultivation operation will require a Building Permit. The applicant has no plans to use this space in the interim.

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

Ventilation & Filtration/Odor - The applicants propose to use a carbon filter and intake fan in each room where plants will be grown (see Carbon Filter floor plan in **Attachment A**). The scrubbed air will then be introduced to the HVAC system. The applicant has stated that because of the size of the building, the cleaned air can be recirculated internally and no exterior exhaust is required. Humidity will be controlled and excess water will be collected and used for watering the marijuana plants.

The flowering rooms will be supplemented with CO₂ as needed using a propane source designed for indoor horticulture operations. The applicants have stated this equipment has no exposed flame and the equipment self-regulates the level of CO₂ in the room based on a concentration threshold of 1,200 parts per million. The proposed CO₂ equipment and supplementation is in compliance with the state and local regulations. CO₂ usage is subject to review by the CBJ Fire Marshal and will be inspected accordingly.

The HVAC system will be reviewed as part of the required Building Permit process.

Fungicides, Pesticides and Fertilizers - The applicant proposes using natural pesticides for pest control. Those compounds are included on Page 1 of the applicant's narrative found in **Attachment A**. The applicants intend to use a proprietary insecticide and fungicide made of citric acid, water, yeast and potassium sorbate. Use of this solution is addressed under State of Alaska regulations.

The applicant has stated that the HVAC system will include an ultraviolet light treatment to kill any harmful microbes circulating throughout the room.

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The applicant has stated they will only use food grade fertilizers as well as reusing composted plant waste where possible.

Security - According to CBJ 49.65.1245(a)(2) applicants are required to submit a security plan. State regulations require exterior lighting, alarm systems, video monitoring and commercial grade door locks. The floor plans included in **Attachment A** identify:

- Restricted areas where unescorted visitors are not allowed to enter.
- Existing exterior lighting.

A revised surveillance camera plan has been submitted showing the proposed field of each camera (see **Attachment C**).

The building currently has six exterior lights mounted to the wall on the east and south sides of the building where vehicles and people will be present. There are no doors on the west side of the building and no activities in this area are planned so no lighting is proposed on this side.

The north wall is internal and separates the half of the building considered in this application from the other half of the building. As noted above, this wall is a fire wall and there are no doors between the two halves of the structure. Outside the two halves of the building are separated by a security gate and a fence.

The secure office space will house the surveillance hardware and safe. Two surveillance cameras are proposed on the exterior of the building covering each doorway that has direct access to the building. Two exterior cameras will provide coverage of the parking lot. Eleven internal surveillance cameras are proposed including one in each cultivation room. It is recommended, as a condition of approval, that the location and number of cameras be reviewed again if the third flowering room is partitioned in the future.

The surveillance system will be inspected as part of the State and local license inspections. There will be one camera in the common hallway that accesses flowering, curing and vegetation rooms. There will be two cameras for the circulation area that separates this common hallway from the office and trim/packaging room. One of these cameras will be next to the main entrance and loading door. The trim/packaging room and office will each have a camera. Each room has one internal entry door. The plan shows all cameras face the entry door to cultivation areas in accordance with State requirements. State requirements also require that the surveillance system is capable of viewing all regular activities in the room. It is not clear if the vision of the cameras will be obscured by plants, lighting hoods, fixtures etc. Ultimately, a site inspection will be required and any additional deficiencies in the camera coverage identified with remedial steps taken prior to issuance of a license. It is recommended, as a condition of approval, that the ability of the surveillance camera system to observe all regular activities and doorways be demonstrated prior to approval of a CBJ marijuana license.

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There will be one fire exit from one of the flowering rooms (Flowering Room B) directly to the outside of the building – see floor plan in **Attachment A**. Currently the fire exit does not trigger an alarm if opened when the main alarm system is deactivated. It is recommended, as a condition of approval, that prior to approval of a CBJ marijuana license, the fire exit from Flowering Room B shall be alarmed. An alarm system is already installed in the building with motion and sound sensors, and with contact sensors on all exterior doors. Interior doors will also be alarmed. The building does not have any windows. All motion and contact sensors will be activated when the facility is closed. If the alarm is triggered local law enforcement and the owner will be notified immediately.

Waste disposal - The applicant proposes to grind any non-useable material down using an industrial garage disposal. This material will then be mixed with compost before being disposed at the local landfill as required by state regulations or reused in the cultivation process. It is recommended, as a condition of approval, that all waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill. The applicant proposes to use the closet area for this purpose.

Screening - CBJ 49.65.1245(a)(4) prohibits marijuana product from being visible to the general public from the right-of-way. As stated previously, there are no windows in the facility. There is no ability to see into the facility from the public right-of-way. Further, cultivation will take place in fully enclosed rooms within the larger warehouse.

CBJ 49.15.330(g) identifies the general items reviewed for all Conditional Use Permits. These items are detailed below.

Traffic - Traffic to and from the site will consist of employees and supply delivery. The applicant will not sell any product on site. The applicant plans for a maximum of 6 employees to be on site. Supply deliveries will occur infrequently on a weekly or biweekly basis and outgoing deliveries will occur with a similar frequency. The level of traffic expected to be negligible compared with traffic levels already generated by surrounding uses. The subject building is accessed from Glacier Highway through Grant's Plaza (which is under the same ownership as the subject building) – see **Attachment D**. There is also a developed access to Stark Street, a CBJ right-of-way, which is currently blocked with a security gate.

Parking and Circulation - According to CBJ 49.40.210 the total number of parking spaces required for the proposed cultivation operations is 9.

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Use	Use parking space requirement	Size of use	Parking spaces required
Office	1 per 300 sf	400 sf	1.3
Marijuana Cultivation	1 per 1,000 sf	7,700 sf	7.7
Total			9

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

CBJ 49.40.210 also requires one loading space be provided that is 30 feet deep by 12 feet wide with a clearance of 14.5 feet.

The parking for the existing warehouse was reviewed when it was constructed under USE2006-0006 and again under its associated building permit (BLD2009-00081). The applicant has submitted revised parking plan which shows the required nine parking spaces, one of which is ADA accessible. The parking plan identifies the required loading space. The proposed parking plan does not affect parking for any other uses (see parking plan in **Attachment A**).

Noise - There is no evidence that noise created by the proposed cultivation facility will be out of keeping with that generated by surrounding land uses or out of keeping with the Industrial zoning.

Public Health or Safety - At the time this staff report was written no comments were received from the public. No objections have been received from CBJ General Engineering, Building Division or Capital City Fire and Rescue. The Building Permit for the remodel of the space will be subject to further review to ensure relevant CBJ code requirements are met.

FEMA flood maps indicate that the warehouse is located in a flood hazard zone with a base flood elevation of 23 feet. However, CBJ LIDAR data shows the grade elevation immediately surrounding the building to be ~25 feet and so CBJ flood hazard zone requirements do not apply.

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

Vegetative Cover - CBJ 49.50.300 requires five percent of the site be maintained with live vegetative cover. For this site, 10,650 square feet of vegetative cover is required. A site visit and analysis of aerial imagery by staff confirmed the site exceeds the minimum vegetative cover requirement for the Industrial zoning district.

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Property Value or Neighborhood Harmony - The area is zoned Industrial and the proposed activity is in keeping with expected activities in this zoning and in keeping with surrounding land uses. At the time of the writing of this staff report no comments were received from the public. There is no evidence to suggest the use will have impact on property value or be out of harmony with the neighborhood.

Conformity with Adopted Plans:

Comprehensive Plan

The proposed development is located in the Subarea 5 of the Comprehensive Plan (Switzer Creek, Lemon Creek and Salmon Creek). The proposal is compatible with the guidelines and considerations for this area.

The subject lot is designated as Commercial in the Comprehensive Plan Land Use maps. Commercial lands are identified as having a mix of retail, offices and higher density housing. This would suggest future zoning of General Commercial or Mixed Use may be appropriate for the area. Marijuana cultivation is allowed in General Commercial but not Mixed Use zoning districts.

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

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

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

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

FINDINGS

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

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

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

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

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

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

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

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

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

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

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

Yes. The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the December 16, 2016 and December 26, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way. Further, the proposal, with conditions, has been found to meet the requirements of CBJ 49.65.1245 related to marijuana cultivation.

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

No. The applicant has proposed a surveillance and security system and these will be inspected to ensure that they meet minimum state and local regulations. Further, much of the use, aside

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from employee and other occasional delivery traffic, is contained indoors in a secure facility where unescorted non-employees are not permitted.

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

No. Surrounding uses have similar or more intense off-site impacts such as noise and traffic. The proposed marijuana cultivation facility is not expected to decrease the value of or be out of harmony with property in the neighborhood.

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

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

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

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

N/A

RECOMMENDATION

It is recommended that the Planning Commission adopt the Director's analysis and findings and grant the requested Conditional Use permit. The permit would allow the development of an 8,100 square foot marijuana cultivation facility on an Industrial zoned lot in the Lemon Creek area.

The approval is subject to the following conditions:

1. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
2. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity without sight blockage from lighting hoods, plants, fixtures, or other equipment in the building.

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3. Prior to approval of a building permit for a portion wall to create a room identified as Flowering Room C on the applicant's floor plan, a revised surveillance camera plan be submitted to ensure the room has adequate surveillance coverage.
4. Prior to approval of a CBJ marijuana license, the fire exit from Flowering Room B shall be alarmed.
5. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

DEVELOPMENT PERMIT APPLICATION

Project Number	CITY and BOROUGH of JUNEAU	Date Received: USE 20160030
Project Name (City Staff to Assign Name)		

PROJECT / APPLICANT INFORMATION	Project Description Remodel 8,100 sf building into a marijuana cultivation facility Use Categories 14.220 and 14.240		
	PROPERTY LOCATION		
	Street Address 5011 Short Street	City/Zip Juneau 99801	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) USS 204 FR		
	Assessor's Parcel Number(s) 5B1201000033		
	LANDOWNER/ LESSEE		
	Property Owner's Name Lessee: Farmed Ceuticals LLC	Contact Person: Catherine Foxwell	Work Phone: 907 957-8844
	Mailing Address 4510 Trafalgar Ave., Juneau, AK 99801	Home Phone:	Fax Number:
	E-mail Address catherine.foxwell@yahoo.com	Other Contact Phone Number(s):	
	LANDOWNER/ LESSEE CONSENT ****Required for Planning Permits, not needed on Building/ Engineering Permits****		
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for officials and employees of the City and Borough of Juneau to inspect my property as needed for purposes of this application.			
X	<u>Catherine E. Foxwell</u> Landowner/Lessee Signature	<u>11/4/16</u> Date	
X	 Landowner/Lessee Signature	 Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
APPLICANT If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name SAME		Contact Person:	Work Phone:
Mailing Address		Home Phone:	Fax Number:
E-mail Address		Other Contact Phone Number(s):	
X	 Applicant's Signature	 Date of Application	

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

TO BE COMPLETED BY THE APPLICANT

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM
Attachment A



Community Development

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

Farmed Ceuticals

Case Number: PAC2016 0052
 Project Description: Standard Marijuana Cultivation Facility
 Applicant: Catherine Foxwell
 Property Owner: Grant Properties LLC
 Property Address: 5011 Short Street
 Parcel Code Number: 5B1201000033
 Site Size: unknown
 Zoning: Industrial
 Existing Land Use: Vacant warehouse

Conference Date:	10/12/2016 10:30
Report Issued:	10/13/2016

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
Dan Jager	Fire Marshall	Dan.jager@juneau.org
Sven Pearson	Deputy Fire Marshall	Sven.pearson@juneau.org
Catherine Foxwell	Applicant	Catherine.foxwell@yahoo.com
Ron King	General Engineering	Ron.king@juneau.org
Kyle Paw	Permit Tech	Kyle.paw@juneau.org
Chrissy Steadman	Planner	Christine.steadman@juneau.org
John Young	Building Plan Reviewer	John.young@juneau.org

Neighborhood Association/Contact: N/A

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 – Industrial
2. Setbacks – 10 feet front/rear yard zero side yard
3. Height – N/A
4. Parking – 1 space per 1,000 square feet grow space and 1 space per 300 square feet office
5. Landscaping – 5 percent vegetative cover required.
6. Lighting – Indicate on the site plan exterior lighting.
7. Building – Stamped engineered plans are required for any work done to modify the building (electrical/mechanical/architectural). Potential to do a code modification to avoid need for two bathrooms.
8. Fire District – See Fire Department handout
9. Traffic – Address expected daily traffic from employees and visitors
10. Engineering – see drainage notes
11. Noise – Address noise level of use
12. Drainage – Cannot dispose of wastewater into CBJ system. Describe methods/types of fertilization, pesticides, water circulation etc.
13. Utilities – (water, power, sewer, etc.)
14. Wetlands – N/A
15. Habitat – (Eagle, Riparian, etc.) –
16. Hazard/Mass Wasting/Avalanche/Hillside Endorsement –
17. Flood – N/A
18. Plat or covenant restrictions – N/A
19. Other Agency Reviews – DEC for product manufacturing permit.

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.

List of required applications

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

1. Development Permit Application
2. Conditional Use Permit Application

Additional submittal requirements:

Attachment A

Pre-Application Conference Final Report

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. According to CBJ 49.65.1245(a) the following submittals are required:
 - Floor plan including restricted access areas
 - Security plan
 - Marijuana waste disposal plan
 - Screening plan
 - Ventilation filtration plan
 - Carbon dioxide use disclosure
 - Methods to reduce mold/mildew/fungus

Exceptions to submittal requirements:

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

1. N/A

Fee estimates

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

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. \$350 Conditional Use Permit application fee.
2. \$50 public notice sign fee and \$100 sign deposit.

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

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

Conditional Use Application

Marijuana Cultivation Facility, Use Category 14.240

Farmed Ceuticals, LLC

November 1, 2016

Project Description: The project consists of remodel of an approximately 8,100 sf warehouse at 5011 Short Street in the Lemon Creek area of Juneau into a marijuana cultivation and manufacturing facility, Categories 14.240 and 14.220 in the Table of Permissible Uses.

The building being remodeled was constructed under Building Permit BLD2009-00081 in 2009 as an addition to a similar sized building that was constructed in 2006 under Building Permit BLD2006-00068. The 8,100 sf building that will be remodeled consists of an approximately 7,200 sf warehouse with an approximately 18' ceiling, a 500 sf storage room that has a 12' ceiling and a 300 sf office with an 8' ceiling and 100 sf of service spaces. The space above the storage room and office is used for mechanical ventilation equipment.

The remodel includes creating 2 Flower Rooms of approximately 1,000 sf each, a Vegetation Room of approximately 1,150 sf, a Curing Room of approximately 500 sf and a Material Handling and Circulation Area of approximately 1,350sf and a space for a third Flower Room of approximately 2,000 sf. The existing Office will be retained and the existing small Storage Room of will be converted into a Trim and Packaging Room and a Kitchen for manufacturing marijuana products.

The remodel will include supplementing the existing ventilation and cooling systems to maintain the proper temperature and humidity in the separate rooms. The air through the air handling system will be filtered to address incoming contaminants and odors in the exhaust air. The details of the HVAC systems will be included in the building permit application documents. The HVAC system will be supplemented with a CO2 and a dehumidifier system to provide the correct growing environment and to prevent mold, mildew and fungus growth.

The lighting in the vegetation and cultivation rooms will be replaced with indoor horticultural light fixtures that can be raised and lowered to suit the needs of the growing plants. The fixture specifications and distribution of the fixtures within the rooms will be included in the building permit application documents.

Cultivation: Farmed Ceuticals LLC's goal is to produce high quality cannabis for medical and recreational use. All cannabis will be grown using organically derived food grade fertilizer that produces high quality cannabis and leaves no trace elements of chemicals or toxins in the final product. Only organic, non-toxic pesticides/fungicides will be used to prevent the growth of insects or harmful molds. This insecticide and fungicide is made of citric acid, water, yeast, and potassium sorbate. This product is safe to use on all plants and may be used on growing crops and raw agricultural crops after harvest. This product will only be used preventively when plants are in vegetation growth stage. During the flower stage, the organic, non-toxic insecticide/ fungicides will only be used if signs of insects or mold are found. As a secondary measure against mold spores our HVAC system will also have an inline UV light system that will kill harmful microbes before circulating the air back through the rooms.

Plants will start from clone or seed and grow for eight to ten weeks at that time the plants that are healthy enough and large enough will be moved from the vegetation growth room to one of the flower rooms.

Each flower room will have various strains of cannabis. The Indica and Hybrid varieties of plants will be harvested every 8-9 weeks, Sativa strains will be harvested every 10-11 weeks. The planting cycles in the two flower rooms will be planted on a staggered cycle. By staggering the harvests one month apart a consistent well stocked inventory will be maintained.

Watering of the plants in the vegetation room will be done by hand. The plants in the vegetation room will use approximately 50 gallons of water per day. Watering of the plants in the flower rooms will be done by automated top drip feed system to ensure even feeding and growth. An automated system will also help to conserve water by setting the system to predetermined amounts of water for each plant. Each flower room will use approximately 100 gallons of water per day during the first three weeks of flowering, 200 gallons of water per day for the next three weeks of flowering and 400 gallons per day for the last two weeks of the flowering stage. Catch trays or "flood tables" will be used to place the plant containers in. If there is any run off from the containers during watering it will be collected in catch trays and reabsorbed by the plants.

The introduction of Co2 into the individual rooms will be through a propane burner. This is a system that burns propane and releases CO2 as an emission. This is a type of device that has been created specifically for indoor gardening and has no exposed flames TheCO2 will be created as needed, this will be determined by a computerized system that measures the amount of CO2 in the room and turns on and off when the CO2 is at the appropriate ratio of 1200 ppm.

Trimming and curing: As previously stated various plants will have different harvest dates. When it is time to harvest, the plants will have the individual flower clusters removed and then trimmed by hand. From there the trimmed flowers will be moved to our curing and drying room shown in our floor plan. This room will also be environmentally controlled by a HVAC system to ensure a healthy safe final product.

Any non-usable cannabis materials will be disposed of using a large industrial garbage disposal to grind the material down and then mixed with state approved compostable materials such as food or yard waste before being disposed of at the local landfill. The Landfill has confirmed that there are no restrictions on disposing of this kind of properly mixed waste material.

Testing: Testing of all products will be done off site by state approved testing facilities and transported in locked, secure containers by approved staff only.

Employees: Employee hours of operation will be from 9am to 5pm all employees will be on a set schedule and use a time clock to record their hours. Any unscheduled hours worked by employees or managers will be logged and recorded as well through time clocks and security cameras. All of our plants and product will be tracked from "seed to sale" using the state approved RFID tracking system called METRC.

Tracking: Transportation of finished products will begin as it is “logged out for transfer” within the tracking system before being transferred to state licensed facilities. The final product will be placed into secure containers and loaded into vehicles inside the building. Proper manifests will accompany all products being transported. Once transported the weight and batch numbers will be verified and the product will be ready to be entered into the receiving licensed facility’s tracking and inventory system.

Zoning: The site is within an Industrial District. Marijuana Cultivation Facilities are permitted with approval of the Planning Commission.

Setbacks: The existing building meets the setbacks of 10’ front and rear yards and 0’ side yard.

Height: Not Applicable

Parking: Using the parking ratios of 1 space/1,000 sf of cultivation and manufacturing related area and 1 space/ 300 sf of office results in total required parking of: $7,770 \text{ sf} / 1,000 = 7.7$ spaces and $400 \text{ sf} / 300 = 1.3$ space for a total of 9 spaces. This total includes 1 van accessible space. In addition one loading zone is required. The parking is indicated on the Site Plan included with the application.

Landscaping: The project is a portion a 5.02 acre site that contains two buildings on approximately 1/3 of the site. The remaining approximately 2/3 of the parcel is vegetated.

Lighting: The existing exterior lighting at the main entry and along the south elevation will be maintained. See site plan indicating lighting placement. These fixtures are oriented downward and the light does not shine beyond the property.

Interior lighting will be changed in the cultivation rooms. A combination of Ceramic, fluorescent and high pressure sodium bulbs will be used depending on the stage of the plant growth. The lights in the cultivation rooms will be controlled by a timer to operate on a 12 hour per day cycle in the Flower Rooms and an 18 hour per day cycle in the Vegetation Room.

Traffic: Traffic will be limited to the vehicles operated by the 4-6 employees and delivery vehicles.

Engineering: The existing site and roof drainage systems will be retained. The site drainage consists of a drainage ditch along the south and west sides of the building. The roof drainage is routed to the ditch through underground pipes.

Noise: The surrounding uses include warehouses and the landfill. The building does not have windows and the doors will be closed and locked when not in use. The HVAC systems will produce minimal noise outside the building. Noise is not expected to be a concern.

Drainage: There are no floor drains in the Cultivation Rooms and no interior floor drainage will be introduced into the public sewer system. In the rare event that a reservoir is given the incorrect mixture of nutrients the water that should be disposed of will not go into any local city sewer systems. Any waste water will be ran through a reverse osmosis filter and diluted by 100% before being recycled.

Utilities: Public water, sanitary sewer, power and communication utilities are existing and will be maintained.

Odor Management: A carbon filter and exhaust fan will be placed in each room as indicated on the building plans submitted with this application. The carbon filters scrub the air and the exhaust fans above each filter pull the air out of the room and into the HVAC system. Given the large size of the building, the HVAC system is able to clean and recirculate the air within the building eliminating the need to vent air to the outside of the building.

Security: The building security system will include commercial door hardware and cameras as indicated on the building plans included with this application.

There will be one main entry to the facility which will remain locked. Visitors will have to ring a door bell, be greeted by staff and cleared for entry into the facility. Unescorted members of the public will be prohibited from entering any restricted access area.

Commercial grade locking security doors will be installed at entries to all restricted access areas and marked with signs that state 'Restricted access area. Visitors must be escorted.' in accordance with 3 AAC 306.710 (b). Restricted access areas are indicated on the building plans submitted with this application. The process for admitting visitors into and escorting them through restricted access areas will require visitors to show identification prior to being released into the facility from the secured entry area. Staff will verify that the photo identification is current, the visitor is at least 21 years of age, and ensure that the ID belongs to the person presenting it by comparing the photo and identifying information to the visitor presenting it. Once staff has verified identification the visitor must sign a log book with their ID #, full name, date of birth, date and time of entry and exit and name of staff escorting them. Once logged in, visitor will be issued a visitor identification badge to wear on their person at all times while in the facility and visitor must remain with certified staff member at all times. Staff members will be identified with a photo identification badge which will be worn at all times while on premises. Persons under 21 years of age may not enter a restricted access area.

A security alarm system exists on the building. There are motion sensors placed at each entry door. The building was formerly the State of Alaska Surplus and records building and is outfitted with a comprehensive security alarm system including sound. If the alarm is activated, local law enforcement and the owner are immediately notified. An alarm panel with keypad is installed to activate alarm system on all exterior doors as well as a motion sensing alarm during non-business hours. There are no windows on the facility. The procedure for activating the alarm on a daily basis will be outlined in the policies and procedures manual.

Video surveillance cameras will be placed at the interior and exterior of each entrance to the facility with an unobstructed view of entrance. Camera placement has been indicated on the building plans submitted with this application. Cameras will be placed in each of the areas where marijuana is present with a clear view of the primary entrance to each of the rooms. Cameras will be placed in each room in a way to monitor all regular activity without any sight blockage. The cameras installed and their placement will allow for the clear and certain identification of any person and activity in the areas where marijuana is present. The office/safe room where video surveillance recording equipment and records are stored is accessed only by a locked commercial grade security door which is only accessible by owner and 1 staff member. The office/safe room may be accessed by law enforcement or an agent of the MCB at any time as there will always be one authorized staff member on site with access during

normal business hours. Video recording equipment will be housed in a locked cabinet. Records will be housed in a locked file cabinet. A security camera will be placed in the office/safe room where recording equipment and records are stored.

Security cameras will operate 24/7 and able to hold 40 days of footage. The video footage will be archived in a format that does not permit alteration of the recorded images. All video surveillance will clearly and accurately display the time and date of recording. Video recording device will be housed in a locked cabinet in the locked office/safe room. The video recording system will have a two-factor authentication password system to log into and view the footage. It will be connected to a UPS battery backup so power outages and power surges will not interrupt the recordings. The external hard drive will be stored off site in an equally secure area and they will communicate via a secured wireless network infrastructure.

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

- All employees will be required to pass a state and federal background check
- RFID tags on all plants and products
- The use of a marijuana inventory tracking system that is able to share information with the State prescribed tracking system (METRC)
- All products awaiting sale will be stored in a fire resistant safe that only owner will have access to
- Cameras will be placed in the safe room and office where sales transactions take place
- Inventory will be accounted for on a daily basis
- A signed manifest will be kept on site for all sales
- All packaged marijuana for sale will be weighed on a certified scale that complies with AS 3 AAC 306.745. Registration and inspection report of scales will be maintained.
- Lighting to assist surveillance cameras will be installed on the interior and exterior of the facility.
- Product can be monitored remotely via live feed surveillance system
- Signage will be installed on the interior and exterior of the building to alert potential intruders of security systems in place.
- Sound alarms will be installed
- Commercial grade security doors/locks will be installed.
- Product will not be sold to or placed in possession of anyone without a marijuana handlers card, receipt of payment and manifest.
- Purchasers will be required to show ID, credentials, and their marijuana handler card as well as provide a locked container for transport of product prior to product leaving facility.

To prevent loitering 'No Trespassing' signs will be placed on the building. Should any unauthorized persons be on the property and refuse to leave after reasonable request has been made, local law enforcement will be notified.

Exterior Lighting



Attachment A

Exterior Lighting

Attachment A



Surrounding Area



Attachment A

Rear of Building



Attachment A



Attachment A

Vegetative Cover



Attachment A

Vegetative Cover



Attachment A



Attachment A



Attachment A



Attachment A



Attachment A



Attachment A



Attachment A

Example of existing exterior lighting



An example of the reverse osmosis filtration system, to be used to recycle waste water in the rare event nutrients are improperly mixed.

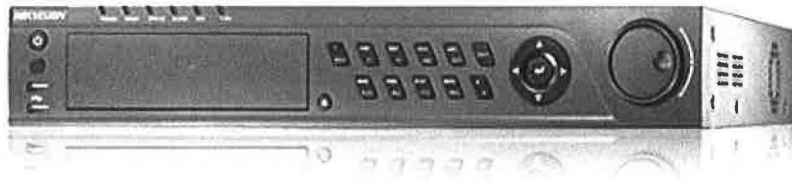
OptimH2O™ Reverse Osmosis + Claryum®

“OptimH2O is the first reverse osmosis system of its kind to pair powerful reverse osmosis filtration with Claryum selective filtration PLUS remineralization. Remove the most contaminants from your water while maintaining the benefits of healthy minerals other reverse osmosis systems simply remove.”



Security camera hard drive/recording device

Hikvision DS-7316HWI-SH-12TB DVR, 16 CHANNEL



Security Cameras-Indoor/Outdoor

Hikvision 3MP HD Outdoor PoE IP Network Dome Camera and 4mm Lens (with Audio I/O and WiFi)

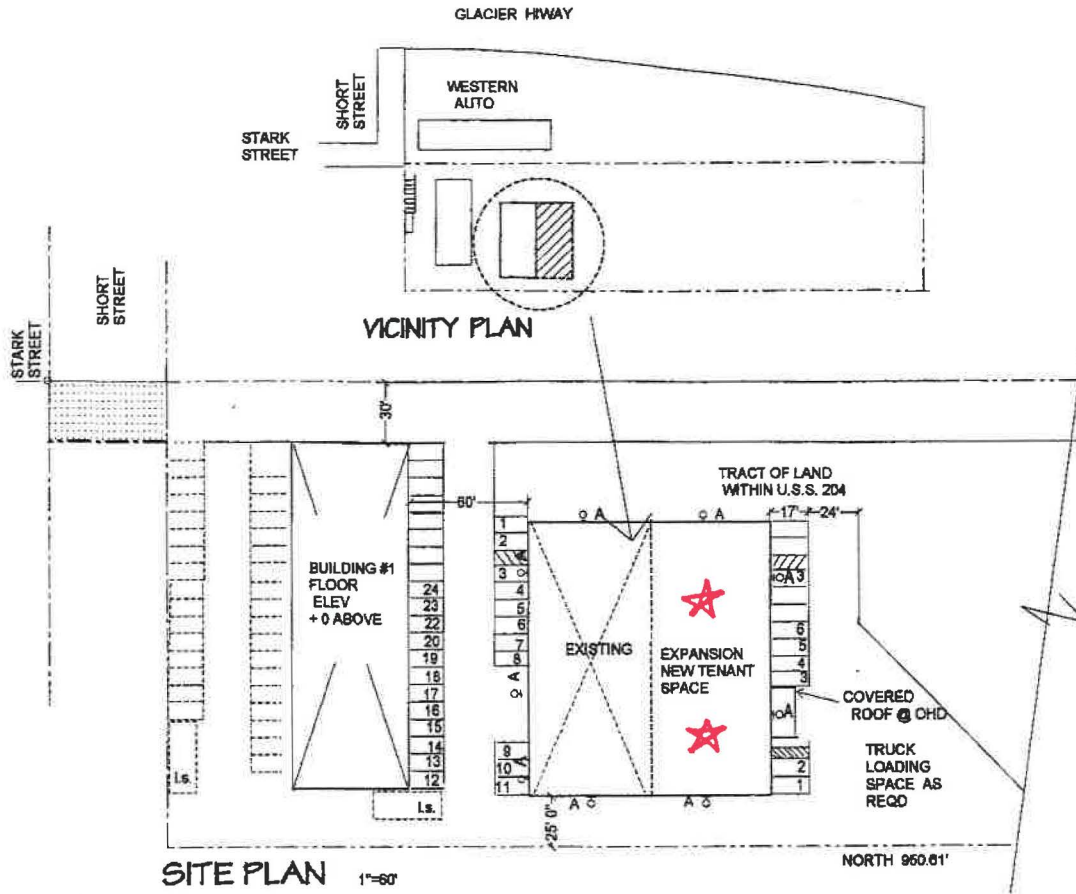
- Up to 2048 x 1536 HD Resolution at 20fps
- Full HD 1920 x 1080 Resolution at 30fps
- 70° Angle of View at 2048 x 1536
- Up to 100 ft of Night Vision



Carbon Filters

Phresh Filter 12 in x 48 in 2200 CFM





EXTERIOR LIGHTING FIXTURE SCHEDULE

#	TYPE	MFG/MODEL	REMARKS
10 A	WALL	RUDD SE4615-M	150W HPS
10 B			50W HPS

NOTE

1. WALL MOUNTED LIGHT FIXTURE 1' BELOW ROOF LEVEL.

GRADING PLAN NOTES

1. CONTRACTOR TO PROVIDE GRADING INFORMATION
2. CONTRACTOR/OWNER TO PROVIDE SURVEYOR STAMPED LOT PLAN

ZONING

legal= TRACT OF LAND WITHIN U.S.S. 204
 lot area=218, 626 sf
 zoning=C1
 setback= 10' FRONT, 10' SIDES, 10' AT REAR
 use= S1 STORAGE BUILDING
 parking required building 2
 PHASE 1 = 8,361sf/1000= 8 SPACES
 PHASE 2 = 8,361sf/1000= 8 SPACES
 accessible spaces=1-AV=ACCESSIBLE VAN
 (8' x 17' + 8' AISLE) & 1 AS=ACCESSIBLE SPACE
 (8' x 17' + 5' AISLE)
 loading space= 1 - LS 14'x30'x14'-6" hi THIS PERMIT
 building height=45' PER CBJ 28' PROPOSED HGT
 vegetation = 5% x 218, 626 sf = 10,931 sf

ABC

ALASKA
BUILDING
CONSULTANTS
2314
Dougherty
907 344
1800

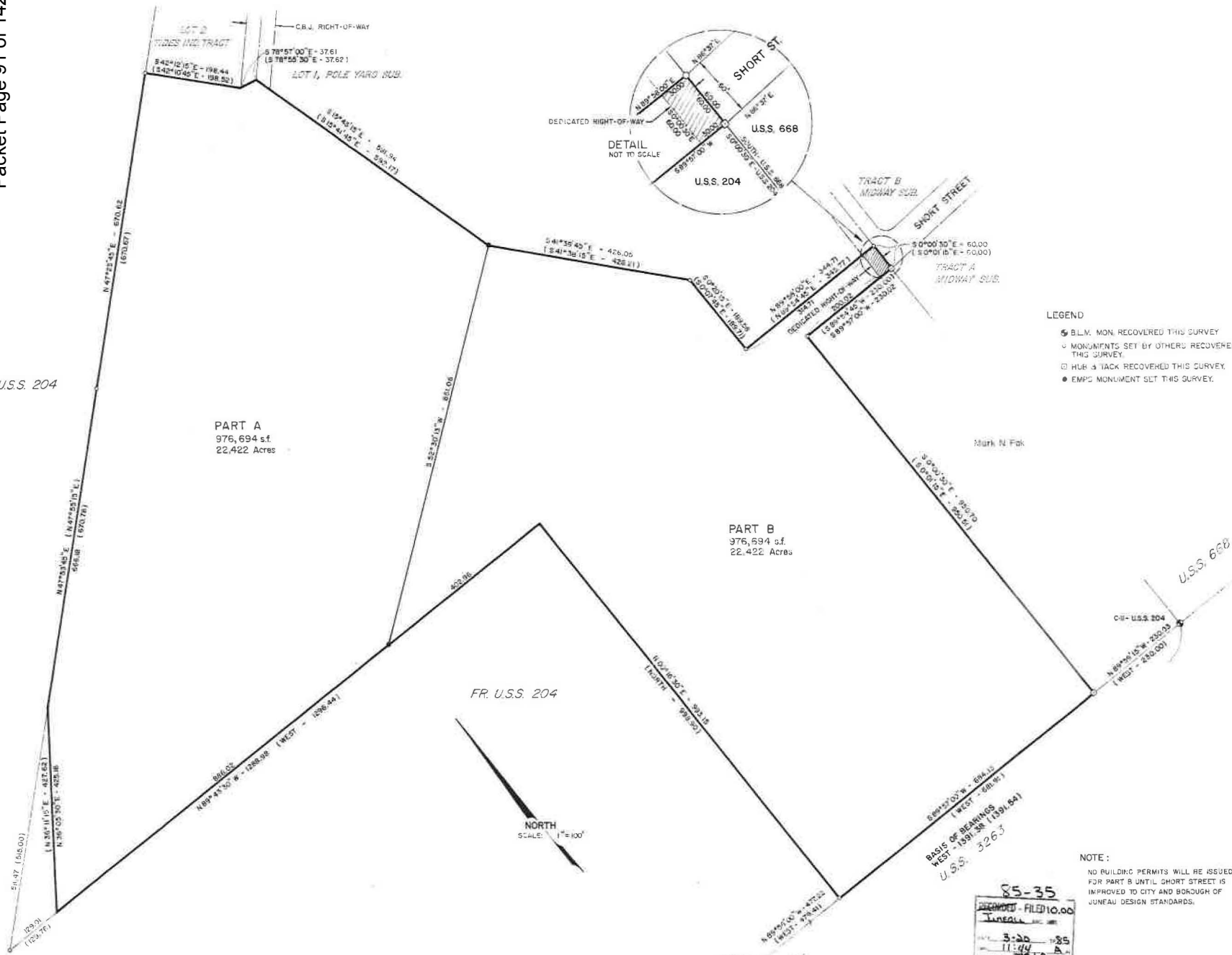


WAREHOUSE BUILDING

Attachment A - Site Plan showing old parking plan
Attachment A

22
REV

FR. U.S.S. 204



- LEGEND
- BLM. MON. RECOVERED THIS SURVEY
 - MONUMENTS SET BY OTHERS RECOVERED THIS SURVEY
 - HUB & TACK RECOVERED THIS SURVEY
 - EMPS MONUMENT SET THIS SURVEY



VICINITY MAP
Source: USGS, QUAD MAP "JUNEAU (B-2) ALASKA"
Scale: 1 INCH = 1 MILE

CERTIFICATE OF OWNERSHIP
WE HEREBY CERTIFY THAT CHANNEL SANITATION, INC. OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, ADOPTS THIS PLAT OF SUBDIVISION WITH ITS PRECISE ALL RIGHTS-OF-WAY AND EASEMENTS TO AS NOTED.

DATED: 3-18-1995
[Signature] PRESIDENT
[Signature] SECRETARY

NOTARY ACKNOWLEDGEMENT
STATE OF ALASKA
FIRST JUDICIAL DISTRICT } S.S.

THIS IS TO CERTIFY THAT ON THIS 12th DAY OF BEFORE ME THE UNDERSIGNED, a Notary Public for Alaska, duly commissioned and sworn, appeared [Signature] and [Signature] known to me to be the persons who executed the foregoing instrument and who acknowledged to me that they executed the same for the purposes and in the manner being fully authorized to do so.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.
[Signature] Notary Public for Alaska
MY COMMISSION EXPIRES 8-7-99

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I HAVE REVIEWED THE PLAT AND THAT THE SUBDIVISION PLAT IS IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE STATE OF ALASKA AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY DO EXIST AS LOCATED AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE CORRECT.
[Signature] Surveyor
DATE: March 18, 1995
REGISTRATION NO. 65-3162

CERTIFICATION OF APPROVAL BY THE CITY AND BOROUGH OF JUNEAU
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF JUNEAU, ALASKA AND THAT IT IS APPROVED BY THE PLATTING BOARD BY PLAT REGISTRATION NO. 65-3162 DATED March 18, 1995. THE PLAT SHOWN HEREON HAS BEEN APPROVED BY THE OFFICE OF THE DISTRICT RECORDING OFFICER.

NOTE:
NO BUILDING PERMITS WILL BE ISSUED FOR PART B UNTIL SHORT STREET IS IMPROVED TO CITY AND BOROUGH OF JUNEAU DESIGN STANDARDS.

85-35
RECORDED - FILED 10.00
JUNEAU, AK
3-20-95
11:44 A
JCLB
JESS S. SEWARD
JUNEAU, AK 99801

DATE	BY	REVISION

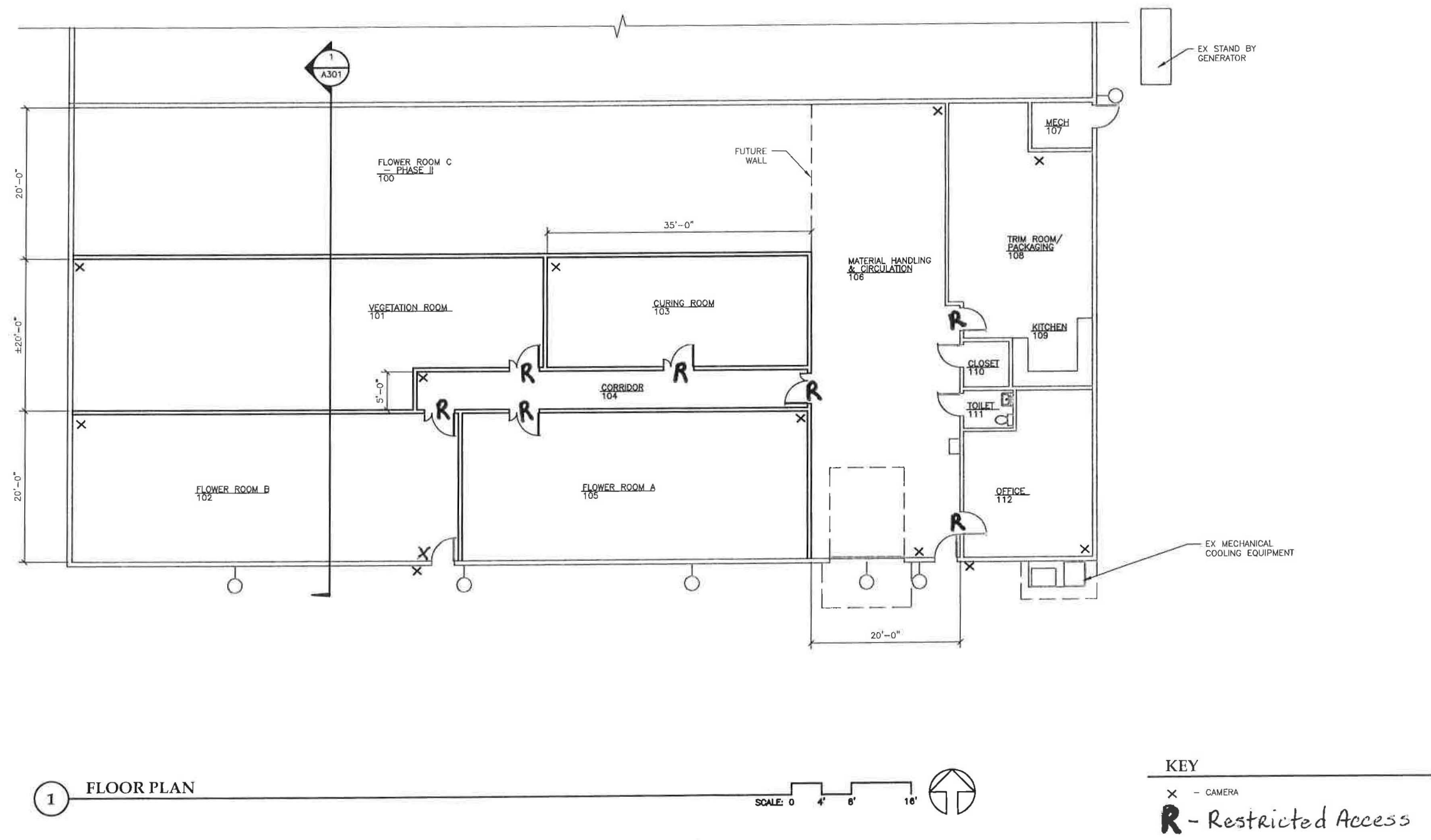
Owner: CHANNEL SANITATION, INC.

Drawn: J. Becker
Checked: J. Becker
Date: March 1995
Ref: 1
SCALE: 1" = 100'



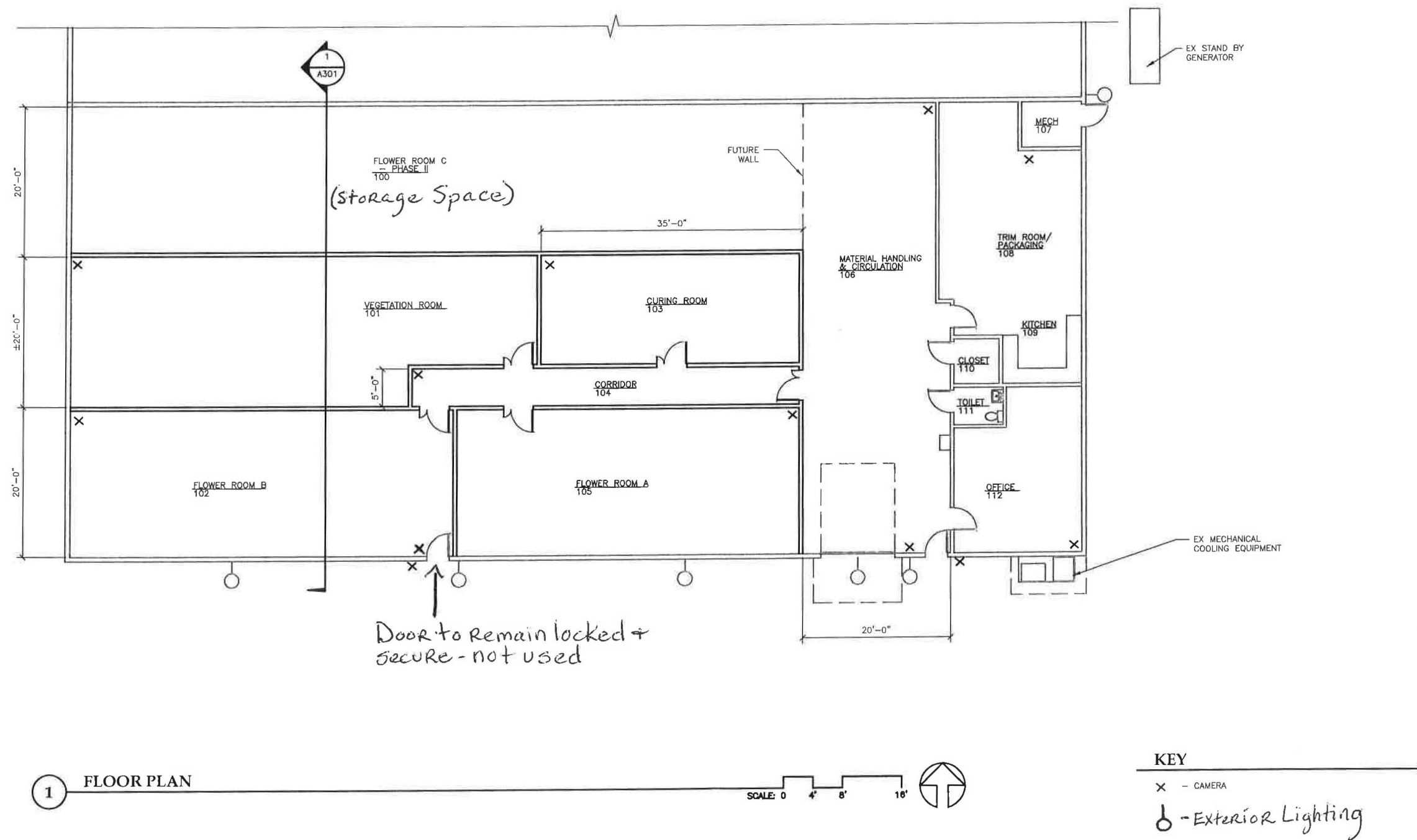
A SUBDIVISION OF A FRACTION OF U.S.S. 204

Juneau Plat 85-35



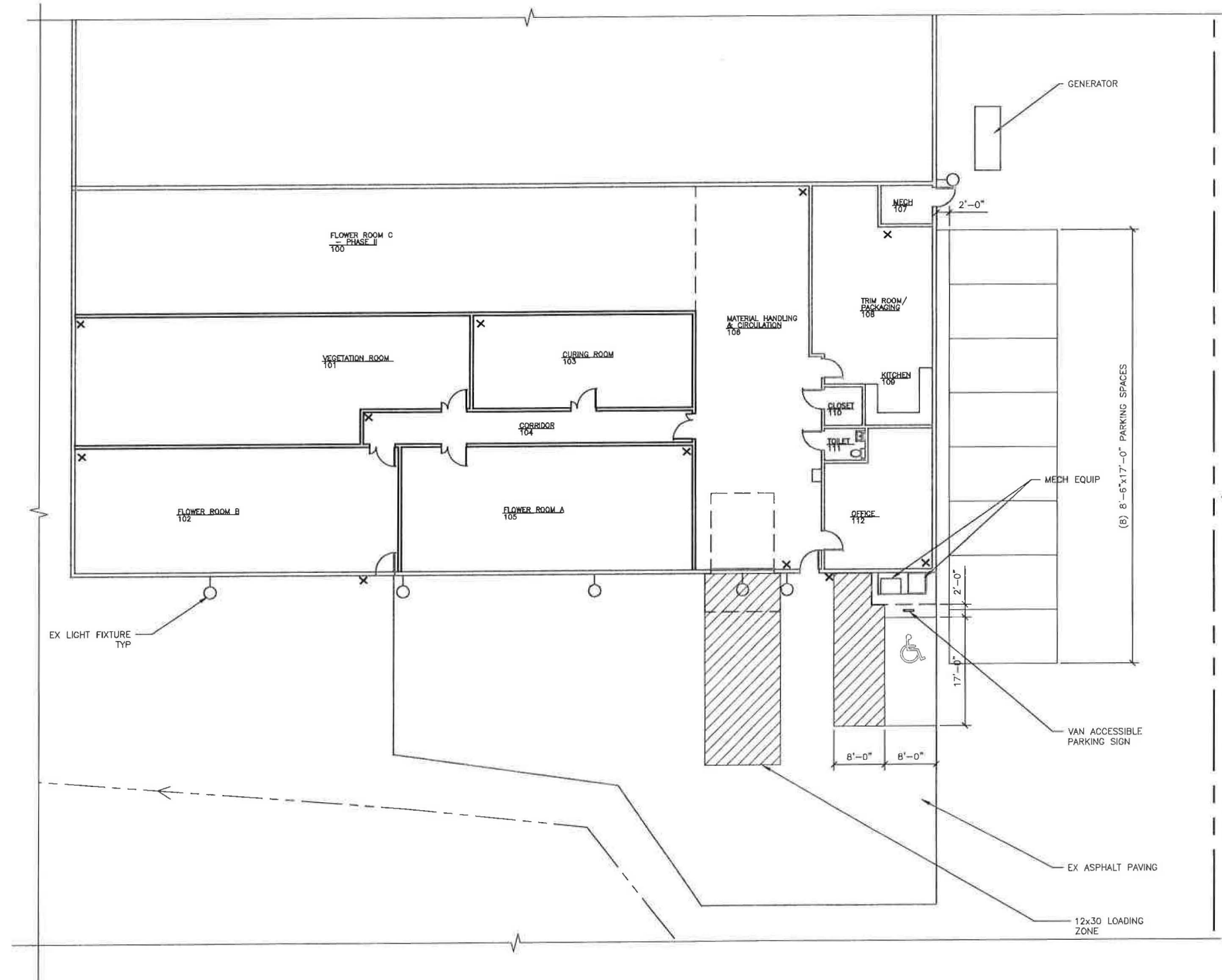
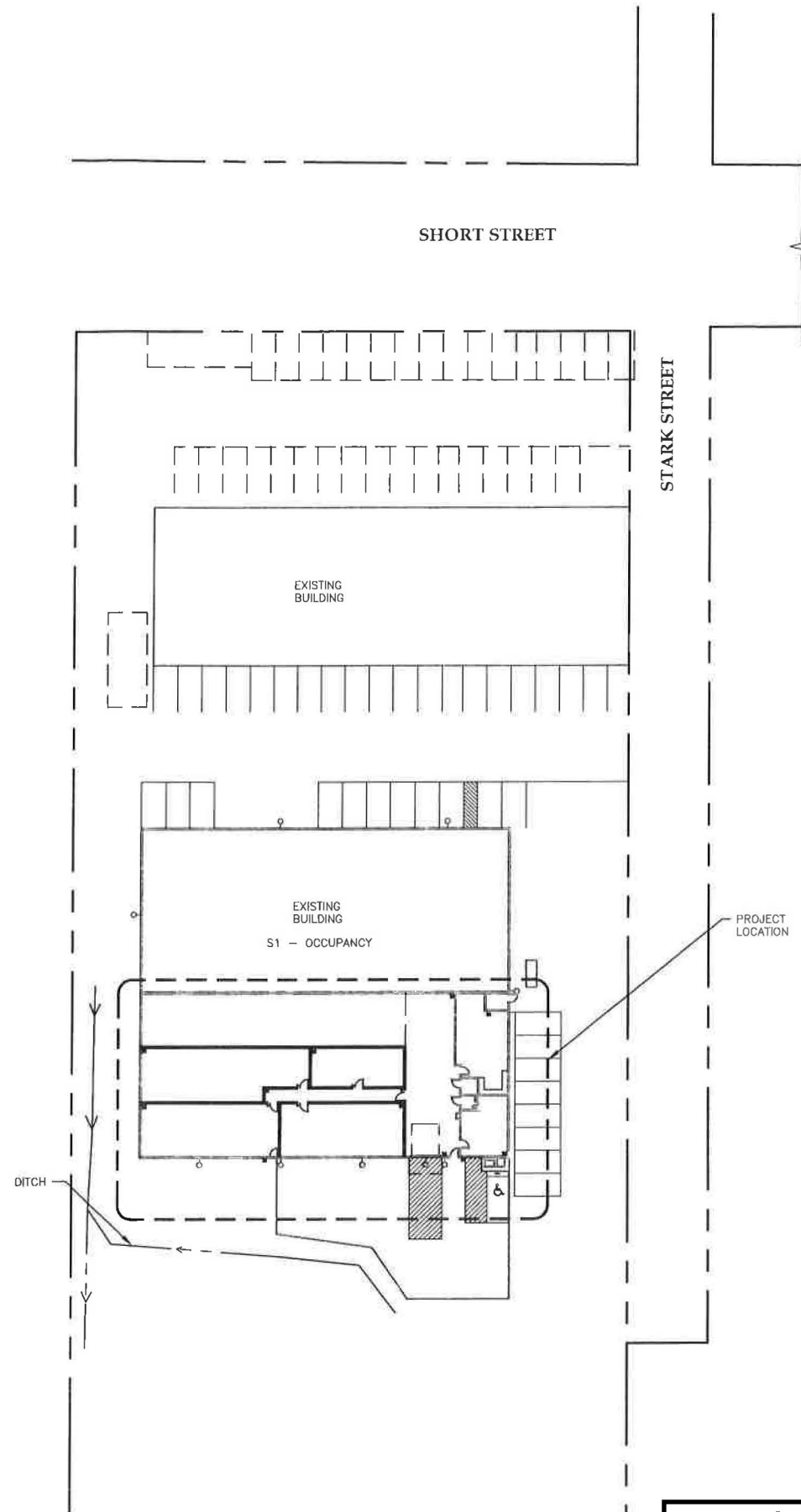
Attachment A - Floor plan showing Restricted Access spaces

Attachment A



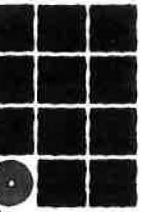
Attachment A - Floor plan showing exterior lighting. See Attachment C for revised surveillance camera plan

Attachment A



Attachment A - Site plan and floor plan with new parking plan

Attachment A



**Jensen
Yorba
Lott
Inc.**

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

FARMED CEUTICALS, LLC.
MARIJUANA CULTIVATION FACILITY
5011 SHORT STREET
JUNEAU, ALASKA

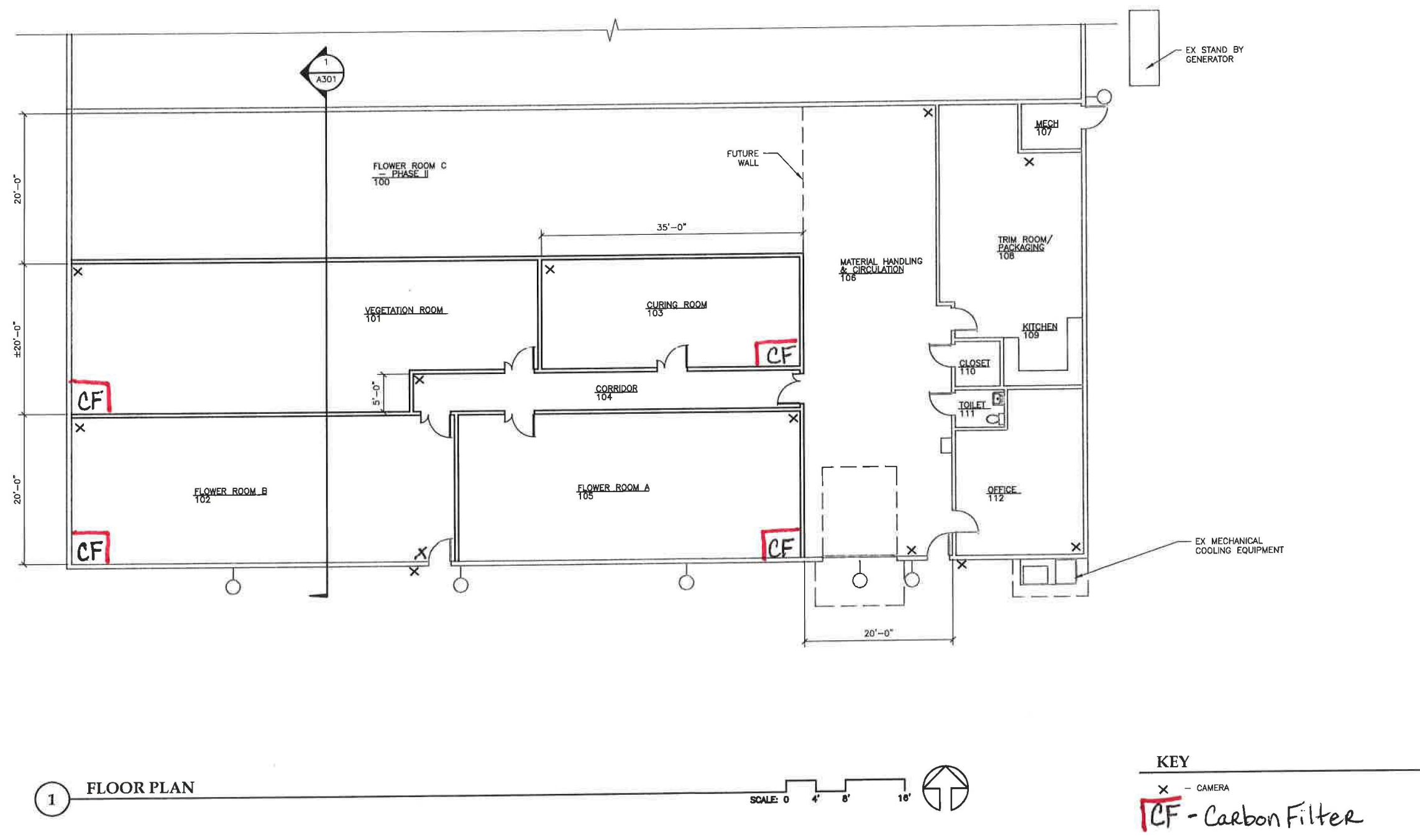
REVISIONS

- △
- △
- △

SHEET TITLE
SITE PLAN

DATE: OCTOBER 26, 2016
FILE: 16049

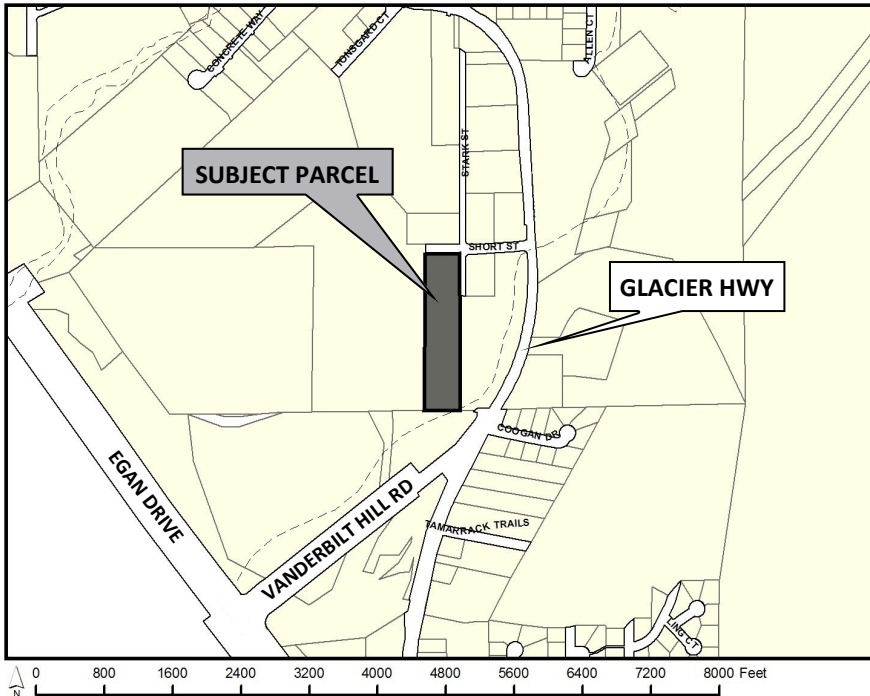
A101



Attachment A - Floor plan showing location of odor control carbon filters in cultivation rooms A

FARMED CEUTICALS, LLC.
MARIJUANA CULTIVATION FACILITY
5011 SHORT STREET
JUNEAU, ALASKA

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



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

File No:	USE2016 0030	Applicant:	Farmed Ceuticals
To:	Adjacent Property Owners	Property PCN:	5-B12-0-100-003-3
Hearing Date:	December 27, 2016	Owner:	Grant Properties LLC
Hearing Time:	7:00 PM	Lot Size:	213,000 sq. ft., 4.89 acres (approx.)
Place:	Assembly Chambers Municipal Building 155 South Seward Street Juneau, Alaska 99801	Zoned:	I - Industrial
		Site Address:	5165 Glacier Highway
		Accessed Via:	Short Street / Glacier Highway

PROPERTY OWNERS PLEASE NOTE:

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

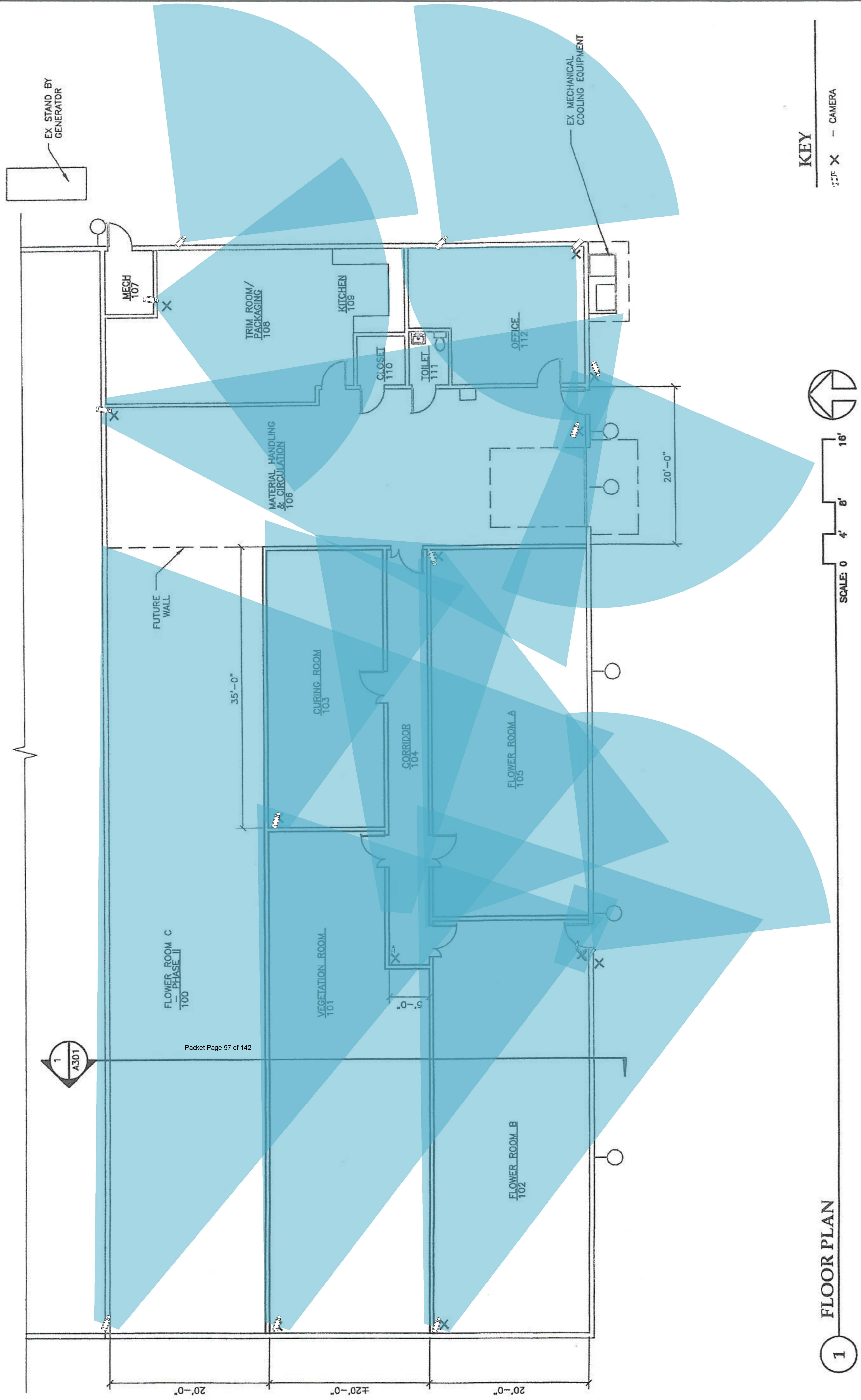


If you have questions, please contact Tim Felstead at tim.felstead@juneau.org or (907) 586-0466.

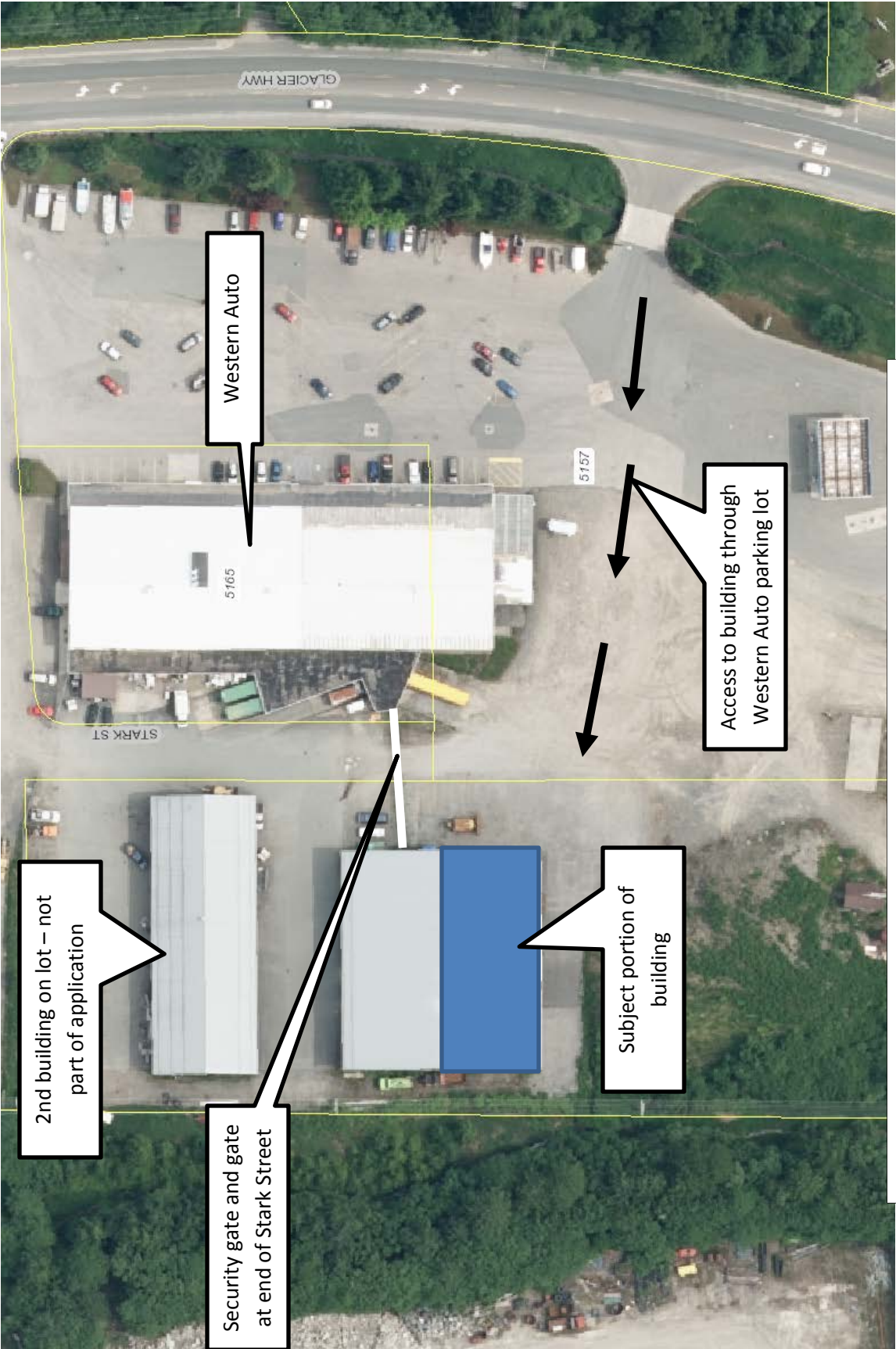
Planning Commission Agendas, Staff Reports and Meeting Results can be viewed at <http://www.juneau.org/assembly/novus.php>

Attachment B

Date notice was printed: November 23, 2016

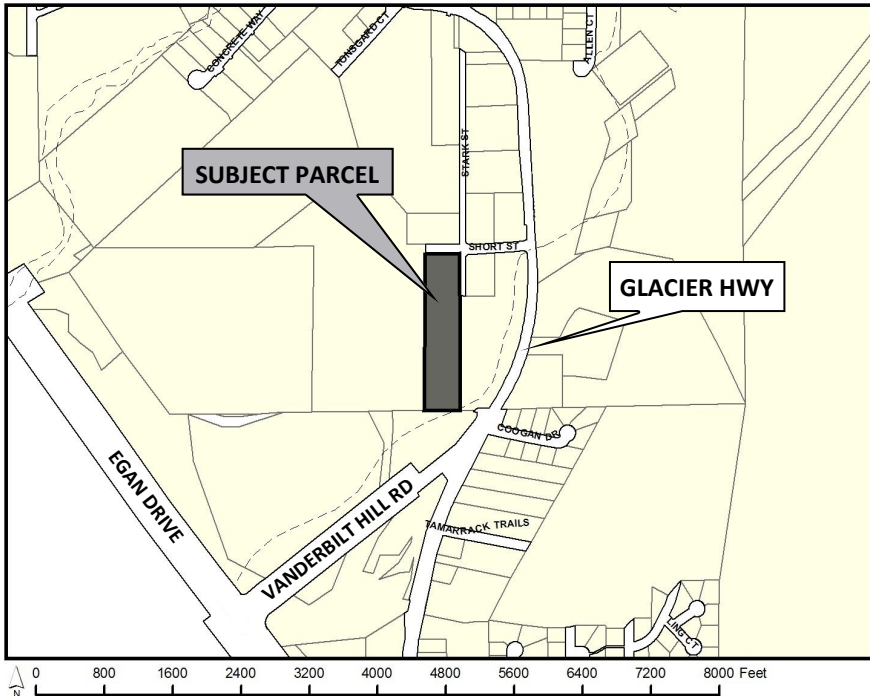


Attachment C



Aerial photograph showing site showing security gate at the end of Stark Street and proposed access

NOTICE OF PUBLIC HEARING



City & Borough of Juneau

Community Development Department
155 S Seward St • Juneau, Alaska 99801

SHIP TO:



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

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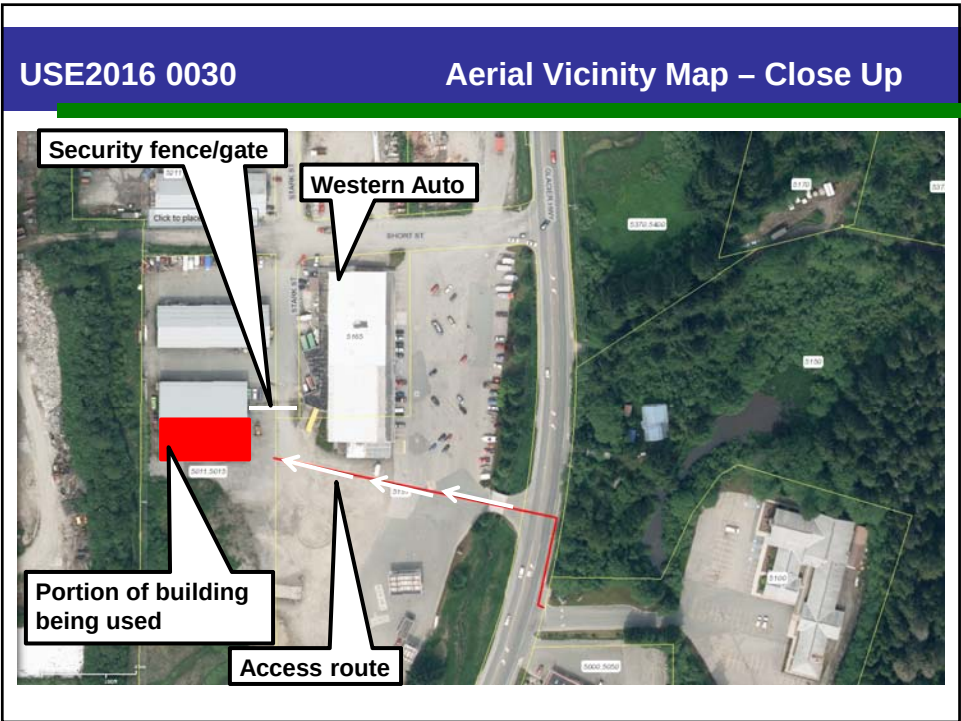
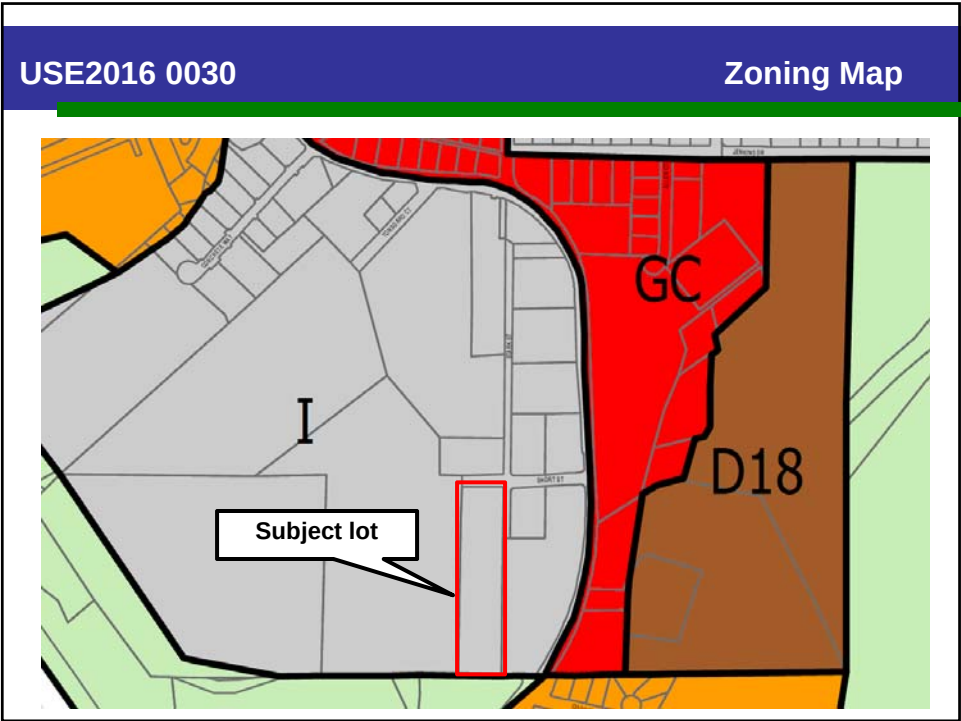
USE2016 0030
Conditional Use Permit for a
Marijuana Cultivation Facility in an
Industrial Zone.



USE2016 0030

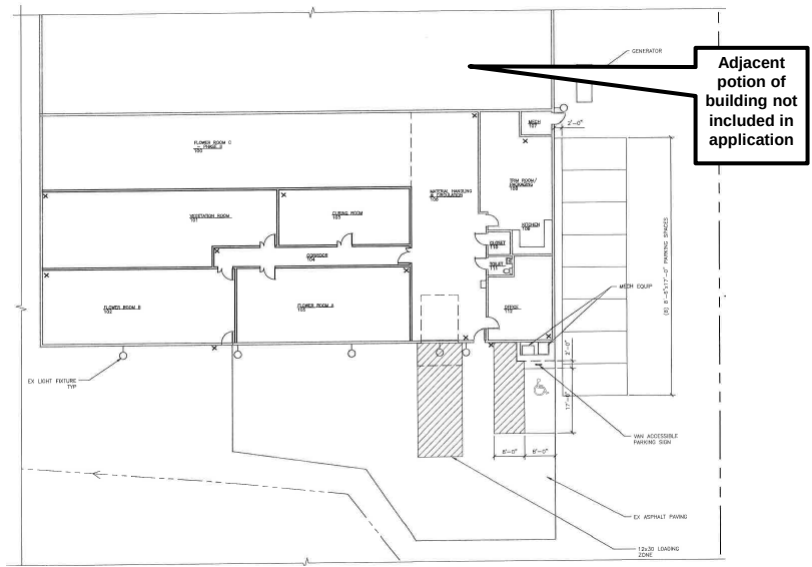
Aerial Vicinity Map





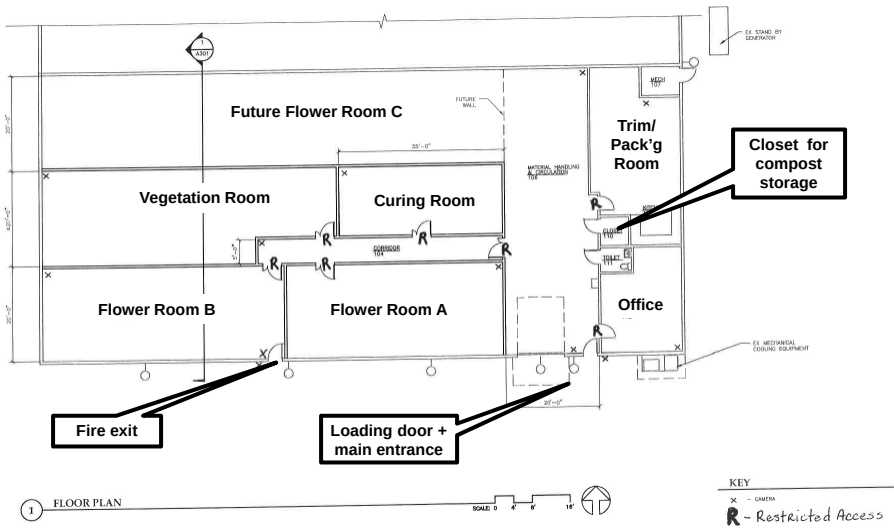
USE2016 0030

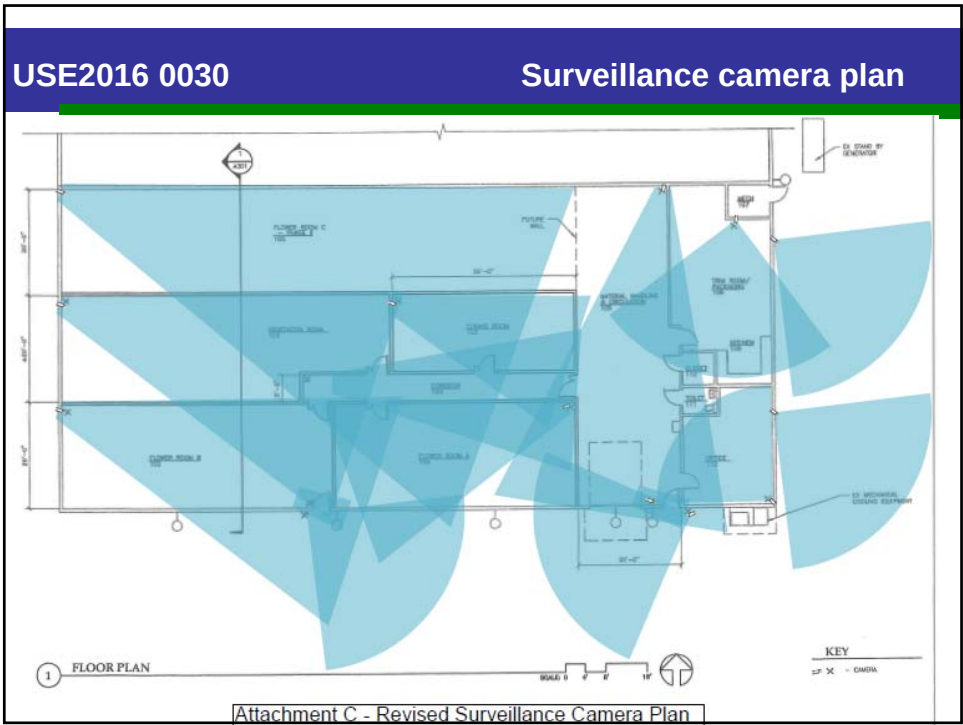
Site Plan



USE2016 0030

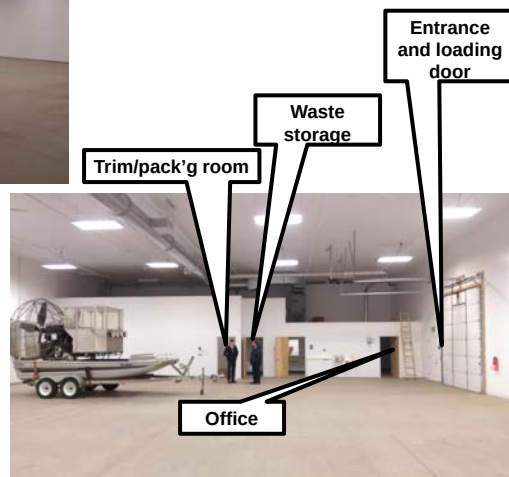
Building Plan





USE2016 0030

Existing Facilities (interior)



USE2016 0030

Analysis

- Marijuana Ordinance Requirements
 - Security plan
 - Waste disposal plan
 - Ventilation and filtration plan
 - Methods to prevent mold
 - Odor control
 - Signage

USE2016 0030	Recommendation
It is recommended that the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use permit.	
The permit would allow the development of an 8,100 square foot marijuana cultivation facility on an Industrial zoned lot in the Lemon Creek area.	
Recommended the approval is subject to the following conditions:	

USE2016 0030	Recommendations
1. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.	
2. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity without sight blockage from lighting hoods, plants, fixtures, or other equipment in the building.	

USE2016 0030	Recommendations
3. Prior to approval of a building permit for a portion wall to create a room identified as Flowering Room C on the applicant's floor plan, a revised surveillance camera plan be submitted to ensure the room has adequate surveillance coverage. 4. Prior to approval of a CBJ marijuana license, the fire exit from Flowering Room B shall be alarmed. 5. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.	

USE2016 0030

QUESTIONS?



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

PLANNING COMMISSION NOTICE OF DECISION

Date: December 28, 2016
File No.: USE2016 0030

Farmed Ceuticals LLC
4510 Trafalgar Ave
Juneau, AK 99801

Proposal: Conditional Use Permit for a Marijuana Cultivation Facility in an Industrial Zone
Property Address: 5011 Short Street
Legal Description: USS 204 Fraction
Parcel Code No.: 5-B12-O-100-003-3
Hearing Date: December 27, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 19, 2016 and approved the Conditional Use Permit for the proposed marijuana cultivation facility in the Industrial zoning district to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to approval of a CBJ marijuana license, it shall be demonstrated that surveillance cameras have an unobstructed view of each doorway in the building.
2. Prior to approval of a CBJ marijuana license, it shall be demonstrated that security cameras have an unobstructed view of areas of regular activity without sight blockage from lighting hoods, plants, fixtures, or other equipment in the building.
3. Prior to approval of a building permit for a portion wall to create a room identified as Flowering Room C on the applicant's floor plan, a revised surveillance camera plan be submitted to ensure the room has adequate surveillance coverage.
4. Prior to approval of a CBJ marijuana license, the fire exit from Flowering Room B shall be alarmed.

Farmed Ceuticals LLC
 File No.: USE2016 0030
 December 28, 2016
 Page 2 of 2

5. All waste containing marijuana product shall be stored in a locked enclosure until transported to the CBJ landfill.

Attachments: December 19, 2016 memorandum from Tim Felstead, Community Development Department, to the CBJ Planning Commission regarding USE2016 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).

Effective Date: The permit is effective upon approval by the Commission, December 27, 2016.

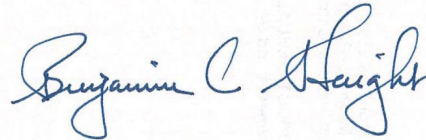
Expiration Date: The permit will expire 18 months after the effective date, or June 27, 2018 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

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

Project Planner:



Tim Felstead, Planner
 Community Development Department



Ben Haight, Chair
 Planning Commission



Filed With City Clerk

December 29, 2016

Date

cc: Plan Review

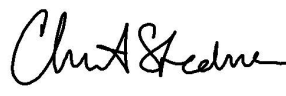
NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA - trained architect or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



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

DATE: December 16, 2016

TO: Planning Commission

FROM: Chrissy Steadman, Planner II 
Community Development Department

FILE NO.: AME2016 0015

PROPOSAL: Text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements.

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

ATTACHMENTS

- Attachment A** – Draft Ordinance
- Attachment B** – Staff Report & Attachments from the November 10th, 2016 Planning Commission Meeting

BACKGROUND

The Community Development Department (CDD) was contacted by Bartlett Regional Hospital, which operates the sobering center, Rainforest Recovery, on Hospital Drive, to inquire about relocating the sobering center. The facility has historically operated as part of the hospital. On its own the sobering center would not fit the definition of a hospital. While reviewing the zoning districts in order to determine where such a facility could operate, CDD staff found existing definitions and allowable uses inadequate.

At the November 10, 2016 Planning Commission meeting, staff brought forward a new use category for sobering centers to be included in the CBJ 49.25.300 Table of Permissible Uses (TPU) section 7.000 Institutional Day or Residential Care, Health Care Facilities, Correctional Facilities. Staff also recommended the following definition for sobering centers:

Sobering center means a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170.

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In addition, staff recommended amending 49.40.210, *Minimum space and dimensional standards for parking and off street loading*, to provide for a parking standard for sobering centers of one space per six beds plus one visitor parking space. This standard is based on staff review of similar uses in other jurisdictions and discussions with the existing sleep-off center staff.

Additionally, staff recommended adding “emergency shelter” to the definition of assisted living:

Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelters. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.

The Commission requested further information from staff on two items: a recommended definition for emergency shelters and a determination of whether sobering centers should be permissible in the Industrial zoning district. The recommended definition for emergency shelters as well as an analysis of whether sobering centers should be permissible in the Industrial zoning district is provided in this report.

The attached draft ordinance (Attachment A) would amend CBJ 49.25.300 Table of Permissible Uses, CBJ 49.45.210 Table of Minimum Parking Standards and the land use definitions found in CBJ 49.80.120.

DISCUSSION

Emergency shelters

Ordinance 2015-34 removed the term “sheltered care” from the Table of Permissible Uses. The term was listed with “nursing care” and “assisted living” in section 7.200 of the TPU. Both nursing care and sheltered care were removed from this section of the TPU and absorbed into the definition of assisted living.

Ordinance 87-49 listed “boarding home for sheltered care” in section 7.200. Ordinance 2010-22 amended the use to simply “sheltered care”. This ordinance modified several sections of the TPU, and a review of CDD documents did not show an explanation of why the term was modified. Though the use was listed in the TPU, Title 49 did not provide for a definition of “boarding home for sheltered care” or “sheltered care”. There was a definition for “boarding house” which meant a dwelling in which commercial lodging is provided by the owner/operator for more than three persons.

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According to Murray Walsh, a previous CDD Director, “boarding home for sheltered care” meant a residential facility for individuals unable to live independently who wished to continue living in a home environment. According to the New Illustrated Book of Development Definitions, “boarding home for sheltered care” means;

A nonprofit or for-profit group home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation...the sheltered care facility serves as a substitute for the residents’ own homes, furnishing facilities and comforts normally found in a home but providing, in addition, such service, equipment, and safety features as are required for safe and adequate care of the residents.

The historical interpretation of sheltered care does not provide guidance for the current intent to define emergency shelters. Emergency shelters are not intended for reoccurring or long term use but are intended for a short term, temporary stay before moving to transitional housing and, finally, permanent housing. Title 49 defines transitional housing, and permanent housing is treated as a residential use, most often as multifamily residential.

Staff recommends the following definition for emergency shelter:

Emergency shelter means a residential facility which provides temporary accommodations and minimal supportive services for displaced persons on a short-term basis.

Title 49 defines residential as the occupation of a building as a dwelling. Dwelling is defined as a building or portion thereof used exclusively for human habitation. An emergency shelter is meant for short term human habitation where meals are provided and where staff can locate resources for clientele based on their needs.

The definition of assisted living states that an *assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use*. Title 49 does not define a single family dwelling by its structural elements, but by its function. A single family dwelling is defined in Title 49 as being occupied by not more than one family. Title 49 defines family as one or more persons living as a single housekeeping unit. So while assisted living facilities within residential zoning districts do not require a Conditional Use Permit if the use fits the definition of a family, an emergency shelter will always require a Conditional Use Permit because the clientele will be housed only on a temporary basis. Therefore, the human habitation that occurs in an emergency shelter is not that of a family.

Sobering centers

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In the memo dated October 27, 2016, staff recommended that sobering centers be listed in section 7.000 *Institutional Day or Residential Care, Health Care Facilities, Correctional Facilities* and allowed in the Light Commercial (LC), General Commercial (GC), Mixed Use (MU) and Mixed Use 2 (MU2) zoning districts. The Planning Commission asked whether the use would be appropriate in the Industrial zoning district. Both Title 49 and the 2013 Comprehensive Plan were used in providing an analysis.

CBJ 49.25.240 defines the Industrial zoning district as follows:

The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods, because of noise, odors, waste and other impacts inherent in industrial activity, performance standards are applied.

None of the six uses listed in CBJ 49.25.300 section 7.000 are allowed in the Industrial zoning district. Allowing sobering centers within the Industrial zoning district would create an internal inconsistency with similarly categorized uses.

There are three Industrial zoned areas within the CBJ; the airport area, Lemon Creek area, and the Rock Dump area. The CBJ has 1,368 acres zoned as Industrial. Approximately 640 acres is CBJ airport property.

Chapter 10 of the 2013 Comprehensive Plan provides guidance on the use of Industrial land within the CBJ, specifically Policy 10.7:

Policy 10.7. To designate on land use and zoning maps, and to provide services to, sufficient vacant land within the urban service area appropriately located to accommodate future commercial and industrial uses.

Development guidelines for Policy 10.7 state the following:

10.7 – DG2 C. Distance from sensitive receptors, such as homes, schools and hospitals, to potential off-site impacts generated by industry including noise, dust, fumes, odors, and nighttime light glare;

10.7 – DG2 D. Residential, retail, office, personal service uses and similar non-industrial uses should not be permitted within heavy industrial districts although light industry such as building contractors, repair services, storage yards and similar business and household services would be compatible with heavy industrial uses.

Individuals utilizing a sobering center are unlikely to be affected by the off-site impacts created by industrial uses. Individuals are limited to a 23.5 hour stay at the existing sleep-off center at

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Rainforest Recovery. According to staff at the sleep-off center, clients rarely stay that long because they eventually begin suffering from withdrawal and leave the facility voluntarily.

Most Industrial zoned land within the CBJ has a Comprehensive Plan land use designation of Heavy Industrial (HI). A small amount of land is designated Light Industrial (LI) along Industrial Boulevard and a portion to the west of Industrial Boulevard is designated Institutional and Public Use (IPU). The Industrial area in Lemon Creek north/northeast of Glacier Highway is designated LI and Resource Development (RD). The area south/southwest of Glacier Highway is designated HI and IPU. The Rock Dump Industrial area is designated HI and IPU and the Little Rock Dump area is designated Waterfront Commercial Industrial (WCI).

While the Comprehensive Plan land use maps specifically delineate each land use designation, the definitions of each of these land use designations should be evaluated as a whole in determining where a particular use should be allowed in the Industrial zoning district.

Heavy Industrial

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

Light Industrial

Land to be developed for heavy commercial or light industrial uses such as small to medium scale food processing; printing and other business services; wholesale trade; research and development laboratories; light manufacturing processes; metal fabrication; warehousing, trucking; animal kennels; crematoria; indoor and outdoor storage; car, boat, and heavy equipment sales; and repair and maintenance activities. Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.

Institutional and Public Use

Lands that are in public ownership and dedicated for a variety of public uses, such as the University of Alaska Southeast; local, state and federal government uses; and for such

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public facilities as community gardens, schools, libraries, fire stations, treatment plants, and public sanitary landfills. Included are potential sites for future boat harbors, schools, parks, farmers markets, publically-supported arts events, permitted arts or food-service kiosks or sales activities, parking facilities and road and public transit system easements. Also included are public aircraft facilities.

The public use of these lands will vary widely, so IPU-designated lands can be under any zoning district, with the uses thereon appropriate for that zone as regulated in the Table of Permissible Uses; the zone of any particular public use should be the same district as the surrounding or abutting lands.

Waterfront Commercial Industrial

Land to be used for water-dependent commercial and industrial uses such as marine transportation terminals, large or small boat marinas, boat repair, shipyards, marine freight handling areas, fish buying and processing plants, ice plants, marine hatcheries, and marine parks, residential uses would not be allowed in Waterfront Commercial/Industrial Districts, with the exception of caretaker units.

Resource Development

Land to be managed primarily to identify and conserve natural resources until specific land uses are identified and developed. The area outside the study area of this Comprehensive Plan is considered to be designated Resource Development. As resources are identified or extracted from these lands, they should be re-designated and re-zoned appropriately.

While sobering centers are not identified specifically within these land use designation definitions, human services are most similar to personal service uses which are identified as incompatible within these zoning designations. Neither Title 49 nor the Comprehensive Plan define personal service uses; however, *The Latest Illustrated Book of Development Definitions* defines personal services in the following way;

Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Sobering centers are not a residential use nor are they health clinics. A sobering center is a basic human service providing assistance most often to those suffering from alcoholism. Given the transient nature of the clientele, and that they are most often homeless, the use should be appropriately located adjacent to public transit and healthcare facilities. Public safety concerns exist for clients of the sobering center when they are leaving the facility. Aside from the Industrial area around the airport, Industrial zoned land within the CBJ is not served by public transit. There are few sidewalks that lead to a public transit stops and a client may be

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unfamiliar with the area. The location of a sobering center outside of the transit corridor and proximity to other services further marginalizes an already vulnerable demographic.

The land use designation definitions associated with Industrial zoned land are in contrast to the land use designation definitions for the zoning districts proposed for sobering centers; LC, GC, MU, and MU2. These zoning districts primarily have the land use designations of Traditional Town Center (TTC) and Commercial (C) which are defined as follows;

Traditional Town Center

These lands are characterized by high density residential and non-residential land uses in downtown areas and around shopping centers, the University, major employment centers and public transit corridors, as well as other areas suitable for a mixture of retail, office, general commercial, and high density residential uses at densities at 18 or more residential units per acre. Residential and non-residential uses could be combined within a single structure, including off-street parking...

Commercial

Land devoted to retail, office, food service or personal service uses, including neighborhood retail and community commercial centers, such as shopping centers and malls, office complexes or other large employment centers. Mixed retail/residential/office uses are allowed and encouraged. Residential and non-residential uses could be combined within a single structure, including off-street parking. Residential densities ranging from 18 to 60 units per acre are appropriate in this area, with even higher densities appropriate in mixed-use or transit-oriented developments.

The non-residential uses are not specified and meant to incorporate a variety of uses, including personal service uses. Additionally, these areas are meant to be served by public transit and have pedestrian amenities.

The Comprehensive Plan makes clear that Industrial zoned land should be used for industrial purposes. Further, the Comprehensive Plan promotes identifying new land to zone Industrial as the existing acreage is insufficient. Chapter 5 of the Comprehensive Plan emphasizes the importance of preserving Industrial zoned lands for industrial and commercial purposes. Specifically with regard to economic development the following development guidelines are applicable to this analysis;

5.11DG1 ...An industrial lands inventory and needs assessment may be required as part of such a rezoning application. Lands designated for Heavy Industrial (HI) Use on the Comprehensive Plan Land Use Maps should not be converted to uses not allowed in the Heavy Industrial (HI) land use definition of Chapter 11 unless an essential public

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purpose, as deemed by the Planning Commission and Assembly, warrants such conversion.

Implementing actions that support protecting Industrial zoned lands for industrial uses are as follows;

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

5.11 – IA2 In an effort to avoid further encroachment on industrially-zoned lands by retail, office and other non-industrial uses, identify lands within current industrial district that meet the location criteria for office and retail use and that have been predominantly encroached upon by these uses and rezone those lands for retail, office and heavy commercial uses.

Allowing sobering centers as a use in the Industrial zoning district is not consistent with the goals and policies of the 2013 Comprehensive Plan. The allowance of sobering centers in the Industrial zoning district does not conform to the economic development guidelines and implementing actions found within Chapter 5 of the Comprehensive Plan.

Further, the use is not consistent with the definition of the Industrial District found in CBJ 49.25.240. Additionally, allowing sobering centers as a use in the Industrial zone would create an internal inconsistency within Title 49, specifically CBJ 49.25.300 section 7.000.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed definitions for emergency shelters and sobering centers found in the attached draft ordinance comply with the Comprehensive Plan Chapter 13 Community Services Policies:

- Policy 13.3: To promote quality medical and social services in the CBJ to ensure the safety, health, well-being, and self-sufficiency of its residents.

The proposed zoning districts, LC, GC, MU and MU2, for sobering centers are found to comply with the land use designation definitions, goals and policies of the Comprehensive Plan.

COMPLIANCE WITH CBJ LAND USE CODE

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. The proposed amendment will complete necessary changes to CBJ 49.25.300 section 7.000 uses allowed within the Code.

Planning Commission
File No.: AME2016 0015
December 16, 2016
Page 9 of 9

The proposed change is consistent with Title 49.

FINDINGS

Based on the above analysis, staff finds that the proposed text amendments to Title 49 are consistent with the goals and policies in the Comprehensive Plan as well as Title 49. Additionally, this change would not create any internal inconsistencies within adopted Plans or Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward the draft text amendments to the Assembly with a recommendation for approval.

Presented by: The Manager
 Introduced:
 Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-43 (PC v.3)

An Ordinance Amending the Land Use Code Relating to Sobering Centers and Emergency Shelters

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

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

Section 2. Amendment of Table. Category 7.000 of CBJ 49.25.300 Table of Permissible Uses, is amended to read as follows:

	Use Description	RR	D1	D3	D4	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
7.00	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES															
...																
<u>7.600</u>	<u>Sobering centers</u>									3	3	3	3			
...																

Section 3. Amendment of Table. CBJ 49.40.210 Minimum space and dimensional standards for parking and off-street loading, is amended to read as follows:

49.40.210 Minimum space and dimensional standards for parking and off-street loading.

(a) Table of minimum parking standards. The minimum number of off-street parking

spaces required shall be set forth in the following table. The number of spaces shall be calculated to the nearest whole number.

Use	Spaces Required
...	
Assisted living facility	0.4 parking spaces per maximum number of residents
<u>Sobering Centers</u>	<u>1 parking space per 6 beds, plus 1 visitor parking space</u>
Theaters	1 for each four seats
...	

Section 4. Amendment of Section. CBJ 49.80.120 Definitions, is amended to read:

49.80.120 Definitions.

...

Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelter. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.

...

Section 5. Amendment of Section. CBJ 49.80.120 Definitions, is amended by the addition of the following definitions to be incorporated in alphabetical order:

Emergency shelter means a residential facility providing temporary accommodations and minimal supportive services for displaced persons on a short-term basis.

Staff Report for AME2016 0015
presented at the November 10th, 2016
Planning Commission Meeting



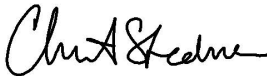


(907) 586-0715
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155 S. Seward Street • Juneau, AK 99801

DATE: October 27, 2016

TO: Planning Commission

FROM: Chrissy Steadman, Planner II 

Community Development Department

FILE NO.: AME2016 0015

PROPOSAL: Text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements.

The City and Borough of Juneau Code states in CBJ 49.10.170(d) that the Commission shall make recommendations to the Assembly on all proposed amendments to this title, zonings and re-zonings, indicating compliance with the provisions of this title and the Comprehensive Plan.

ATTACHMENTS

Attachment A – Draft Ordinance

BACKGROUND

The Community Development Department was contacted by Bartlett Regional Hospital which operates the sobering center Rainforest Recovery, to inquire about relocating that facility. The facility has historically operated as part of the hospital. On its own the sobering center would not fit the definition of a hospital. In an effort to determine in which zoning districts such a facility could operate CDD staff found existing definitions inadequate and recommend a new line be added to CBJ 49.25.300 *Table of Permissible Uses* (TPU) to add sobering facility.

DISCUSSION

Staff initially discussed creating a broad category for emergency shelters which would include sobering centers. However, staff recommends that emergency shelters in general be allowed in residential zoning districts since a variety of situations can necessitate emergency shelter such as relief from a natural disaster or domestic violence.

Emergency shelters are not intended for reoccurring or long term use, but a short term stay before moving to transitional housing and finally permanent housing. A sobering facility is for

Planning Commission
 File No.: AME2016 0015
 October 27, 2016
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the specific purpose of sleeping off the effects of alcohol where one does not necessarily need medical care. The same individuals may regularly use a sobering center which is often the case in Juneau. The proposed amendment would create a new category in the TPU for sobering centers under section 7.000 *Institutional, Day or Residential Care, Health Care Facilities, Correctional Facilities* which would be permitted in the Light Commercial, General Commercial, Mixed Use and Mixed Use 2 zoning districts.

In order to clarify any ambiguity between emergency shelters and sobering centers staff recommends adding emergency shelters to the definition of assisted living. There is currently no use category or definition for emergency shelter. Assisted living is allowed in all residential zoning districts with an approved Conditional Use Permit. If the use is a minor development then it is allowed outright in the Light Commercial, General Commercial, Mixed Use, and Mixed Use 2. If the use is a major development in those zoning districts an approved Conditional Use Permit is required. Staff recommends that emergency shelters be added to the definition of assisted living as these would be the same zoning districts recommended for emergency shelters.

The proposed amendment would provide a definition for sobering centers and amend the definition of assisted living to include emergency shelters as follows.

Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelters. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.

Sobering center means a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170.

In addition staff recommends amending 49.40.210, Minimum space and dimensional standards for parking and off street loading, to provide for a parking standard for sobering centers of one space per six beds plus one visitor parking space. This standard is based on staff review of similar uses in other jurisdictions.

The attached draft ordinance (Attachment A) would amend CBJ 49.25.300 Table of Permissible Uses, CBJ 49.45.210 Table of Minimum Parking Standards and the land use definitions found in CBJ 49.80.120.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The proposed amendments to Title 49 comply with the Comprehensive Plan Chapter 13 Community Services Policies:

- Policy 13.3: To promote quality medical and social services in the CBJ to ensure the safety, health, well-being, and self-sufficiency of its residents

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COMPLIANCE WITH CBJ LAND USE CODE

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. The proposed amendment will complete necessary changes to the residential uses allowed within the Code.

The proposed change is consistent with Title 49.

FINDINGS

Based on the above analysis, staff finds that the proposed text amendments to Title 49 are consistent with the goals and policies in the Comprehensive Plan as well as Title 49. Additionally, this change would not create any internal inconsistencies within adopted Plans of Codes.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward the draft text amendments to the Assembly with a recommendation for approval.

Presented by: The Manager
 Introduced:
 Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-43 (PC v.1)

An Ordinance Amending the Land Use Code Relating to Sobering Centers and Emergency Shelters

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

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

Section 2. Amendment of Table. Category 7.000 of CBJ 49.25.300 Table of Permissible Uses, is amended to read as follows:

	Use Description	RR	D1	D3	D4	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
7.00	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES															
...																
<u>7.600</u>	<u>Sobering centers</u>									3	3	3	3			
...																

Section 3. Amendment of Table. CBJ 49.40.210 Minimum space and dimensional standards for parking and off-street loading, is amended to read as follows:

49.40.210 Minimum space and dimensional standards for parking and off-street loading.

(a) Table of minimum parking standards. The minimum number of off-street parking

spaces required shall be set forth in the following table. The number of spaces shall be calculated to the nearest whole number.

Use	Spaces Required
...	
Assisted living facility	0.4 parking spaces per maximum number of residents
<u>Sobering Centers</u>	<u>1 parking space per 6 beds, plus 1 visitor parking space</u>
Theaters	1 for each four seats
...	

Section 4. Amendment of Section. CBJ 49.80.120 Definitions, is amended to read:

49.80.120 Definitions.

...

Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelter. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.

...

Section 5. Amendment of Section. CBJ 49.80.120 Definitions, is amended by the addition of the following definition to be incorporated in alphabetical order:

Sobering center means a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170.

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

Adopted this _____ day of _____, 2016.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk



NOTICE OF PUBLIC HEARING

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

Text amendment to Title 49

SHIP TO:



PROPOSAL: Text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements.

File No:	AME2016 0015	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Property PCN:	N/A
Hearing Date:	November 10, 2016	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	N/A
Place:	Assembly Chambers	Zoned:	N/A
	Municipal Building	Site Address:	N/A
	155 South Seward Street	Accessed Via:	N/A
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Chrissy Steadman at Christine.Steadman@juneau.org or 586.0761.

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



Attachment B - Staff Report & Attachments November 10 PC Meeting



NOTICE OF PUBLIC HEARING

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

Text amendment to Title 49

SHIP TO:



PROPOSAL: Text amendment to Title 49 to define emergency shelter and related parking requirement.

File No:	AME2016 0015	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Property PCN:	N/A
Hearing Date:	September 27, 2016	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	N/A
Place:	Assembly Chambers	Zoned:	N/A
	Municipal Building	Site Address:	N/A
	155 South Seward Street	Accessed Via:	N/A
	Juneau, Alaska 99801		

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Date notice was printed: September 7, 2016

Attachment B - Staff Report & Attachments November 10 PC Meeting



NOTICE OF PUBLIC HEARING

Packet Page 130 of 142

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

Text amendment to Title 49

SHIP TO:



PROPOSAL: Text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements.

File No:	AME2016 0015	Applicant:	City & Borough of Juneau
To:	Neighborhood Associations	Property PCN:	N/A
Hearing Date:	November 8, 2016	Owner:	City & Borough of Juneau
Hearing Time:	7:00 PM	Lot Size:	N/A
Place:	Assembly Chambers	Zoned:	N/A
	Municipal Building	Site Address:	N/A
	155 South Seward Street	Accessed Via:	N/A
	Juneau, Alaska 99801		

PROPERTY OWNERS PLEASE NOTE:

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

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Attachment B - Staff Report & Attachments November 10 PC Meeting

AME2016 0015

Amendments to Title 49 regarding sobering centers & emergency shelters

CBJ Planning Commission Presentation
December 27, 2016



AME16-15

Recommendation

Recommendation to update Title 49, to add:

1. Sobering center as a permissible use
2. Definition of sobering center
3. Parking requirement for sobering centers
4. Emergency shelters to the definition of assisted living facilities
5. Definition of emergency shelter



AME16-15

Sobering centers in the Industrial zoning district?

- Inconsistent with CBJ 49.25.300 section 7.000
- Inconsistent with the goals and policies of the Comprehensive Plan



AME16-15

Consistency with Title 49

CBJ 49.25.240 defines the Industrial zone:

The I, industrial district, is intended to accommodate industrial activity which includes manufacturing, processing, repairing and assembling goods. Because of noise, odors, waste and other impacts inherent in industrial activity performance standards are applied.



AME16-15

Table of Permissible Uses

7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES															
		RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
7.100	Hospital									3	3	3	3			
7.150	Health care clinics, other medical treatment facilities providing out-patient care							3	3	1, 3	1, 3	1, 3	1, 3			
7.200	Assisted living		3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3			
7.300	Day care centers						3	3	3	1, 3	1, 3	1, 3	1, 3			
7.310	Child care centers	3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			
7.500	Correctional facilities	3	3	3	3	3	3	3	3	3	3	3	3			
7.600	<u>Sobering Centers</u>									<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>			



AME16-15	Consistency with Comp Plan
5 Comprehensive Plan land use designations for three Industrial zoned areas: Heavy Industrial Light Industrial Institutional and Public Uses Waterfront Commercial Industrial Resource Development	
	

AME16-15

Consistency with Comp Plan

Personal services uses:

Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

The Latest Illustrated Book of Development definitions



AME16-15

Consistency with Comp Plan

10.7 – DG2 D. Residential, retail, office, personal service uses and similar non-industrial uses should not be permitted within heavy industrial districts although light industrial uses...would be compatible with heavy industrial uses.

5.11DG1...An industrial lands inventory and needs assessment may be required as part of such a rezoning application. Lands designated for Heavy Industrial (HI) Use on the Comprehensive Plan Land Use Maps should not be converted to uses not allowed in the HI land use definition of Chapter 11 unless an essential public service purpose as deemed by the Planning Commission and Assembly warrants such a conversion.



AME16-15

Consistency with Comp Plan

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

5.11 – IA2 In an effort to avoid further encroachment on industrially-zoned lands by retail, office and other non-industrial uses, identify lands within current industrial districts that meet the the location criteria for office and retail use and that have been predominantly encroached upon by these uses and rezone those lands for retail, office and heavy commercial uses.



AME16-15

Recommended zoning districts for sobering centers with approved Conditional Use Permit:

- Mixed Use
- Mixed Use2
- General Commercial
- Light Commercial



AME16-15

Amend CBJ 49.80 Definitions

Recommended definition for sobering center:

Sobering center means a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170.



AME16-15

Amend CBJ 49.40.210

Recommended parking standard for sobering centers:

1 parking spaces per 6 beds + 1 visitor parking space



AME16-15

Amend CBJ 49.80 Definitions

Recommended amendment to the definition of *assisted living facility*

Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or **emergency shelter**. Assisted living uses that occurs within a single family dwelling is regulated as a single family dwelling use.



AME16-15

Amend CBJ 49.80 Definitions

Recommended definition for emergency shelter:

Emergency shelter means a residential facility which provides temporary accommodations and minimal supportive services for displaced persons on a short-term basis.



AME16-15

Consistency with Title 49 & Comprehensive Plan:

The definitions, parking, and TPU recommendations have been evaluated for consistency. The proposed amendment to Title 49 will not create any internal inconsistencies within the Code.

The proposed change is consistent with Title 49, and brings greater clarity to the TPU and TMP.



AME16-15

Recommendation

Staff recommends that the PC favorably recommend the following amendments to the Assembly for adoption:

1. Add section 7.600 *sobering centers* to CBJ 49.25.300 Table of Permissible Uses
2. Add a parking requirement for sobering centers to CBJ 49.40.210 Table of Minimum Parking Standards

1 parking spaces per 6 beds, plus 1 visitor parking space



AME16-15	Recommendation
3. Define sobering center in CBJ 49.80 Definitions	
<i>Sobering center means a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170.</i>	
4. Amend the definition of <i>assisted living facility</i>	
<i>Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services <u>or emergency shelter</u>. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.</i>	
	

AME16-15	Recommendation
5. Define emergency shelter in CBJ 49.80 Definitions	
<i>Emergency shelter means a residential facility which provides temporary accommodations and minimal supportive services for displaced persons on a short-term basis.</i>	
	

AME16-15

QUESTIONS?





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

PLANNING COMMISSION NOTICE OF RECOMMENDATION

Date: December 28, 2016
File No.: AME2016 0015

City and Borough of Juneau
CBJ Assembly Members
155 South Seward Street
Juneau, AK 99801

Proposal: Planning Commission recommendation to the City and Borough Assembly regarding a text amendment to Title 49 to amend the definition of assisted living to include emergency shelters and define sobering centers and related parking requirements.

Location: Borough wide

Hearing Date: December 27, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated December 16, 2016 and recommended that the City and Borough Assembly adopt staff's recommendation for text amendments to Title 49 regarding sobering centers and emergency shelters with the following amendments:

1. Amend CBJ 49.25.300 Table of Permissible Uses section 7.000 to include 7.600 *sobering centers*
2. Amend CBJ 49.40.210 Table of Minimum Parking Standards to include a requirement for sobering centers of 1 parking space per 6 beds plus one visitor parking space
3. Define sobering centers:

Sobering center means a facility that provides temporary shelter for incapacitated and intoxicated persons taken into emergency protective custody pursuant to AS 47.37.170.

4. Amend the definition of assisted living:

CBJ Assembly Members
 File No.: AME2016 0015
 December 28, 2016
 Page 2 of 2

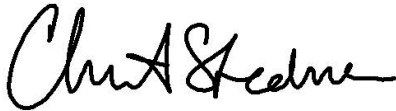
Assisted living means a facility providing housing and institutional care for people unable to live independently or without assistance. Assisted living includes facilities that provide nursing care services or emergency shelters. Assisted living use that occurs within a single family dwelling is regulated as a single family dwelling use.

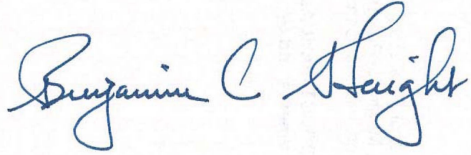
5. Define emergency shelters:

Emergency shelter means a residential facility which provides temporary accommodations and minimal supportive services for displaced persons on a short-term basis.

Attachments: December 16, 2016 memorandum from Chrissy Steadman, Community Development Department, to the CBJ Planning Commission regarding AME2016 0015.

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: 
 Chrissy Steadman, Planner
 Community Development Department


 Benjamin Haight, Chair
 Planning Commission


 Filed With City Clerk

December 29, 2016
 Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this recommended text amendment. ADA regulations have access requirements above and beyond CBJ - adopted regulations. 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.