

# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

### **AGENDA ITEM:**

Case No: CUP 18-04  
Proposal: Request for food truck/outdoor restaurant  
Applicant: Youth Advocates of Sitka  
Owner: Christopher Bowen  
Location: 331 Lincoln Street  
Legal: Fractional Portion of Tract J US Survey 404  
Zone: CBD Central Business District  
Size: 7866 square feet  
Parcel ID: 1-0600-000  
Existing Use: Commercial  
Adjacent Use: Commercial  
Utilities: Existing  
Access: Lincoln Street

### **KEY POINTS AND CONCERNS:**

- A CUP is active for another food truck (Ashmo's) on this property
- DEC permit is active for the operation
- Located in the Central Business District on private property
- Burden of proof is on the applicant

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the conditional use permit request for a food truck/outdoor restaurant at 331 Lincoln Street.

## **ATTACHMENTS**

Attachment A: Applicant Materials

Attachment B: Staff Materials

Attachment C: Correspondence

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a food truck/outdoor restaurant at 331 Lincoln Street. The truck would be located in front of the Coliseum Theater on private property. The truck is a DMV licensed truck with approximately 7' by 15.5' of kitchen space and a driver's seat area. Last year, the truck operated on commercial property (Lakeside Store) not requiring a conditional use permit. The applicant now seeks to operate in the Central Business District, which requires a conditional use permit.

Operators would prepare and sell smoothies and coffee. Operations are primarily seasonal and daytime, with May hours of 9 AM – 5 PM Saturdays and June – August hours of 9 AM – 5 PM Mondays through Saturdays. The operation is a program of Youth Advocates of Sitka (YAS) to provide workplace and entrepreneurship skills to local youth. Youth would be supervised by a YAS employee/mentor at all times. A DEC Food Safety & Sanitation permit is current for the food truck operations.

Applicants believe that operations at this location will primarily attract pedestrian customers. No parking is required in the Central Business District, although on-street parking and a public parking lot are nearby. Applicants state that they have an agreement with Coliseum Theater to use their restrooms, and also point out that public restrooms are nearby at the intersection of Lincoln Street and Lake Street. When not in operation, the truck will be parked at the YAS office at 805 Lincoln Street.

Applicants report that approximately 10 gallons of trash was created per day in the 2017 season, although more may be created in the upcoming season. Trash is disposed of at the YAS office. Wastewater is stored in a 50 gallon tank and drained at the city wastewater facility on Japonski Island daily. The truck uses a Honda EU3000 generator which operates at 49-58 decibels. Applicants report that this is approximately the same volume as a human conversation. The generator is in a sound-insulated compartment on the back side of the truck. Applicants report that the generator does not produce strong odor, but that some coffee and fruit odors may be noticeable.

In 2015, a conditional use permit was granted for another food truck/outdoor restaurant (Ashmo's) on this property. This permit is still active. The approval was for May-September operations 6-7 days per week. The applicant proposes to locate adjacent to Ashmo's current location.

## **ANALYSIS**

## **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>1</sup>**

### **a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:**

Applicant believes that most customers will likely be pedestrians, and staff generally agree. Traffic is to be expected in the Central Business District. No concerns.

**b. Amount of noise to be generated and its impacts on surrounding land use:** The truck uses a Honda EU3000 generator which operates at 49-58 decibels. Applicants report that this is approximately the same volume as a human conversation. According to the Yale University Environmental Health and Safety website, normal conversation is approximately 60-70 decibels. Applicant reports that the generator is in a sound-insulated compartment on the back side of the truck. Sounds at this level are to be expected in the Central Business District.

**c. Odors to be generated by the use and their impacts:** Applicants report that the generator does not produce strong odor, but that some coffee and fruit odors may be noticeable. Food and beverage odors are to be expected in the Central Business District.

**d. Hours of operation:** Summer season, primarily May through August. May hours: Saturdays 9 AM – 5 PM. June – August hours: Monday through Saturday 9 AM – 5 PM.

**e. Location along a major or collector street:** Access via Lincoln Street.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** No cut-through concerns anticipated. The Central Business District has numerous vehicular and pedestrian routes.

**g. Effects on vehicular and pedestrian safety:** The truck and any accompanying equipment will be on private property. No concern for general vehicular or pedestrian safety.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Location of the truck in front of a movie theater may impede emergency access. The applicant has provided a diagram showing that the truck will not block the primary entrance to the theater. Additionally, an adult staff member will be present at all times the truck is in operation, so it can be moved if necessary.

**i. Logic of the internal traffic layout:** The truck would utilize an underutilized portion of private property in the Central Business District while still allowing for pedestrian passage and preservation of available on-street parking. No concerns.

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<sup>1</sup> § 22.24.010.E

**j. Effects of signage on nearby uses:** No permanent signage. A menu board will be placed in front of the truck on private property.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** No significant structural buffers. The truck will be located on private property in a manner in which to reduce impacts to theater access and general pedestrian navigability.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing for an economic enterprise that simultaneously provides workforce development.

**m. Other criteria that surface through public comments or planning commission review:** A DEC Food Safety & Sanitation permit is current for the food truck operations.

#### **RECOMMENDATION**

It is recommended that the Planning Commission approve the conditional use permit request for a food truck at 331 Lincoln Street.

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**Motions in favor of approval:**

1) I move to find that:<sup>2</sup>

1. ...The granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare *specifically, the operations have received appropriate DEC food safety permitting;*
  - b. Adversely affect the established character of the surrounding vicinity *specifically, the Central Business District is an area designated for a wide range of commerce;* nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically, waste products will be handled in accordance with municipal utility programs;*
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, *specifically, conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting "economic activities which contribute to a stable, long-term, local economic base" by allowing for an economic enterprise that simultaneously provides workforce development.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically that the Planning Commission may review the permit at any time upon receipt of meritorious complaint.*

2) I move to approve the conditional use permit application for a food truck/outdoor restaurant at 331 Lincoln Street. The property is also known as a fractional portion of Tract J US Survey 404 subject to the attached conditions of approval. The request is filed by Youth Advocates of Sitka. The owner of record is Christopher Bowen.

**Conditions of Approval:**

1. All required permits, including but not limited to DEC Food Safety and Sanitation, shall be current at all times that the conditional use permit is utilized.
2. Operations shall not obstruct safe access to the theater entrance and shall not obstruct sidewalk passage.
3. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
4. The Planning Commission, at its discretion and upon receipt of meritorious complaint, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.

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<sup>2</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

# Attachment A

## Applicant Materials



# CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
GENERAL APPLICATION FORM

1. Request projects at least **TWENTY-ONE (21)** days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

## APPLICATION FOR:

☐ VARIANCE

☒ **CONDITIONAL USE**

☐ ZONING AMENDMENT

☐ PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** Operate seasonal food truck in the front parking area of the Coliseum Theater at 331 Lincoln St

## PROPERTY INFORMATION:

CURRENT ZONING: CBD PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): Movie Theater PROPOSED LAND USES (if changing): \_\_\_\_\_

## APPLICANT INFORMATION:

PROPERTY OWNER: Christopher Bowen

PROPERTY OWNER ADDRESS: 310 Marine St

STREET ADDRESS OF PROPERTY: 331 Lincoln St

APPLICANT'S NAME: Youth Advocates of Sitka

MAILING ADDRESS: 405 Lincoln St

EMAIL ADDRESS: Matthew.jackson@SitkaYouth.org DAYTIME PHONE: 907-821-1414

## PROPERTY LEGAL DESCRIPTION:

TAX ID: \_\_\_\_\_ LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_

SUBDIVISION: \_\_\_\_\_ US SURVEY: \_\_\_\_\_

## OFFICE USE ONLY

COMPLETED APPLICATION	<input checked="" type="checkbox"/>	SITE PLAN	<input checked="" type="checkbox"/>
NARRATIVE	<input checked="" type="checkbox"/>	CURRENT PLAT	
FEE	<input checked="" type="checkbox"/>	PARKING PLAN	no ?

RECEIVED

JAN 17 2018

+ Floor Plan ✓

But did  
Astro?



## REQUIRED SUPPLEMENTAL INFORMATION:

### For All Applications:

- ☐ Completed application form
- ☐ Narrative
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Deed
- ☐ Copy of current plat
- ☐ Proof of filing fee payment

### For Conditional Use Permit:

- ☐ Parking Plan
- ☐ Interior Layout

### For Plat/Subdivision:

- ☐ Three (3) copies of concept plat
- ☐ Topographic information
- ☐ Proof of Flagging
- ☐ Plat Certificate from a title company

### If Pertinent to Application:

- ☐ Drainage and Utility Plan
- ☐ Landscape Plan

## CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Owner

Date

1-12-18

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

Applicant (If different than owner)

Date

1-12-18



## Narrative

"Latitude 57" (L57) is a smoothie truck operation owned and ran by Youth Advocates of Sitka (YAS). YAS's vision is to empower youth to grow into healthy, happy and productive members of our community. L57 plays a critical part in our vision by serving as a real-world training ground for youth who are experiencing barriers to entering the workforce. L57 hires teens who have the most to learn instead of teens who have the most qualifications, and by doing so we help to lift the tide of Sitka's young workforce. Youth work and learn under the constant supervision of a YAS employee and mentor. L57 sells smoothies and coffee out of a food truck, but most importantly we are providing a service: training Sitka's next generation of workers and entrepreneurs.

L57 started as a brainstorm in a student focus group at Pacific High School, and over the course of 3 years, grew from an idea, to an actual food-truck, to an operating business in 2017. L57 is licensed and permitted through the State of Alaska Department of Environmental Conservation and Department of Commerce. Although it had always been conceived of as a downtown business, L57 did not begin its CUP application process in time for the 2017 summer season, so the strategic decision was made to run out of the Lakeside parking lot, since that was the best available location in a commercial zone. 2017 was a successful pilot season, but to realize the full potential of our vision, YAS strongly believes that L57 needs a prominent downtown location. After conversations with Ashmo's and Scott Bowen, all agreed that a downtown spot in front of the Movie Theater, next to Ashmo's, was the best option for the three businesses and the community.

As a food truck, L57 targets mostly walk-by customers. Being in the CBD, we do not expect parking to be an issue, since there is extensive parking at Centennial and spread throughout the CBD. The movie theater has restrooms for our employees, and there is a public restroom across Harbor Drive. YAS's office, which serves as a base for the food truck, is conveniently located just down the street at 805 Lincoln.

L57 plans to be open for Saturdays, 9-5 starting in May, and Monday thru Saturday 9-5, June through August, with about 30 minutes of open/close time at either end of the day. The truck will spend its off hours in the YAS parking lot at 805 Lincoln Street. In the 2017 season, the business produced about 10 gallons of trash each day, although we expect to go through more this season. This is disposed of through YAS's agency trash cans. Wastewater is stored in a 50 gallon tank and drained at the city wastewater facility on Japonski Island at the end of each day. Sources of noise include a Honda EU3000 generator, similar to the one used on Ashmo's, which operates between 49-58 decibels, which is about the same volume as an active conversation. However, the generator is located in a sound insulated compartment on the back side of the truck, directing sound away from the street. Noise is noticeable, but conversation through the front ordering window is not impaired. Odors are negligible, the generator produces no strong odors, and the only smells from the kitchen would be of fresh-brewed coffee and blended fruits. A menu board will be placed off of the sidewalk in front of the truck.

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JAN 17 2018





## **Alaska Food Code 2018 Establishment Permit**

**Division of Environmental Health  
Food Safety & Sanitation Program**

**Permit Number:** 2786  
**Issued to:** Youth Advocates Of Sitka  
**For:** Latitude 57  
**For Operation of:** FN-3 Mobile Food Service - self contained  
**Located at:** 805 Lincoln ST PO BOX 603 Sitka, AK 99835

This permit, issued under the provisions of 18 AAC 31, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

**Expiration Date:**  
**December 31, 2018**

**Program Manager:**

**If you have questions or concerns regarding  
safe food handling practices call toll free:**

# **1-87-SAFE-FOOD**

**(In Anchorage call 334-2560)**



## Samantha Pierson

---

**From:** Matthew Jackson <[matthew.jackson@sitkayouth.org](mailto:matthew.jackson@sitkayouth.org)>  
**Sent:** Friday, February 02, 2018 1:43 PM  
**To:** Samantha Pierson  
**Subject:** Re: Food Truck  
**Attachments:** IMG\_0130.JPG

Hi Samantha,  
Here is a picture with a simple line that marks where the truck would remain to the left of.  
Hope this works,  
Thanks

On Wed, Jan 31, 2018 at 1:56 PM, Samantha Pierson <[samantha.pierson@cityofsitka.org](mailto:samantha.pierson@cityofsitka.org)> wrote:

A picture would be very helpful. We just want to be sure that a theater full of people could exit quickly without significant route blockage and that emergency vehicles could quickly access the structure in the event of an emergency.

*Sam*

Samantha Pierson

Planner I

City and Borough of Sitka

100 Lincoln Street

Sitka, AK 99835

(907) 747-1814

**From:** Matthew Jackson [<mailto:matthew.jackson@sitkayouth.org>]  
**Sent:** Wednesday, January 31, 2018 1:43 PM  
**To:** Samantha Pierson <[samantha.pierson@cityofsitka.org](mailto:samantha.pierson@cityofsitka.org)>  
**Subject:** Re: Food Truck

Hi Sam, good question. The theater has a paved area, marked "No Parking", that stretches from the main front doors to the sidewalk. The smoothie truck would be parked just to the left of this no parking area, roughly in line with the edge of the raised planting bed along the front wall of the movie theater.



Is that enough of a description? I could run over and take a picture if that is helpful.

On Tue, Jan 30, 2018 at 12:02 PM, Samantha Pierson <[samantha.pierson@cityofsitka.org](mailto:samantha.pierson@cityofsitka.org)> wrote:

Jackson,

Could you clarify the proposed food truck location in relation to the theater exit doors? We want to be sure that the location wouldn't impede safe access to and from the theater, particularly in an emergency situation. Thanks!

*Sam*

Samantha Pierson

Planner I

City and Borough of Sitka

100 Lincoln Street

Sitka, AK 99835

(907) 747-1814

--

Matthew Jackson

*Employment Program Coordinator*

Youth Advocates of Sitka, Inc

[matthew.jackson@sitkayouth.org](mailto:matthew.jackson@sitkayouth.org)

907-738-2866



Our MISSION is to support the mental health of Alaska's youth and their families.

Our VISION is to empower youth to grow into healthy, happy, and productive members of our community

--

Matthew Jackson

*Employment Program Coordinator*

Youth Advocates of Sitka, Inc

[matthew.jackson@sitkayouth.org](mailto:matthew.jackson@sitkayouth.org)

907-738-2866

Our MISSION is to support the mental health of Alaska's youth and their families.

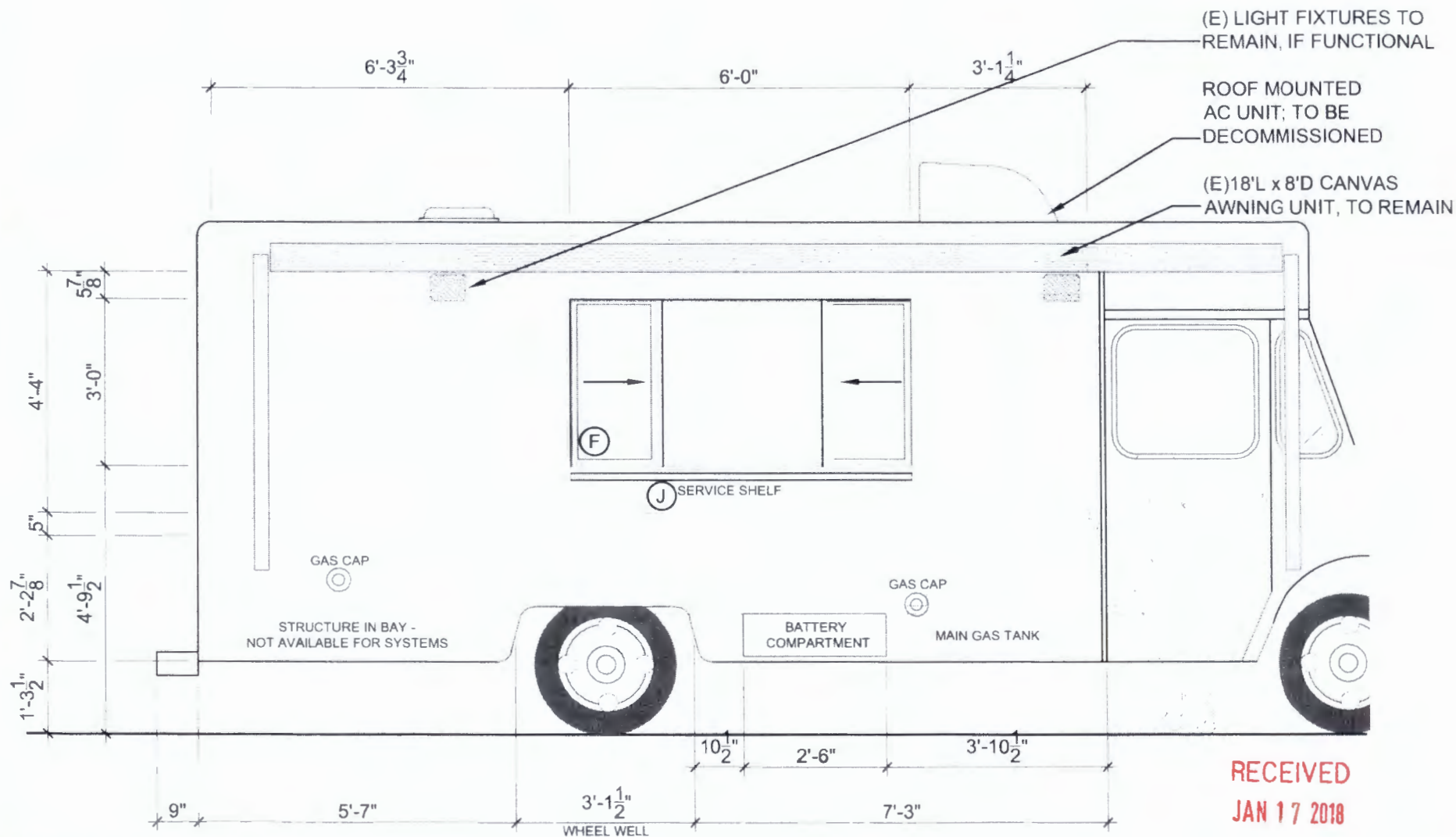
Our VISION is to empower youth to grow into healthy, happy, and productive members of our community







RECEIVED  
JAN 17 2018



RECEIVED  
JAN 17 2018

NW MOBILE KITCHENS, LLC

PROJECT: SITKA-SV26

CLIENT: YOUTH ADVOCATES OF SITKA, INC.

SITKA, ALASKA

Contact: Chris Scott 907-747-2891 chris.scott@sitkayouth.org

02-02-2016

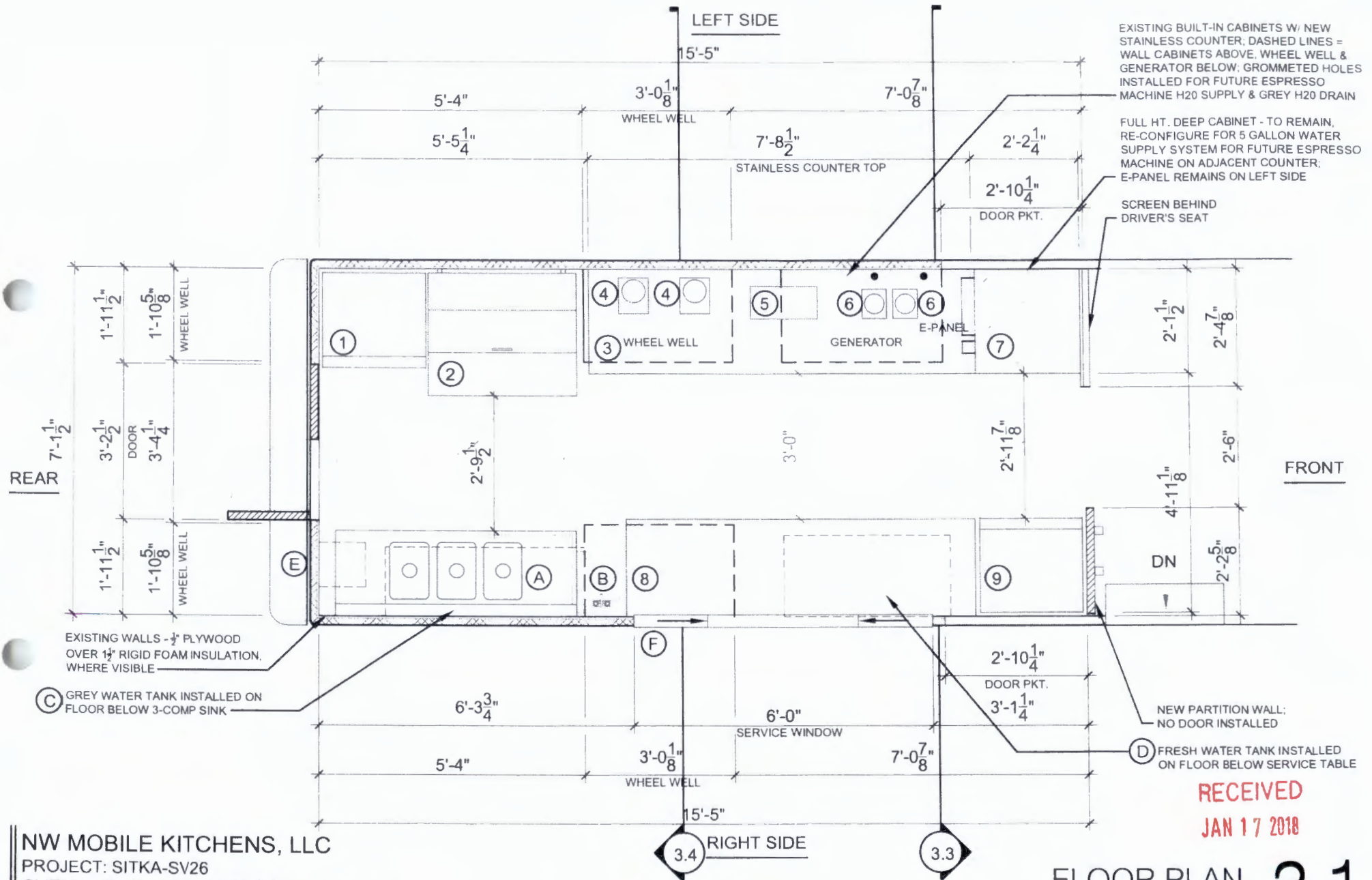
SCALE 3/8" = 1'-0"

RIGHT EXTERIOR ELEVATION

4.1

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This Plan Set was created for preliminary space planning and business planning purposes and is NOT an Engineered Plan Set. All issues of mechanical, structural & safety concerns





NW MOBILE KITCHENS, LLC

PROJECT: SITKA-SV26

CLIENT: YOUTH ADVOCATES OF SITKA, INC.

SITKA, ALASKA

Contact: Chris Scott 907-747-2891 chris.scott@sitkayouth.org

02-02-2016

SCALE 3/8" = 1'-0"

FLOOR PLAN 2.1

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This Plan Set was created for preliminary space planning and business planning purposes and is NOT an Engineered Plan Set. All issues of mechanical, structural & safety concerns related to the owner's vehicle should be reviewed by a licensed mechanical engineer hired by the owner.

**Attachment B**

**Staff Materials**





## City & Borough of Sitka, Alaska

Selected Parcel: 331 Lincoln St ID: 10600000

Printed 1/19/2018 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

20 m  
100 ft



**MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://www.mainstreetgis.com)

This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The City & Borough of Sitka, Alaska and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.

















**PLAT**  
OF  
**U.S. Survey No. 404**  
OF THE  
**Russian Greek Church Mission Reserves**  
SITUATE  
AT  
**Sitka**  
**District of Alaska**

AREA

Tract A 2.27 Acres	Tract I 0.14 Acres
Tract B 1.73 Acres	Tract J 0.23 Acres
Tract C 0.15 Acres	Tract K 0.04 Acres
Tract D 0.62 Acres	Tract L 0.16 Acres
Tract E 0.16 Acres	Tract M 0.14 Acres
Tract F 0.13 Acres	Tract N 0.06 Acres
Tract G 0.34 Acres	Tract O 0.16 Acres
Tract H 0.40 Acres	<b>Total 13.05 Acres</b>

Scale 30 links to the inch

Variation 2° 55' east

As surveyed under Contract No. 11, dated April 12, 1904,

by

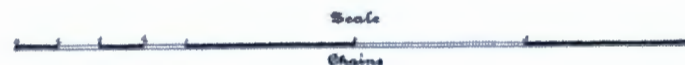
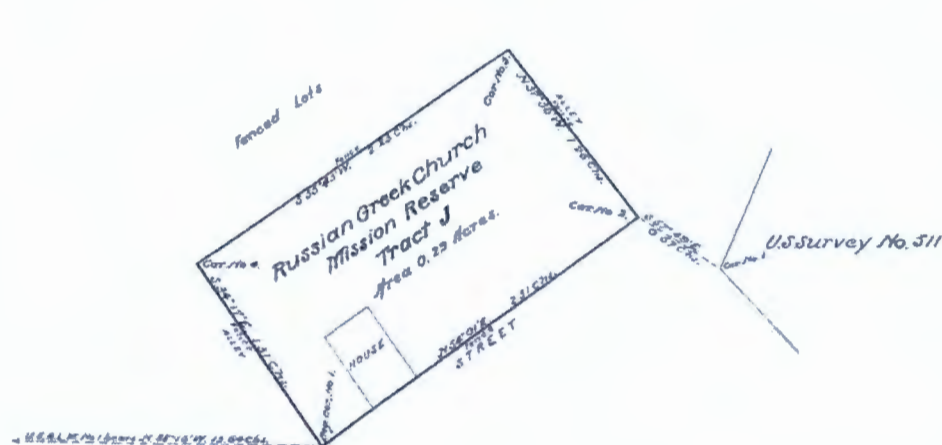
**Charles E. Davidson**

U.S. Deputy Surveyor  
December 21-27, 1905

U.S. Surveyor General's Office  
Juneau, Alaska, April 8, 1907

The map, hereon delineated of the Russian Greek Church Mission Reserves at Sitka, Alaska, is hereby conformable to the field notes of the survey thereof on file in this office, which have been examined and approved

*M. L. Little*  
U.S. Surveyor General, Alaska





# Attachment C

## Correspondence