



**PLANNING COMMISSION STAFF REPORT  
CONDITIONAL USE PERMIT USE2024 0002  
HEARING DATE: MARCH 12, 2024**

(907) 586-0715

CDD\_Admin@juneau.gov

www.juneau.org/community-development

155 Heritage Way • Juneau, AK 99801

**DATE:** February 28, 2024  
**TO:** Mandy Cole, Chair, Planning Commission  
**BY:** Irene Gallion, Senior Planner  
**THROUGH:** Jill Lawhorne, Director, AICP

**PROPOSAL:** Modify USE2018 0010 - Expansion of marijuana retail from approximately 430 square feet to 750 square feet.

**STAFF RECOMMENDATION:** Approval with conditions.

**KEY CONSIDERATIONS FOR REVIEW:**

- Expansion results in the entire structure operating under state security and control regulations.
- With expanded retail, the possibility sidewalk queuing is reduced.
- Require lot consolidation to comply with current law.
- Require as-built to confirm structure does not encroach.

**ALTERNATIVE ACTIONS:**

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

**ASSEMBLY ACTION REQUIRED:**

Assembly action is not required for this permit.

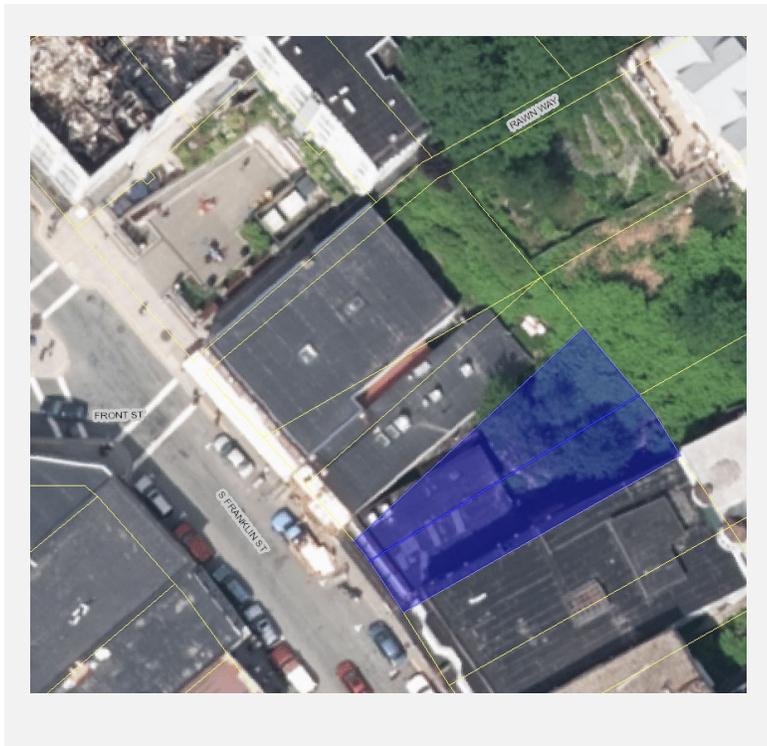
**STANDARD OF REVIEW:**

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
  - 49.15.330
  - 49.25
  - 49.40
  - 49.65.1200
  - 49.80

INFORMATION	
Property Owner	Michael Thomas Adams
Applicant	Northwind Architects
Property Address	159 S Franklin Street
Legal Description	JUNEAU TOWNSITE BL H LT 1 FR
Parcel Number	1C070B0H0030
Zoning	MU
Land Use Designation	Traditional Town Center
Lot Size	Parcel size: 3,872. Lot sizes discussed below.
Water/Sewer	CBJ
Access	Franklin Street
Existing Land Use	AK KUSH
Associated Applications	NCC2024 0004 USE2018 0006

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

**SITE FEATURES AND ZONING**



SURROUNDING ZONING AND LAND USES	
North (MU)	Restaurant
South (MU)	Hotel
East (MU)	Vacant
West (MU)	South Franklin Street

SITE FEATURES	
Anadromous	None
Flood Zone	None
Hazard	Severe Landslide
Hillside	Yes
Wetlands	No
Parking District	No Parking Required Area
Historic District	Yes
Overlay Districts	None

**BACKGROUND INFORMATION**

**Project Description** – The Applicant would like to expand previously-approved retail from 430 square feet to 750 square feet (**Attachment A**).

The lot has been functioning as marijuana retail since permitted in 2018 (**Attachment B**). Since the original approval, the Commission has discontinued conditions that are covered by code requirements or other regulatory agencies. Conditions under USE2018 0006 were:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD the approved State of Alaska license application that permits the use of marijuana retail at the subject site to ensure it matches the plans and operations described in this Conditional Use Permit.

*This requirement is an ongoing licensure issue covered by code and verified in annual inspections. Staff proposes discontinuing the condition.*

2. Prior to receiving a CBJ Marijuana license, the connecting door between the unrestricted area and restricted area shall have an alarm that is audible in the restricted area to make the staff aware the door is open. The door shall also be monitored by a camera.

*This application provides the Applicant control over the structure. State marijuana laws will have security requirements that the Applicant must meet. Staff proposes discontinuing the condition.*

3. Prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevents marijuana products being visible by the general public from the right-of-way.

*This is an ongoing requirement and is established in code. Marijuana establishments have an annual inspection. Staff proposes discontinuing the condition.*

4. As an operational condition, the applicant shall ensure that there is no obstruction of a public right-of-way by the business' activities.

*Staff proposes this condition be continued (reworded for clarity):*

- *The original application recognized that the small retail area might result in customers queuing outside, functionally reducing an already narrow sidewalk width. While enlarged retail helps address this issue, sidewalk queuing is an ongoing concern.*
- *While sandwich board signs are seen throughout downtown. This condition serves as a reminder that the right-of-way remain unobstructed by signs.*

5. The Conditional Use Permit shall be reviewed by the commission every five years from the date of issuance.

*This is no longer a requirement of code. Staff recommends removal.*

**Background –**

<b>Item</b>	<b>Summary</b>
<b>BLD2019 0695</b>	New electric heaters.
<b>USE2018 0010</b>	Application for manufacture – withdrawn.
<b>USE2018 0006</b>	Approval of marijuana retail.
<b>BLD2018 0391</b>	Improvements for marijuana retail.
<b>BLD2018 0300</b>	Reconfigure entrance.
<b>BLD2016 0664</b>	Rot and concrete repair.
<b>BLD2016 0404</b>	Storage addition.
<b>PAC2016 0011</b>	Pre-ap for marijuana retail.
<b>BLD2014 0679</b>	Replace two 257 gallon oil tanks.
<b>BLD2014 0584</b>	Eight foot retaining wall.
<b>PAC2014 0020</b>	Structure addition and retaining walls.
<b>BLD2006 00081</b>	Replace awning.
<b>BLD2006 00034</b>	Demolition permit for awning.
<b>BLD2004 00226</b>	Change front door to double doors, paint outside of structure, repair wood on awning.
<b>BLD2004 00218</b>	Demolition of non-loadbearing wall.
<b>BLD2001 00059</b>	Construct wall to bisect retail space.
<b>BLD2002 00153</b>	Replace window with double-hung.
<b>BLD0247201</b>	Red Dog renovation.
<b>BLD1053101</b>	Safety inspection for Alaska Peddler.
<b>BLD0128801</b>	Remodel for 2 <sup>nd</sup> exit at Red Dog Saloon.
<b>BLD0119101</b>	Remodel front of Red Dog Saloon.

**ZONING REQUIREMENTS**

The lots are nonconforming size (**Attachment C**). Current code does not permit construction across property lines.

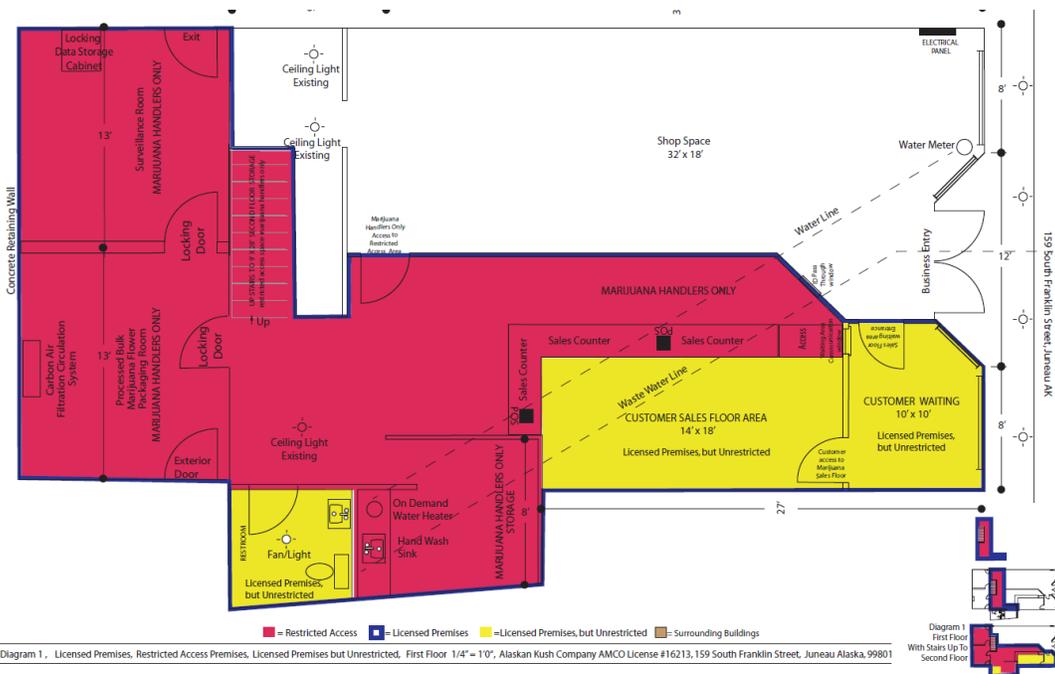
Standard		Requirement	Lot X	Lot Y	Code Reference
Lot	Size	4,000	2140 <sup>A</sup>	1732 <sup>A</sup>	CBJ 49.25.400
	Width	50	20 <sup>A</sup>	9 <sup>A</sup>	CBJ 49.25.400
Setbacks	Front (south)	0	Unknown	Unknown	CBJ 49.25.400
	Rear (north)	0	Unknown	Unknown	CBJ 49.25.400
	Side (east)	0	Unknown	Unknown	CBJ 49.25.400
	Side (west)	0	Unknown	Unknown	CBJ 49.25.400
Lot Coverage		No limit	928 sf, 43% <sup>A</sup>	435 sf, 25% <sup>A</sup>	CBJ 49.25.400
Height	Permissible	No limit	Two story <sup>B</sup>	Two story <sup>B</sup>	CBJ 49.25.400
	Accessory	No limit			CBJ 49.25.400
Maximum Dwelling Units		None	No residences		CBJ 49.25.500
Use		Retail	Retail	Retail	CBJ 49.25.300
Vegetative Cover		None	~57%	~75%	CBJ 49.50.300
Off-street Parking		None	None	None	CBJ 49.40.210(a)

A: Scaled from Parcel Viewer.  
 B: Determined through Assessor photos.

**Condition:** Applicant will provide an as-built prior to Temporary Certificate of Occupancy.

**Condition:** Applicant will consolidate two lots prior to Temporary Certificate of Occupancy.

**SITE PLAN**



**ANALYSIS**

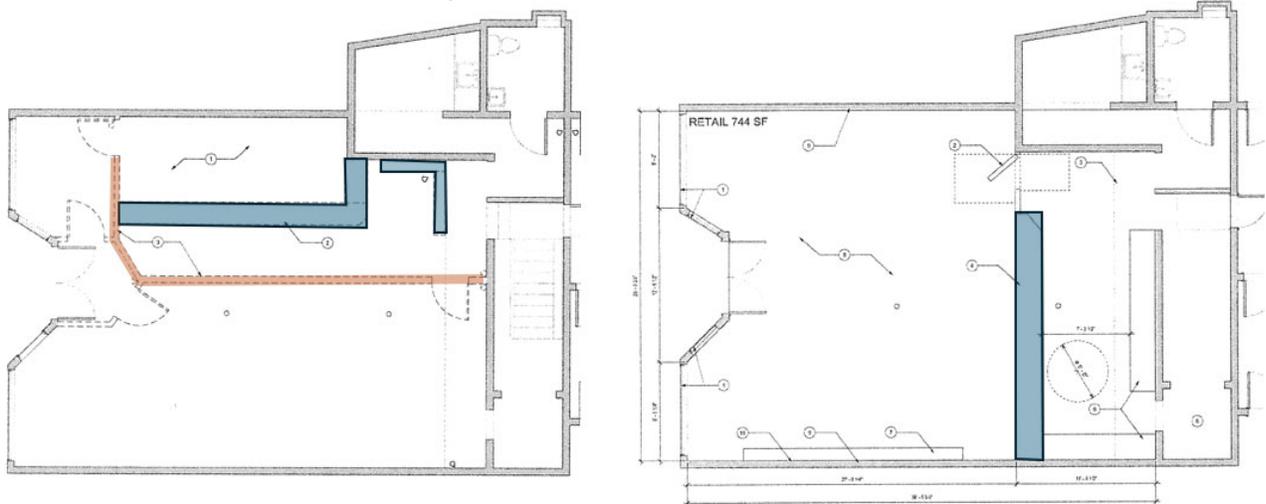
**Project Site –** The current facility includes retail area (yellow in site plan) and restricted area that supports the retail operations (pink in site plan). Upstairs is approximately 80 square feet of storage.

This proposal expands into shop space to the east.

**Condition:** None.

**Project Design –**

In the left image below, a wall (orange) and an existing counter (blue) that will be demolished are highlighted. The right image shows where the counter will be reconstructed (blue), providing a larger retail area.



**Condition:** None.

**Traffic –** A traffic impact analysis is not required. The total expansion is approximately 576 square feet.

Staff used the Institute of Traffic Engineers (ITE) Trip Generation Manual, 9<sup>th</sup> edition, volume 3, page 1794: Pharmacy/Drugstore without Drive Through Window.

Use	Total Sq. Ft.	Trips Generated	Total Trips
Retail - expansion	576	90.06 per 1,000 sq. ft.	52
Retail – total operation	1367	90.06 per 1,000 sq. ft.	123

**Condition:** None.

**Vehicle Parking & Circulation** – The lot is in the No Parking Required Area.

**Condition:** None.

**Noise** – Anticipated noise is consistent with that expected in Mixed Use zoning.

**Condition:** None.

**Lighting** - The exterior will remain unmodified.

**Condition:** None.

**Vegetative Cover & Landscaping** – The lots exceed vegetative cover requirements, see the nonconforming certification for details (**Attachment C**).

**Condition:** None.

**Habitat** - Anadromous streams are not on or within 200 feet of the lots.

**Condition:** None.

**Drainage and Snow Storage** – The exterior will remain unmodified.

**Condition:** None.

**Historic District** – The parcel is located within the Historic District. No external improvements are proposed.

**Condition:** None.

**Hazard Zones** - The parcel is outside moderate or severe avalanche hazard areas under adopted maps (Ordinance 2023-18(am)).

**Condition:** None.

**Public Health, Safety, and Welfare** – The assessment done under the original approval for this facility remains the same.

**Condition:** None.

**Property Value or Neighborhood Harmony** – The assessment done under the original approval for this facility remains the same.

**Condition:** The right-of-way will not be obstructed by business activities.

**AGENCY REVIEW**

CDD conducted an agency review comment period between February 19, 2024, and February 23, 2024, and received the following responses (**Attachment D**):

Agency	Summary
CDD Enforcement	Update on enforcement at other facilities owned by the Applicant.
CDD Building Division	No issues.
CBJ General Engineering	No issues.

**PUBLIC COMMENTS**

CDD conducted a public comment period between February 2, 2024, and February 19, 2024. Public notice was mailed to property owners within 500 feet of the proposed development (**Attachment E**). A public notice sign was also posted on-site two weeks prior to the scheduled hearing (**Attachment F**). One public comment was submitted at time of writing this staff report (**Attachment G**).

Commenter	Summary
Graham Roundtree	Concerned that additional retail will result in more marijuana smoking in front of bars.

**CONFORMITY WITH ADOPTED PLANS**

The proposed development conforms with the 2013 Comprehensive Plan.

Chapter	Page No.	Item	Summary
5	44	Policy 5.1	Diversify economy.
5	64	Policy 5.18	Support entrepreneurship and economic innovation.
5	66	5.20	Look Local First for purchase of goods.
11	185	Policy 10	Promote small-scale retail.

**FINDINGS**

**Conditional Use Permit Criteria –**

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

**Analysis:** No further analysis needed.

**Finding:** Yes. Staff finds the application contains the information necessary to conduct full review of the proposed changes. The application submitted by the applicant, including the appropriate fees, meets the requirements of CBJ Chapter 49.15.

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

**Analysis:** No further analysis needed.

**Finding: Yes.** The requested permit is appropriate in Mixed Use zoning, according to the Table of Permissible Uses. Section 2.300.

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

**Analysis:** This application is for a proposed expansion of retail for a previously-approved operation.

**Finding:** Yes. With the recommended conditions, the proposed development will comply with Title 49, including marijuana regulations [CBJ 49.65.1200].

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

**Analysis:** No further analysis needed.

**Finding: No.** With appropriate conditions, the requested expansion of marijuana retail, in a Mixed Use zoning district, will not materially endanger the public health or safety.

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

**Analysis:** No further analysis needed.

**Finding: No.** With appropriate conditions, the requested expansion of marijuana retail, in a Mixed Use zoning district, will substantially decrease the value or be out of harmony with the property in the neighboring area.

**6. Will the proposed development conform with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?**

**Analysis:** No further analysis needed.

**Finding: Yes.** The proposed marijuana retail expansion, with the recommended conditions, will conform with the 2013 Comprehensive Plan.

**RECOMMENDATION**

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE WITH CONDITIONS the requested Conditional Use Permit. The permit would allow expansion of a permitted marijuana retail business in the Mixed Use zoning district.

The approval is subject to the following conditions:

1. Applicant will provide an as-built prior to Temporary Certificate of Occupancy.
2. Applicant will consolidate two lots prior to Temporary Certificate of Occupancy.
3. The right-of-way will not be obstructed by business activities.

**STAFF REPORT ATTACHMENTS**

<b>Item</b>	<b>Description</b>
<b>Attachment A</b>	Application
<b>Attachment B</b>	USE2018 0006, NOD and Staff Report
<b>Attachment C</b>	Nonconforming Certification, NCC2024 0004
<b>Attachment D</b>	Agency Comments
<b>Attachment E</b>	Abutters Notice
<b>Attachment F</b>	Public Notice Sign
<b>Attachment G</b>	Public comment



# DEVELOPMENT PERMIT APPLICATION

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

<b>PROPERTY LOCATION</b>	
Physical Address <b>159 S FRANKLIN STREET</b>	
Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <b>JUNEAU TOWNSITE BL H LT 1 FR</b>	
Parcel Number(s) <b>1C070B0H0030</b>	
<input checked="" type="checkbox"/> This property is located in the downtown historic district <input checked="" type="checkbox"/> This property is located in a mapped hazard area, if so, which <b>SEVERE</b>	
<b>LANDOWNER/ LESSEE</b>	
Property Owner <b>Alaskan Kush Company LLC</b>	Contact Person <b>Casey Wilkens</b>
Mailing Address <b>159 S Franklin Street, Juneau, AK 99801</b>	Phone Number(s) <b>907-957-3877</b>
E-mail Address <b>cwilkins907@gmail.com</b>	
<b>LANDOWNER/ LESSEE CONSENT</b>	
Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.	
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 the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.	
<b>Casey Wilkins</b> Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)	
<b>[Signature]</b> Landowner/Lessee (Signature) <b>1/16/2024</b> Date	
<b>Tara Smith</b> Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)	
<b>[Signature]</b> Landowner/Lessee (Signature) <b>01/16/2024</b> Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.	
<b>APPLICANT</b> If same as LANDOWNER, write "SAME"	
Applicant (Printed Name) <b>NorthWind Architects, LLC</b>	Contact Person <b>Shannon Crossley</b>
Mailing Address <b>126 Seward Street, Juneau, AK 99801</b>	Phone Number(s) <b>540-229-9452</b>
E-mail Address <b>Shannon@northwindarch.com</b>	
<b>X [Signature]</b> Applicant's Signature <b>01/12/2024</b> Date of Application	

To be completed by Applicant

DEPARTMENT USE ONLY BELOW THIS LINE

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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

Case Number <b>USE24-002</b>	Intake Initials <b>JFM</b>
Date Received <b>1/17/24</b>	

# ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION



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

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

To be completed by Applicant:

**PROJECT SUMMARY**  
 Marijuana Retail Floorplan Modification for Alaskan Kush Company LLC

**TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED**  
 Accessory Apartment – Accessory Apartment Application (AAP)  
 Use Listed in 49.25.300 – Table of Permissible Uses (USE)  
 Table of Permissible Uses Category: 2.3 Marijuana retail

**IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?**  YES – Case # 2018-0006  NO

**UTILITIES PROPOSED** WATER:  Public  On Site SEWER:  Public  On Site

**SITE AND BUILDING SPECIFICS**  
 Total Area of Lot 3872 square feet Total Area of Existing Structure(s) 1,376 square feet  
 Total Area of Proposed Structure(s) N/A square feet

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

**ALL REQUIRED DOCUMENTS ATTACHED**  
 **Narrative including:**  
 Current use of land or building(s)  
 Description of project, project site, circulation, traffic etc.  
 Proposed use of land or building(s)  
 How the proposed use complies with the Comprehensive Plan  
 **Plans including:**  
 Site plan  
 Floor plan(s)  
 Elevation view of existing and proposed buildings  
 Proposed vegetative cover  
 Existing and proposed parking areas and proposed traffic circulation  
 Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

*If this is a modification or extension include:*  
 Notice of Decision and case number  
 Justification for the modification or extension  
 Application submitted at least 30 days before expiration date

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

*USE Class II*

ALLOWABLE/CONDITIONAL USE FEES			
	Fees	Check No.	Receipt
Application Fees	\$ <u>500.00</u>		
Admin. of Guarantee	\$ _____		
Adjustment	\$ _____		
Pub. Not. Sign Fee	\$ <u>50.00</u>		
Pub. Not. Sign Deposit	\$ <u>100.00</u>		
<b>Total Fee</b>	\$ <u>650.00</u>		

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

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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

Case Number	Date Received
<u>USE24-002</u>	<u>1/17/24</u>

**USE2024 0002 PUBLIC DOCUMENTS**  
**Allowable/Conditional Use Permit Application Instructions**

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

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

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

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

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

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

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

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

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

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

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

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

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**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

## USE2024 0002 PUBLIC DOCUMENTS



**NorthWind**  
Architects, LLC

RE: Conditional Use Permit (CUP) Application- Alaskan Kush Company Floorplan  
Layout Modification for Existing USE 2018-0006

12 January 2024

### **Site Location:**

159 South Franklin Street

Juneau, Alaska 99801

### **Project Overview**

Alaskan Kush Company has been operating a marijuana retail shop at 195 South Franklin Street under an approved Conditional Use Permit since 2018. The goal of this application is to amend that CUP, remove a partition wall and expand the retail operation into an adjacent storage room.

**Existing Site & Building:** The site's legal description JUNEAU TOWNSITE BL H LT 1 FR is listed as 1,376 SF on the City and Borough of Juneau Parcel Viewer. The property has a storefront facing South Franklin Street. The building was constructed in 1914 as a drug store, and consists of a single-story storefront with storage/office/bathroom space toward the NE side of the building.

### **Zoning**

**Use:** The property at 195 South Franklin Street is currently zoned Mixed Use (MU). Marijuana retail sales is an allowable use in the Mixed-Use zoning district with approved Conditional Use Permits.

**Setbacks:** The building currently complies with the required setbacks (0' front, rear and street side yard).

**Utilities:** The site is served by municipal sewer and water. The plumbing system will not be affected by the renovation. The existing cameras will be relocated, but there will be no modifications to the electrical panel.

**Habitat:** The property is in the downtown historic district without vegetation requirements.

Sean M Boily AIA  
Principal Architect

James Bibb AIA  
Principal Architect

David Hurley AIA  
Principal Architect

126 Seward Street  
Juneau, AK 99801

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## USE2024 0002 PUBLIC DOCUMENTS

**NorthWind**  
Architects, LLC

**Development Schedule and Noise:** Improvements to the property will occur during normal working hours (7AM-6PM). Sound and noise consistent with construction may occur during this time.

**Property Value & Neighborhood Harmony:** The proposed addition of retail square footage will not impact the property value or neighborhood harmony.

**Public Health & Safety:** The proposed addition of retail square footage will not impact the property value or neighborhood harmony.

**Lighting:** The proposed addition of retail square footage will not require any additional lighting.

**Parking, Traffic & Circulation:** There will likely not be an increase in traffic to the site with the additional retail square footage. Vehicular traffic access to the site is provided via South Franklin Street with 2-hour street parking in the surrounding area. The retail store is within the Historic Downtown District and has no parking requirements.

### Commercial Marijuana Establishment CUP Application Requirements

**Floor Plan:** The attached A2.0 floorplan and A1.0 demo plan indicates that the building footprint will not be altered. Due to state law, the entire first floor of the building will be an Alcohol and Marijuana Control Office (AMCO) licensed premises. A partition wall will be removed, and the existing front counter will be rotated.

**Security Plan:** Please see attached A2.1 Elec Floor Plan for layout of video surveillance and exterior lighting. The state requires extensive security measures, such as lighting, video surveillance, protocols for visitors and prevention of those under the age of 21, security and alarm systems, product tracking, transportation and labeling of products, restricted access areas and more. The clients are well versed with the State of Alaska Laws pertaining to marijuana retail, with several stores and facilities in Juneau and around the state of Alaska. These restrictions include but do are not limited to:

- All doors leading to restricted access areas will have video surveillance to record entry points.
- Exterior lighting is sufficient to facilitate surveillance, as well as discourage loitering.
- All areas where marijuana is packaged will be monitored by video surveillance. Areas where marijuana or marijuana products are sold or consumed will also be under video surveillance.

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## USE2024 0002 PUBLIC DOCUMENTS

**NorthWind**  
Architects, LLC

- The services of an alarm company will be contracted for the purpose of maintaining a secure facility. All exterior ground floor windows and each exterior door will be connected to the alarm system.

**Waste Disposal Plan:** All waste, trash, and wastewater disposal will meet federal, state and local requirements.

- Marijuana will be disposed of per AMCO required protocols, including the notification of AMCO for proposed waste disposal.
- Non-marijuana waste will be picked up by the local waste hauler weekly.

**Screening Plan:** Secured doors and opaque window coverings will prevent observation of facility and activities occurring inside.

**Ventilation and Filtration Plan:** Significant efforts will be made to prevent nuisance odors from affecting the area.

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Juneau, AK 99801

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## USE2024 0002 PUBLIC DOCUMENTS



### Planning Commission

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

#### PLANNING COMMISSION NOTICE OF DECISION

Date: June 12, 2018  
File No.: USE2018 0006

Alaskan Kush Company LLC  
PO Box 240588  
Douglas, AK 99824

Proposal: A Conditional Use Permit for a marijuana retail establishment in a mixed used zone

Property Address: 159 South Franklin Street

Legal Description: Lot 1 Fraction, Block H, Juneau Townsite

Parcel Code No.: 1C070B0H0030

Hearing Date: June 12, 2018

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated June 4, 2018 and APPROVED the development and operation of a marijuana retail business in downtown Juneau to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD the approved State of Alaska license application that permits the use of marijuana retail at the subject site to ensure it matches the plans and operations described in this Conditional Use Permit.
2. Prior to receiving a CBJ Marijuana license, the connecting door between the unrestricted area and restricted area shall have an alarm that is audible in the restricted area to make the staff aware the door is open. The door shall also be monitored by a camera.
3. Prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevents marijuana products being visible by the general public from the right-of-way.
4. As an operational condition, the applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.
5. The Conditional Use Permit shall be reviewed by the commission every five years from the date of issuance.

USE2024 0002 PUBLIC DOCUMENTS

Alaskan Kush Company LLC  
File No.: USE2018 0006  
June 12, 2018  
Page 2 of 2

Attachments: June 4, 2018, memorandum from Tim Felstead, Community Development, to the CBJ Planning Commission regarding USE2018 0006.

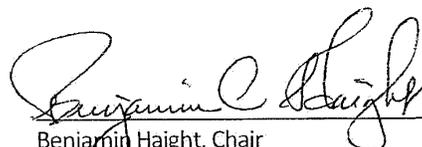
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***Conditional use permits issued to marijuana establishments under CBJ chapter 49.65.1245(e) shall be subject to review by the commission every five years from the date of issuance. Such review shall be subject to CBJ 49.15.330 except that the commission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

Project Planner:	 <hr/> Tim Felstead, Planner Community Development Department	 <hr/> Benjamin Haight, Chair Planning Commission
	 <hr/> Filed With City Clerk	<hr/> June 13, 2018 Date

cc: Plan Review

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

# NWA-2348: AK KUSH REMODEL

JUNEAU, ALASKA

## PLANNING COMMISSION DRAWINGS

**OWNER**

Alaskan Kush Company LLC  
158 S Franklin Street  
Juneau, Alaska 99801  
Casey Wilkins  
907-557-3877

**ARCHITECT**



NorthWind Architects, LLC  
126 Seward St  
Juneau, Alaska 99801  
James Bebb, AIA  
Shannon Crossley, Assoc. AIA  
907-586-6150

### PROJECT DESCRIPTION

SCOPE OF WORK DESCRIBED BELOW IS INCLUSIVE OF ALL ASSOCIATED ARCHITECTURAL, MECHANICAL AND ELECTRICAL WORK WITHIN, OR REQUIRED TO SUPPORT THE AREAS DELINEATED.

THE WORK OF PROJECT IS DEFINED BY THE CONTRACT DOCUMENT DRAWINGS FOR THE DEMOLITION OF AN EXISTING PARTITION WALL IN A RETAIL LOCATION AT 158 S FRANKLIN AND RELOCATION OF RETAIL COUNTERTOP.

### GENERAL NOTES

1. CONTRACTOR SHALL FIELD VERIFY ACTUAL BUILDING CONDITIONS AND DIMENSIONS. WHERE DISCREPANCIES OR CONFLICTS ARE FOUND, NOTIFY ARCHITECT PRIOR TO COMMENCING WORK.
2. DO NOT SCALE OFF OF DRAWINGS.
3. DIMENSIONS ARE TO GRIDLINE, FACE OR CENTER OF FRAMING UNO.

### SHEET INDEX

G0.1	ABBREVIATIONS & LEGEND
G0.0	COVER SHEET
A1.0	DEMO FLOOR PLAN
A2.0	FLOOR PLAN
A2.1	ELEC FLOOR PLAN

USE2024 0002 PUBLIC DOCUMENTS

COVER SHEET

SHEET # **G0.0**

PLOT DATE: 01.17.2024  
ISSUE DATE: 01.17.2024

Attachment A- Application

© NorthWind Architects, LLC - Project Number: 2348-0002

ABBREVIATIONS

#	pound or number
&	and
(E)	existing
(R)	relocated
+	plus
-	minus
°	angle
=	equal
∅	al
A/C	air conditioning
AB	anchor bolt, air barrier
ABV	above
ACCUUS	acoustical
ACT	acoustical ceiling tile
AD	area drain
ADJ	adjustment
ADJUST	adjustable
AESS	architectural, exposed structural steel
AFF	above finished floor
AG	acoustical glass
AGT	air grille
ALUM	aluminum
ANC	anchorage
APPROX	approximate
ARCH	architectural
ARG	argon resistant gypsum wall board
ASPH	asphalt
AVG	average
AWP	acoustical wood panel
B.O.	bottom of
BD	board
BLDG	building
BLK	block
BLND	blending
BLV	balustrade
BM	beam
BOD	bottom of deck
BOF	bottom of footing
BOT	bottom
BSBD	baseboard
BSMT	basement
BT-N	between
C.I.P.	cast in place
CAB	cabinet
CB	cove base
CBU	concrete block unit
CBM	concrete
CF	cubic foot
CFCL	contractor furnish, contractor install
CFMF	cold formed metal framing
CG	corner guard
CHP	cast in place concrete
CI	cover plate
CL	control line
CLG	ceiling
CLO	closet
CHR	corner
CNTR	counter
CO	clean drain out
COL	column
CONC	concrete
CONN	connection
CONSTR	construction
CONT	contour
CONTR	contractor
CORR	corner
CPT	capit
CR	control rod
CT	ceramic tile
CTR	center
CTSK	countertop
CUH	cabinet unit heater

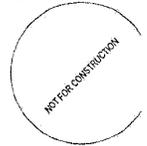
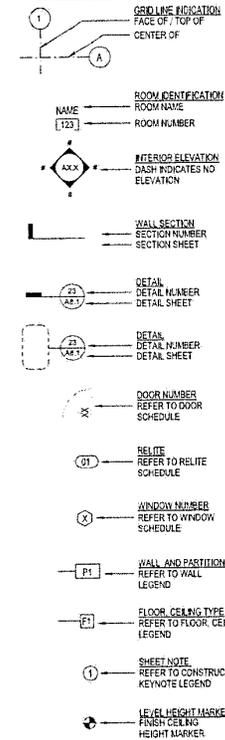
CUR	curtain curtain
CW	curtain wall
CWB	ceiling board
D	depth, depth
DBL	double
DEB	dry erase board
DEMO	demonstration
DEPT	department
DET	detail
DF	drinking fountain
DI	diameter
DM	dimension
DNV	division
DN	down
DP	door (proofing)
DR	door
DS	downspout
DW	dishwasher
DWG	drawing
DWR	drawer
E	east
EAL	each
EF	exhaust fan
EJ	expansion joint
EL	elevation
ELEC	electrical
ELV	elevator
EMT	empty metal
EMER	emergency
ENCL	enclosure
EP	electrical panelboard
EPX	epoxy
EQ	equal
EQUP	equipment
EQW	equipment
EXIST	existing
EXP	exposed
EXPAN	expansion
EXT	extension
F	factory finish
FA	fire alarm
FAB	fabricate
FAF	fluid applied flooring
FBCT	folded baby changing table
FD	floor drain, file drawer
FDC	fire department connection
FDN	foundation
FE	fire extinguisher
FEIC	fire extinguisher cabinet
FFL	finished floor line
FG	fiberglass
FH	fire hydrant
FHI	flexible program disposal
FLASH	flashing
FLR	floor
FQ	face of
FCC	face of concrete
FFP	face of finish
FOS	face of studs
FP	fireproof
FRNG	framing
FRP	fiberglass reinforced panels
FRT	fire retardant treated
FS	full size
FSS	fastening sheen seal
FT	foot, feet
FTG	footing
FURR	furred
FUT	future
FVS	freestanding vna shelving
GA	gauge
GALV	galvanized

GB	grab bar
GEN	general
GFI	ground fault interrupter
GFI	galvanized steel
GL	glass
GND	ground
GRD	grade
GT	glass tile
GWB	gypsum wall board
GYP	gypsum
H2O	water cooler
HB	hose bibb
HC	hollow core
HCG	hot dipped galvanized
HDR	header
HWKD	hardwood
HWAE	hardware
HM	hollow metal
HMT	hollow metal thermal break
HORIZ	horizontal
HR	hour
HT	height
HTR	heating
HTR	heater
HVC	heating, ventilating, cooling
HWH	hot water heater
ID	inside diameter
IG	insulated glass
IMJ	insulated hollow metal
INCL	include
INSUL	insulation
INT	interior
IPS	interior paint system
JAN	janitor
JST	joint
JT	joint
KD	knock down
KIT	kitchen
KG	knock out
L	length, long
LAB	laboratory
LAM	laminate
LB	lock box (telephone)
LH	left hand
LFL	linoleum flooring
LKR	locker
LMT	laminated glass
LT	light
LVC	linear wood ceiling
LME	mechanical and electrical
MACH	machine
MATL	material
MAX	maximum
MB	marker board
MC	medicine cabinet
MCP	metal ceiling panel
MCS	metal ceiling system
MECH	mechanical
MEMB	membrane
MET	metal
MFR	manufacturer
MGO	magnesium oxide
MH	manhole
MIL	milimeter
MIN	minimum
MNR	minor
MPI	Master Painter's Institute
MPT	moisture resistant
MRRB	moisture resistant gypsum board
MSB	mop service basin
MTD	mounted
MTL	metal
MTL.B	metal base

MUX	muxion
MWP	metal wall panel
N	north
NA	not applicable
NIC	not in contract
NO	number
NOM	nominal
NSMF	non-structural metal framing
NTS	not to scale
OC	on center
OD	outside diameter
OFCI	owner furnish/contractor install
OFCI	owner furnish/owner install
OHT	overhead
OPNS	opening
OPP	opposite
OPD	opaque
ORD	overflow roof drain
PC	pre-cast
PCR	primary cold header
PCT	position top
PERF	perforated
PKG	packing
PL	property line
PLAM	plastic laminate
PLUM	plumb, plumbing
PLYD	plywood
PLG	plug
FR	pair
PREFAB	prefabricated
PREFIN	prefinished
PSF	pounds per square foot
PSI	pounds per square inch
PT	point
PTD	paper towel dispenser
PTDR	paper towel dispenser and receptacle
PTN	partition
PTR	paper towel receptacle
PMNT	pavement
QT	square foot
RS	resilient rubber base
RCP	reflected ceiling plan
RD	rect drain
RE	regarding (see)
REBAR	reinforcing bar
REF	reference
REFL	reflected
REFR	refrigerator
RENF	reinforcing
REQD	required
RESL	resilient
REFC	recessed fire extinguisher cabinet
RH	rubber hook, right hand
RIB	rib
RO	rough opening
RP	resin panel
RRS	resilient rubber sheet
RSB	resilient rubber self-cove base
RTD	rated
RWL	rain water leader
SA	self-adhered
SASW	self-adhered sheet waterproofing
SB	shower bench
SCHED	schedule
SCD	sheet cover
SD	soffit dispenser
SDT	static dissipative tile
SECT	section
SH	sheet
SHTG	sheeting
SHV	sheet vinyl
SHWR	shower
SIL	silica

SLR	shear
SPEC	specification
SQ	square
SR	slip resistant
SS	stainless steel
SSK	service sink
SSM	solid surface material
ST	steel
STA	station
STD	standard
STL	steel
STN	stone
STRUCT	structural
SUSP	suspended
SYM	symmetrical
SYS	system
T	perpendicular
T&G	tongue and groove
T.O.	top of
TB	thermal break
TBD	to be determined
TBM	task board (modular)
TBL	telephone
TEMP	temporary
TFF	traveled floor finish
TG	tinted glass
THK	thick
TIBD	taskboard
TOB	top of beam
TCC	top of concrete, top of curb
TOP	top of pavement
TOS	top of slab
TOP	top of wall
TSPD	toilet partition TS tube steel
TSCD	toilet seat cover dispenser
TSPN	transparent
TTD	toilet tissue dispenser
TV	television
TWF	traveled wall finish
TYP	typical
UL	Underwriters Laboratories, Inc.
UNFIN	unfinished
UNO	unless noted otherwise
UR	urinal
V.B	vapor barrier
VCI	vulcanization inhibitor
VERT	vertical
VEST	vestibule
VIF	verify in field
VR	vapor retarder
VV	vent
W.D	walkoff
WB	window blind
WC	water closet
WCS	wood ceiling system
WCV	wall covering
WD	wood
WGD	wood grade
WDP	wood panel
WDW	window
WDWT	window treatment
WH	wall hung
WOC	walkoff carpet
WOM	walkoff mat
WSP	waterspout
WR	water resistant waste receptacle
WS	window shade
WVCT	walkoff
WT	windup treatment
WV	woven wire fence
X	approximately

SYMBOLS



NorthWind  
Architects, LLC

126 Seward St  
Juneau, AK 99901  
PH: 457.588.8150  
www.northwindak.com

2024 0002 PUBLIC DOCUMENTS

NWA-2348: AK KUSH REMODEL

SHEET TITLE:  
ABBREVIATIONS &  
LEGEND

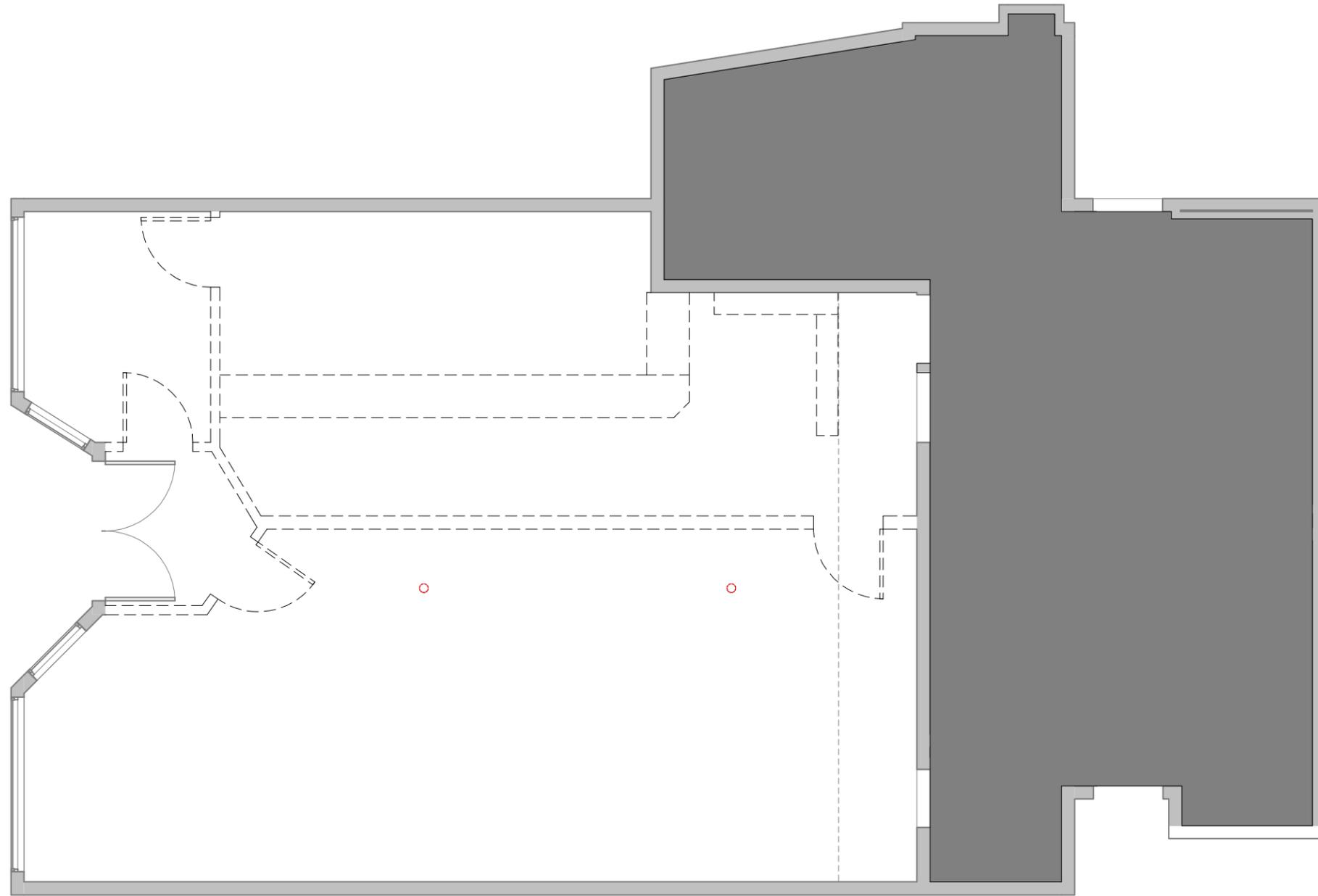
CHECKED JB, SCC  
DRAWN JP  
Issue date description

SHEET # G0.1

ISSUE DATE 01.17.20

Attachment A- Application

NorthWind Architects, LLC Project Number: NWA-2348



XX/XX/20XX



126 Seward St  
Juneau, AK 99801  
Ph #907.586.6150  
www.northwindarch.com

**GENERAL NOTES:**

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3. DIMENSIONS ARE TO GRIDLINE, FACE OR CENTER OF FRAMING UNO.
4. STRUCTURAL ELEMENTS SHOWN IN ARCHITECTURAL DRAWINGS FOR REFERENCE ONLY. SEE STRUCTURAL DRAWINGS FOR ALL STRUCTURAL INFORMATION.
5. CONTRACTOR SHALL FULLY PROTECT ALL AREAS ADJACENT TO WORK AREA FROM DUST, FUMES, ODORS AND EXCESSIVE NOISE USING CONSTRUCTION BARRIERS. CONTRACTOR SHALL PREPARE AND SUBMIT FOR REVIEW CONSTRUCTION BARRIER DESIGN PRIOR TO COMMENCING WORK.
6. DEMOLISH AND DISPOSE OF ALL ARCHITECTURAL ITEMS AND ALL WALL, FLOOR AND CEILING FINISHES INSIDE WORK LIMITS, UNO. WALL COVERINGS AND RETAIL COUNTERTOP TO BE SALVAGED.
7. REMOVE CAMERAS FROM MOUNTS ANNOTATED FOR DEMOLITION, SAVE TO BE INSTALLED ELSEWHERE IN MODIFIED INTERIOR

← 1" ACTUAL →  
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABEL SCALES.

**NWA-2348: AK KUSH REMODEL**

159 S FRANKLIN STREET  
JUNEAU, ALASKA

**LEGEND**

- STRUCTURAL COLUMN
- EXISTING TO REMAIN
- - - EXISTING TO BE DEMOLISHED/REMOVED
- NEW CONSTRUCTION
- NOT IN SCOPE

SHEET TITLE:  
**DEMO FLOOR PLAN**

CHECKED JB, SCC  
DRAWN SP

issue	date	description
1	02/01/24	CLARIFICATIONS

SHEET # **A1.0**

ISSUE DATE 02.01.2024

**1 DEMOLITION FLOOR PLAN**  
3/8" = 1'-0"





XX/XX/20XX



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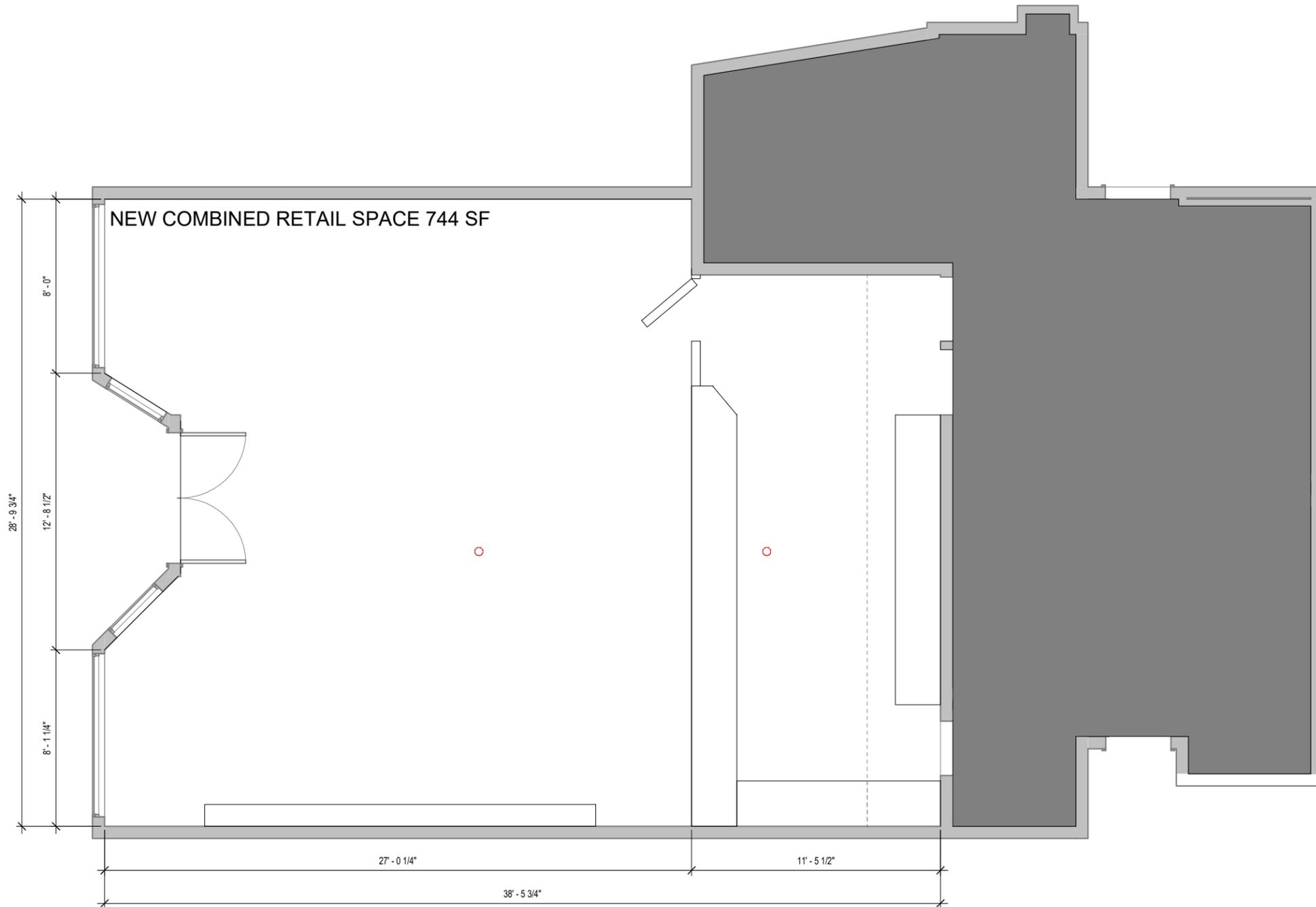
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**ZONING NOTES:**

- ZONED MU - MIXED USE
- MODIFICATION TO EXISTING CONDITIONAL USE PERMIT TO INCLUDE EXISTING STORAGE ROOM INTO RETAIL SPACE AND MOVE RETAIL COUNTER
- RETAIL FLOOR OCCUPANCY:  
744 SF/150= 5 PERSONS

← 1" ACTUAL →  
IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABEL SCALES.



**LEGEND**

- STRUCTURAL COLUMN
- ══ EXISTING TO REMAIN
- ══ NEW CONSTRUCTION
- NOT IN SCOPE

**NWA-2348: AK KUSH REMODEL**

159 S FRANKLIN STREET  
JUNEAU, ALASKA

SHEET TITLE:  
**FLOOR PLAN**

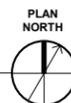
CHECKED SCC, JB  
DRAWN SP

issue	date	description
1	02/01/24	Clarifications

SHEET # **A2.0**

ISSUE DATE 02.01.2024

**1 FLOOR PLAN**  
3/8" = 1'-0"





## Planning Commission

(907) 586-0715

PC\_Comments@juneau.org

www.juneau.org/plancomm

155 S. Seward Street • Juneau, AK 99801

### PLANNING COMMISSION NOTICE OF DECISION

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Alaskan Kush Company LLC  
File No.: USE2018 0006  
June 12, 2018  
Page 2 of 2

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Project Planner:

  
\_\_\_\_\_  
Tim Felstead, Planner  
Community Development Department

  
\_\_\_\_\_  
Benjamin Haight, Chair  
Planning Commission

  
\_\_\_\_\_  
Filed With City Clerk

June 13, 2018  
\_\_\_\_\_  
Date

cc: Plan Review

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

**DATE:** June 4, 2018

**TO:** Planning Commission

**FROM:** Tim Felstead, Planner  
Community Development Department

**FILE NO.:** USE2018 0006

**PROPOSAL:** A Conditional Use Permit for a marijuana retail establishment in a mixed used zone

**GENERAL INFORMATION**

**Applicant:** Alaskan Kush Company LLC

**Property Owners:** Michael Thomas & Bettye Jean Adams

**Property Address:** 159 S. Franklin Street

**Legal Description:** Juneau Townsite Block H, Lot 1 Front

**Parcel Code Number:** 1C070B0H0030

**Site Size:** 3,872 sq. ft.

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

**Zoning:** MU

**Utilities:** Public water/Public sewer

**Access:** S. Franklin Street

**Existing Land Use:** Single story retail



## **PROJECT DESCRIPTION**

The applicant requests a Conditional Use Permit for the development of a marijuana retail establishment in Downtown Juneau.

## **BACKGROUND**

According to the CBJ GIS, the building at 159 S. Franklin Street exists on two legal lots of record, although it has only one CBJ tax parcel code. The building was one of the previous locations for the Red Dog Saloon and more recently has been a retail store or an art gallery.

The building is designated as an historic structure in the CBJ Historic Downtown District (CBJ database #A-07). According to the CBJ Historic Structures and Sites database, it was constructed in 1914, although the CBJ Assessor's database shows 1900 as the construction date.

## **ANALYSIS**

**Project Site** – The subject building is located on South Franklin Street adjacent to the Alaskan Hotel. The building is accessed from the front on South Franklin Street and a door at the rear which can be accessed from a passageway between the Alaskan Hotel and the subject building. The door at the rear is designed for use as an emergency exit. The passageway has an emergency exit lock and is not publically accessible from South Franklin Street. The main front door will be used by both the retail staff and the public.

The combined size of the two lots is 3,872 square feet. The minimum lot size for the Mixed Use zoning district is 4,000 square feet. The lot size is nonconforming. All setbacks in the Mixed Use zoning district are zero feet. With the exception of the building crossing the common side yard lot line, the subject building complies with the setbacks. The building crossing the lot line is considered a nonconforming situation. There is no minimum vegetative cover requirement in the Mixed Use zoning district.

**Project Design** – The subject building will be divided by a partition wall (see **Attachment A**). This will separate a restricted access marijuana retail area from a non-restricted retail space that will sell general merchandise. The applicant intends to remodel the front of the building so that both the restricted and unrestricted areas have the same main entrance but the restricted area will have an internal public entrance where identification will be checked.

The business staff will be able to move between the restricted and unrestricted areas through a door at the rear of the unrestricted area. Per State regulations, retail establishments may have a limited access public area where the public show identification for access. Anywhere the product is stocked or dispensed is restricted to access by staff with a State Marijuana Handler's License. Visitors are allowed in restricted areas if they sign in as visitors and are escorted by staff while they are on the premises. The applicant has stated they will have an audible alarm to alert when the connecting door is open. Given the unusual floor plan for a marijuana retail

business and to ensure this is reviewed during inspection, it is recommended as a condition:

*It is recommended as a condition of approval that the door between the unrestricted area and restricted area have an alarm that is audible in the restricted area to make the staff aware the door is open. It is recommended that the door shall be monitored by a camera.*

The applicants intend to change the current design of the entrance area alcove to a flat store façade. The proposed remodel will require a building permit. It will also require review by the CBJ Historic Resources Advisory Committee (HRAC).

Signs for the store will require CBJ Sign permits, and these will also be subject to the CBJ Historic District design standards.

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

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

Odor is primarily a concern with marijuana cultivation. Retail operations are not required to submit a ventilation and filtration plan with the Conditional Use Permit application. Most marijuana product sold at retail is packaged. Marijuana retail establishments typically have small amounts of marijuana enclosed in containers for customers to smell. It is expected that there will be no odor discernable from outside the building.

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

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

Exterior lighting is provided in the canopy on South Franklin Street. The applicant has stated they will install commercial grade locks on all exterior doors and the applicant intends to board up some windows from the inside. An alarm system will be installed to detect broken windows, each exterior door will have a sensor, and the tills will have a panic button next to them.

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

**Screening** – State and local regulations require that no marijuana products be visible from a public right-of-way. The applicant does not discuss this in their proposal.

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

**Traffic** – No significant traffic impacts are expected from the proposed use of the existing retail space as a marijuana retail store.

There is potential for customers to queue on the sidewalk while waiting to enter the limited access area of the retail store. Other marijuana retail establishments in the downtown area do not experience this issue. The applicant should require any queuing customers to wait in the non-restricted side of the building or require them to line up along the front of the building out of the way of other pedestrians.

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

**Parking and Circulation** - The building was constructed prior to parking requirements under the CBJ Land Use Code and is located in the PD-1 parking overlay district. CBJ 49.40.210(d) provides an exemption for buildings in the PD-1 overlay district. Only expansions of existing buildings or construction of new buildings are required to provide additional parking; changes in use of an existing building do not require additional parking. The subject building was expanded in 2016 (BLD2016-0404) with an additional 330 square foot storage area being added. Part of this addition has been identified as office space in the floor plans for this Conditional Use Permit.

The parking requirement based on the floor plan in the 2016 building permit is 0.132 spaces based on the use of the area for storage, which when rounded to the nearest whole number is 0 spaces.

**Noise** - The operation is not anticipated to create any more noise than any other retail operation in the vicinity.

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

State regulated potency limits, package labeling, and sign posting requirements are meant to ensure consumers are educated about the products' potency, time elapsed effect, and dosage

recommendations. CBJ regulations also require signage regarding use and transportation of marijuana products to be displayed in a prominent place.

A building permit will be required for the anticipated remodel of the front doorway and a fire inspection is required as part of the CBJ licensing inspections. Tenant improvements to the retail areas will also need to be completed and inspected prior to a CBJ license being approved. The CBJ Building Official and CBJ Deputy Fire Marshall have no concerns with the application.

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

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

The CBJ Assessor has stated that given the number of bars in the vicinity, she foresees no negative impacts from a marijuana retail business than would be expected from a bar.

No comments have been received from the public at the time of writing.

### **Conformity with Adopted Plans**

#### CBJ 2013 Comprehensive Plan

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

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

#### *SUBAREA POLICIES: MAP 'M' POLICIES*

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

*POLICY 19. WHEN CONSIDERING APPLICATIONS FOR BUILDING PERMITS FOR COMMERCIAL USES WITHIN THE DOWNTOWN JUNEAU AREA, CONSIDER THE POTENTIAL NOISE IMPACTS OF MECHANICAL EQUIPMENT OR PATRONS ON ADJACENT RESIDENTIAL USES. IT MAY BE APPROPRIATE TO ESTABLISH A NOISE ORDINANCE FOR THE DOWNTOWN JUNEAU SUBAREA WHERE CASE-BY-CASE*

*ANALYSIS, CONDITIONS OF PERMITS AND ENFORCEMENT ACTIVITIES ARE NOT PRACTICAL TO SOLVE NOISE PROBLEMS. [PAGE 187]*

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

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

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

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

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

#### Economic Development Plan

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

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

#### **FINDINGS**

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

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

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

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

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

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

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

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

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

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

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

**Yes.** The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the June 1, 2018, and June 11, 2018 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way. Further, the proposal, with conditions, has been found to meet the requirements of CBJ 49.65.1245 related to marijuana retail.

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

**No.** With the recommended conditions, the subsequent building permit review process, and CBJ License process, the public health and safety will not be materially endangered.

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

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

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

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

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

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

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

**RECOMMENDATION**

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

The approval is subject to the following conditions:

1. Prior to issuing a CBJ marijuana license, the applicant shall submit to CDD the approved State of Alaska license application that permits the use of marijuana retail at the subject site to ensure it matches the plans and operations described in this Conditional Use Permit.
2. Prior to receiving a CBJ Marijuana license, the connecting door between the unrestricted area and restricted area shall have an alarm that is audible in the restricted area to make the staff aware the door is open. The door shall also be monitored by a camera.
3. Prior to issuance of a CBJ Marijuana License, the applicant shall install screening that prevents marijuana products being visible by the general public from the right-of-way.
4. As an operational condition, the applicant shall ensure that there is no obstruction of a public right-of-way by the business activities.
5. The Conditional Use Permit shall be reviewed by the commission every five years from the date of issuance.



# DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	<b>PROPERTY LOCATION</b>	
	Physical Address <b>S FRANKLIN ST 159</b>	
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <b>JUNEAU TOWNSHIP BL H LT C FR</b>	
	Parcel Number(s) <b>1C070 B0H0030</b>	
	<input checked="" type="checkbox"/> This property located in the downtown historic district <input checked="" type="checkbox"/> This property located in a mapped hazard area, if so, which <b>MODERATE LANDSLIDE/AVALANCHE AREA</b>	
	<b>LANDOWNER/ LESSEE</b>	
	Property Owner <b>HERBERT E SMYTH &amp; CASEY WILKINS</b>	Contact Person <b>ALASKAN KUSH COMPANY LLC</b>
	Mailing Address <b>PO Box 240588 DOUGLAS AK 99824</b>	Phone Number(s) <b>801 709 9394 HERB SMYTH</b>
	E-mail Address <b>ALASKANKUSHCO@GMAIL.COM</b>	<b>907 957 3877 CASEY WILKINS</b> <b>509 936 0901 GREG SMITH</b>
	<b>LANDOWNER/ LESSEE CONSENT</b> 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.		
<input checked="" type="checkbox"/> <b>HERBERT E SMYTH</b> <span style="float: right;"><u>4/17/18</u></span> <small>Landowner/Lessee Signature Date</small>		
<input checked="" type="checkbox"/> <b>Casey Wilk</b> <span style="float: right;"><u>4/19/18</u></span> <small>Landowner/Lessee Signature Date</small>		
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.		
<b>APPLICANT</b> If the same as OWNER, write "SAME"		
Applicant <b>SAME</b>	Contact Person <b>HERBERT SMYTH / CASEY WILKINS</b>	
Mailing Address <b>PO Box 240588 DOUGLAS AK 99824</b>	Phone Number(s)	
E-mail Address <b>ALASKANKUSHCO@GMAIL.COM</b>		
<input checked="" type="checkbox"/> <b>HERBERT E SMYTH</b> <span style="float: right;"><u>4/17/18</u></span> <small>Applicant's Signature Date of Application</small>		

DEPARTMENT USE ONLY BELOW THIS LINE

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

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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

Intake Initials <b>ANF</b>	Date Received <b>4/19/18</b>
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Case Number <b>18-006</b>	
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# ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

**PROJECT SUMMARY**  
*A conditional Use Permit for a marijuana retail facility*

**TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED**  
 Accessory Apartment – Accessory Apartment Application (AAP)  
 Use Listed in 49.25.300 – Table of Permissible Uses (USE)  
 Table of Permissible Uses Category: *49.25.300 MUDISTRICT USE 2.300 "MARIJUANA RETAIL STORE"*

**IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL?**  YES – Case # \_\_\_\_\_  NO

**UTILITIES PROPOSED** WATER:  Public  On Site SEWER:  Public  On Site

**SITE AND BUILDING SPECIFICS**  
 Total Area of Lot *3872* square feet Total Area of Existing Structure(s) *1367* square feet  
 Total Area of Proposed Structure(s) *800* square feet

**EXTERNAL LIGHTING**  
 Existing to remain  No  Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures  
 Proposed  No  Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures  
*SEE ITEM F PL 3 PRE APP FINAL REPORT*

**ALL REQUIRED DOCUMENTS ATTACHED**

**Narrative including:**

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

**Plans including:**

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

*If this is a modification or extension include:*

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

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <i>500</i>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <i>50</i>			
Pub. Not. Sign Deposit	\$ <i>100</i>			
Total Fee	\$ <i>650</i>		<i>0154956</i>	<i>4/19/18</i>

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

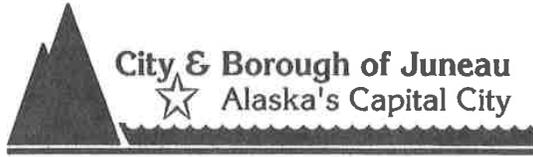
**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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

Case Number	Date Received
<i>Use 18-006</i>	<i>4/19/18</i>

Attachment A: Application

Attachment B- USE2018 0006, NOD and Staff Report



**City and Borough of Juneau  
Community Development Department**  
155 South Seward Street  
Juneau, Alaska 99801  
Telephone: 586-0715 Facsimile: 586-3365

**Project Name:**

Case Number: PAC2016 0011  
 Project Description: Marijuana Retail  
 Applicant: Zeke Smythe  
 Property Owner: Michael Thomas and Bettye Jean Adams  
 Property Address: 159 South Franklin  
 Parcel Code Number: 1C070BoH0030  
 Site Size: 1,700 sq. ft. building  
 Zoning: MU  
 Existing Land Use: Vacant Commercial Space

Conference Date: 2/24/2016  
 Report Issued:

**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
Zeke Smythe	Applicant	
John Young	Building Department	
Ron King	General Engineering Fire Marshal	
Sven Pearson		
Chrissy Steadman	Planning Department	
Allison Eddins	Planning Department	

Neighborhood Association/Contact:

## 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 – Mixed Use (MU). Table of Permissible 49.25.300 use 2.300 “Marijuana retail store” allowed with a CUP in a MU district.
2. Setbacks – MU districts have 0 foot setbacks.
3. Height – See #2
4. Parking – This lot is located in the PD-1 parking district which is exempt from parking requirements in 49.40.210, except in the case of the expansion of an existing building or the construction of a new building.
5. Landscaping – No landscaping is required. However, any vegetation that can be incorporated into the site without encroaching into the public right-of-way, is strongly encouraged.
6. Building – The building is located in the Historic District and should comply with all relevant requirements in the Historic District Design Standards and Guidelines. (See note 20)
7. Fire District – CBJ Fire Marshal has no comments at this time.
8. Lighting – Any proposed or existing exterior lighting should be shown on a site plan.
9. Habitat Issues – No habitat at this location at this time.
10. Lot Coverage – MU districts have no limits on lot coverage.
11. Traffic – Noise levels beyond that of a typical retail establishment are not anticipated with this proposal.
12. Engineering – Owner needs to resolve a storm drain issue and has been working with General Engineering on this issue.
13. Noise – Noise levels beyond that of a typical retail establishment are not anticipated with this proposal.
14. Drainage – The owner of the property has been working with General Engineering to resolve a storm drainage issue.
15. Utilities – Public water and sewer are available at this site.
16. Wetlands – No wetlands issues at this location at this time.
17. Hazard/Avalanche/Hillside Endorsement – This property is located in a moderate landslide/avalanche area.
18. Flood – This property is located in a Zone X area of minimal flood hazard, FEMA panel 1567D.
19. Other Agency Reviews – Planning, Building, General Engineering and Fire will review the conditional use permit application and any building permit applications.
20. Signage – Per 49.45.230, this building is allowed 42 square feet of sign area. This is calculated by taking the length of the building that faces the right-of-way (in this case approximately 28 feet) and multiplying that number by 1.5 ( $28 \times 1.5 = 42$ ). Sign area is the total area of all visible faces of the sign.
21. Historic District -
  - a. This building has a maximum height limit of 35 feet.

## Pre-Application Conference Final Report

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- b. Rooftop uses, like tables, umbrellas, patio furniture, etc., should be setback from the cornice of the building so that they are not visible from the sidewalk below.
- c. Mechanical equipment should be located where it is not visible
- d. Do not remove or make major alterations the building canopy.
- e. One under canopy hanging sign is allowed per tenant per street façade. This proposal will have only one tenant (you) and one street façade (N. Franklin), therefore only one under canopy hanging sign is allowed.
- f. The primary building entrance shall be the main source of exterior lighting. Recessed down lighting under canopies and seasonal string lighting are both appropriate.
- g. Any exterior alterations, including sign placement, will need to be approved by the Historic Resources Advisory Committee prior to any work being done.

### 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:

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 to be complete. Each submittal requirement should contain as much detail as possible. (These are submittal requirements as of 2/24/2016. Please be advised that these may change prior to the City and Borough of Juneau City Assembly adoption of the ordinance 2015-38.)

1. A copy of this pre-application conference report.
2. A site plan of all buildings on the property
3. A floor plan showing how the floor space is or will be used, including restricted areas and the total floor area of the building.
4. A security plan indicating how the business will comply with the requirements imposed by State law
5. A waste disposal plan indicating how the business will comply with the State requirements
6. A screening plan illustrating the business' compliance with AS 17.38.070.
7. A ventilation plan showing the location of all doors, windows, air vents and air vent filters.
8. Any additional documentation determined by the director to be necessary for the commission to make a decision whether to approve or deny the permit, or approve with conditions, to ensure compliance with CBJ 49.65.110 and 49.15.330 (f), including but not limited to neighborhood harmony.

**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.

The proposed use is considered a Class II uses, according to 49.85.100 (3) (B). The fee for the Conditional Use Permit application and review will be \$500.00.

CBJ 49.15.230 requires the applicant of a Conditional Use Permit to post a public notice sign at the location of the proposed use for at least 14 days prior to the Planning Commission hearing. The fee for the public notice sign is \$50.00. The applicant must also pay a \$100.00 sign deposit which will be refunded after the sign is returned to the Community Development Department.

The fees that are applicable to the subject proposal are subject to change if the proposed projects changes and/or if new or additional information is presented after the meeting.

For informational handouts with submittal requirements for development applications, please visit our website at [www.juneau.org](http://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) 586-3365  
Web: [www.Juneau.org](http://www.Juneau.org)

## **Marijuana Handler Training ID Check for Age and Authenticity**

The marijuana handler will take the ID of the person who appears to be under the age of 30 in their hand to screen it. No ID will be viewed through plastic. Politely ask customers to remove their ID from their wallet, get it in your hand. If it's in your hand, you can feel it, rub it, touch it and feel any large or small imperfections that will indicate a possible alteration in the ID.

Know the date and the year for someone to be 21. Do this by subtracting 21 from the current year:  $2018 - 21 = 1997$

Know the current date in this example the current will be January 9, 2018.

If a persons ID says January 14, 1997 Then that person is 20 with only 5 days till that person is 21.

Another way to detect a possible misuse or false use of an ID is to ask the customer a question. After requesting the customers ID, and while it is in your hand and you've done the math. Closely examine the photo on the ID. See, and remember the image, the number one method used by underage persons to get access to areas designated for persons over 21 years of age is to borrow an ID of someone over 21. Under age persons, won't borrow just any ID they will get the ID of a person they actually look like and whose general physical description is close to them. Look for differences in the hairline, the ears, the nostrils and the smile.

If you doubt the person in front of you is actually the person in the photo ask for other verifiable ID or ask another employee to help you. Never be afraid to ask for help.

If you doubt the authenticity of the ID, ask questions of persons while screening their ID. While you have an ID in hand, and have verified the date, but suspect the photo isn't right, be prepared to ask questions that may confuse the person. You don't have to know the correct answer but instead, you want the person who is using a borrowed ID to stop and think about your question, mainly because the question has surprised them and they don't know the answer. So, pick a question that most people would automatically know the answer to, such as; "What type of car does your mother drive?" or "What college does your sister attend?" Again, you don't have to know the answer but you need to understand their answer.

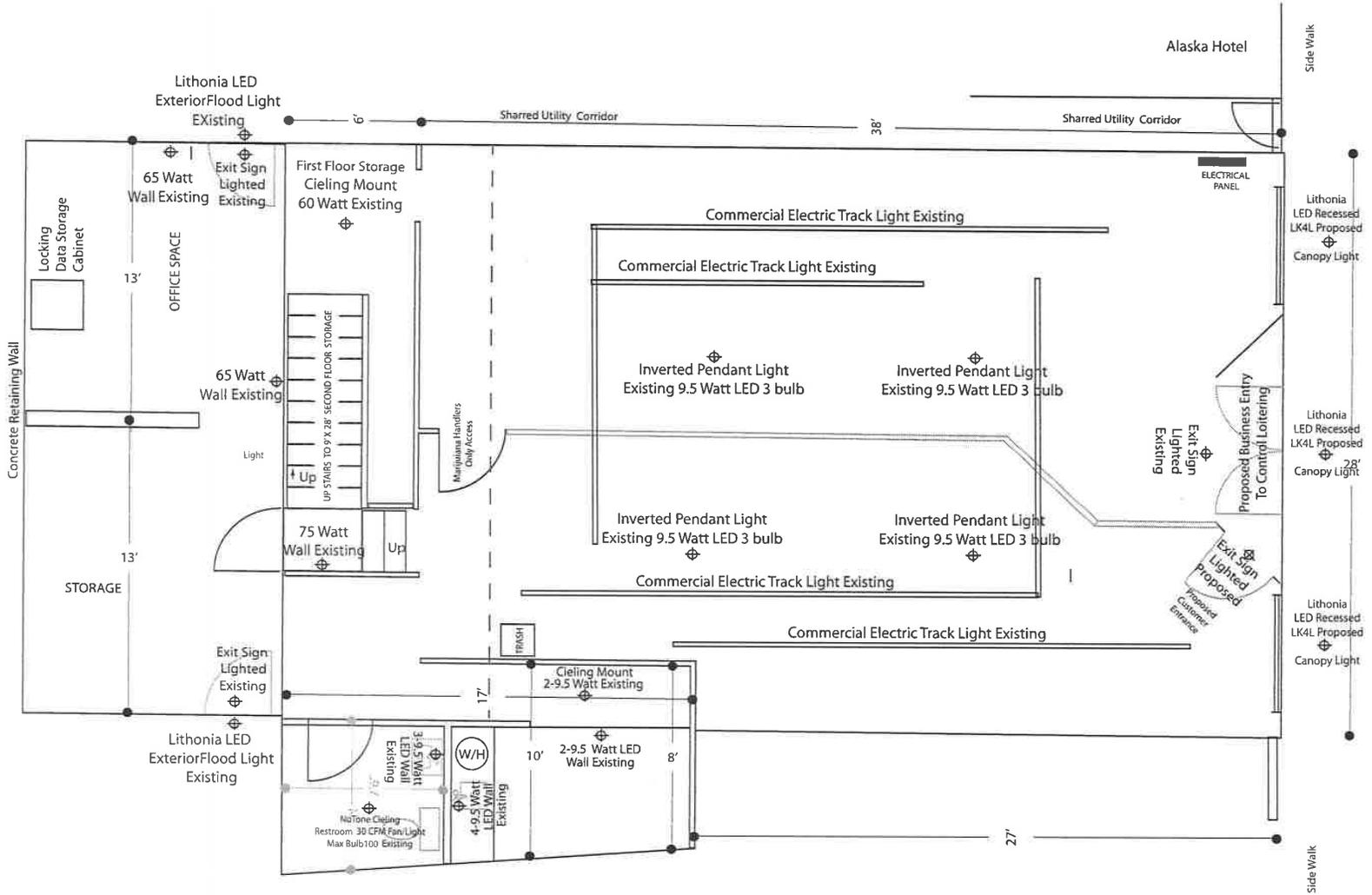
Typically an underage person will start their answer with; "Uhh" or will be very silent.

If you have a doubt don't serve the person. Ask for help or refuse to serve the person and ask them to leave.

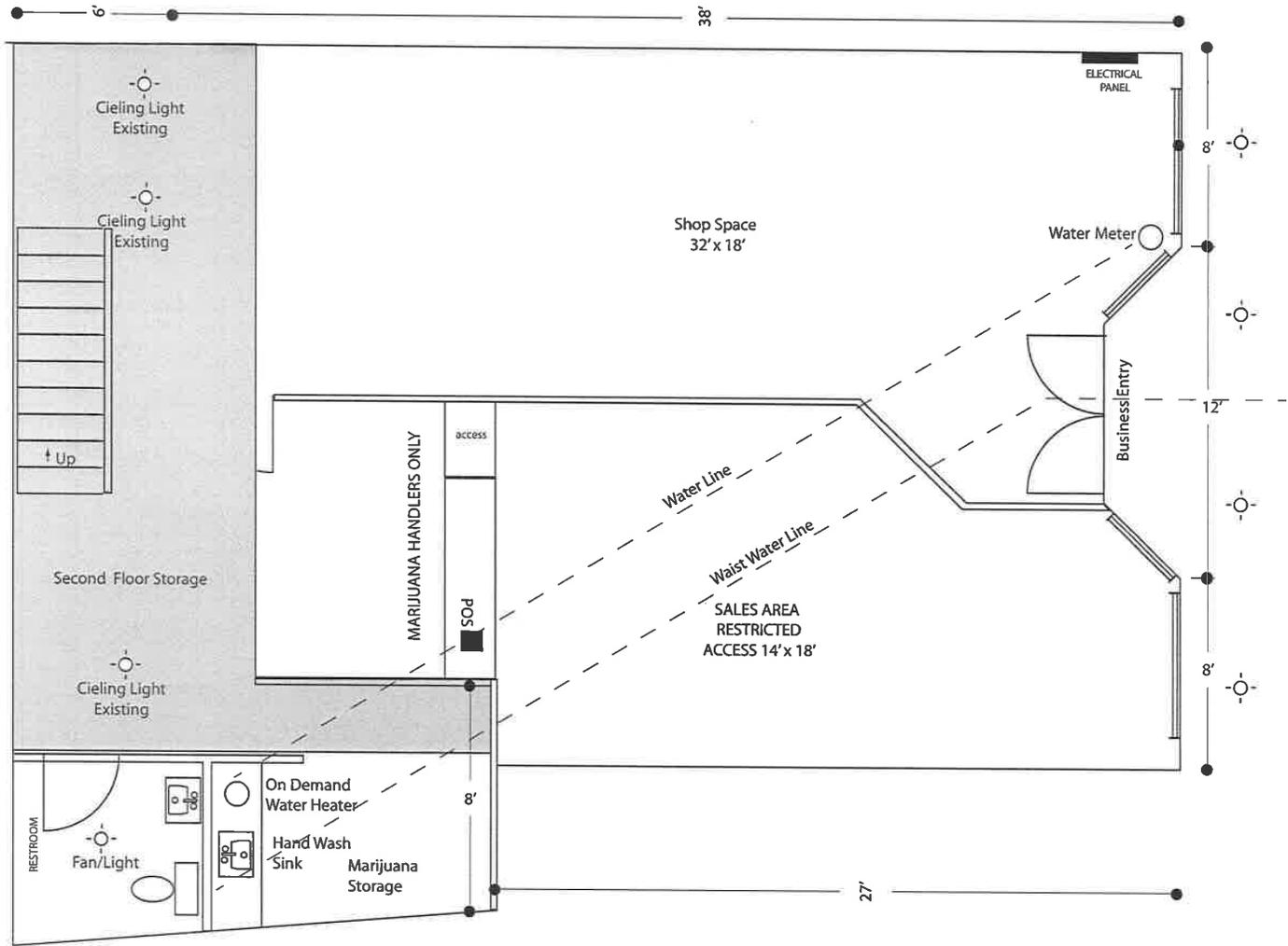
Attachment A: Application

Attachment B- USE2018 0006, NOD and Staff Report

Attachment A: Application



Attachment A: Application



1/4" = 1'0" Alaska Kush Company, 159 South Franklin Street, Juneau Alaska, 99801 Second Floor Storage As Built

Second Floor Lighting Area



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Marijuana Control Board

## Form MJ-01: Marijuana Establishment Operating Plan

### Section 2 – Security

Review the requirements under 3 AAC 306.710 – 3 AAC 306.720 and 3 AAC 306.755, and identify how the proposed premises will meet the listed requirements.

Describe how the proposed premises will comply with each of the following:

#### Restricted Access Areas (3 AAC 306.710):

Describe how you will prevent unescorted members of the public from entering restricted access areas:

There are three functional exterior doors accessing the licensed premises: one door in the rear of the building providing egress to an exterior alleyway, the main public entrance, and an employee-only door between the licensed retail marijuana store and an adjoining merchandise area. All doors will have commercial grade locks, with the door in the rear of the premise remaining locked at all times. The main entrance will be unlocked only when the store is open for business. The employee-only door will be locked whenever an employee is not in the immediate vicinity.

A security system will be continuously active to ensure no unauthorized access goes unnoticed. Required signage stating "Restricted access area. Visitors must be escorted." will be posted on the rear exterior door and the employee-only door. A sales counter will provide a physical obstruction to members of the public from accidentally or intentionally entering the retail marijuana store through the employee-only door. An audible alert will sound anytime the employee-only door is accessed. Video of all entrances areas, as well as the entirety of the retail marijuana store and adjacent merchandise area will be provided by the required surveillance system.

Describe your processes for admitting visitors into and escorting them through restricted access areas:

Before being allowed entry to the restricted access areas, visitors must show proper and valid identification indicating that they 21 years of age or older. Each visitor will be given a visitor identification badge. No more than five visitors will be escorted by any one licensee, employee or agent. Anyone escorting visitors must have a marijuana handler's card.

A sign stating "No one under 21 years of age allowed." will be posted on the front door of the restricted access retail marijuana store. Details on recordkeeping of visitors is detailed on the following page.



Alaska Marijuana Control Board

## Form MJ-01: Marijuana Establishment Operating Plan

Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

### Security Alarm Systems and Lock Standards (3 AAC 306.715):

Exterior lighting is required to facilitate surveillance. Describe how the exterior lighting will meet this requirement:

At all exterior entrance points (main public front door, rear egress door, and employee-only door), light fixtures will provide illumination sufficient to identify persons at least 20 feet from the entrance. Exterior fixtures will be selected to resist weather conditions and tampering.

Additional exterior lighting placed around the perimeter of the building will discourage loitering or burglary.

An alarm system is required for all license types. Describe the security alarm system for the proposed premises:

- E. The services of an alarm company will be contracted for the purpose of maintaining a secure facility.
- a. Additional security in the form of a panic button will be installed at each till
- b. Each exterior ground floor window will have a frequency detector installed designed to detect breaking glass
- c. Each exterior door entrance will have a contact sensor installed that is designed to detect forced entry
- d. A magnetic entry key pad will be placed at the entry and exit to the restricted access area where marijuana is sold and stored. Alarms will always be active in the sales restricted access area if entry is forced the alarm will sound.

An audible alert will sound anytime the employee-only door is accessed.

The alarm system must be activated on all exterior doors and windows when the licensed premises is closed for business. Describe how the security alarm system meets this requirement:

- e. A motion sensor detection alarm will be installed and activated when the facility is closed for business

All exterior doors and windows that are not boarded/secured will be connected to the alarm system.



Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Marijuana Control Board

## Form MJ-01: Marijuana Establishment Operating Plan

Describe your policies and procedures for preventing diversion of marijuana or marijuana product:

The use of industry best practices will help prevent diversion of marijuana. These efforts include:

- video surveillance of all areas where grown, processed, packaged, or stored, or where marijuana waste is destroyed;
- the use of transportation manifests, and a cannabis inventory tracking system;
- inventory best practices, including multiple employees present during inventory, and the use of certified scales;
- appropriate and secure storage of marijuana on-premise and during transportation;
- security and video surveillance systems and appropriate exterior lighting to discourage unauthorized entry;
- permitting customers to only handle the samples of marijuana products; beyond the samples, the only marijuana or marijuana product they will have access to is their purchased marijuana or marijuana products.

Describe your policies and procedures for preventing loitering:

Appropriate signage will be posted around the facility informing persons that loitering is prohibited. Persons found loitering will be asked to leave. If they do not, local law enforcement will be notified. Additionally, bright exterior lighting should discourage loitering.

Removing the alcove at the front door entry of the store. Making the entrance parallel with the sidewalk will keep persons from loitering or sleeping in the entry alcove.

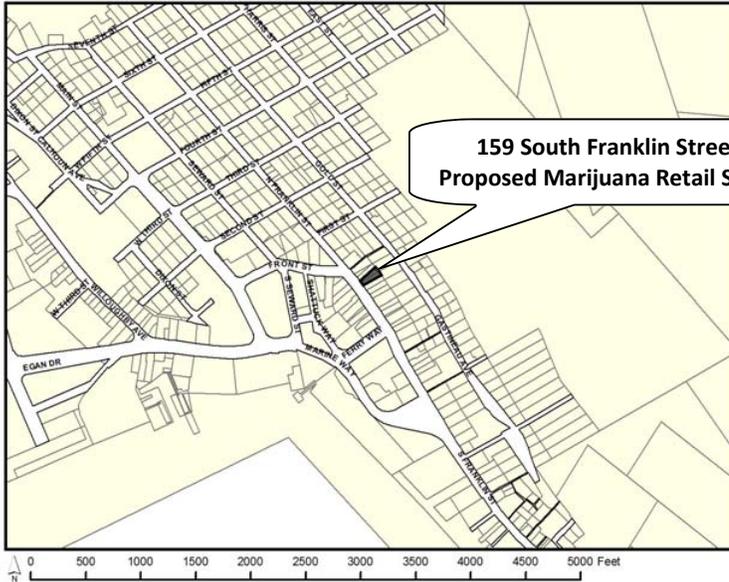
Describe your policies and procedures regarding the use of any additional security device, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm to enhance security of the proposed premises:

Motion detectors, panic buttons, and audible door signals will be installed in the facility for an additional layer of security. Employees will be trained in the proper use of these systems.



# Invitation to Comment

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



COMMUNITY DEVELOPMENT

155 S. Seward Street Juneau, Alaska 99801

TO:

An application has been submitted for consideration and public hearing by the Planning Commission for a **Conditional Use Permit** for a **marijuana retail store** located at **159 South Franklin Street** in a **Mixed Use (MU)** zone.



## TIMELINE

Staff Report expected to be posted June 4, 2018 at <https://beta.juneau.org/assembly/assembly-minutes-and-agendas>  
Find hearing results, meeting minutes and more here as well.

**Now through May 25, 2018**

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

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

**May 26 through 12 noon, June 12**

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

**HEARING DATE & TIME**  
**7:00 pm, June 12, 2018**

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

**Case No.:** USE2018 0006  
**Parcel No.:** 1C070B0H0030  
**CBJ Parcel Viewer:** <http://epv.juneau.org>

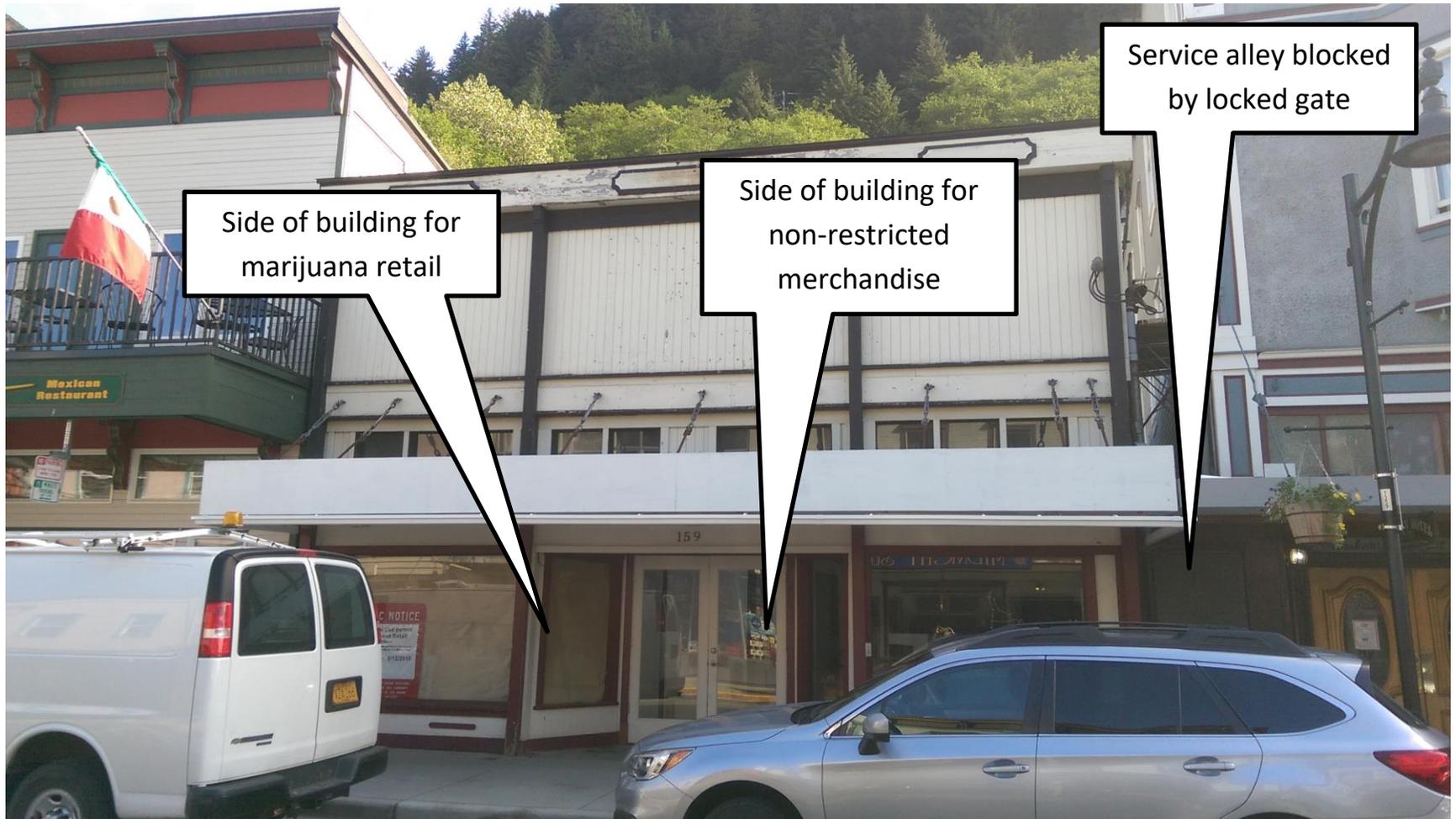
**June 13**

The results of the hearing will be posted online.

Printed May 16, 2018

Attachment B. Public Notice

Attachment B- USE2018 0006, NOD and Staff Report



Attachment C – Photo of front of building



Attachment C – Photo of rear of building



(907) 586-0715  
CDD\_Admin@juneau.gov  
www.juneau.org/community-development  
155 Heritage Way • Juneau, AK 99801

## NONCONFORMING CERTIFICATE

Date: March 1, 2024  
File No.: NCC2024 0004

Northwind Architects  
126 Seward Street  
Juneau, AK 99801  
[shannon@northwindarch.com](mailto:shannon@northwindarch.com)  
[cwilkins907@gmail.com](mailto:cwilkins907@gmail.com)

Proposal: A Nonconforming Situation Review for lot size and width.

Property Address: 159 S Franklin Street  
Property Legal Description: JUNEAU TOWNSITE BL H LT 1 FR  
Property Parcel Code No.: 1C070B0H0030

The Director of Community Development adopted the analysis and findings listed in the attached memorandum dated March 1, 2024, and has found the following situations on the lot to be certified nonconforming to the Title 49 Land Use Code of the City and Borough of Juneau:

- Nonconforming Lots (CBJ 49.30.260): Juneau Townsite Block I Lot 1,2, Fraction
  - Lot size of 2140 square feet
  - Lot width of 20 feet
- Nonconforming Lots (CBJ 49.30.260): Juneau Townsite, Block H Lot 1, Fraction
  - Lot size of 1732 square feet
  - Lot width of 9 feet

The structure is unable to be certified with the documentation provided.

This Nonconforming Certificate applies to the nonconforming situations stated above. The nonconforming rights provided herein may be relinquished under certain circumstances provided under the CBJ Title 49 Land Use Code. It is the responsibility of the owner or agent of the owner to ensure that all development on the lot is in compliance with this certification and the CBJ Title 49 Land Use Code.

**CBJ 49.30.215: Accidental damage or destruction.** *Structures receiving a nonconforming certification may have the right to reconstruct a nonconforming structure per CBJ Chapter 49.30.*

Northwind Architects  
File No.: NCC2024 0004  
March 1, 2024  
Page 2 of 2

This Nonconforming Certificate constitutes a final decision of the Director of Community Development. Appeals must be brought to the CBJ Planning Commission in accordance with CBJ 49.20.110. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed.

If you have any questions regarding your project or anticipate any changes to your plans, please call the Community Development Department at (907) 586-0715.

Project Planner:



Irene Gallion, Senior Planner  
Community Development Department

*scott ciambor*, Planning Manager, for

Jill Lawhorne, Director, AICP  
Community Development Department

**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.



**DIRECTOR'S REVIEW STAFF REPORT  
NONCONFORMING CERTIFICATION  
NCC2024 0004**

(907) 586-0715  
CDD\_Admin@juneau.gov  
www.juneau.org/community-development  
155 Heritage Way • Juneau, AK 99801

**DATE:** March 1, 2024  
**TO:** Jill Lawhorne, AICP | Director  
**BY:** Irene Gallion, Senior Planner

**PROPOSAL:** A Nonconforming Situation Review for lot size and width.

**KEY CONSIDERATIONS FOR REVIEW:**

- The 1900 structure is built across two lots, created before 1894.
- There is inadequate documentation to certify the structure.

GENERAL INFORMATION	
<b>Property Owner</b>	Michael Thomas Adams
<b>Applicant</b>	NorthWind Architects
<b>Property Address</b>	159 S Franklin Street
<b>Legal Description</b>	JUNEAU TOWNSITE BL H LT 1 FR
<b>Parcel Number</b>	1C070B0H0030
<b>Zoning</b>	MU
<b>Lot Size</b>	Parcel size: 3,872. Lot sizes discussed below.
<b>Water/Sewer</b>	CBJ
<b>Access</b>	Franklin Street
<b>Existing Land Use</b>	AK KUSH
<b>Associated Applications</b>	USE2024 0002

**STAFF RECOMMENDATION:**

**Staff recommends the following situations receive**

**Nonconforming Certification:**

- Nonconforming Lots (CBJ 49.30.260)

**ABANDONMENT:**

If a nonconforming situation is deemed to be abandoned by the Director, the decision may be reconsidered in accordance with CBJ 49.30.220. After reconsideration is reviewed, an appeal may be filed in accordance with CBJ 49.20.110.

**NONCOMPLIANCE:**

If a situation fails to be certified as nonconforming, an appeal of this decision may be filed in accordance with CBJ 49.20.110.

**CBJ 49.30.215: Accidental damage or destruction.** Structures receiving a nonconforming certification may have the right to reconstruct a nonconforming structure per CBJ Chapter 49.30.

*Fostering excellence in development for this generation and the next.*

**SITE FEATURES AND ZONING**

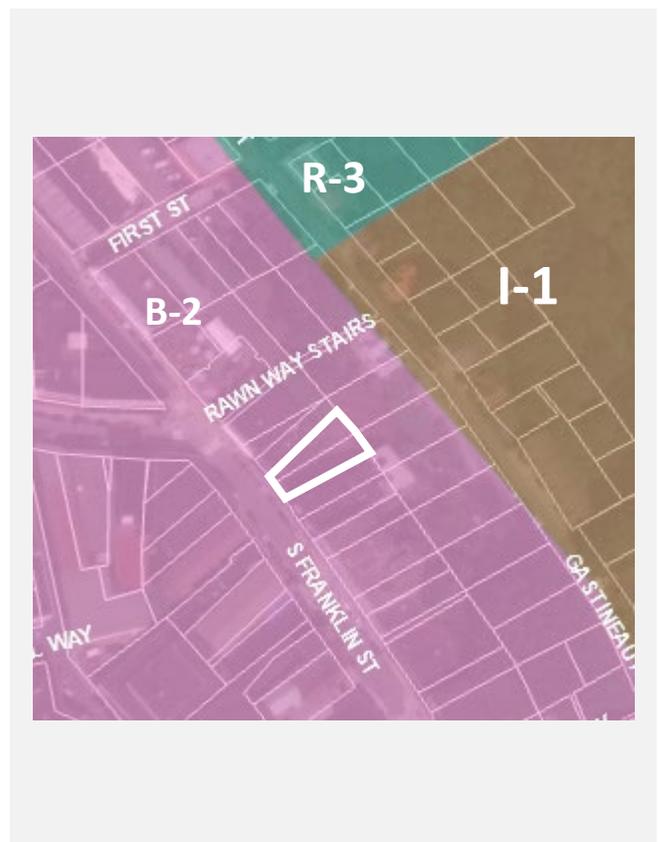
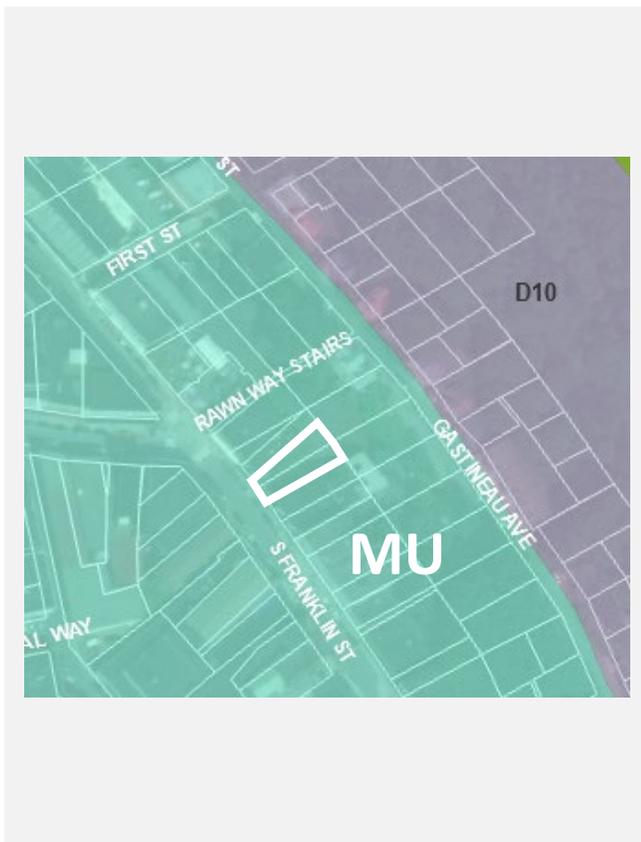


SURROUNDING ZONING AND LAND USES	
North (MU)	Restaurant
South (MU)	Hotel
East (MU)	Vacant
West (MU)	South Franklin Street

SITE FEATURES	
Anadromous	None
Flood Zone	None
Hazard	Severe Landslide
Hillside	Yes
Wetlands	No
Parking District	No Parking Required Area
Historic District	Yes
Overlay Districts	None

**CURRENT ZONING MAP**

**ZONING 1964**



**ZONING HISTORY**

More precise documentation may change determinations.

Year	Zoning District	Summary
1964	B-2	<p>Central Business District            Height: 85 feet            Lot area, business use: No minimum            Lot area, one- and two-family dwellings: 3,600 square feet            Lot area, multi-family:                One story: 875 square feet per dwelling                Two-story: 600 square feet per dwelling                Three- to six-story: 500 square feet per dwelling unit            Requirements do not apply to hotels and rooming houses where no cooking facilities are provided in the rooms.            Lot width, one- and two-family dwellings: 40 feet            Lot coverage: No limit, except to meet setbacks, off-street parking and loading area requirements.            Front yard setback: four feet.            Side yard setback:                Four feet required abutting a residential district                Four feet required next to a street                Otherwise, no setback required            Rear yard setback: No limit, except to meet off-street parking and loading area requirements.            No business parking requirements.</p> <p>Lots are nonconforming for lot width.</p>
1969	C-2	<p>This district recognizes the role of the area’s central business district which is primarily for retail trade, administrative and professional offices, specialty shops and services to the general public. This district is more selective than the general commercial district in that heavier commercial uses such as lumber yards and wholesaling are not allowed.</p> <p>Minimum lot size: 2,000 square feet            Minimum yard setbacks: None, except that when a side or rear lot line abuts a residential district, minimum setbacks of ten feet shall be maintained.            Maximum building height: None.            Maximum lot coverage: None.            Minimum lot width: 20 feet.</p> <p>North lot became nonconforming for size and width (Juneau Townsite, Block H Lot 1, Fraction).</p>
1987	MU	Minimum lot size: 4,000 sf

Year	Zoning District	Summary
		Minimum lot width: 50 feet Maximum lot coverage: None Maximum height: None Setbacks: None, unless required by abutting zoning.  South lot became nonconforming for size and width. North lot remained nonconforming.
2021	*All zoning districts – lot depth repealed	On August 23, 2021, the CBJ Assembly adopted Ordinance 2021-28, repealing lot depth as a minimum dimensional standard. Other dimensional standards for MU remain the same.

**BACKGROUND INFORMATION**

The applicant requests a Nonconforming Situation Review for in advance of a modification to a Conditional Use Permit (**Attachment A**). The lot was platted in 1886 and the structures were constructed in 1900.

**INFORMATION REVIEWED**

Year	Type	Summary
2019	BLD2019 0695	New electric heaters.
2018	BLD2018 0391	Retail improvements for current use.
2018	BLD201800030	Entrance reconfiguration for current use (withdrawn).
2018	USE2018 0006	Marijuana retail approved.
2016	BLD2016 0664	Rot repair and structural concrete repair.
2016	BLD2016 0404	Storage addition.
2014	BLD2014 0679	Replace two 257 gallon oil tanks.
2014	BLD2014 0584	Eight foot retaining wall.
2006	BLD2006-00034	Demolition permit for awning.
2004	BLD2004-00226	Change front door to double doors, paint, repair awning.
2004	BLD2004 00218	Demolition of non-loadbearing wall.
2002	BLD2002-00153	Removing glass and replacing with double-hung window.
2001	BLD2001 00059	Temporary wall dividing shop into two retail areas with one entrance.
1995	BLD-1053101	Safety inspection.
1994	Deed	Through GIS Technician. Appears to describe the property ( <b>Attachment B</b> )
1988	BLD-0247201	Remodel for Red Dog Saloon.
1987	BLD-0128801	Remodel for second exit for Red Dog Saloon (void).
1987	BLD-0119101	Return Red Dog Saloon front to original.
1969	Sanborn Map	Shows structure. Designation is unkeyed ( <b>Attachment C</b> ).
1948	Sanborn Map	Structure labelled “Drugs” ( <b>Attachment D</b> )
1934	Plat	Plat, shows Lot 1 entire, poor quality ( <b>Attachment E</b> ). Stamped “UNOFFICIAL.”
1927	Sanborn Map	Structure labelled “Drugs” ( <b>Attachment F</b> ).
1914	Sanborn Map	Structure labelled “Jeweler” ( <b>Attachment G</b> ).

Year	Type	Summary
1904	Sanborn Map	May show structure, annotations are illegible or unkeyed ( <b>Attachment H</b> ).
1894	Plat	Poor quality ( <b>Attachment I</b> ). Shows lots in current configuration.
1892	Plat	Townsite of Juneau ( <b>Attachment J</b> ).
1886	Plat	Poor quality ( <b>Attachment K</b> ).

**ANALYSIS**

**Zoning District Comparison Table** – The table below lists the required standards for the Mixed Use (MU) zoning district compared to the lot. Items bolded do not meet current requirements.

For clarity, the lots will be referred to as Lot X and Lot Y, illustrated below.



Lot X: Juneau Townsite Block I Lot 1,2, Fraction

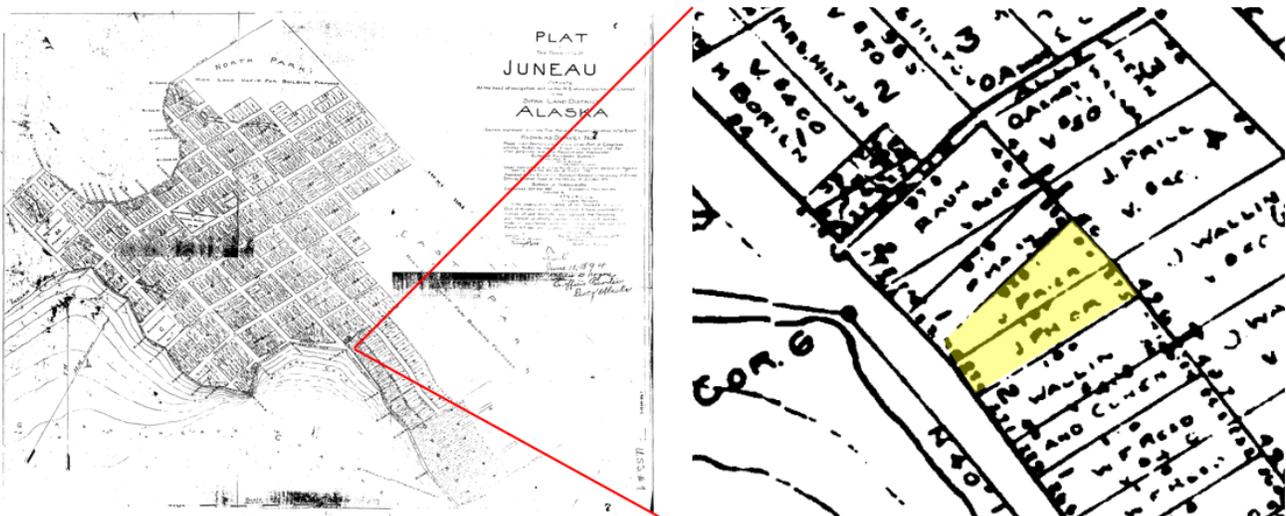
Lot Y: Juneau Townsite, Block H Lot 1, Fraction

Standard		Requirement	Lot X	Lot Y	Code Reference
<b>Lot</b>	Size	4,000	<b>2140<sup>A</sup></b>	<b>1732<sup>A</sup></b>	CBJ 49.25.400
	Width	50	<b>20<sup>A</sup></b>	<b>9<sup>A</sup></b>	CBJ 49.25.400
<b>Setbacks</b>	Front (south)	0	<b>Unknown</b>	<b>Unknown</b>	CBJ 49.25.400
	Rear (north)	0	Unknown	Unknown	CBJ 49.25.400
	Side (east)	0	<b>Unknown</b>	<b>Unknown</b>	CBJ 49.25.400
	Side (west)	0	<b>Unknown</b>	<b>Unknown</b>	CBJ 49.25.400
<b>Lot Coverage</b>		No limit	928 sf, 43% <sup>A</sup>	435 sf, 25% <sup>A</sup>	CBJ 49.25.400
<b>Height</b>	Permissible	No limit	Two story <sup>B</sup>	Two story <sup>B</sup>	CBJ 49.25.400
	Accessory	No limit			CBJ 49.25.400
<b>Maximum Dwelling Units</b>		None	<b>No residences</b>		CBJ 49.25.500

<b>Use</b>	Retail	Retail	Retail	CBJ 49.25.300
<b>Vegetative Cover</b>	None	~57%	~75%	CBJ 49.50.300
<b>Off-street Parking</b>	None	None	None	CBJ 49.40.210(a)

A: Scaled from Parcel Viewer.  
 B: Determined through Assessor photos.

**Minimum Lot Requirements** – The original lots were platted in 1886 (**Attachment K**). The date of further subdivision cannot be determined with documentation provided. The characteristic parcel shape is shown on the 1894 plat (below and **Attachment I**). The 1934 plat, labelled “unofficial” (**Attachment E**) reverts to the unmodified lot shapes.



Juneau’s land use code was established in 1958.

**Finding: Staff finds the lots nonconforming for lot size and lot width.**

**Minimum Setback Requirements** – Sanborn maps from 1904 show the structure on the two lots. An as-built is unavailable. Structure that is on the lot is conforming. Staff cannot determine if the existing structure, with zero setbacks, encroaches across lot lines.

**Finding: Staff finds the structure(s) uncertifiable for setbacks.**

**Lot Coverage** – Lot coverage was determined by scaling the structures shown on the Parcel Viewer, then rounding proportionally to meet Assessor square footage.

**Finding: Staff finds the lot conforming for lot coverage.**

**Structure Height** – Structure height was based on Assessor photographs.



**Finding: Staff finds the structure conforming for height.**

**Residential Density** – The lot has no dwellings. The number of dwellings is unlimited under Mixed Use zoning.

**Finding: Staff finds the lot conforming for residential density.**

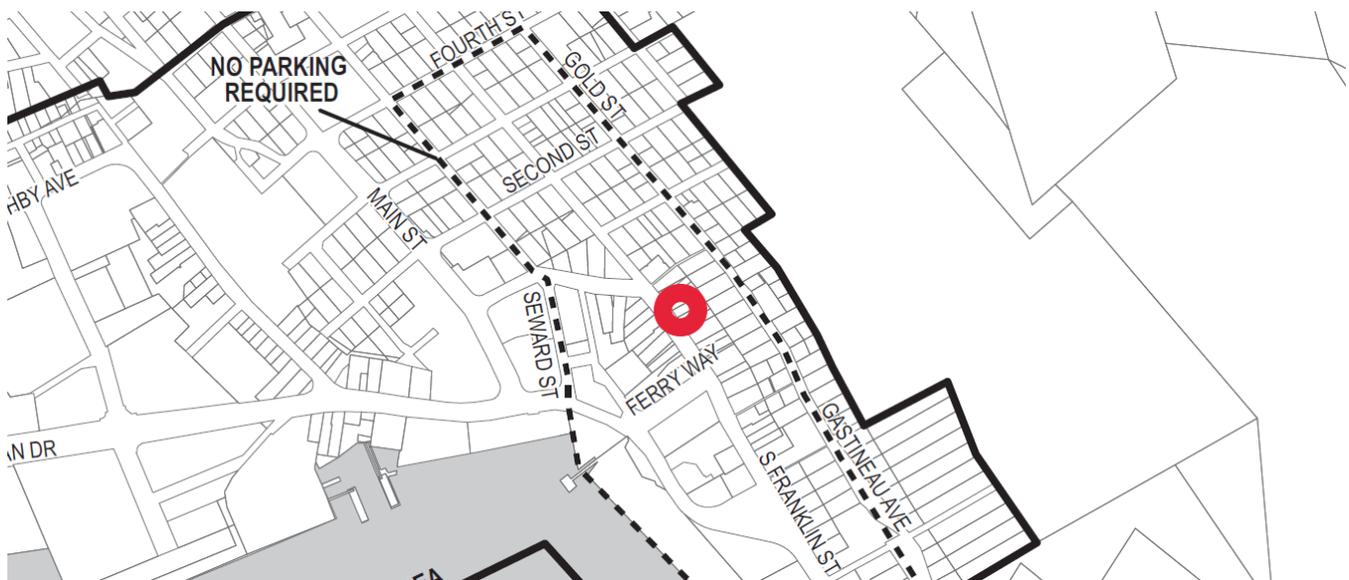
**Use** – Mixed Use allows retail.

**Finding: Staff finds the lot conforming for use.**

**Vegetative Cover** – Vegetative cover was determined by subtracting lot coverage from lot size.

**Finding: Staff finds the lot conforming for vegetative cover.**

**Parking** – The lots are in the No Parking Required Area (NPR) [CBI 49.40.200(a)(2), Ordinance 2022-04(b)].



**Finding: Staff finds the use conforming for number and type of off-street parking spaces.**

### **NONCOMPLIANT SITUATIONS**

**CBJ 49.30.310(j) Failure of a situation to qualify for nonconforming certification.** If a situation does not qualify for or is denied nonconforming certification, it is noncompliant and the property is subject to enforcement actions consistent with this title.

No information has been found to suggest noncompliant situations exist on the lot.

### **ABANDONMENT**

**CBJ 49.30.220(b) Abandonment of a nonconforming situation.** A nonconforming situation is abandoned if any of the following events occur:

- (1) The owner indicates in writing that the nonconforming situation is being permanently discontinued;
- (2) The nonconforming situation is damaged, destroyed, removed or demolished intentionally by the owner or intentionally by an authorized agent of the owner;
- (3) The nonconforming structure is moved;
- (4) The owner takes action consistent with an intent to abandon the nonconforming situation;
- (5) The structure(s) associated with the nonconforming situation has been vacant for 365 consecutive days;
- (6) Except for a structure with a nonconforming residential density, the nonconforming use has ceased and not substantially resumed for 365 consecutive days; or
- (7) A structure with a nonconforming residential density has been unoccupied for 1095 consecutive days.

No information has been submitted to suggest the nonconforming situations on the lot have been abandoned.

**Finding: Staff finds none of the above events have taken place and the nonconforming situations are not deemed abandoned.**

### **FINDINGS**

**1. Was the nonconforming situation allowed, or not prohibited by law, when it was established?**

**Analysis:** No additional analysis required.

**Finding: Staff finds the lots nonconforming for lot size and width.**

**2. Has the nonconforming situation been abandoned?**

**Analysis:** The lots have been continuously occupied since 1900.

**Finding: Staff finds the nonconforming lots have NOT been abandoned.**

### **RECOMMENDATION**

Staff recommends that the Director adopt the analysis and findings, and find the following situations on the lot to

be NONCONFORMING to the Title 49 Land Use Code and issue a Nonconforming Certification for the following situations:

- Nonconforming Lots (CBJ 49.30.260): Juneau Townsite Block I Lot 1,2, Fraction
  - Lot size of 2140 square feet
  - Lot width of 20 feet
- Nonconforming Lots (CBJ 49.30.260): Juneau Townsite, Block H Lot 1, Fraction
  - Lot size of 1732 square feet
  - Lot width of 9 feet

The structure is unable to be certified with the documentation provided.

**STAFF REPORT ATTACHMENTS**

<b>Item</b>	<b>Description</b>
<b>Attachment A</b>	Application Packet
<b>Attachment B</b>	E mail: Lot creation.
<b>Attachment C</b>	1969 Sanborn Map
<b>Attachment D</b>	1948 Sanborn Map
<b>Attachment E</b>	1935 Plat (Unofficial)
<b>Attachment F</b>	1927 Sanborn Map
<b>Attachment G</b>	1914 Sanborn Map
<b>Attachment H</b>	1904 Sanborn Map
<b>Attachment I</b>	1894 Plat
<b>Attachment J</b>	1892 Plat
<b>Attachment K</b>	1886 Plat



# DEVELOPMENT PERMIT APPLICATION

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

<b>PROPERTY LOCATION</b>	
Physical Address <b>159 S FRANKLIN STREET</b>	
Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) <b>JUNEAU TOWNSITE BL H LT 1 FR</b>	
Parcel Number(s) <b>1C070B0H0030</b>	
<input checked="" type="checkbox"/> This property is located in the downtown historic district <input checked="" type="checkbox"/> This property is located in a mapped hazard area, if so, which <b>SEVERE</b>	
<b>LANDOWNER/ LESSEE</b>	
Property Owner <b>Alaskan Kush Company LLC</b>	Contact Person <b>Casey Wilkens</b>
Mailing Address <b>159 S Franklin Street, Juneau, AK 99801</b>	Phone Number(s) <b>907-957-3877</b>
E-mail Address <b>cwilkins907@gmail.com</b>	
<b>LANDOWNER/ LESSEE CONSENT</b>	
Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.	
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 the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.	
<b>Casey Wilkins</b> Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)	
<b>[Signature]</b> Landowner/Lessee (Signature)	<b>1/16/2024</b> Date
<b>Tara Smith</b> Landowner/Lessee (Printed Name) Title (e.g.: Landowner, Lessee)	
<b>[Signature]</b> Landowner/Lessee (Signature)	<b>01/16/2024</b> Date
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.	
<b>APPLICANT</b>	
Applicant (Printed Name) If same as LANDOWNER, write "SAME" <b>NorthWind Architects, LLC</b>	
Contact Person <b>Shannon Crossley</b>	
Mailing Address <b>126 Seward Street, Juneau, AK 99801</b>	Phone Number(s) <b>540-229-9452</b>
E-mail Address <b>Shannon@northwindarch.com</b>	
<b>X [Signature]</b> Applicant's Signature	<b>01/12/2024</b> Date of Application

To be completed by Applicant

DEPARTMENT USE ONLY BELOW THIS LINE

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

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

H:\FORMS\PLANFORM\DPMA\_Final Draft.docx

Intake Initials <b>[Signature]</b>	Case Number <b>NCC24-004</b>
Date Received <b>1/31/24</b>	



# APPLICATION FOR A NONCONFORMING CERTIFICATION REVIEW

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

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

**TYPE OF NONCONFORMING SITUATION (CHECK ALL THAT MAY APPLY)**

- USE  
  STRUCTURE  
  DENSITY  
  PARKING  
  LOT

Have you submitted a narrative that fully explains the above listed nonconforming situations? YES  NO   
 The narrative should explain the nature of the nonconforming situation(s). Be specific, state past and present uses of the building, property, etc.

List all relevant information being submitted. Include this material and an as-built or site plan with the application.

Relevant information to show that the *situation was allowed when established* may include: building or land use permits, recorded plats, zoning codes or maps, dated photographs.

Situation	Type of Documentation
Nonconforming lot size	USE2018 0006

Relevant information to show that the *situation was maintained over time* may include: business licenses, dated photographs, insurance records and maps, utility bills, property tax records, business license, telephone listing, advertisement in dated publications, leases.

Maintained Situation	Type of Documentation

**NOTE:** If an as-built survey is not submitted, the Community Development Department may not be able to issue a Nonconforming Certificate for setbacks. As-built surveys should show the property in its current condition.

**ALL REQUIRED MATERIALS ATTACHED**

- Complete Application (Per CBJ 49.30.310)  
 Narrative  
 As-built survey or similar document  
 Documentation  
 Fees

**NONCONFORMING CERTIFICATION REVIEW FEES:**

	Fees	Check No.	Receipt	Date
Application Fees	\$ None - associated with USE2024 0002			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Total Fee	\$ _____			

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

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

For assistance filling out this form, contact the Permit Center 907-586-0770.

Case Number	Date Received
NCC24-004	1/31/24

## Irene Gallion

---

**From:** Quinn Tracy  
**Sent:** Friday, February 9, 2024 5:13 PM  
**To:** Irene Gallion  
**Cc:** Sarah Karr  
**Subject:** RE: NCC24-04: Lot creation

I couldn't pinpoint exactly when it was created, but it was almost certainly subdivided by deed sometime many moons ago. These can be difficult to track down.

Here's a description from a more recent deed (1994) that I found. It looks like it includes a Fraction of Lot 1 Block H and also the northwesterly 22.5 feet of Lot 2 Block I. The description says "Northeasterly" but I think that's incorrect.

**APRIL 20, 1994**

**the following described real estate, situated in the Juneau Recording District**

**A portion of Lot 1, Block H, Juneau Townsite, Judicial District, State of Alaska described as follows**

**BEGIN at a point on the Easterly limit of lower Front Street at its intersection with the boundary line between Lot 1 and Lot 2 (eye); thence Southerly along the Easterly limit of lower Front Street to its intersection of the Easterly limit of lower Front Street and Lot 2, Block "I" (eye); thence Southerly along the boundary line between Lot 1, Block "H" and Lot 2, Block "I" (eye); thence Southerly parallel with the Easterly limit of lower Front Street 22.5 feet tangent to the point of beginning and the Northeast corner of Lot 2, Block "I" (eye).**

Quinn Tracy | GIS Specialist

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

Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building

Office: 907.586.0715 Ext. 4122



---

**From:** Irene Gallion <Irene.Gallion@juneau.gov>  
**Sent:** Wednesday, February 7, 2024 1:31 PM  
**To:** Quinn Tracy <Quinn.Tracy@juneau.gov>  
**Cc:** Sarah Karr <Sarah.Karr@juneau.gov>  
**Subject:** NCC24-04: Lot creation

Hi Quinn,

Sorry to drag you into this one, but can you tell me how this lot was formed?

1C070B0H0030

I can see multiple surveys from the late 1800s and then again in 1934, indicating Lot 1 was whole. I've not found subsequent subdivision, whether by plat or waiver or whatever.

Thanks,

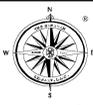
**Irene Gallion | Senior Planner**

[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0753 x4130



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**The Sanborn Library, LLC**

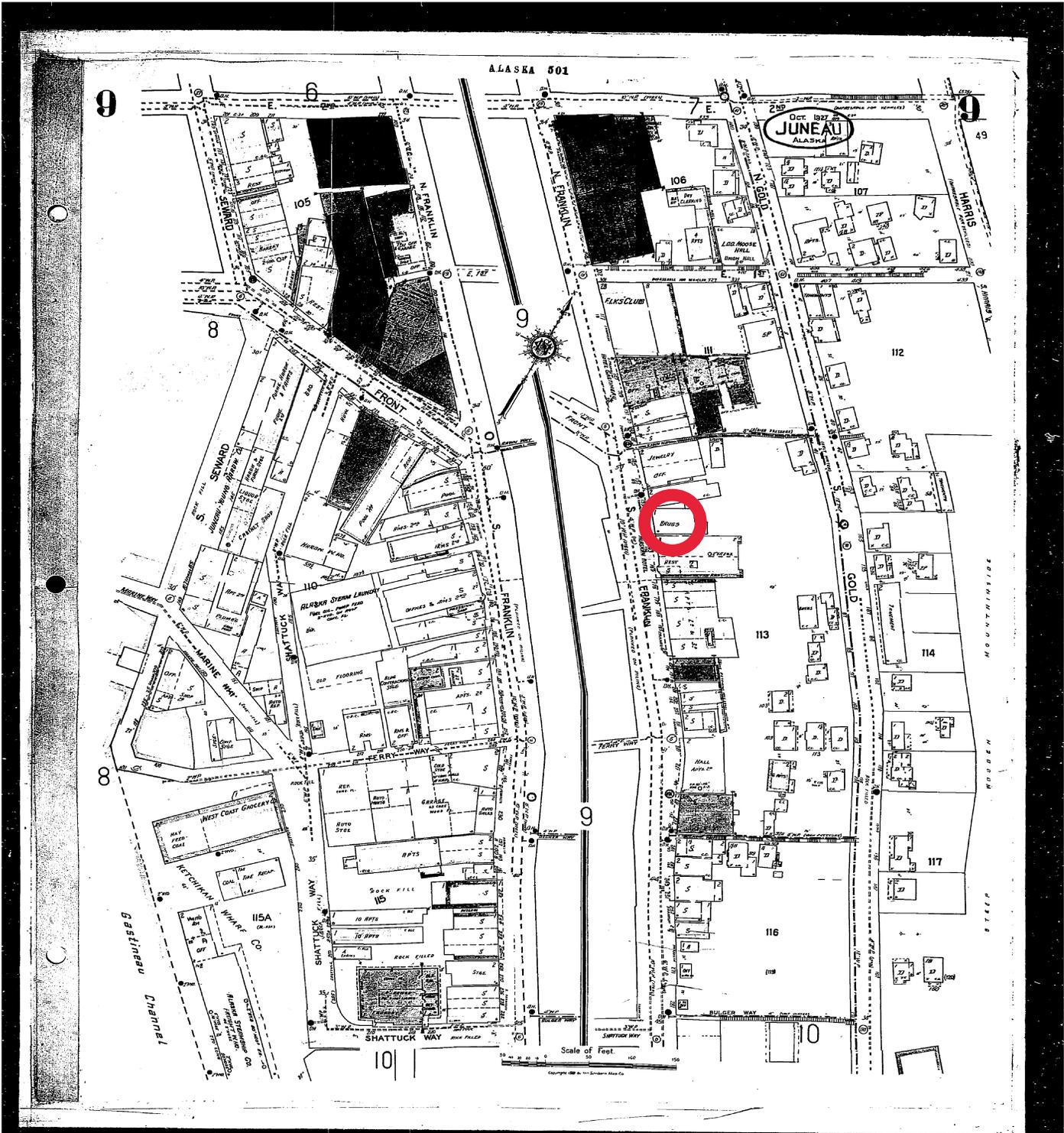
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Attachment C- 1969 Sanborn Map

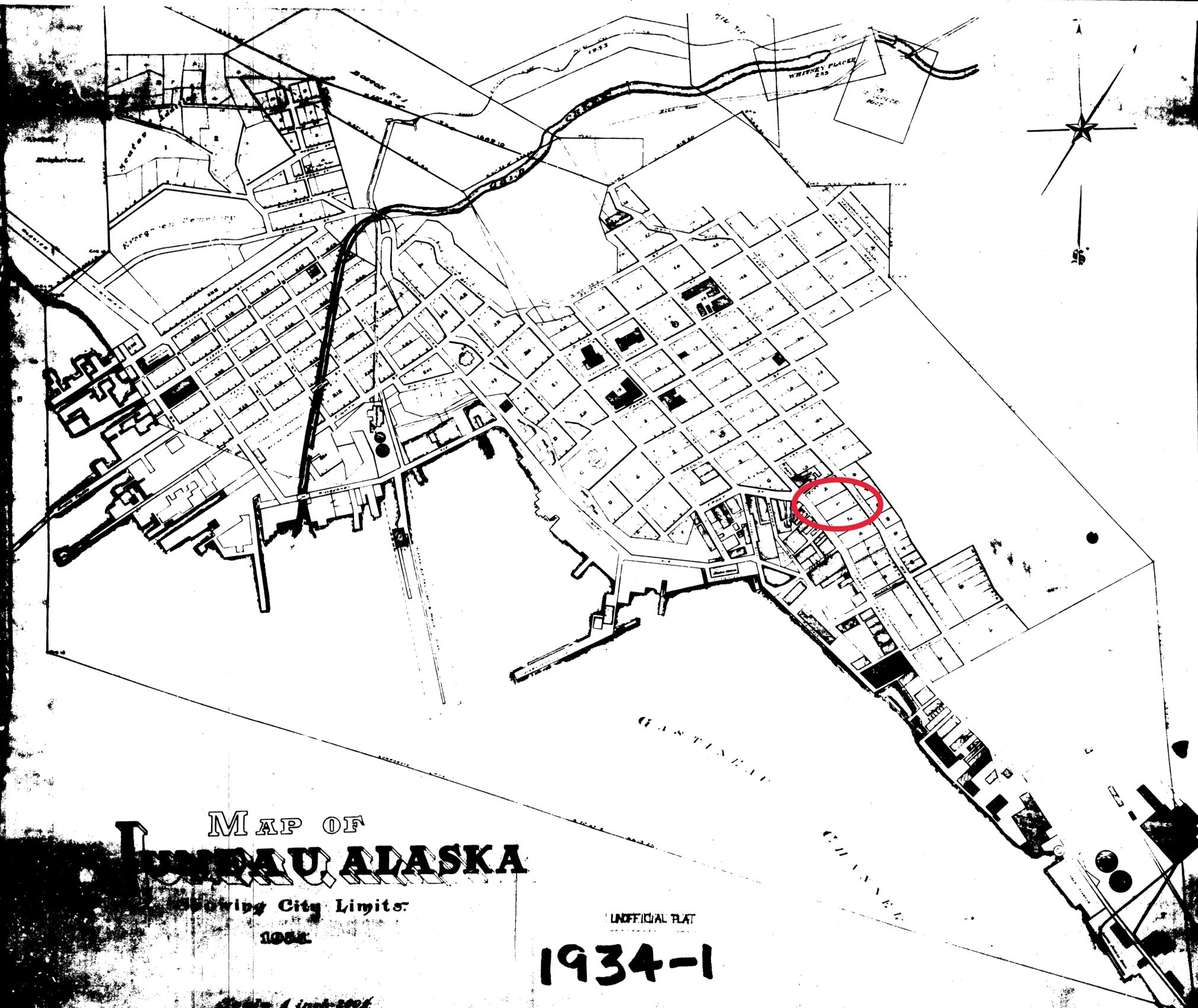
Attachment C- Nonconforming Certification, NCC2024 0004




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Attachment D- 1948 Sanborn Map

1934-X-000 00267



MAP OF  
**JUNEAU, ALASKA**

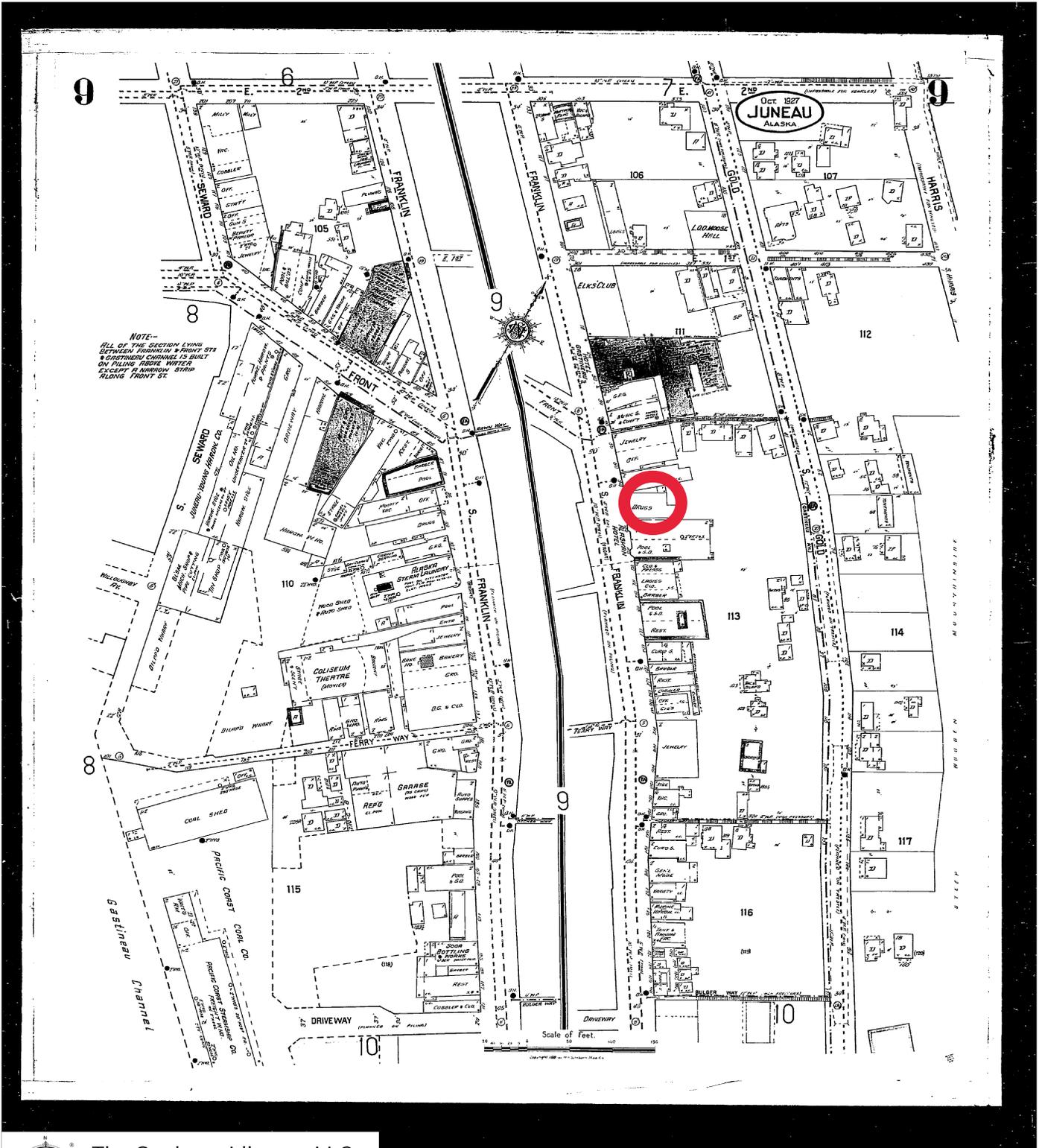
Showing City Limits:

1934

UNOFFICIAL PLAT

1934-1

JUNEAU CITY LIMITS. Unofficial  
 Plat from 1934



NOTE—  
 ALL OF THE SECTION LYING  
 BETWEEN FRANKLIN & FRONT STS  
 & GASTINEAU CHANNEL IS BUILT  
 ON FILLING MADE BY THE  
 EXCISE & REVENUE STRIP  
 ALONG FRONT ST.

OCT. 1927  
**JUNEAU**  
 ALASKA

Scale of Feet.



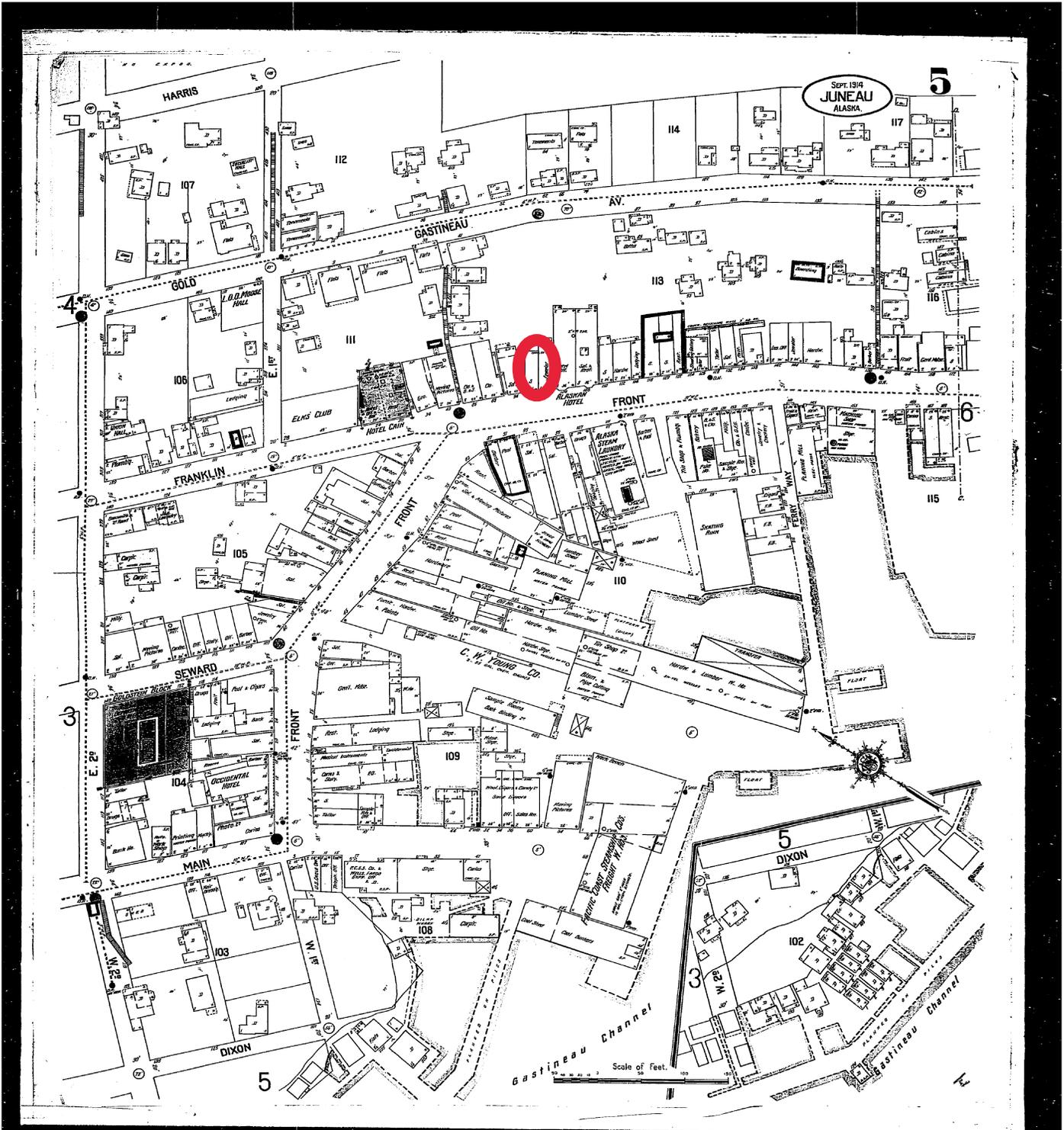
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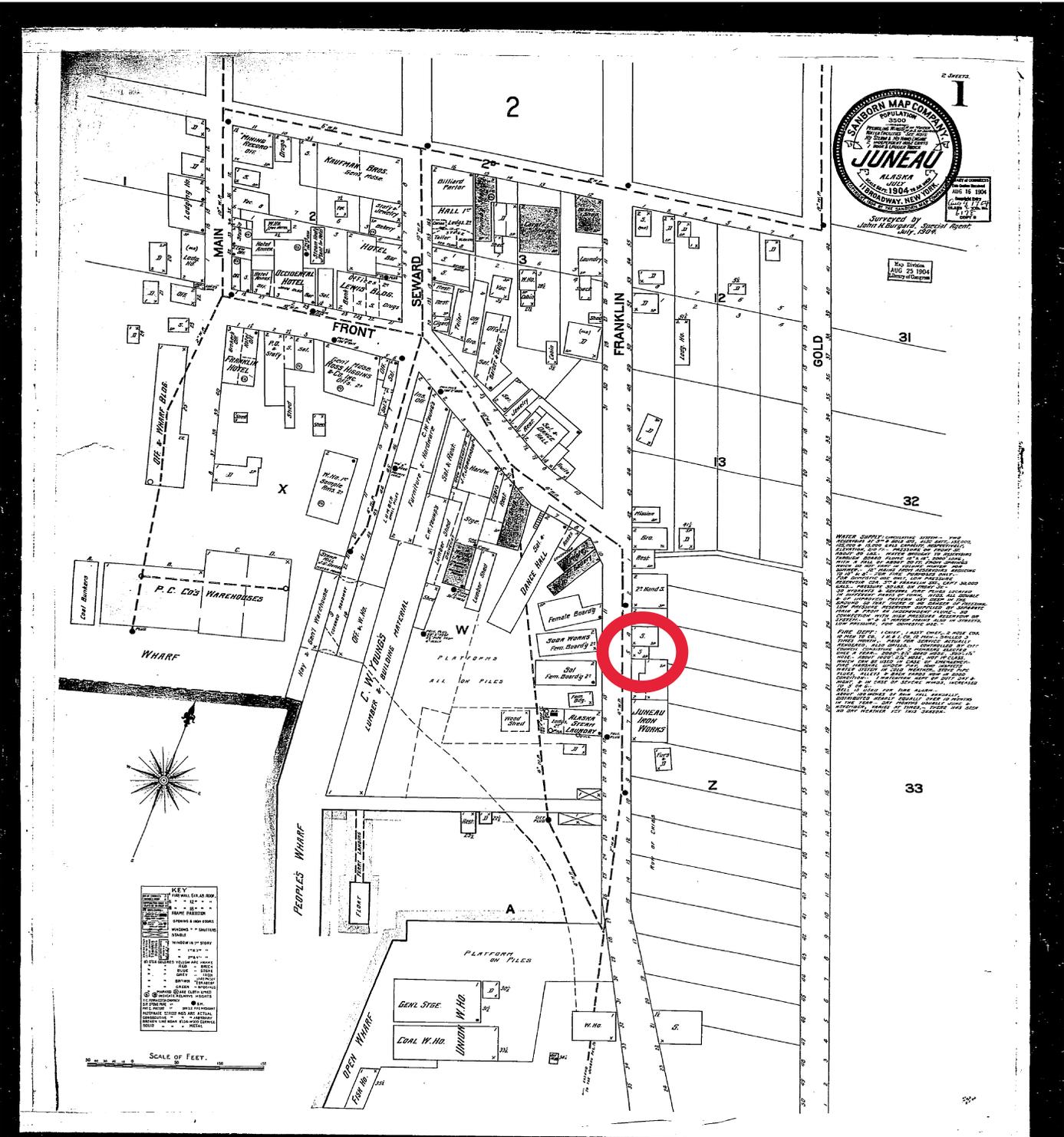
Attachment F- 1927 Sanborn Map




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Attachment G- 1914 Sanborn Map

Attachment C- Nonconforming Certification, NCC2024 0004




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Attachment H- 1904 Sanborn Map

Attachment C- Nonconforming Certification, NCC2024 0004

# PLAT OF THE TOWN OF JUNEAU SITUADE IN THE SITKA LAND DISTRICT ALASKA

At the head of navigation and on the NE shore of Quinlan Channel.

Courses expressed from the True Meridian Magnetic Variation 30° 00' East

## KNOWN AS SURVEY NO. 1

Made under Section 2364 of an Act of Congress, entitled an Act to amend former Survey laws and for other purposes, and the Regulations thereunder.

### EXTENSIVE BOUNDARY SURVEY

Under Instructions from the Executive Director of Alaska, dated the 20th day of March, 1894.

Approved by the Executive Surveyor General on the 21st day of October, 1894.

Entered by Trustee under the 10th day of October, 1894.

SURVEY OF SUBDIVISIONS

Commenced Oct 31st 1892. Completed Feb 21st 1894.

Surveyed by

W. B. ...

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*June 13, 1894*  
*Witness my hand and the seal of the office of the Surveyor General of Alaska*  
*W. B. ...*  
*Surveyor General*





1886-X-006 00286

JUNEAU TOWNSITE SURVEY No. 1



## Irene Gallion

---

**From:** Nate Watts  
**Sent:** Wednesday, February 7, 2024 9:27 AM  
**To:** Irene Gallion  
**Subject:** RE: Two conditional use permit applications

Thanks for checking in - We did have enforcement at their two cultivations during the renewal period. They have since resolved those issues and have received a license for 2024 at both facilities. We are continuing to work with them at their Anka location regarding a property conditions issue on the 3<sup>rd</sup> floor of their building. Since the issue is not located within the licensed area of the structure, the decision (above me) was that we would pursue that separately and not have it affect the license. With that said – hopefully during the permit process, we will get a look at how they plan to convert the building and provide appropriate ventilation etc etc.

---

**From:** Irene Gallion <Irene.Gallion@juneau.gov>  
**Sent:** Wednesday, January 31, 2024 9:47 AM  
**To:** Nate Watts <Nate.Watts@juneau.gov>  
**Subject:** Two conditional use permit applications

Hi Nate,

I've got two conditional use permit applications from Casey Wilkins.

USE23-19 is the facility next to Pavitts. The proposal is on the web site: <https://juneau.org/community-development/short-term-projects>

USE24-02 is the KUSH facility on Franklin Street. Not up on the web site yet, as there are a few procedural questions hanging out. Note that they've not operated for a while, and I seem to recall we had some enforcement difficulties?

Let me know of any concerns for either project. Thank you!

### **Irene Gallion | Senior Planner**

[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0753 x4130



*Fostering excellence in development for this generation and the next.*

*How are we doing? Provide feedback here: <https://juneau.org/community-development/how-are-we-doing>*

## Irene Gallion

---

**From:** Charlie Ford  
**Sent:** Tuesday, February 20, 2024 8:22 AM  
**To:** Irene Gallion; General Engineering; Dan Jager  
**Cc:** Jeffrey Hedges  
**Subject:** RE: USE24-02: AK KUSH retail expansion

Buildings has no issues with this project at this time.  
Thanks,

---

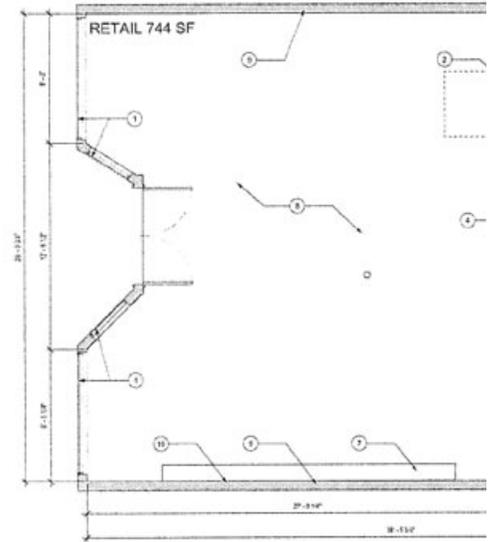
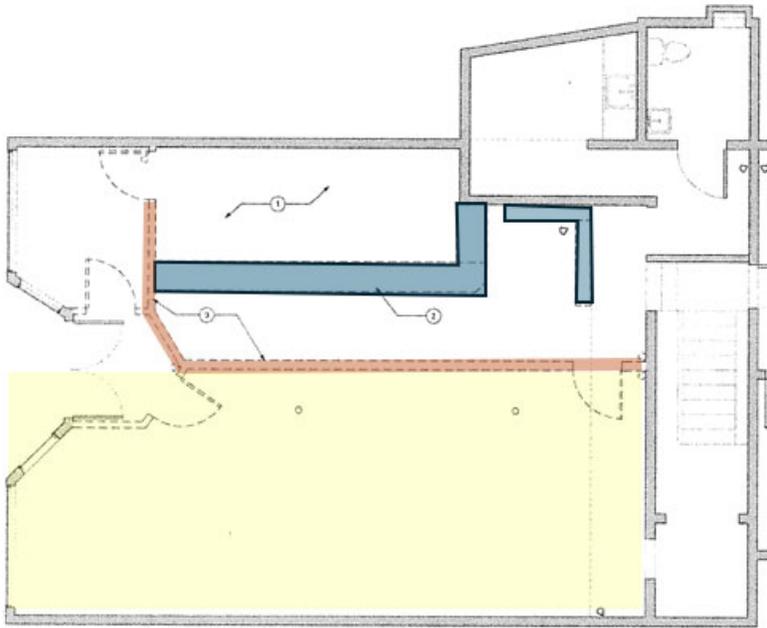
**From:** Irene Gallion <Irene.Gallion@juneau.gov>  
**Sent:** Monday, February 19, 2024 1:18 PM  
**To:** Charlie Ford <Charlie.Ford@juneau.gov>; General Engineering <General\_Engineering@juneau.gov>; Dan Jager <Dan.Jager@juneau.gov>  
**Cc:** Jeffrey Hedges <Jeffrey.Hedges@juneau.gov>  
**Subject:** USE24-02: AK KUSH retail expansion

Hi folks,

Again, my apologies for a quick-turn request. Hoping I can have feedback by Friday, February 23<sup>rd</sup>.

This proposal is an expansion of AK KUSH, located next to the Alaskan Bar. They are expanding into an area previously used as storage (highlighted in yellow, below). They will demolish a wall (orange), then relocate the counter to the north (blue).

Let me know if you need additional time. Again, my apologies!



**Irene Gallion | Senior Planner**

Community Development Department | City & Borough of Juneau, AK  
 Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
 Office: 907.586.0753 x4130



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## Irene Gallion

---

**From:** Bridget LaPenter  
**Sent:** Tuesday, February 20, 2024 9:18 AM  
**To:** Charlie Ford; Irene Gallion; General Engineering; Dan Jager  
**Cc:** Jeffrey Hedges  
**Subject:** RE: USE24-02: AK KUSH retail expansion

GE has no issues with this.

**Bridget LaPenter, P.E. | Chief GE Engineer**  
General Engineering Department | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street, 4<sup>th</sup> Floor Marine View Building  
**Office: 907.586.0800 ext. 4187 Cell: 907.500.4170**

---

**From:** Charlie Ford <Charlie.Ford@juneau.gov>  
**Sent:** Tuesday, February 20, 2024 8:22 AM  
**To:** Irene Gallion <Irene.Gallion@juneau.gov>; General Engineering <General\_Engineering@juneau.gov>; Dan Jager <Dan.Jager@juneau.gov>  
**Cc:** Jeffrey Hedges <Jeffrey.Hedges@juneau.gov>  
**Subject:** RE: USE24-02: AK KUSH retail expansion

Buildings has no issues with this project at this time.  
Thanks,

---

**From:** Irene Gallion <[Irene.Gallion@juneau.gov](mailto:Irene.Gallion@juneau.gov)>  
**Sent:** Monday, February 19, 2024 1:18 PM  
**To:** Charlie Ford <[Charlie.Ford@juneau.gov](mailto:Charlie.Ford@juneau.gov)>; General Engineering <[General\\_Engineering@juneau.gov](mailto:General_Engineering@juneau.gov)>; Dan Jager <[Dan.Jager@juneau.gov](mailto:Dan.Jager@juneau.gov)>  
**Cc:** Jeffrey Hedges <[Jeffrey.Hedges@juneau.gov](mailto:Jeffrey.Hedges@juneau.gov)>  
**Subject:** USE24-02: AK KUSH retail expansion

Hi folks,

Again, my apologies for a quick-turn request. Hoping I can have feedback by Friday, February 23<sup>rd</sup>.

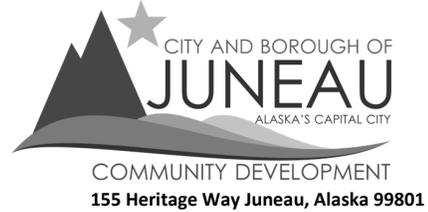
This proposal is an expansion of AK KUSH, located next to the Alaskan Bar. They are expanding into an area previously used as storage (highlighted in yellow, below). They will demolish a wall (orange), then relocate the counter to the north (blue).

Let me know if you need additional time. Again, my apologies!

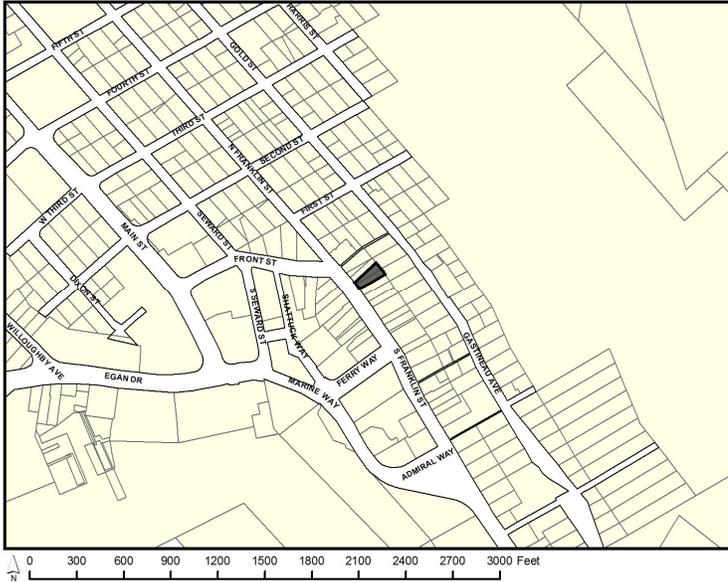
# Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

*Your Community, Your Voice*



TO



**A Conditional Use Permit Application** has been submitted for consideration and public hearing by the Planning Commission for the **expansion of marijuana retail from approximately 430 square feet to 750 square feet at 159 S. Franklin Street** in a **Mixed Use (MU)** zoning district.

**PROJECT INFORMATION:**

Project Information can be found at:  
<https://juneau.org/community-development/short-term-projects>

**PLANNING COMMISSION DOCUMENTS:**

Staff Report expected to be posted **March 4th, 2024**, at  
<https://juneau.org/community-development/planning-commission>  
 Find hearing results, meeting minutes, and more here, as well.

Now through Feb. 19th	Feb. 20th — noon, March 8th	HEARING DATE & TIME: 7:00 pm, March 12, 2024	March 13th
Comments received during this period will be sent to the Planner, <b>Irene Gallion</b> , to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting <a href="https://juneau.zoom.us/j/86091089409">https://juneau.zoom.us/j/86091089409</a> and use the Webinar ID: 860 9108 9409 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above).  You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.	The results of the hearing will be posted online.

**FOR DETAILS OR QUESTIONS,**

Phone: (907)586-0753 ext. 4130  
 Email: [pc\\_comments@juneau.gov](mailto:pc_comments@juneau.gov) or [irene.gallion@juneau.gov](mailto:irene.gallion@juneau.gov)  
 Mail: Community Development, 155 Heritage Way, Juneau AK 99801

**Case No.: USE2024 0002**  
**Parcel No.: 1C070B0H0030**  
**CBJ Parcel Viewer: <http://epv.juneau.org>**



Attachment F- Public Notice Sign

**Irene Gallion**

---

**From:** Tara Smith <tara@alaskankushcompany.com>  
**Sent:** Monday, February 26, 2024 8:39 AM  
**To:** Irene Gallion  
**Cc:** Shannon Crossley; cwilkins907@gmail.com  
**Subject:** Re: USE23-19 and USE24-02: Public Notice Signs





Sent from my iPhone

On Feb 19, 2024, at 11:12 AM, Irene Gallion <Irene.Gallion@juneau.gov> wrote:

Hello Ak Vibes Kush Team,

Part of the Conditional Use Permit process is posting of a large, red Public Notice sign at each site.

The public notice signs are in our Permit Center (4<sup>th</sup> floor of the Marine View) and are ready for pick up. Note that our permit center is closed today (President's Day).

The signs will need to be posted by **February 26, 2024**. They should be visible from the right-of-way. Please send an e mail with a photo of the sign posted. The e mail will be used to date-and-time-stamp the installation of the sign.

Please contact Permit Center staff before taking the sign. Note that if signs are returned to the Permit Center by the Monday following the Planning Commission meeting \$100 of the sign fee will be refunded.

Thank you,

**Irene Gallion | Senior Planner**

[Community Development Department](#) | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0753 x4130

<image001.jpg>

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*How are we doing? Provide feedback here: <https://juneau.org/community-development/how-are-we-doing>*

## Irene Gallion

---

**From:** Irene Gallion  
**Sent:** Tuesday, February 20, 2024 4:12 PM  
**To:** Irene Gallion  
**Subject:** USE24-02: Public Comment

Today I got a call from Graham Roundtree, who owns George's Jewelry and Gifts, at 194 S. Franklin Street. He is frustrated by people smoking marijuana in front of bars. He is concerned the expansion would mean movement of more product, and a larger problem. He says the police are not enforcing smoking or parking laws.

### **Irene Gallion | Senior Planner**

Community Development Department | City & Borough of Juneau, AK  
Location: 230 S. Franklin Street | 4<sup>th</sup> Floor Marine View Building  
Office: 907.586.0753 x4130



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