




**PLANNING COMMISSION STAFF REPORT**  
**SPECIAL USE PERMIT RENEWAL USE2021 0013**  
**HEARING DATE: NOVEMBER 9, 2021**

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

**DATE:** November 1, 2021  
**TO:** Michael LeVine, Chair, Planning Commission  
**BY:** Joseph Meyers, Planner   
**THROUGH:** Jill Maclean, Director, AICP

**PROPOSAL:** Applicant requests a five-year renewal of Special Use Permit (USE2016 0013) for marijuana cultivation facility.

**STAFF RECOMMENDATION:** Approval

**KEY CONSIDERATIONS FOR REVIEW:**

- Notice of Decision was issued on the original Special Use Permit on May 24, 2016.
- This facility has no infractions on record.
- State Marijuana License #10270 is current; CBJ Marijuana License MJL-007 is current.
- No major modifications have been made to this facility.
- Passed all administered inspections.

GENERAL INFORMATION	
Property Owner	SeaWeed Ventures, LLC
Applicant	Top Hat Concentrates, LLC
Property Address	2315 Industrial Blvd, Suite A
Legal Description	Mason Industrial Park 2 Lot 7A1
Parcel Number	4B1701080071
Zoning	Industrial
Land Use Designation	Heavy Industrial (HI)
Lot Size	15,148 square feet
Water/Sewer	CBJ
Access	Industrial Boulevard
Existing Land Use	Miscellaneous Commercial
Associated Applications	USE2016 0013; USE2016 0012 (manufacturing); USE2021 0012 (manufacturing extension)
Type of Facility	Cultivation

**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:
  - 49.65.1245
  - 49.15.330
  - 49.80

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

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

## **SITE FEATURES AND ZONING**



<b>SURROUNDING ZONING AND LAND USES</b>	
<b>North (I)</b>	Vacant
<b>South (I)</b>	Miscellaneous Commercial
<b>East (ROW)</b>	Industrial Boulevard
<b>West (I)</b>	Miscellaneous Commercial

<b>SITE FEATURES</b>	
<b>Anadromous</b>	None
<b>Flood Zone</b>	Zone X
<b>Hazard</b>	No known
<b>Hillside</b>	None
<b>Wetlands</b>	None
<b>Parking District</b>	None
<b>Historic District</b>	None
<b>Overlay Districts</b>	None

## **BACKGROUND INFORMATION**

**Project Description** – This application is for a five-year renewal of the Special Use Permit for the Top Hat, LLC Marijuana Cultivation facility at 2315 Industrial Boulevard.

**Background** – The Planning Commission approved a Special Use Permit (USE2016 0013), effective May 24, 2016 to allow a Marijuana cultivation facility in the Industrial zoning district with the following conditions:

1. Parking spaces shall meet CBJ 49.40.210(b)(1); 8 spaces including 1 ADA signed space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
2. The applicant shall pass all CBJ Fire Marshall inspections.
3. No offsite glare shall be produced by exterior doorway lights.
4. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
5. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures, or other equipment in the processing building and cultivation building.
6. Security cameras shall have a battery backup system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
7. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational and required signage displayed.

## **ANALYSIS**

CBJ 49.65.1220 establishes the requirements for this renewal.

1. Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee.
2. No outstanding corrective orders or enforcement actions.
3. Proof of inspection.
4. In compliance with the applicable Conditional Use Permit.

**Requirement:** Has the applicant applied for and remitted the fee for renewal of a Special Use Permit timely?

**Analysis: Yes.** The application for renewal of USE2016 0013 was received on October 19, 2021 and the fee remitted timely.

**Requirement:** At least ten days prior to the hearing, notice of the renewal request must be mailed to adjacent property owners. At least two days prior to the hearing, a general notice shall be printed in the newspaper of general circulation in the municipality.

**Analysis: Yes.** The Public Notice requirements of Title 49 have been met for this renewal.

**Requirement:** Conditions contained in the Special Use Permit cannot be changed unless the Commission amends or adds conditions to ensure compliance with this title. Have the conditions been changed to ensure compliance with Title 49?

**Analysis: No.** Conditions placed on the Special Use Permit have not been changed.

## **PUBLIC COMMENTS**

CDD conducted a public comment period between October 8, 2021 and November 9, 2021. Public notice was mailed to property owners within 500 feet of the proposed development. A public notice sign was also posted on site two weeks prior to the scheduled hearing. No public comments were submitted at the writing of this report.

## **FINDINGS**

**Special Use Permit Renewal Criteria** – Per CBJ 49.15.250, Development Permit Extension, the Director makes the following findings on the criteria for granting the requested Special Use Permit extension:

1. ***Was the application for the requested Special Use Permit renewal complete and received timely?***

**Analysis:** No Further analysis needed.

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

2. ***Have there been any corrective or enforcement issues for this facility in the past five years?***

**Analysis:** No further analysis required.

**Finding: No.** There have been no enforcement of corrective issues for this facility in the last five years.

**3. *Have all inspections been passed?***

**Analysis:** No further analysis required.

**Finding: Yes.** All conducted inspections have been passed.

**4. *Are State and CBJ marijuana licenses being maintained current?***

**Analysis:** State and CBJ licenses are being maintained. Copies of each permit are located in Attachment B.

**Finding: Yes.** State and CBJ marijuana licenses are current.

**5. *Have any modifications been made to the Special Use Permit?***

**Analysis:** No further analysis required.

**Finding: No.** No major modifications have been made to the Special Use Permit.

**6. *Have the conditions of the Special Use Permit been met and maintained?***

**Analysis:** No further analysis required.

**Finding: Yes.** The conditions of the Special Use Permit have been met and maintained.

**RECOMMENDATION**

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Special Use Permit five-year renewal. The permit would allow the renewal of a five-year Special Use Permit. The permit would allow the renewal of a five-year Marijuana Cultivation Special Use Permit without amended conditions.

**STAFF REPORT ATTACHMENTS**

Item	Description
Attachment A	Application Packet
Attachment B	Supporting Documents
Attachment C	Public Notice



# 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.

To be completed by Applicant	<b>PROPERTY LOCATION</b>		
	Physical Address 2315 Industrial BLVD, STE A, Juneau, AK 99801		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) Mason Industrial Park 2 LT 7A1		
	Parcel Number(s) 4-B17-0-108-007-1		
	This property located in the downtown historic district This property located in a mapped hazard area, if so, which _____		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner	SeaWeed Ventures, LLC	
	Contact Person	Tracy LaBarge	
	Mailing Address	2315 Industrial BLVD, Juneau, AK 99801	Phone Number(s) 907-723-2004
	E-mail Address	tracy@kingcrabshack.com	
<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.			
X <u></u> Landowner/Lessee Signature		10/14/21 Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
<b>APPLICANT</b> If the same as OWNER, write "SAME"			
Applicant	Top Hat, LLC		
Contact Person	John Nemeth		
Mailing Address	2315 Industrial BLVD, STE A, Juneau, AK 99801	Phone Number(s) 907-290-3433	
E-mail Address	john@thcalaska.com		
X <u></u> Applicant's Signature	10/14/21 Date of Application		

-----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 USE2021 0013	Intake Initials  Date Received 10/19/2021
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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

5 year review of Conditional Use Permit as required by CBJ code 49.65.1245(e)

## 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: \_\_\_\_\_

## 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 \_\_\_\_\_ square feet

Total Area of Existing Structure(s) \_\_\_\_\_ square feet

Total Area of Proposed Structure(s) \_\_\_\_\_ square feet

## EXTERNAL LIGHTING

Existing to remain

No

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

Proposed

No

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

## ALL REQUIRED DOCUMENTS ATTACHED

*If this is a modification or extension include:*

### Narrative including:

Current use of land or building(s)

Description of project, project site, circulation, traffic etc.

Proposed use of land or building(s)

How the proposed use complies with the Comprehensive Plan

Notice of Decision and case number

Justification for the modification or extension

Application submitted at least 30 days before expiration date

### Plans including:

Site plan

Floor plan(s)

Elevation view of existing and proposed buildings

Proposed vegetative cover

Existing and proposed parking areas and proposed traffic circulation

Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

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

### ALLOWABLE/CONDITIONAL USE FEES

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

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

### INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number

USE2021 0013

Date Received

10/19/2021

## **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**

John S Nemeth  
Top Hat, LLC  
2315 Industrial BLVD, STE A  
Juneau, AK 99801

October 14, 2021

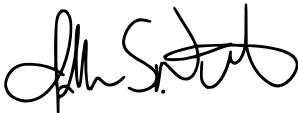
CBJ Planning Commission  
155 S Seward St  
Juneau, AK 99801

During the last 5 years, Top Hat, LLC has performed at an outstanding level. Complying with all state and local laws, and codes. All annual state and CBJ inspections passed with flying colors and annual license renewals completed on time. No infractions reported.

The organization has taken a very active role in our community through numerous donations and volunteering efforts. Our plan is to do even more in the years ahead!

The two cannabis companies on site currently operate as they did on the date of CUP issuance.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Nemeth", written in a cursive style.

John S Nemeth  
President/Owner





# Community Development

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

## **PLANNING COMMISSION NOTICE OF DECISION**

Date: May 27, 2016

File No.: USE2016 0013

Seaweed Ventures  
2315 Industrial Boulevard  
Juneau, AK 99801

Application For: Marijuana Cultivation Facility  
Legal Description: Mason Industrial Park 2 LT 7A1  
Property Address: 2315 Industrial Boulevard  
Parcel Code No.: 4-B17-0-108-007-1  
Hearing Date: May 24, 2016

The Planning Commission, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated May 11, 2016 and approved the development of a marijuana cultivation facility at 2315 Industrial Boulevard to be conducted as described in the project description and project drawings submitted with the application and with the following conditions:

1. Parking spaces shall meet CBJ 49.40.210(b)(1); 8 spaces including 1 ADA signed space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
2. The applicant shall pass all CBJ Fire Marshall inspections.
3. No offsite glare shall be produced by exterior doorway lights.
4. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
5. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures, or other equipment in the processing building and cultivation building.
6. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
7. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational and required signage displayed.

Attachments: May 11, 2016 memorandum from Chrissy Steadman, Community Development, to the CBJ Planning Commission regarding USE2016 0013.

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

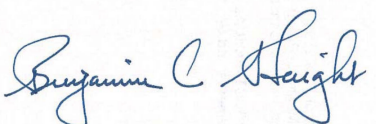
This Notice of Decision constitutes a final decision of the CBJ Planning Commission. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030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

Effective Date: The permit is effective upon approval by the Commission, May 24, 2016.

Expiration Date: The permit will expire 18 months after the effective date, or November 24, 2017 if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:

  
Chrissy Steadman, Planner II  
Community Development Department

  
Ben Haight, Chair  
Planning Commission

  
Filed With City Clerk

June 3, 2016

Date

cc: Plan Review

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



# Community Development

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

**DATE:** May 11, 2016

**TO:** Planning Commission

**FROM:** Chrissy Steadman, Planner *Chris Steadman*  
Community Development Department

**FILE NO.:** USE2016 0013

**PROPOSAL:** Conditional Use permit for marijuana cultivation in the Industrial zone.

## GENERAL INFORMATION

**Applicant:** Top Hat, LLC

**Property Owner:** Genuine Ventures, LLC

**Property Address:** 2315 Industrial Boulevard

**Legal Description:** Mason Industrial Park 2 Lot 7A1

**Parcel Code Number:** 4-B17-0-108-007-1

**Site Size:** 15,148 square feet

**Comprehensive Plan Future Land Use Designation:** Heavy Industrial (HI)

**Zoning:** Industrial (I)

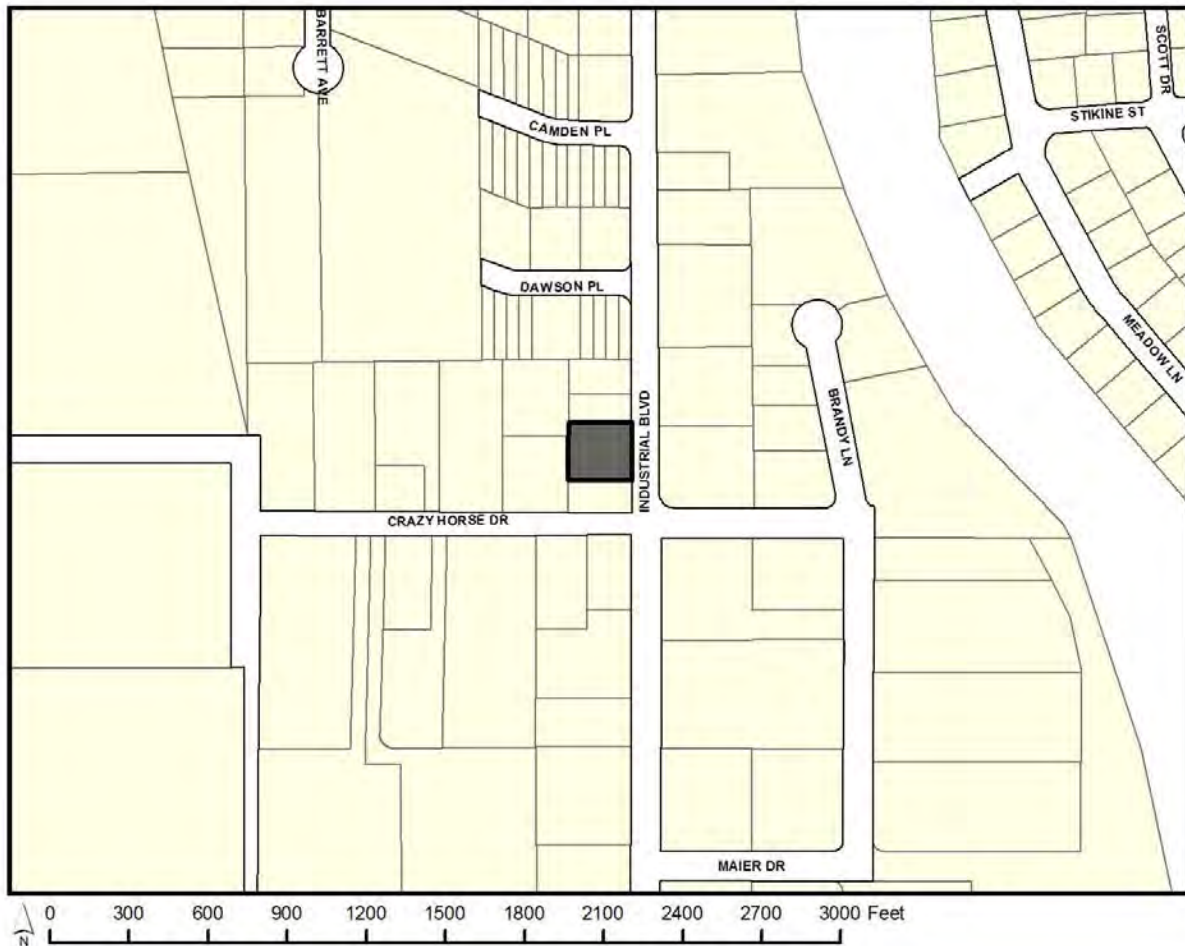
**Utilities:** City Water and Sewer

**Access:** Industrial Boulevard

**Existing Land Use:** Warehouse

Surrounding Land Use:	North	-	Industrial/Vacant
	South	-	Industrial/Auto repair
	East	-	Industrial/Industrial Blvd/Vacant
	West	-	Industrial/Lumber mill

### Vicinity Map



### ATTACHMENTS

- Attachment A: Conditional Use Permit Application
- Attachment B: Narrative
- Attachment C: As-Built Survey
- Attachment D: Floor Plan & Security Plan
- Attachment E: Photos of Warehouse
- Attachment F: Public Comment
- Attachment G: Public Notice

### **PROJECT DESCRIPTION**

The applicant requests a Conditional Use permit for the development of a 1,600 square foot marijuana cultivation facility in the Industrial Zone.

### **BACKGROUND**

The building for the proposed marijuana cultivation and product manufacturing was originally used for an auto repair business. The structure on the south side of the lot is used for seafood processing and has a caretaker apartment on the second floor. The applicant has stated that an employee of the seafood processing business is currently the caretaker and they intend to only have employees of either facility as caretakers.

The site was granted a Variance in 2001 with VAR2001 00019 to the rear yard setback of 10 feet to 4.3 feet to construct an enclosure that runs between the two buildings. The two original buildings were constructed in 1984.

Ordinance 2015—38, the Special Use Regulations for Marijuana Establishments, was passed by the Assembly on May 2, 2016 and becomes effective on June 2, 2016. This permit has been reviewed for conformity with the regulations contained in that ordinance. The applicant has addressed the marijuana specific conditional use permit application submittal requirements in their application as demonstrated in the listed attachments to this report.

### **ANALYSIS**

**Project Site** - The subject lot was platted in 1985 as part of a lot consolidation of lots 7A and 8A. The As-built survey provided in attachment C identifies the original two lots that were later consolidated. The subject lot is 120 feet wide and 126.17 feet in length, totaling 15,148 square feet. The minimum lot size in the Industrial Zone is 2,000 square feet.

There are two structures on the lot. The building on the north side of the property is proposed to be used for the marijuana cultivation and product manufacturing facility. There would be no other uses in the structure. That structure is 100 feet by 40 feet. The northern corner of the building is two feet from the rear lot line and the southern rear corner of the building is 2.6 feet from the rear property line.

The second structure on the southern portion of the lot is 75 feet by 35 feet. This northern rear corner of this structure is 4.4 feet from the rear property line and the southern rear corner is 4.5 feet from the rear property line.

Setbacks in the Industrial zone are ten feet on the front and rear yards and zero feet on the side

yards. When the buildings were constructed there were no side or rear yard setbacks and there was a 20 foot front yard setback in the Industrial Zone. The structures meet those setback requirements and are therefore legally nonconforming. The structure to the north will be renovated for the cultivation and product manufacturing facility. There will be no changes to the footprint of the building. None of the marijuana uses will occur in the structure on the south end of the lot.

**Project Design** – The existing structure will undergo a major remodel and renovation to accommodate the proposed marijuana facilities. There is an existing second story that is approximately 700 square feet. To the west of the second floor the warehouse opens back up to a single story. This area is proposed to be used as an indoor loading and storage area accessed by a bay door. While suppliers will be allowed in this area, there will be no access to the rest of the facility where cultivation and product manufacturing will occur. The remaining first floor area will be secure and accessed only by those with a Marijuana Handlers Permit and company issued radio frequency identification (RFID) card. The proposed structure currently has three bay doors, two man doors, and two windows on the south facing side. There are two windows on the east facing side. All windows will be removed and walled in. The western most man door and two eastern most bay doors will also be walled in. As previously stated, the third bay door will be used to access the indoor storage and loading area (Attachment E).

The marijuana cultivation proposal requires three separate rooms for the cultivation process. The approximately 72 square foot mother plant room (those plants that remain in state of constant vegetation in order to be cloned) will be on the second floor adjacent to the approximately 66 square foot drying room. The second floor will also have a secure office, packaging area, and the proposed concentrate extraction room, which are addressed in USE2016 0012. The second story extends over a portion of the first story; therefore, much of the space has high vaulted ceilings. The cloning room will be located on the first floor and occupy approximately 152 square feet. The flowering room is also on the first floor and will occupy approximately 1,600 square feet. The applicant expects to have 250 - 300 plants in the flowering room at a time (Attachment D).

The HVAC system will consist of air handlers as indicted in Attachment D. The air handlers have contaminant and odor filters. This facility will be further supported by a cooling system, including fans for air circulation, and dehumidifiers. The air handling system along with fans will protect against mold and mildew. Pesticide control will be handled through the release of lady bugs into the flowering room. Lady bugs eat plant pests and are a common organic nontoxic method for indoor pest control. Additional equipment includes carbon filters for odor control and T5 florescent & 1000 watt Gavita Pro grow lights. The carbon filters are designed to scrub the air clean and are designed for commercial operations in other industries, as well as, marijuana (see Attachment A).

CO2 will be used in the cultivation process. A tube with perforated holes will be strung along the wall just above the canopy. The CO2 tanks will be stored in the storage enclosure that runs between the two buildings. The CO2 emissions are computer monitored and the system has an automatic shut off.

Waste from the marijuana cultivation process will primarily be stems since the majority of the leaves will be used in extraction of concentrate. However, there could be instances where buds or even entire plants must be disposed of due to some defect. Waste will be ground up and mixed with another organic material in order to be rendered unusable as required by state regulations. The waste will be stored in the indoor loading area before being taken to the landfill.

**Traffic** - Traffic to and from the site will consist of employees, supply delivery, including CO2 supplier, and marijuana product deliveries to other locations. The applicant anticipates 3 to 5 full time employees for the facility. Trimming and harvesting do not require full time employees, but will occur approximately for one week a month. The project narrative states that during those times there could be up to twenty employees in the facility.

CO2 canisters would likely be refilled once to twice a month. The applicant owns and operates restaurants and has stated the same canisters are used for beverages in the restaurant and need to be filled once a month. Other supply deliveries will include soil, fertilizers, state required tracking tags, packaging material, and any professional services required of any large warehouse. These deliveries are not expected more than once every two weeks.

**Parking and Circulation** - According to CBJ 49.40.210 the proposed product manufacturing and cultivation facility requires 1 parking space for the office, 2 parking spaces for the cultivation, and 1 parking space for the product manufacturing. The other existing building requires 1 parking space for the caretaker residence and 3 parking spaces for the seafood processing.

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

Therefore, the site requires a total of 8 parking spaces, one of which is ADA accessible. Standard parking spaces are required to be 8.5 feet by 17 feet and parallel spaces are required to be 6.5 feet by 22 feet. There is space for four standard parking spaces with adequate circulation in front of the south building. Two spaces can be provided on the east side of the north building with two additional parallel spaces provided on the south side of the north building. Therefore, the site has adequate space to provide the required parking.



According to CBJ 49.40.210(c) (1) and (2), the site requires 1 off-street loading space. The off-street loading area is required to be a minimum of 30 feet by 12 feet and 14 feet high. In discussions with staff, the applicant proposes using the space between the two buildings as a loading space. There is also the indoor storage and loading area which will be used in addition to the outdoor loading space.

Staff recommends, as a condition of approval, that the applicant submit with the building permit plans a parking and circulation plan.

**Noise** - Surrounding uses include a lumber yard and warehouse adjacent to the west, a printing company adjacent to the south, a vacant lot directly across Industrial Boulevard to the east, two vacant lots adjacent to the north, and auto repair shops to the east, south, and southeast. All activity for the cultivation and concentrate extraction processes will take place inside the building. The building will not have any windows and doors will be secure at all times. The HVAC system in the cultivation facility will produce noise within the building, but it is not expected to be audible outside the building. Noise is not expected to be of concern with the development of the marijuana product manufacturing facility. Noise is expected to be less than other uses that may be permitted outright in the Industrial Zone.

**Public Health or Safety** – The applicant has indicated that they plan to use non-toxic fertilizers and use organic means of pest control. Therefore, any risk of toxic substances being transferred to a consumer is mitigated by this growing method.

Besides product quality control, security is a concern in the legal marijuana industry. State regulations provide for processes and standards to ensure legal marijuana does not end up in the illegal market, is sold only to those 21 and over, and that licensed marijuana establishments are secure from theft. Ordinance 2015-38 requires that Conditional Use Permit applications include a security plan indicating how the applicant will comply with the requirements imposed by State law. Those requirements include;

- Exterior lighting;
- Security alarm system on exterior doors;
- Continuous video monitoring;
- and,
- Commercial grade door locks on exterior points of entry

The applicant has included a floor plan indicating where each camera, motion sensor, door sensor, and RFID card reader will be placed as part of the surveillance system. While not required, the applicant intends to use a RFID access system to the facility, adding an additional layer of security with its personnel tracking capabilities. All surveillance can be monitored by the licensee remotely through a laptop or smartphone.

Staff recommends as condition of approval, that prior to a Certificate of Occupancy, staff conduct a site visit to ensure surveillance system is fully operational and all health and safety signs are displayed.

The proposal identifies the use of filtration, ventilation, pesticides, and sanitation as methods to be used to reduce the chance of mold, mildew, fungus, or pests. As described in the project narrative found in Attachment A, the air handling system provides contaminant filtration as well as odor filtration. Filtered air will exit the building through an exhaust. Samples of marijuana and manufactured product must be tested in a state licensed facility prior to sale. Testing facilities are required to test for harmful contaminants and residual solvents from extraction processes. Therefore, any harmful chemicals or microbial will be detected prior to consumer consumption.

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

CBJ 49.50.300 requires five percent of the site be maintained with vegetative cover. For this site, 757 square feet of vegetative cover is required. By using aerial photography, staff estimates the vegetative cover to be approximately 995 square feet, or 6.5 percent of the site. Therefore, the minimum vegetative cover requirement is met.

**Property Value or Neighborhood Harmony** - Existing uses in the neighborhood include several automotive repair shops, a printing company, and a lumber mill. This use is expected to generate less daily traffic and noise than other uses in the area. The proposed use is in harmony with surrounding industrial uses.

At the time this staff report was due, staff received comments from two community members in support of the proposal (Attachment F). The two letters were not property owners in the neighborhood.

**Conformity with Adopted Plans** - The subject site is located in Subarea 3 of the 2013 Comprehensive Plan and has a land use designation of Heavy Industrial (HI). According to the HI land use designation definition found on page 149 of the Comprehensive Plan, large scale food production and processing, and other manufacturing processes should be allowed on these lands. The proposed marijuana cultivation facility is a similar type of use.

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

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

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

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

**FINDINGS**

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

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

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

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

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

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

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

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

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

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

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

**Yes.** The proposed development complies with the other requirements of this chapter. Public notice of this project was provided in the May 14, 2016 and May 23, 2016 issues of the Juneau Empire's "Your Municipality" section, and a Notice of Public Hearing was mailed to all property owners within 500 feet of the subject parcel. Moreover, a Public Notice Sign was posted on the subject parcel, visible from the public Right of Way.

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

**No.** The applicant has proposed a surveillance and security system that exceeds the minimum state and local regulations. Further, much of the use, aside from employee and other occasional delivery traffic is contained indoors in a secure facility where non-employees are not permitted.

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

**No.** The use is adjacent to vacant lots and other industrial uses with similar and more intense off-site impacts such as noise and traffic. The proposed marijuana product manufacturing facility will not decrease the value of or be out of harmony with property in the neighborhood.

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

**Yes.** The development of private businesses in Juneau is supported by the Comprehensive Plan. Further, the HI land use designation supports manufacturing uses.

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

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

N/A

**RECOMMENDATION**

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

The approval is subject to the following conditions:

1. Parking spaces shall meet CBJ 49.40.210(b)(1); 8 spaces including 1 ADA signed space shall be marked and maintained. A parking and circulation plan shall be submitted with the building permit application.
2. The applicant shall pass all CBJ Fire Marshall inspections.
3. No offsite glare shall be produced by exterior doorway lights.
4. Security cameras shall have an unobstructed view of each doorway to the processing building and cultivation building.
5. Security cameras shall have an unobstructed view of the regular activity without sight blockage from lighting hoods, fixtures, or other equipment in the processing building and cultivation building.
6. Security cameras shall have a battery back-up system installed that operates for a minimum of 24 hours; all batteries must be replaced annually.
7. Prior to the issuance of a Certificate of Occupancy, all security devices shall be inspected to ensure they are fully operational and the required signage is displayed.

# DEVELOPMENT PERMIT APPLICATION

Project Number <b>USE 16-12</b>	CITY and BOROUGH of JUNEAU	Date Received: <b>3/30/16</b>
Project Name (City Staff to Assign Name)		

INFORMATION           PROJECT / APPLICANT	Project Description <b>Marijuana Product Manufacturing Facility</b>		
	<b>PROPERTY LOCATION</b>		
	Street Address <b>2315 Industrial Blvd</b>	City/Zip <b>Juneau, AK 99801</b>	
	Legal Description(s) of Parcel(s) (Subdivision, Survey, Block, Tract, Lot) <b>Mason Industrial Park, Block 2 Lt 7A1</b>		
	Assessor's Parcel Number(s) <b>4-B17-0-108-007-1</b>		
	<b>LANDOWNER/ LESSEE</b>		
	Property Owner's Name <b>Seaweed Ventures, LLC / Tracy LaBerge</b>	Contact Person: <b>Tracy LaBerge</b>	Work Phone: <b>907-723-2004</b>
	Mailing Address <b>2315 Industrial Blvd, Juneau, AK</b>	Home Phone:	Fax Number:
	E-mail Address <b>tracy@kingcrabshack.com</b>	Other Contact Phone Number(s):	
	<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.			
X <u><b>Tracy LaBerge</b></u> Landowner/Lessee Signature		<u><b>3/30/16</b></u> Date	
X _____ Landowner/Lessee Signature		_____ Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours and will attempt to contact the landowner in addition to the formal consent given above. Further, members of the Planning Commission may visit the property before the scheduled public hearing date.			
<b>APPLICANT</b> If the same as OWNER, write "SAME" and sign and date at X below			
Applicant's Name <b>John S. Nemethy (Top Hat Concentrates) LLC</b>		Contact Person: <b>SAME</b>	
Mailing Address <b>406 S. Franklin St, Juneau, 99801</b>		Home Phone: <b>313-318-5322</b>	
E-mail Address <b>john@thealaska.com</b>		Other Contact Phone Number(s):	
X <u><b>John S. Nemethy</b></u> Applicant's Signature		<u><b>3/30/16</b></u> Date of Application	

-----OFFICE USE ONLY BELOW THIS LINE-----

STAFF APPROVALS	<input checked="" type="checkbox"/>	Permit Type	***SIGN	Date Received	Application Number(s)	
		Building/Grading Permit				
		City/State Project Review and City Land Action				
		Inquiry Case (Fee In Lieu, Letter of ZC, Use Not Listed)				
		Mining Case (Small, Large, Rural, Extraction, Exploration)				
		Sign Approval (If more than one, fill in all applicable permit #'s)				
		Subdivision (Minor, Major, PUD, St. Vacation, St. Name Change)				
	✓	Use Approval (Allowable, Conditional, Cottage Housing, Mobile Home Parks, Accessory Apartment)	✓	3/30/16	USE 20160012	
		Variance Case (De Minimis and all other Variance case types)				
		Wetlands Permits				
		Zone Change Application				
		Other (Describe)				
	***Public Notice Sign Form filled out and in the file.					
	Comments:					Permit Intake Initials <b>JKL</b>

**Attachment A**

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

# ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

Project Number	Project Name (15 characters)	Case Number	Date Received
----------------	------------------------------	-------------	---------------

## TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- ☐ Accessory Apartment\*\*\* (AAP)
 ☐ Driveway in Right-of-Way (ADW)
 ☒ Use Listed in §49.25.300 (USE)  
 (Table of Permissible Uses)

Please list the Table of Permissible Uses Category: Marijuana Product 4.220

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

Manufacturing Facility

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

Marijuana product manufacturing facility

## IS THIS A MODIFICATION OF AN EXISTING APPROVAL?

☒ NO ☐ YES - Case # \_\_\_\_\_

CURRENT USE OF LAND OR BUILDING(S): Commercial machine shop

PROPOSED USE OF LAND OR BUILDING(S): Marijuana product manufacturing with commercial marijuana cultivation

## UTILITIES PROPOSED:

WATER: ☒ Public ☐ On Site

SEWER: ☒ Public ☐ On Site

## SITE AND BUILDING SPECIFICS:

Total Area of Lot 15,148 square feet

Total Area of Existing Structure(s) 7360 square feet

Total Area of Proposed Structure(s) \_\_\_\_\_ square feet

## EXTERNAL LIGHTING:

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

## PROJECT NARRATIVE AND SUBMITTAL CHECKLIST:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Site Plan   | <input checked="" type="checkbox"/> Existing and proposed parking areas (including dimensions) and proposed traffic circulation |
| <input checked="" type="checkbox"/> Floor Plan of proposed buildings                  | <input checked="" type="checkbox"/> Existing Physical Features of the site (drainage, habitat, hazard areas, etc.)              |
| <input checked="" type="checkbox"/> Elevation view of existing and proposed buildings |   |
| <input checked="" type="checkbox"/> Proposed Vegetative Cover                         |   |

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

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

## ALLOWABLE/CONDITIONAL USE FEES

	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>350</u>		<u>007854</u>	<u>3/30/16</u>
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50</u>			
Pub. Not. Sign Deposit	\$ <u>100</u>			
Total Fee	\$ <u>500</u>		<u>✓</u>	<u>✓</u>

NOTE: MUST BE ACCOMPANIED BY DEVELOPMENT PERMIT APPLICATION FORM

Attachment A



CBJ Conditional Use Permit Application for  
Top Hat Concentrates, LLC:  
Narrative and Site Plan, 3/28/2016

RECEIVED

MAR 30 2016

PERMIT CENTER/CDD

# **CONTENTS**

**-Business Structure & Operations**

**-Extraction Overview**

**-Site Construction / Development**

**-Safety & Security**

**-Equipment / HVAC Specs**

**-Site Plan & Drawings**

**-Attachments**

## BUSINESS & OPERATIONS

Top Hat Concentrates, LLC is comprised of three individuals, John S Nemeth, Benjamin Wilcox, and Tracy LaBarge, licensed by the State of Alaska and managed by JBT Development, LLC. The company seeks a Conditional Use Permit for a marijuana product manufacturing facility (table of permissible uses code 4.220). CEO John S Nemeth will oversee the company and VP Benjamin Wilcox will manage cultivation. Top Hat Concentrates, LLC strives to be the best cannabis extraction company in North America with the highest regard for quality production and the environment. The extracts produced under our own label will be Co2 extracted, free of chemical pesticides, and will always be Vegan/Organic. This company and its' equipment will be in secured access room inside the cannabis cultivation facility, Top Hat, LLC. Top Hat Concentrates, LLC will extract for Top Hat Cannabis, LLC as well as other properly licensed facilities within the CBJ.

## EXTRACTION PROCESS

When you hear the word "extraction" or "processing" of cannabis what that is referring to in the case of Top Hat Concentrates, LLC is removing the cannabinoids (THC, CBD, CBG...) from the plant material. This process is extremely safe and requires a special closed loop botanical extractor and Co2 (the same substance used to carbonate your favorite soft drink). The extractor uses the compressed gas to remove the cannabinoids from the plant material. This is the same process used by other companies to make essential oils, perfumes, and other extracts. We chose the more expensive Co2 method to keep our cannabis, and others who use our extraction company, as healthy as possible. Co2 for the process is brought to the facility by a beverage gas supply company in the form of 60lb refillable tanks that attach to the side of the extractor.

After the product is extracted it goes through what's known as a winterization process. Simply stated this the process that stabilizes the product and separates any remaining plant material. Co2 extracted product is placed in a round bottom (same as you'd find in any lab) and dissolved into alcohol. This substance is then frozen in a laboratory freezer, filtered, and then placed in a laboratory vacuum oven to remove any remaining alcohol from the extraction. What you're left with is a clean THC/CBD product free of plant material that is ready to be used as is, placed in vaporizer cartridges, edibles, or capsules.

Alcohol is the only flammable and potentially dangerous substance in the entire facility (aside from a few house hold cleaners). Being that there are no open or any flames in the facility. Alcohol is just as safe to have around as it is in doctor's offices, hospitals, and art studios.

## USE OF SITE

The extraction room will utilize approx. 200sqft in total of an existing structure located on lot 8A of the parcel 4-B17-0-108-007-1 in the Mason Industrial Park #2 (GPS coordinates 58.3664 (lat), -134.605 (long), zoned industrial) at 2315 Industrial Blvd, Juneau, AK 99801. The structure will be permitted and constructed to reflect the plans attached here following all State and CBJ guidelines for such facilities. Growing areas use approx. 1824 of the available 3000 square feet. The processing facility is located in a secure area behind a secured RFID access only door. During the expected operating hours of 8am - 12am the extraction facility will have 1, maybe 2 people working in the room at a time. ALL employees will be documented in accordance to State and Federal Law and possess marijuana handling certifications on their person at all times. There will also be photocopies of all employees' cards in the office.

Electrical usage for the extraction room has been factored into the electrical plan/upgrade for Top Hat, LLC. The entire building will be 480amp 3 phase and the extraction room will use 125 of those amps.

Parking for up to 8 vehicles will be provided on the south and east side of the structure.

Cooling will come from a "dry cooler" a majority of the time. Utilizing the cool ambient temperatures in Juneau as it's cooling source this makes for a very efficient, energy saving system. The system is ductless and connected by pipes vs. traditional ducting. All condensation water will be collected by dehumidification equipment and then re-used for watering plants.

Aiding in pest/microbial prevention the system is equipped with an Airoclean Microbial Environmental Control Kit. Similar to what's used in hospitals.

## SUMMARY

Top Hat Cannabis, Top Hat Concentrates, and Kannavi will operate together as vertically integrated Alaskan cannabis companies operated by JBT Development, LLC. The primary goal is to produce the world's best and safest cannabis products, but education, medical research, and philanthropy are key drivers of success for the group. Through our educational programs at Kannavi, continued partnerships in medicine & lab research, and commitment to give back to numerous groups in the local community; current generations and businesses of other industry in the future to come will look up to our practices and business model.

We look forward to driving a successful future for Juneau and the cannabis industry!

\*Top Hat, LLC; Top Hat Concentrates, LLC; Kannavi, LLC; and JBT Dev., LLC are all registered and trademarked entities by THC Alaska, LLC. Use of names or any proprietary information other than for the purpose of this application within this document is unlawful.

John S Nemeth

Owner/President

313.318.5322

[john@thcalaska.com](mailto:john@thcalaska.com)

Benjamin Wilcox

Owner/Vice President

907.419.0065

[thcalaska@yahoo.com](mailto:thcalaska@yahoo.com)

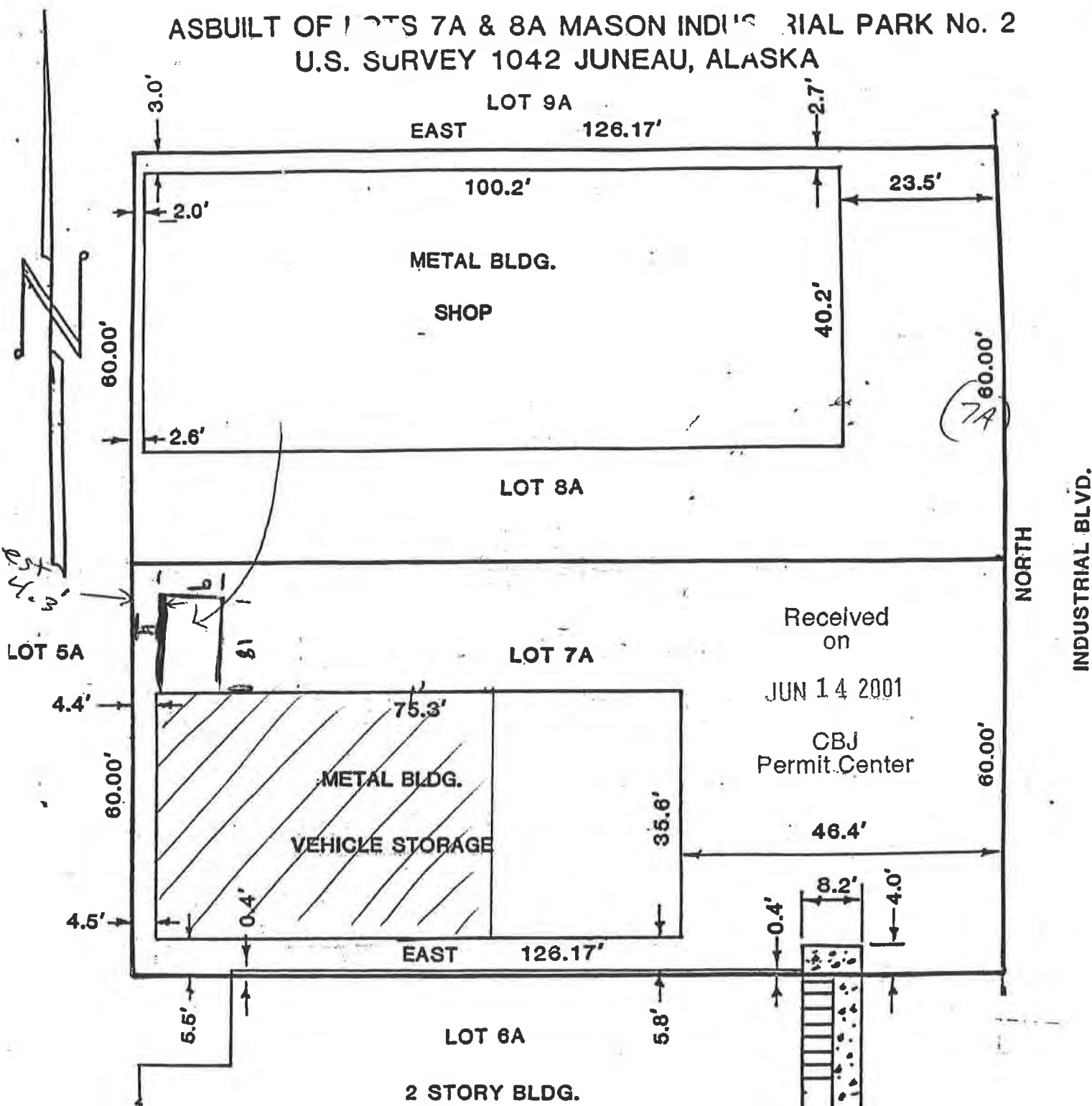
Tracy LaBarge

Owner/ Secretary Treasurer

907.723.2004

[tracy@kingcrabslack.com](mailto:tracy@kingcrabslack.com)

ASBUILT OF LOTS 7A & 8A MASON INDUSTRIAL PARK No. 2  
U.S. SURVEY 1042 JUNEAU, ALASKA



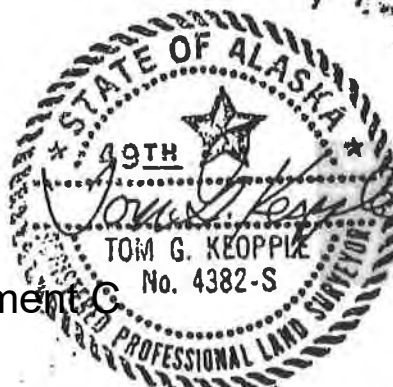
4-B17-0-108-007  
008

CERTIFICATE OF REGISTERED LAND SURVEYOR

I hereby certify I am a registered professional land surveyor and that this plat represents the survey made by me or under my direct supervision and that all dimensions, encroachments, easements and other

Date: Jan 28, 1985

Attachment A - Application Packet



SCALE: 1" = 20'  
Received on

JUN 29 2001  
VAR2001-00019  
Attachment A

KEOPPLE SURVEYS  
P.O. BOX 2758  
JUNEAU, ALASKA 99803



# Emily A. Kane, ND LAc

Naturopathic Doctor

Alaska License № 22

Licensed Acupuncturist

Alaska License № 18

May 5 2016

Dear Members of the CBJ Assembly and Planning Commission,

I am writing in support of the ongoing development of a wide variety of hemp and cannabis products in Juneau and state-wide. In particular I'm deeply interested in the therapeutic benefits of CBD, the non hallucinogenic phytocannabinoid, cannabidiol. I have seen positive responses to relatively low doses of CBD for insomnia, anxiety, mild to moderate depression, obsessive compulsive disorders, including eating disorders, which are notoriously difficult to treat, and pain. There is a large body of published research validating the medical uses of marijuana, particularly in the areas of managing pediatric epilepsy, and mitigating cancer pain and cancer growth.

As you are aware we are experiencing an epidemic of opioid abuse, leading to more overdose deaths than fatal car accidents in the US in the past months. CBD has no potential for addiction. It is a very exciting medicine and despite the US being nearly 70 years behind in scientific research because of years of unfortunate vilification of this beautiful and useful plant -- these barriers are lifting all over the country. Alaska, and Juneau, is poised to be a leader in moving forward with all things hemp. I applaud the work of the Assembly in carrying out the will of CBJ voters, which will not only bring jobs and revenue diversification to Juneau, but help stem the tragedies engendered by abuse of heroin, meth and alcohol.

The commercial leaders in the cannabis arena in Juneau are stellar citizens, mostly well known to you. Tracy LaBarge is arguably the most popular and steady restaurant owner in Juneau and has provided not only great dining options for the Borough for decades, but employs many people including younger folk during the summer months. John Nemeth, who has a background in restaurant development and urban planning, has been part of our community for only a few years but brings a great deal of business acumen to the Downtown Business Association Infrastructure Committee and plays an active role in DIG. He looks forward to being a generous contributor to the CBJ school district, and working with physicians to improve understanding of the therapeutic potential of cannabis. The third major partner is Ben Wilcox, a 20+ year Juneau resident who is passionate, as am I, about reducing the dependency on addictive substances we are witnessing in Juneau.

I recently heard JPD office Chris Sell say on the radio that to solve the heroin problem in Juneau we can't just focus on supply. We need to look at the demand side. Why are folks in such pain that they are willing to wreck their lives with quickly addictive substances? Cannabis is also known as "ditch weed." It grows easily, all over the world. It is an incredible gift from nature that can produce rope, clothing, fiber, animal feed, and gentle effective medicine. Moving forward with the cannabis industry is win-win-win. Please feel free to contact me if you are interested in scientific studies attesting to the healing powers of cannabis, particularly CBD, in an astonishing array of human ailments.

Sincerely,

Dr Emily A Kane

Attachment F

418 Harris Street, Suite 329 Juneau, AK 99801

Phone: 907-586-3655 FAX: 907-586-4326 email: DrEmilyKane@gmail.com

Attachment A - Application Packet

May 9, 2016

Dear Ladies and Gentlemen of the Juneau Assembly,

As a downtown retail store owner for nearly twenty years, I fully support the business plans and ideas of THC Alaska. John Nemeth, Tracy LaBarge and Benjamin Wilcox not only each have proven track records in creative concepts, but are also community members who care about the economic and social wellness of Juneau. This thoughtful, bright, focused team will spearhead a respectable, responsible cannabis business that I know I can feel comfortable with as a downtown neighbor and Juneau can be proud of as a top-notch operation.

Sincerely,

A handwritten signature in black ink, appearing to read "Tanja Cadigan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Tanja Cadigan  
Caribou Crossings

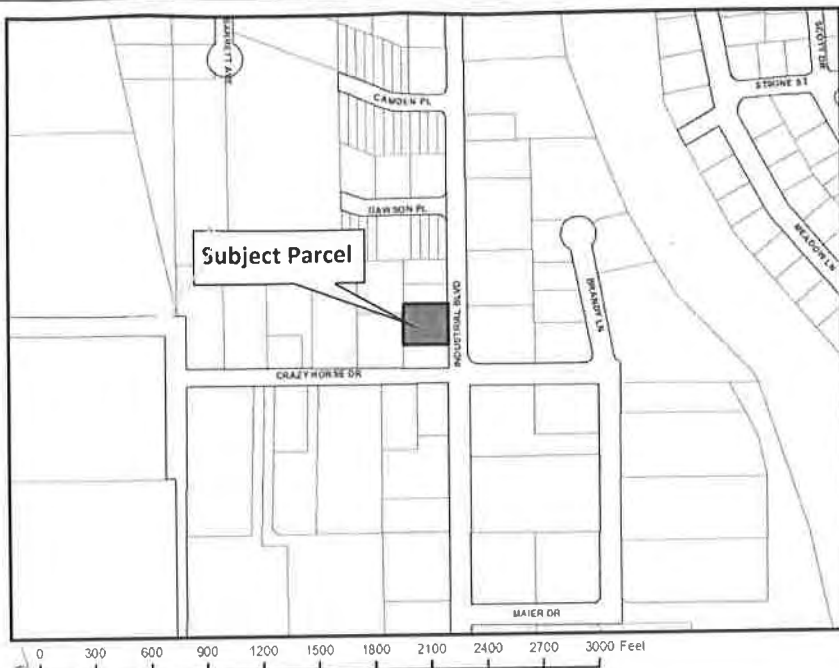
Attachment F

Attachment A - Application Packet





# NOTICE OF PUBLIC HEARING



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

**SHIP TO:**



**PROPOSALS:** USE2016 0012: Conditional Use permit for marijuana product manufacturing facility in the Industrial zone.  
USE2016 0013: Conditional Use permit for marijuana cultivation in the Industrial zone.

File No:	USE2016 0012 and USE2016 0013	Applicant:	Top Hat Concentrates, LLC.
To:	Adjacent Property Owners	Property PCN:	4-B17-0-108-007-1
Hearing Date:	May 24, 2016	Owner:	Seaweed Ventures, LLC
Hearing Time:	7:00 PM	Size:	15,148 Square Feet
Place:	Assembly Chambers	Zoned:	I - Industrial
	Municipal Building	Site Address:	2315 Industrial Boulevard
	155 South Seward Street	Accessed Via:	Industrial Boulevard
	Juneau, Alaska 99801		

## PROPERTY OWNERS PLEASE NOTE:

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

If you have questions, please contact Christine Steadman at [Christine.Steadman@juneau.org](mailto:Christine.Steadman@juneau.org) or 586-0761.



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

## Attachment G

Date notice was printed: April 21, 2016

## Attachment A - Application Packet



### **CBJ Marijuana License Inspection – Planning & Zoning**

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained
- ☒ Floor plan matches what was approved under the CUP
- ☒ Check out alarm system – make sure all windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries) *Industrial Blvd has back up through AELP*
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards
- ☒ Verify safe is installed in a secure room
- ☒ Verify property waste disposal method is in use
- ☒ Check out fertilizers
- ☒ Verify storage of carbon dioxide (also part of Fire Dept. inspection) *N/A*
- ☒ Verify carbon filters are installed
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP
- ☒ **Passed inspection**
- ☐ **Incomplete inspection**

Items not complete:

Inspected by: Chun A. Stadler, Planner MJL# 07  
Date: 4/27/16



### CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☐ Required signs are present in conspicuous place near main entrance:
  - ☒ CBJ and State Licenses (for renewal inspection only) *needs name change*
  - ☒ Health warning
  - ☒ Consumption and transportation warning
- ☒ Limited access areas are marked *All of area.*
- ☒ Verify visitor log is properly maintained
- ☒ Floor plan matches what was approved under the CUP *- bit of a change - Check & D permit BLD permit approved change in floor plan.*
- ☒ Check out alarm system – make sure all exterior windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards
- ☒ Verify safe is installed in a secure room *- In hallway.*
- ☒ Verify property waste disposal method is in use *- self compost - stored inside.*
- ☒ Check out fertilizers *Just compost -*
- ☒ Verify storage of carbon dioxide (also part of Fire Dept. inspection) *- no CO2 system installed*
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents *- few room air tight? No filters.*
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP *- Parking aisle is not clear. - was also meant to be available for loading zone.*
- ☒ Passed inspection
- ☒ Incomplete inspection

Items not complete: NOT NECESSARY FOR LICENSE, BUT... will be reviewed AGAIN FEB 2018 at which point area must be cleaned.  
RENEWAL

- Parking aisle must remain clear at all times.
- ADA space to be reserved for ADA users. - should have been van-accessible

Inspected by: T. [Signature] Planner MJL# 07 208

Date: 12/6/17



**CBJ Marijuana License Inspection – Planning & Zoning**

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. Take the CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Take pictures for file if you think that is useful.

For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
  - ☐ CBJ and State Licenses (for renewal inspection only)
  - ☐ Health warning
  - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits
- ☒ Check out alarm system – make sure all exterior windows and doors have an alarm
- ☒ Verify that the security surveillance system is working
- ☒ Verify security surveillance system back up system (i.e. generator, batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☐ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Check out fertilizers
- ☒ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP
  
- ☒ **Passed inspection**
- ☐ **Incomplete inspection**

Items not complete:

Inspected by: A. Eddins, Planner MJL# 07

Date: 12/12/18



## CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. *Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.*

### For all marijuana establishments:

- ☒ Required signs are present in conspicuous place near main entrance:
  - ☒ CBJ and State Licenses (for renewal inspection only)
  - ☒ Health warning
  - ☒ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered *camera plan was not in our plan set. I asked for one and added to our set.*
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use *compost, stored inside*
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents *closed system*
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP *parking is met, new stripes needed*

### For cultivation or processing operations only:

- ☒ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

### For cultivation operations only:

- ☒ Verify fertilizers used and mold/pet control

☒ PASSED INSPECTION

☐ INCOMPLETE INSPECTION

### Items not complete:

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- ☒ Work with business owner to address incomplete items.
- ☐ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: D. Wether, Planner MJL# 007

Date: 10-22-19



## CBJ Marijuana License Inspection – Planning & Zoning

The purpose of this inspection is to ensure that the conditions of the approved CUP and the requirements of CBJ 49.65.1200 are met prior to operation. ***Take the MJL folder and CUP folder with you on the inspection so you have all the approved plans and a copy of the NOD. Review checklist from previous years. Take pictures for file if you think that is useful. Write notes on the checklist.***

### **For all marijuana establishments:**

- ☒ Required signs are present in conspicuous place near main entrance:
  - ☐ CBJ and State Licenses (for renewal inspection only)
  - ☐ Health warning
  - ☐ Consumption and transportation warning
- ☒ Limited access areas are marked
- ☒ Verify visitor log is properly maintained and view that old sheets retained
- ☒ Floor plan matches what was approved under the CUP or building permits. Some minor changes may have been approved through building permits or past inspections.
- ☒ Check out alarm system –all exterior windows and doors have an alarm sensors
- ☒ Verify security surveillance system is working and all doors/ regular work areas are covered
- ☒ Verify security surveillance system back up system (e.g. generator or batteries)
- ☒ Verify all entry and exit points to the facility are video monitored from inside and out
- ☒ Verify that there is no product visible from the public right-of-way
- ☒ Verify doors and locks meet regulatory standards (commercial grade locks)
- ☒ Verify safe is installed in a secure room
- ☒ Verify an approved waste disposal method is in use
- ☒ Verify carbon filters are installed/no noticeable odor outside building vents
- ☒ Verify ventilation system installed and operational
- ☒ Any additional conditions imposed by CUP

### **For cultivation or processing operations only:**

- ☒ Verify storage of carbon dioxide sources (also part of Fire Dept. inspection)

### **For cultivation operations only:**

- ☒ Verify fertilizers used and mold/pet control

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☒ **PASSED INSPECTION**

☐ **INCOMPLETE INSPECTION**

### **Items not complete:**

- ☒ Complete inspection in 'GOVERN Inspections'
- ☒ Complete activity in 'GOVERN Activities'
- ☐ Work with business owner to address incomplete items. *NA*
- ☒ When complete go back to GOVERN. Hand MJL folder with inspection checklist back to Permit Techs

Inspected by: N. Watts, Planner MJL# 07 08

Date: 11/4/20

**Attachment B - Supporting Documents**

# City and Borough of Juneau

Community Development Department

## Marijuana Establishment Business License

### Cultivation

Effective Date

January 01, 2018



Expiration Date

December 31, 2018

TOP HAT LLC  
2315 INDUSTRIAL BLVD  
MJL00000007

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.



# City and Borough of Juneau

Community Development Department

## Marijuana Establishment Business License

### Cultivation

Effective Date

January 01, 2019



Expiration Date

December 31, 2019

TOP HAT LLC  
2315 INDUSTRIAL BLVD  
MJL00000007

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

# City and Borough of Juneau

Community Development Department

## Marijuana Establishment Business License

### Cultivation

Effective Date

January 01, 2020



Expiration Date

December 31, 2020

TOP HAT LLC  
2315 INDUSTRIAL BLVD  
MJL00000007

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

# City and Borough of Juneau

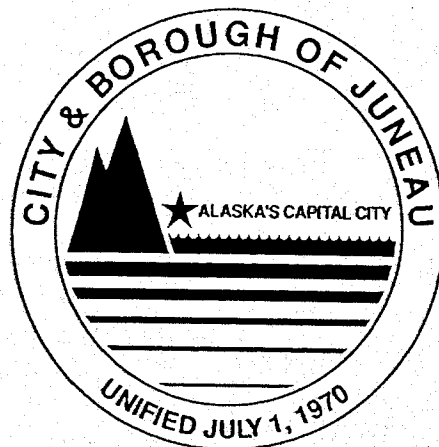
Community Development Department

## Marijuana Establishment Business License

Cultivation

Effective Date

January 01, 2021



Expiration Date

December 31, 2021

TOP HAT LLC

2315 INDUSTRIAL BLVD

MJL00000007

This license is issued pursuant to Title 49, Chapter 65 of the City and Borough of Juneau Code of Ordinances. This license is nontransferable and must be prominently displayed in the marijuana establishment in a conspicuous location inside the licensed premises near the main entrance. (CBJ 49.65.1255)

This license is only valid through the expiration date shown above. Any questions concerning the license should be addressed to: Community Development Department, 155 S Seward Street, Juneau, AK, 99801.

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER **10270**

FORM CONTROL MJ-339

# MARIJUANA ESTABLISHMENT LICENSE

## 2018 - 2019

TYPE OF LICENSE: Standard Marijuana Cultivation

RENEWAL APPLICATION DUE BY: 6/30/2019

ISSUE DATE: 08/17/2018

EXPIRATION DATE: 08/31/2019

EFFECTIVE DATE: 08/17/2018

LOCAL GOVERNMENT: Juneau (City & Borough of)

D/B/A: Top Hat, LLC  
2315 Industrial Boulevard, Suite A  
Juneau, AK 99801

Mail Address:

Top Hat, LLC  
P.O. Box 20842  
Juneau, AK 99801

This license cannot be transferred without permission  
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE  
MARIJUANA CONTROL BOARD

*Erika McConnell*

DIRECTOR

Attachment B - Supporting Documents

POSTED IN A VISIBLE PLACE ON THE PREMISES

FORM CONTROL MJ-099

# MARIJUANA ESTABLISHMENT LICENSE

## 2019 - 2020

TYPE OF LICENSE: Standard Marijuana Cultivation

RENEWAL APPLICATION DUE BY: 6/30/2020

ISSUE DATE: 08/22/2019

EXPIRATION DATE: 08/31/2020

EFFECTIVE DATE: 08/22/2019

LOCAL GOVERNMENT: Juneau (City &amp; Borough of)

D/B/A: Top Hat, LLC  
2315 Industrial Blvd., Suite A  
Juneau, AK 99801

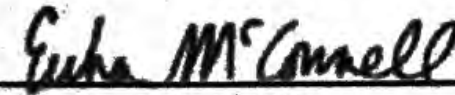
Mail Address:

Top Hat, LLC  
PO BOX 20842  
Juneau, AK 99801

This license cannot be transferred without permission  
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE  
MARIJUANA CONTROL BOARD



DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - MARIJUANA CONTROL BOARD

LICENSE NUMBER 10270

FORM CONTROL MJ-127

# MARIJUANA ESTABLISHMENT LICENSE

## 2020 - 2021

TYPE OF LICENSE: Standard Marijuana Cultivation

RENEWAL APPLICATION DUE BY: 6/30/2021

ISSUE DATE: 08/31/2020

EXPIRATION DATE: 08/31/2021

EFFECTIVE DATE: 08/31/2020

LOCAL GOVERNMENT: Juneau (City & Borough of)

DB/A: Top Hat, LLC  
2315 Industrial Blvd., Suite A  
Juneau, AK 99801

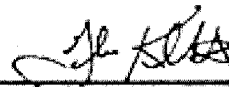
Mail Address:

Top Hat, LLC  
P.O. Box 20842  
Juneau, AK 99801

This license cannot be transferred without permission  
of the Marijuana Control Board

☐ Special restriction - see reverse side

ISSUED BY ORDER OF THE  
MARIJUANA CONTROL BOARD



DIRECTOR

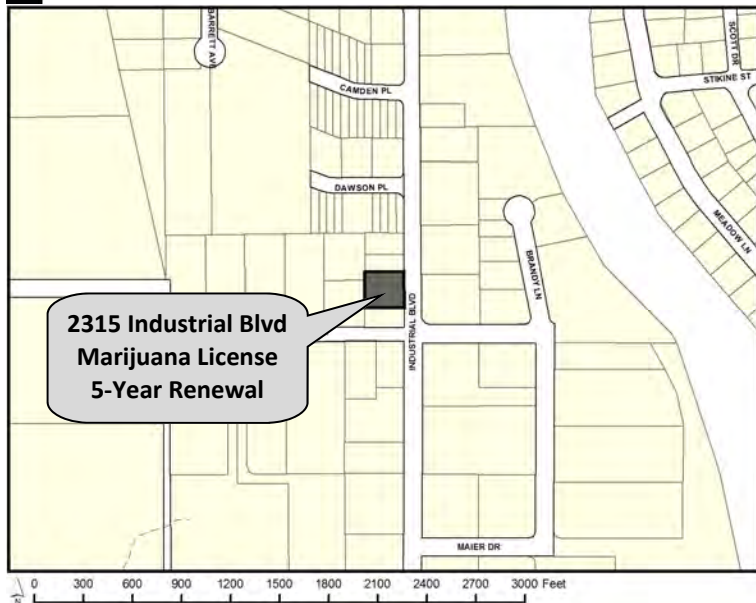
THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

Attachment B - Supporting Documents

# Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

*Your Community, Your Voice*



155 S. Seward Street Juneau, Alaska 99801

TO:

A **Marijuana Manufacturing License 5-Year Renewal** and a **Marijuana Cultivation License 5-Year Renewal** are up for consideration and public hearing by the Planning Commission for **Top Hat, LLC** at **2315 Industrial Boulevard** in an **Industrial Zone**.

## TIMELINE

Staff Report expected to be posted **Monday, October 18, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

**Now through Oct. 4**

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

**Oct. 5 — noon, Oct. 25**

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

**HEARING DATE & TIME: 7:00 pm, October 26, 2021**

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/89613819418>. The Webinar ID is: 896 1381 9418. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

**October 27**

The results of the hearing will be posted online.

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

Printed September 24, 2021

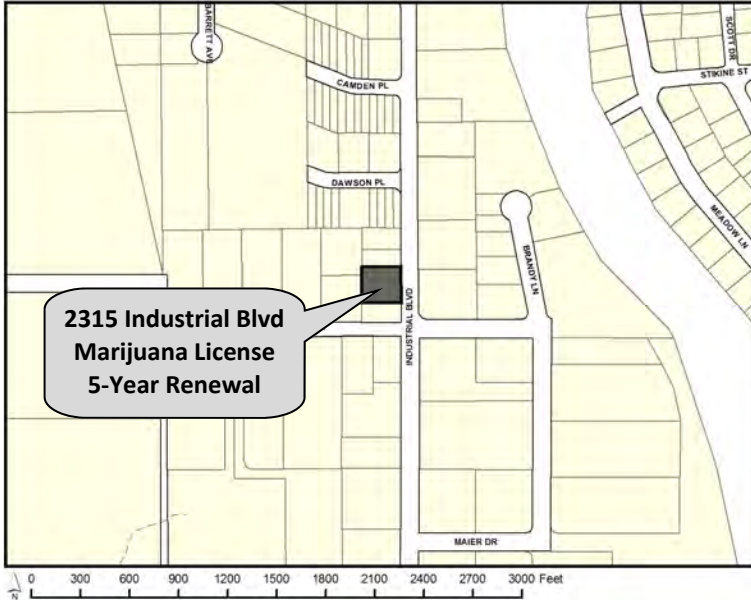
Case No.: USE2016 0012; USE2016 0013  
Parcel No.: 4B1701080071  
CBJ Parcel Viewer: <http://epv.juneau.org>



# Revised Notice

Re: Marijuana Retail & Cultivation License 5-Year Renewals

## Hearing Rescheduled



155 S. Seward Street Juneau, Alaska 99801

TO:

## POSTPONED

You are receiving this notice regarding applications being heard by the Planning Commission for a **Marijuana Manufacturing License 5-Year Renewal** and a **Marijuana Cultivation License 5-Year Renewal** for **Top Hat, LLC** at **2315 Industrial Boulevard**. Originally, the hearing was set for October 26, 2021. The hearing has been rescheduled for **November 9, 2021**.

## TIMELINE

Staff Report expected to be posted **Monday, November 1, 2021** at <https://juneau.org/community-development/planning-commission>. Find hearing results, meeting minutes and more here as well.

**Now through noon, November 8**

Comments received during this period will be sent to Planning Commissioners to read over the weekend in preparation for the hearing. The planner handling these cases, Joseph Meyers, will also read any written comments that are received. You may also contact him via the phone number listed below.

**HEARING DATE & TIME: 7:00 pm, November 9, 2021**

This virtual meeting will be by video and telephonic participation only. To join the Webinar, visit: <https://juneau.zoom.us/j/82646379779>. The Webinar ID is: 826 4637 9779. To join by telephone, call: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 and enter the Webinar ID.

**November 10**

The results of the hearing will be posted online.

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

Printed October 22, 2021

Case No.: USE2016 0012; USE2016 0013  
Parcel No.: 4B1701080071  
CBJ Parcel Viewer: <http://epv.juneau.org>





Attachment C - Public Notice