

**ANCHORAGE, ALASKA**  
**AR No. 2018-252(S), As Amended**

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

7  
8 (Midtown Community Council)

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10 **WHEREAS**, AlaskaSense, LLC doing business as AlaskaSense has submitted an  
11 application in a timely manner to the Municipal Clerk for the renewal of Municipal  
12 Marijuana Cultivation License #M10237; and

13  
14 **WHEREAS**, the Municipal Clerk's Office received a copy of the State of Alaska Marijuana  
15 Control Board (MCB) license renewal application (MJ-20) which is complete and satisfies  
16 the renewal application requirements of Anchorage Municipal Code (AMC) section  
17 10.80.036; and

18  
19 **WHEREAS**, the Assembly must enter any protest regarding the State of Alaska renewal  
20 application to the Alcohol and Marijuana Control Office (AMCO) within 60 days following  
21 the date the AMCO Director sends notice to the Municipal Clerk that the State application  
22 is deemed complete; and

23  
24 **WHEREAS**, the Municipal Clerk received a copy of the State of Alaska application on  
25 July 24, 2018 and has determined the last day for the Assembly to file a protest is  
26 September 22, 2018; and

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

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- 30 1. All Marijuana Control Board (MCB) violations and/or incidents on file that would  
31 lead to an MCB violation are attached; and
  - 32 2. Marijuana Control Board Hearing Agenda **dated August 1, 2018 is attached**  
33 **[regarding seizure of inventory for AlaskaSense cultivation facility, and**  
34 **seizure of product for Cannabaska retail store is attached]**; and
  - 35 3. All applicants or affiliates have complied with the State's fingerprint and fee  
36 requirements; and
  - 37 4. No taxes, fees, or fines are owed to the Municipality of Anchorage by any owner;  
38 and
  - 39 5. Certifications from Land Use Enforcement and the Anchorage Fire Department  
40 **have not been received**; and
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1 6. The special land use permit for marijuana required by AMC section 10.80.011 has  
2 been approved by the Assembly.  
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4 **7. Any written comments from the Midtown Community Council and any public**  
5 **comments received by the Clerk's Office are attached.**  
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8 **NOW, THEREFORE,** the Anchorage Assembly resolves:  
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10 **Section 1.** The Anchorage Assembly finds the applicant **and the Midtown**  
11 **Community Council were**[was] given **timely** notice and a hearing was properly held  
12 August 28, 2018, for purposes stated herein with relevant evidence presented as  
13 indicated in the public records maintained by the Municipal Clerk.  
14

15 **Section 2.** The Assembly, having considered relevant evidence in the record, and  
16 consideration of points in support of and in opposition to renewal of the municipal  
17 marijuana cultivation license application, hereby determines that if the outstanding items  
18 listed in this section have not been timely resolved in accordance with this Resolution,  
19 renewal of the license shall be denied for the following reason(s):  
20

21 The Municipal Clerk **has not received certification** of review of the application and  
22 facility by the following municipal departments and officials to determine whether the  
23 business complies with the specific laws or municipal regulations administered and  
24 enforced by such departments and officials:  
25

- 26  Finance department. The chief fiscal officer or his designee shall determine  
27 whether the applicant owes any taxes, assessments, judgments or bills for  
28 collection with the business or activity for which a license is sought. If no such  
29 obligations are outstanding, the chief fiscal officer shall certify the application.  
30
- 31  Department of Health and Human Services, if the proposed business or activity is  
32 governed or affected by ordinances or regulations enforced by that department.  
33 Certifications by the health director or his designee under this subsection shall be  
34 based on actual inspection of the premises or activity described in the license  
35 application.  
36
- 37  Fire department, if the proposed business or activity will be operated or conducted  
38 within premises or a structure to which municipal fire and other codes and  
39 regulations enforced by that department apply. Certification by the fire chief or his  
40 designee under this subsection shall be based on actual inspection of the premises  
41 or activity described in the license application.  
42
- 43  Building official, if the proposed business or activity will be operated within  
44 premises or a structure to which municipal ordinances and regulations enforced by  
45 the building official, including building, life safety and zoning ordinances, apply.  
46 Certifications under this subsection shall be based on actual inspection of the

1 premises or activity described in the license application. Violation of land use  
2 ordinance and regulation under Title 21 shall not be cause to revoke or deny  
3 renewal of a license under 10.10.030 unless the violation endangers the public  
4 health and safety. If inspection results in a determination that the land use violation  
5 endangers the public health and safety, the certification under this subsection shall  
6 include the factual basis for the determination. This subsection shall not prevent  
7 an enforcement action of land use ordinance and regulation for any violation.  
8

9  Such other municipal departments and officials under those conditions set forth in  
10 other provisions of this title applicable to the specific license for which application  
11 is made.

- 12
- 13 • The Municipal Clerk's Office has not received certification from Land Use  
14 Enforcement.
- 15

16 After review of the application, including the applicant's proposed operating plan and all  
17 relevant information, the Assembly finds that **(only checked items apply):**

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- 19  The application is not complete as required under the applicable standards  
20 sections 10.80.020—10.80.056, or contains any false statement of material fact;  
21
- 22  The license would violate any restriction in section 10.80.010 or 10.80.011;  
23
- 24  The license would violate any restriction applicable to the particular license type  
25 authorized under this chapter;  
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- 27  The license is prohibited by municipal code;  
28
- 29  The assembly finds that the operating plan does not adequately demonstrate that  
30 the applicant will comply with applicable standards of this chapter; or  
31
- 32  Issuance of the license will adversely impact the health, welfare or public safety of  
33 the neighborhood in which the marijuana establishment is proposed to be located,  
34 or otherwise would not be in the best interests of the public.  
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- 36  That the license has been revoked for any cause;  
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- 38  That the license has been operated in violation of a condition or restriction the  
39 assembly previously imposed; or  
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- 41  That the applicant is delinquent in the payment of taxes due in whole or in part  
42 from operation of the licensed business.  
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- 44  The applicant committed prohibited acts referenced in section 10.05.020.  
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**Section 3.** The Anchorage Assembly hereby enters its **PROTEST** of the renewal of the State of Alaska Marijuana License #10237 until conditions indicated in Section 2 have been met.

**Section 4.** The Anchorage Assembly hereby approves a temporary license valid for no longer than 90 days past August 31, 2018.

**Section 5.** The Anchorage Assembly hereby delegates authority to the Municipal Clerk to issue the renewal of Municipal Marijuana License #M10237 after confirming that outstanding items listed in Section 2 have been completed.

**Section 6.** If the outstanding items listed in Section 2 have not been completed before the expiration of the temporary license, the application for renewal shall be denied per AMC section 10.80.080B.

**Section 7.** 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 protest as the local governing body, in order to allow the AMCO Director to hold processing of the renewal of State of Alaska Marijuana License #10237, until receipt of notification from the Municipal Clerk that the conditions in Section 2 have been met and this protest has been lifted as authorized by this Assembly resolution.

**Section 8.** The Anchorage Assembly hereby authorizes the Municipal Clerk, upon confirmation that the conditions in Section 2 have been met, to provide notification to AMCO that this protest has been lifted without further action by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Chair

ATTEST:  
  
\_\_\_\_\_  
Municipal Clerk