LAID-ON-THE-TABLE

(S) Submitted by: Assembly Chair Constant
(S) Prepared by: Municipal Clerk's Office
Assembly Counsel's Office
(S) For reading: January 7, 2025

ANCHORAGE, ALASKA
AR No. 2025–12(S), As Amended

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY REGARDING THE RENEWAL OF MUNICIPAL MARIJUANA CULTIVATION LICENSE #M10237 FOR ALASKASENSE, LLC DBA ALASKASENSE; STATING THE ASSEMBLY'S PROTEST TO THE RENEWAL OF STATE OF ALASKA MARIJUANA LICENSE #10237 FOR THE SAME ESTABLISHMENT, RESPECTIVELY; AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

(Midtown Community Council)

WHEREAS, AlaskaSense, LLC doing business as AlaskaSense has submitted an application in a timely manner to the Municipal Clerk**, received May 15, 2023,** for the renewal of Municipal marijuana cultivation license #M10237 located at 521 Tudor Rd., Unit 202, Anchorage AK, 99503**, and the Municipal Clerk deemed it complete pending receipt of the complete State of Alaska renewal application for the state license**; and

WHEREAS, on April 18, 2023, the Assembly passed AO 2023-46, As Amended regarding amending Anchorage Municipal Code Chapter 10.80 to require renewal of licenses every two years and authorizing the Municipal Clerk to determine which licenses are renewed in even years and which in odd years, per AMC 10.80.036A.1.; and

WHEREAS, the Municipal Clerk assigned even year renewals to AlaskaSense LLC's municipal license #M10237, with transition to the biennial renewal set for the 2024-2026 license period (beginning September 1, 2024), and gave notice of this to the licensee; and

WHEREAS, Municipal license #M10237 expired on August 31, 2023, but because the renewal application was filed timely before June 30, it is legally allowed to continue operating while the renewal application is under review until a decision is made, in accordance with AMC 10.80.036G.2.a.; and

WHEREAS, application review procedures under AMC 10.80.036B.2. requires the State of Alaska's deemed complete state license renewal application before the municipal license application can be reviewed; and

WHEREAS, the Municipal Clerk's Office received a copy of the State of Alaska Marijuana Control Board (MCB) license renewal application **November 21, 2024, attached,** which

is complete and satisfies the renewal application requirements of Anchorage Municipal Code (AMC) section 10.80.036; and

WHEREAS, the Assembly must enter any protest regarding the State of Alaska renewal application to the Alcohol and Marijuana Control Office (AMCO) within 60 days following the date the AMCO Director sends notice to the Municipal Clerk that the State application is deemed complete; and

WHEREAS, the Municipal Clerk received a copy of the State of Alaska application on November 21, 2024 and has determined the last day for the Assembly to file a protest **of the state license renewal** is January 20, 2025; and

WHEREAS, the Municipal Clerk reports the following status concerning this license:

1. All Marijuana Control Board (MCB) violations and/or incidents on file that would lead to an MCB violation are attached; and
2. No taxes, fees, or fines are owed to the Municipality of Anchorage by any owner; and
3. Certifications from the Anchorage Fire Department, Code Abatement, and the Anchorage Police Department have been received; and
4. The special land use permit for marijuana required by AMC section 10.80.011 has been approved by the Assembly.
5. Comments from the Midtown Community Council and any public comments received by the Clerk's Office are attached.

WHEREAS, per AMC 10.80.**061[~~071~~]** and 3 AAC 306.060, this resolution sets the public hearing on the protest of State license #10237 for January 7, 2025 and **per AMC 10.80.071** sets **a hearing to ascertain the public's reaction to the application for renewal[~~protest~~]** of municipal license #M10237 for January 21, 2025 and;

WHEREAS, the public hearing notice posting as required by Anchorage Municipal **Code section 2.30.060A. [~~Charter Section 10.01(b)~~]** has been satisfied and is on the Municipal Webpage for Current Public Notices.

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1. The Anchorage Assembly finds the applicant and the Midtown Community Council were given timely notice and a hearing was properly held January 7, 2025, for purposes stated herein with relevant evidence presented as indicated in the public records maintained by the Municipal Clerk.

Section 2. The Assembly, having considered relevant evidence in the record, and consideration of points in support of and in opposition to renewal of the state marijuana cultivation license application, hereby **CONDITIONALLY PROTESTS** the state license #10237.

After review of the application and all relevant information, **including written and verbal testimony received from the public,** the Assembly **recognizes and acknowledges there are allegations of record of the following** **[~~finds that~~]**:

1. The license would violate any restriction in **AMC** section**s** 10.80.010 or 10.80.011. Under **AMC** 10.80.011A., the premises must meet requirements of Title 21. Per **AMC** 21.05.055A.6.:
   A. *Use-specific standards applicable to all marijuana establishments.*
   6. *Ventilation.* The premises shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at any lot line of the subject property.

2. Issuance of the license will adversely impact the health, welfare or public safety of the neighborhood in which the marijuana establishment is proposed to be located, or otherwise would not be in the best interests of the public. **See AMC 10.80.080A.6.** The Midtown Community Council has submitted comments and complaints regarding odor which are attached. This establishment has a history of odor issues among others as documented in AR 2018-252(S-1) As Amended, As Amended. There is no firm date for a new ventilation system to be installed and operational.

3. That the license has been operated in violation of a condition or restriction the assembly previously imposed. **These are:**

   a. The Assembly approved **AR 2016-334** **[~~AR 201AR 26-334~~]** for the new cultivation license and special land use permit for license #M10237. Condition #4 under section 3 lists odor mitigation requirements and **states:**

   4. The premises shall be ventilated so that the odor of marijuana cannot be detected at any lot line by a person with a normal sense of smell. Violation could lead to a requirement to increase air filtering and/or change the ventilation location in the establishment.

   b. AR 2018-252(S-1) AA, AA, conditionally protested the renewal of this license pending correction of the issues listed within, including odor issues**, in Section 4.1.3. which states:**

   3. Odor of marijuana. Odor shall be in accordance with AMC subsection 21.05.055A.6. If odor of marijuana is detected by code enforcement officers during any inspection, the licensee shall address the ventilation deficiencies immediately and in good faith, otherwise licensee is in violation of this condition.

Section 3. The Anchorage Assembly hereby enters its **CONDITIONAL PROTEST** of the renewal of the State of Alaska Marijuana License #10237. **Condition(s) are:**

1. **The Municipal license #M10237 application for renewal** must first be**[~~is~~] approved. The municipal license renewal will consider the allegations acknowledged in Section 2 of this resolution above, and make relevant findings and conclusions. Should the Assembly determine the municipal license shall not be renewed, then the protest to the state license renewal will be permanent.**

Section 4. The Anchorage Assembly will hold public hearing regarding the renewal of municipal license #M10237 on January 21, 2025.

Section 5. The Anchorage Assembly hereby authorizes the Municipal Clerk to provide a copy of this Assembly resolution to AMCO as proof that the Assembly has stated its **conditional** protest, as the local governing body, of the renewal of State of Alaska Marijuana License #10237. **The Municipal Clerk is authorized to give notice to the State at the appropriate time of the Assembly's action on the municipal license renewal, and whether the protest is lifted, or becomes permanent.**

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2025.

_____
Chair

ATTEST:

_____
Municipal Clerk