

USE2019-0018

A Conditional Use Permit for a marijuana cultivation facility
August 13, 2019



Project Description

The applicant requests a Conditional Use permit for the development of a marijuana cultivation facility.

- Per the Table of Permissible Uses, marijuana cultivation exceeding 500 square feet in the Light Commercial (LC) zone may be allowed with an approved Conditional Use Permit.



Background

The existing building is on fractions of Lot 3 and Lot 4, Block 41 of Mendenhall Acres Tract Subdivision. The original plat was recorded in 1932. A deed created the fractions.

- The subject lot contains the existing building for the proposed cultivation facility, as well as a single-family dwelling that encroaches across property lines.
- Subdivision of the property is not proposed at this time, so encroachment is not addressed with this Conditional Use application.

The existing building that the proposed cultivation facility is to be located within was approved under Conditional Use Permit USE2004-00034 as a commercial storage building with an apartment.

- The existing building is located on and accessed via a 16-foot wide easement that provides access to the subject lots from Glacier Highway.

The existing building for the cultivation facility is conforming to dimensional standards in that it meets height and setback requirements for the LC zoning district.



Agency Review

Staff requested comments from the CBJ Building Division, Assessor's Office, and Capital City Fire and Rescue (CCFR). The Assessor's Office and CCFR expressed no concerns with the project.

The Building Division explained that sprinkling may be a requirement, depending on the construction of the building and exact square footage of the second story.

- This would be addressed during the Building Permit review process. Though the pre-application notes indicate that there may be increased fire separation requirements, the requirement would be applicable if the apartment were to remain.
- The applicant does not plan to keep the apartment, but instead it will be converted into additional cultivation space. Therefore, a change to the fire separation between the decommissioned apartment and other cultivation space in the building may not be required.



Project Design

- The total area of the cultivation facility is 2,626 square feet.
- The exterior of the building remains unchanged.
- Installation of higher-level security doors, locks, and exterior video surveillance cameras are required.
- Modifications include shelving, security cameras, alarm systems, and non-weight bearing partitions.
- There are no windows within the first story of the building. There are windows on the second floor and at the top of each bay sheet door.
- The applicant anticipates a total of two to four employees.



Traffic

No traffic impact analysis is required.

- Traffic to and from the site will consist of employees and supply delivery.
- Traffic generated by cultivation consists of employees coming to and from the site, supply deliveries, product shipped out of the facility, and occasional mandatory inspections.
- CBJ 49.40.300 states that a traffic impact analysis is not required when a development is projected to generate less than 250 average daily trips (ADT). According to the 2012 Institute of Transportation Engineers Trip Generation Manual 9th Edition Volume 2, a light industrial use involving four employees is expected to generate 12.08 ADT. A traffic impact analysis is not required.



Parking and Circulation

Per 49.40.210, one parking space is required for every 1,000 square feet of manufacturing uses. The proposed cultivation facility is required to have three standard parking spaces, of which one must be a van-accessible space.

- A standard parking space is 8.5 feet x 17 feet.
- A van-accessible space is 13 feet x 17 feet, with an access aisle that is 8 feet x 17 feet.
- The narrative, parking plan, and photos from site visit during application review confirm that five standard spaces and one van-accessible space are reserved exclusively for the cultivation facility.
- Striping for the van-accessible space is installed, but signage for the space is absent. As a condition of approval, staff recommends CBJ-approved signage shall be posted for the van-accessible parking space prior to final certificate of occupancy.
- Striping for the standard spaces is not marked. As a condition of approval, staff recommends that striping for all required parking spaces be provided prior to final certificate of occupancy.
- According to CBJ 49.40.210(c) (1) and (2), the site requires one off-street loading space. The off-street loading area is required to be a minimum of 30 feet x 12 feet and 14 feet high. The site plan shows that this space can be accommodated.



Noise, Public Health, Neighborhood Harmony

- The site is surrounded by residential properties. Noise is not expected to be a concern. The proposed use will not significantly increase noise.
- In addition to security and surveillance measures described above, the applicant plans to train staff to ensure that regulations and best practices are followed.
- The proposed facility will be restricted to employees with a state issued marijuana-handler's permit, persons with official documentation, or to visitors with a visitor's pass. An ID badge must be worn by all on site.
- The Assessor's Office found no data that proves a negative or positive change in value for residential properties that are adjacent to marijuana cultivation facilities. As stated in the application, odor must be mitigated by filters and monitored by facility staff. Staff does not anticipate significant odor, noise, or traffic impacts resulting from the facility.



Vegetative Cover

CBJ 49.50.300 requires 15% of the site be maintained with live vegetative cover in the LC zoning district.

- The subject parcel is 26,136 square feet, therefore 825.1 square feet of vegetative cover is required.
- The application states that 1,306 square feet of live vegetative cover is provided, and shows the vegetative cover location on a site plan.
- Per a site visit, staff confirmed that the vegetation matches the plans and is alive. As a condition of approval, debris must be removed from vegetative cover areas prior to final certificate of occupancy.



Conformity With Adopted Plans

The subject site is located in Subarea 5 of the 2013 Comprehensive Plan and has a land use designation of Commercial. Commercial lands are designated as:

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



Conformity With Adopted Plans

The proposed facility would provide for a diverse economy and encourage entrepreneurship within Juneau. The project is consistent with the 2013 Juneau Comprehensive Plan, as discussed below.

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

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



Findings

- 1. Is the application for the requested conditional use permit complete? Yes.**
- 2. Is the proposed use appropriate according to the Table of Permissible Uses? Yes.** The requested permit is appropriate according to the Table of Permissible Uses. The permit for marijuana cultivation is listed at CBJ 49.25.300, Section 14.240 for the LC 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 August 2, 2019 and August 11, 2019 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. A Public Notice Sign was posted on the subject parcel, visible from the public ROW. Further, the proposal, with conditions, is found to meet the requirements of CBJ 49.65.1245 related to marijuana cultivation.
- 4. Will the proposed development materially endanger the public health or safety? No.** With staff's recommended conditions and the subsequent Building Permit review process, 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.** Surrounding uses have similar or more intense off-site impacts such as noise and traffic. The proposed marijuana cultivation facility, with recommended conditions, is not expected to decrease the value of or be out of harmony with property in the neighborhood.



Findings

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 complies with the Land Use Code, Title 49.



Recommendation

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

The approval is subject to the following conditions:

1. Security cameras must capture a 360-degree view of the outside and inside premises. Staff recommends as a condition of approval that prior to temporary certificate of occupancy, the applicant must submit a security plan, showing camera and alarm placement that meets this requirement.
2. CBJ-approved signage shall be posted for the van-accessible parking space prior to final certificate of occupancy.
3. Striping for all required parking spaces be provided prior to final certificate of occupancy.
4. Debris must be removed from vegetative cover areas prior to final certificate of occupancy.

