

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Municipal Clerk's Office and  
Planning Department  
For reading: May 21, 2019

**ANCHORAGE, ALASKA  
AR No. 2019-180**

1 **A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING**  
2 **A MARIJUANA LICENSE AND SPECIAL LAND USE PERMIT FOR TIP TOP,**  
3 **LLC, A MARIJUANA RETAIL SALES ESTABLISHMENT WITH LICENSE**  
4 **NUMBER M14359, DOING BUSINESS AS TIP TOP, LLC, AND LOCATED AT 233**  
5 **E. 5<sup>th</sup> AVE, UNIT 1.**

6  
7 (Downtown Community Council) (Case 2019-0035)  
8

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9 **THE ANCHORAGE ASSEMBLY RESOLVES:**

10  
11 **Section 1.** The approvals in sections 2 and 3 of this resolution are for a marijuana  
12 retail establishment with municipal license number M14359, doing business as Tip  
13 Top, LLC, located at 233 E. 5<sup>th</sup> Ave, Unit 1, in the B-2B district, within Lot 11, Block  
14 115, Anchorage Original Townsite; generally located northwest of the intersection  
15 of E. 5<sup>th</sup> Ave and Cordova St., in Anchorage.

16  
17 **Section 2.** The application submitted for the requested marijuana establishment  
18 license generally meets the applicable provisions of Anchorage Municipal Code  
19 (AMC) chapter 10.80. A retail marijuana store license is hereby approved for Tip  
20 Top, LLC, subject to the following conditions pursuant to AMC section 10.80.015:

- 21  
22 1. The licensee and his/her agents and employees shall conform to the  
23 narrative submitted with the license/special land use permit  
24 application, as modified by this resolution, and with all applicable  
25 portions of Anchorage Municipal Code.  
26  
27 2. All licensees, employees, and agents of the marijuana establishment  
28 who sell, cultivate, manufacture, test, or transport marijuana or  
29 marijuana product, or who check the identification of a consumer or  
30 visitor, shall obtain a marijuana handler permit from the Marijuana  
31 Control Board. The marijuana handler permit shall be kept in the  
32 holder's immediate possession or a valid copy shall be kept on the  
33 premises of the marijuana establishment at all times.  
34

35 **Section 3.** The application submitted for the requested special land use permit  
36 for marijuana generally meets the applicable provisions of AMC section 21.50.020  
37 and AMC section 21.50.420. A special land use permit for a marijuana retail sales  
38 establishment facility is hereby approved for Tip Top, LLC, subject to the following  
39 conditions:

- 40  
41 1. All uses shall conform to the plans and narrative submitted with the  
42 license/special land use permit application, as modified by this

1 resolution, and with all applicable portions of Anchorage Municipal  
2 Code, and may be modified in accordance with AMC 21.15.030G  
3

- 4 2. A notice of zoning action shall be filed with the State of Alaska  
5 Recorder's Office before operation of the establishment.  
6  
7 3. The establishment shall be open for inspection and examination by  
8 the municipality during municipal business hours and establishment  
9 business hours.  
10  
11 4. The premises shall be ventilated so that the odor of marijuana cannot  
12 be detected at any lot line by a person with a normal sense of smell.  
13 Violation could lead to a requirement to increase air filtering and/or  
14 change the ventilation location in the establishment.  
15  
16 5. The Conditions Certificate, issued by the Planning Department and  
17 containing conditions imposed by the Assembly on this special land  
18 use permit, shall be displayed in a visible location near the main  
19 entrance at all times.  
20  
21 6. The retail sales establishment shall be closed to the public between  
22 midnight and 8:00 a.m. each day.  
23  
24 7. In accordance with AMC 21.50.420C.3. the second floor residence  
25 shall only be occupied by a caretaker of this marijuana retail sales  
26 establishment. A caretaker is either a licensee, an affiliate, or an  
27 employee of the marijuana retail sales establishment.  
28

29 **Section 4.** The conditions contained in this resolution shall be met and shall be  
30 verified by inspection before the marijuana establishment can begin operations.  
31

32 **Section 5.** Failure to comply with the conditions of this license and special land  
33 use permit and the applicable provisions of Anchorage Municipal Code shall  
34 constitute grounds for modification or revocation of the license and/or the special  
35 land use permit.  
36

37 **Section 6.** The marijuana license approved in section 2 above expires on August  
38 31, 2019. An application to renew the marijuana license may be submitted in  
39 accordance with AMC section 10.80.036. The special land use permit for marijuana  
40 approved in section 3 above is valid until it expires in accordance with AMC  
41 subsection 21.15.030J.3.  
42

43 **Section 7.** In accordance with AMC section 10.80.061B., the Municipal Clerk  
44 shall, upon approval of this municipal marijuana establishment license and  
45 fulfillment of the conditions in Section 2 and verification pursuant to Section 4,  
46 provide written notification to the AMCO that the protest is lifted.  
47

48 **Section 8.** This resolution shall be effective immediately upon passage and  
49 approval by the Assembly.  
50

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12

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

\_\_\_\_\_  
Municipal Clerk



# MUNICIPALITY OF ANCHORAGE

## Assembly Memorandum

No. AM 364-2019

Meeting Date: May 21, 2019

1 **From:** MAYOR  
2

3 **Subject:** A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY  
4 APPROVING A MARIJUANA LICENSE AND SPECIAL LAND USE  
5 PERMIT FOR TIP TOP, LLC, A MARIJUANA RETAIL SALES  
6 ESTABLISHMENT WITH LICENSE NUMBER M14359, DOING  
7 BUSINESS AS TIP TOP, LLC, AND LOCATED AT 233 E. 5<sup>th</sup> AVE,  
8 UNIT 1.  
9

10 Tip Top, LLC has applied for a marijuana retail sales establishment license and  
11 special land use permit. The facility is proposed to be located at 233 E 5<sup>th</sup> Ave,  
12 Unit 1, within the Downtown Community Council.  
13

14 The applicant has successfully completed their public notice requirements, and  
15 on April 4, 2019 the Planning Department mailed 187 public hearing notices to  
16 residents and property owners within 500 feet of the site of the proposed facility.  
17

18 The Municipal Clerk's Office and the Planning Department have reviewed the  
19 application against the requirements of AMC chapter 10.80, AMC section  
20 21.15.030, AMC 21.50.020 and AMC section 21.50.420, and considered any  
21 comments received from various reviewing agencies, the community council, and  
22 the public. Staff has determined that the applicant is generally in compliance  
23 with municipal code, with the conditions recommended in the Assembly  
24 Resolution.  
25

### 26 **THE ADMINISTRATION RECOMMENDS APPROVAL.**

27

28 Prepared by: Ryan Yelle, Senior Planner, Planning Department  
29 Approved by: Michelle McNulty, Director, Planning Department  
30 Concur: Christopher M. Schutte, Director  
31 Office of Economic and Community Development  
32 Concur: Deitra L. Ennis, (Acting) Municipal Attorney  
33 Concur: William D. Falsey, Municipal Manager  
34 Respectfully submitted: Ethan A. Berkowitz, Mayor  
35

**PLANNING DEPARTMENT  
STAFF ANALYSIS  
SPECIAL LAND USE PERMIT FOR MARIJUANA**

**Date:** May 21, 2019  
**Case Number:** 2019-0035  
**Applicant:** Tip Top, LLC  
**SOA License Number:** 14359  
**Request:** Special land use permit for a marijuana retail sales establishment  
**Site Address:** 233 E. 5<sup>th</sup> Ave, Anchorage, AK 99501  
**Legal Description:** Anchorage Original Townsite, Block 115, Lot 11  
**Parcel ID Number:** 002-095-14  
**Community Council:** Downtown

**Attachments:** 1. Maps  
 2. Application  
 3. Reviewing Agency and Public Comments  
 4. Posting Affidavit

**Recommendation Summary:** Approval with conditions

**Site Information**

Size: 6,500ft<sup>2</sup> Topography: Flat  
 Zoning: B-2B Utilities: Public sewer and water

**Surrounding Area**

|         | <u>NORTH</u> | <u>EAST</u>  | <u>SOUTH</u> | <u>WEST</u>  |
|---------|--------------|--------------|--------------|--------------|
| Zoning: | B-2B         | B-2B         | B-2B         | B-2B         |
|         | Central      | Central      | Central      | Central      |
|         | Business     | Business     | Business     | Business     |
|         | District-    | District-    | District-    | District-    |
|         | Intermediate | Intermediate | Intermediate | Intermediate |

**Comprehensive Plan**

Classification: “City Center” per the *Anchorage 2040 Land Use Plan*, Land Use Plan Map; “Downtown Mixed-Use” per the *2007 Anchorage Downtown Comprehensive Plan*, Downtown Districts Diagram.

## **Site Description and Proposal**

This is a request for a special land use permit for a marijuana retail sales establishment to be located downtown within the B-2B district. This site is located on E. 5<sup>th</sup> Ave, northwest of the intersection of E. 5<sup>th</sup> Ave and Cordova St. The applicant is requesting 3,750ft<sup>2</sup> of space be licensed for marijuana retail. The hours of operation listed in the application state the business plans to be open between 10:00am to 10:00pm, Sunday through Saturday.

## **Public and Agency Comments**

On April 4, 2019 the Planning Department mailed 187 public hearing notices in accordance with AMC 21.15.005E. As of this writing, four responses in opposition have been received. The Planning Department also mailed public hearing notices to the Downtown and Fairview Community Councils.

## **Approval Criteria (AMC 21.50.020)**

The assembly may approve a special land use permit for marijuana if, in the judgment of the assembly, the application meets the following approval criteria.

**A.    **Furtheres the goals and policies of the comprehensive development plan and conforms to the comprehensive development plan in the manner required by chapter 21.05****

The criteria is met.

The *Anchorage 2040 Land Use Plan*, Land Use Plan Map classifies this site as “City Center” and the *2007 Anchorage Downtown District Plan*, Downtown Districts Diagram, classifies this parcel as within the “Downtown Mixed-Use.” The purposed commercial use of this property is consistent with this parcel’s classification as defined in the Anchorage 2040 Land Use Plan and the 2007 Anchorage Downtown District Plan, as well as its current B-2B zoning designation.

The purposed business will complement the surrounding retail businesses by providing additional opportunities for downtown shoppers and tourist. It will also occupy a currently vacant space with a retail facility that will progress the economic vibrancy of the downtown area.

**B.    **Conforms to the standards for that use in this title and regulations promulgated under this title****

The criteria is met.

A marijuana retail sales establishment is an allowed use requiring a conditional use permit under AMC 21.40.160.D.

The applicant has provided plans that comply with the use-specific standards for this zoning district found in AMC 21.50.420. See attached code compliance checklist.

**C. Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and**

The standard is met.

This proposed use will be compatible with both existing and planned land uses in the surrounding area, and is consistent with the intent of the B-2B district. This parcel is centrally located within a B-2B district and as such, it is bordered by businesses held to the same land use standards. Surrounding land uses include office buildings, restaurants, pubs, parking lots, government facilities, and hotels.

The intent of the B-2B district is:

*“The B-2B district is intended to create financial, office and hotel areas surrounding the predominately retail and public institutional core of the central business district. The district also permits secondary retail and residential uses. The residential uses are intended to support other downtown activities.”*

**D. Will not have a permanent negative impact on the items listed in this subsection substantially greater than that anticipated from permitted development:**

**1. Pedestrian and vehicular traffic circulation and safety.**

This criteria is met.

At the location of this parcel, 5<sup>th</sup> Avenue is designated a “Class IIIC Major Arterial” per the 2014 *Official Streets and Highways Plan* (OS&HP), experiencing over 20,000 average daily vehicle trips. The Downtown area is developed with sidewalks and traffic control devices to accommodate safe pedestrian travel.

Off-street parking is not required in the B-2B district in accordance with AMC 21.40.160K.

**2. The demand for and availability of public services and facilities.**

The criteria is met.

This proposed use will not have a negative impact on public services. Downtown Anchorage is developed with urban amenities. The streets are paved with curb, gutter, storm drain, sidewalks, and traffic control devices. The site also has multiple public transportation routes running at regular intervals within one block. The site is served by public water and sewer, telephone, electric, internet services, and gas. The petition site is within the Anchorage Roads and Drainage, the Building Safety, Parks Service Area, and the Police and Fire Service Areas.

**3. Noise, air, water or other forms of environmental pollution.**

The criteria is met.

No air, water or other forms of environmental pollution greater than permitted by code will result from this proposed marijuana retail use. All waste product will be disposed of in a manner detailed in the applicant's *Waste Disposal Plan*.

The applicant has also meaningfully engaged with the community and has provided a *Neighborhood Responsibility Plan* that details how the applicant will address any neighborhood concerns that arise once business has commenced.

**4. The maintenance of compatible and efficient development patterns and land use intensities.**

The criteria is met.

The zoning, land use, and the general area land use will not change as a result of this use. It does not appear that the surrounding land uses will be negatively affected by this special land use permit for marijuana retail.

**Additional Considerations**

In accordance with AMC 21.50.420B.4. the assembly shall only approve the special land use permit if the assembly finds the standards of section 21.50.020 have been met, as well as considering if the owner/operator of a marijuana retail establishment has meaningfully engaged in neighborhood responsibility planning with residents and other neighborhood businesses to mitigate concerns such as odor, parking, and security.

The Planning Department believes the above criteria has been met. The applicant has meaningfully engaged with the community and has provided a



*Memorandum of Understanding* with the Downtown Community Council which details how the applicant will address any neighborhood concerns that may arise once business has commenced.

Additionally, there is an apartment located on the second floor of this establishment. Passage between the apartment and the retail area will be walled off to prevent through access. In accordance with AMC 21.50.420C.3, a resident of this apartment shall be limited to only a caretaker of the marijuana establishment. A caretaker can be a licensee, an affiliate, or an employee of the establishment. This requirement shall be added as a condition of approval.

## Recommendation

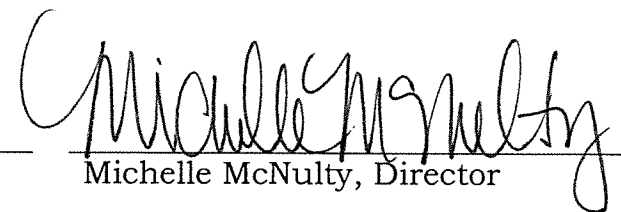
Staff recommends APPROVAL subject to the following conditions:

1. All uses shall conform to the plans and narrative submitted with the license/special land use permit application and with all applicable portions of Anchorage Municipal Code, and may be modified in accordance with AMC 21.15.030G
2. A notice of zoning action shall be filed with the State of Alaska Recorder's Office before operation of the establishment.
3. The establishment shall be open for inspection and examination by the municipality during municipal business hours and establishment business hours.
4. The premises shall be ventilated so that the odor of marijuana cannot be detected at the 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.
5. The Conditions Certificate, issued by the Planning Department and containing conditions imposed by the Assembly on this special land use permit, shall be displayed in a visible location near the main entrance at all times.
6. The retail sales establishment shall be closed to the public between midnight and 8:00 a.m. each day.
7. In accordance with AMC 21.50.420C.3. the second floor residence shall only be occupied by a caretaker of this marijuana retail sales establishment. A caretaker is either a licensee, an affiliate, or an employee of the marijuana retail sales establishment.



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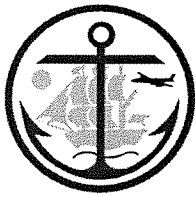
Ryan Yelle, Senior Planner



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Michelle McNulty, Director

Parcel ID No. 002-095-14



**Municipality of Anchorage, Planning Department  
Code Compliance Checklist  
Commercial Marijuana Establishment Application**

**Applicant:** Tip Top, LLC  
**Establishment Type:** Retail

**Case #:** 2019-0035/**License #:** 14359  
**Date:** May 21, 2019

**Address:** 233 E. 5<sup>th</sup> Avenue, Unit 1, Anchorage, AK 99501  
**Zoning District:** B-2B

**Parcel ID #:** 002-095-14  
**Community Council:** Downtown

**Municipal application is in concurrence with state application?** Yes No

| Code Citation and Topic   | Compliance Information   | Complies  | Recommended Condition   |
|---|--|---|---|
| 21.15.030<br>Required Submittals  |  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |   |
| 21.15.005.A.1.a<br>Required public notice for Assembly public hearing: mailed, published, posted, community council |  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |   |
| 21.50.420B.3.<br>Report of all marijuana licenses located within 1,000 feet of subject property                     | See below.   | N/A   |   |
| 21.50.420C.1.<br>Separation from Protected Land Uses  | The closest protected land use is "AVAIL" an alternative high school, located approximately 976 feet away as measured via a straight line. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |   |
| 21.50.420C.2.<br>Prohibited with Alcohol License  |  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |   |
| 21.50.420C.3.<br>Prohibited with Residential  |  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | In accordance with AMC 21.50.420C.3. the second floor residence shall only be occupied by a caretaker of this marijuana retail sales establishment. A caretaker is either a licensee, an affiliate, or an employee of the marijuana retail sales establishment. |



**Municipality of Anchorage, Planning Department  
Code Compliance Checklist  
Commercial Marijuana Establishment Application**

| <b>Code Citation and Topic</b>                                     | <b>Compliance Information</b> | <b>Complies</b>   | <b>Recommended Condition</b>   |
|--|-------------------------------|---|--|
| 21.50.420C.4.<br>Inspection of Premises                            | Ongoing requirement.          | N/A   | The establishment shall be open for inspection and examination by the municipality during municipal business hours and establishment business hours.   |
| 21.50.420C.5.<br>Ventilation                                       | Ongoing requirement.          | N/A   | The premises shall be ventilated so that the odor of marijuana cannot be detected at the 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. |
| 21.50.420C.6.<br>Public Display of Conditions                      | Ongoing requirement.          | N/A   | The Conditions Certificate, issued by the Planning Department and containing conditions imposed by the Assembly on this special land use permit, shall be displayed in a visible location near the main entrance.  |
| 21.50.420C.7<br>Permanent Structure                                |                               | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |  |
| <b>For Retail Sales Establishments</b>                             |                               |   |  |
| 21.50.420C.9.<br>Required to be closed between midnight and 8 a.m. |                               | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | The retail sales establishment shall be closed to the public between midnight and 8:00 a.m. each day.  |
| 21.50.420C.10.<br>Signs  |                               | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Signs shall comply with state regulation and chapter 21.47. No temporary signs are permitted.  |
| 21.50.420C.11.<br>No drive-through                                 |                               | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |  |
| 21.50.420C.12.<br>No outdoor storage or display of products        |                               | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |  |
| 21.50.420C.8.<br>Neighborhood responsibility planning              |                               | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |  |



Municipality of Anchorage, Planning Department  
Code Compliance Checklist  
Commercial Marijuana Establishment Application

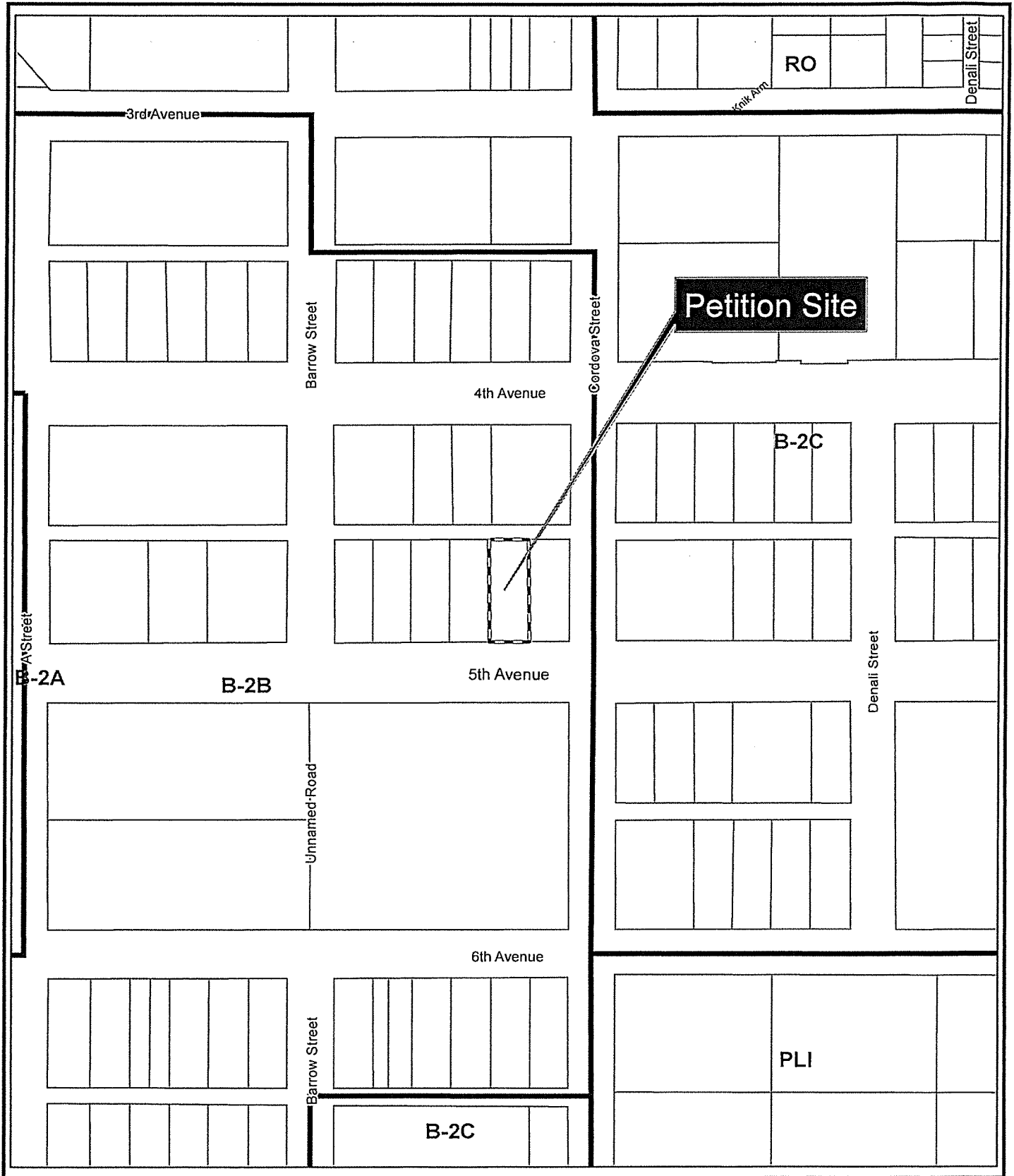
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**Marijuana Licenses Within 1,000 Feet of Subject Property**

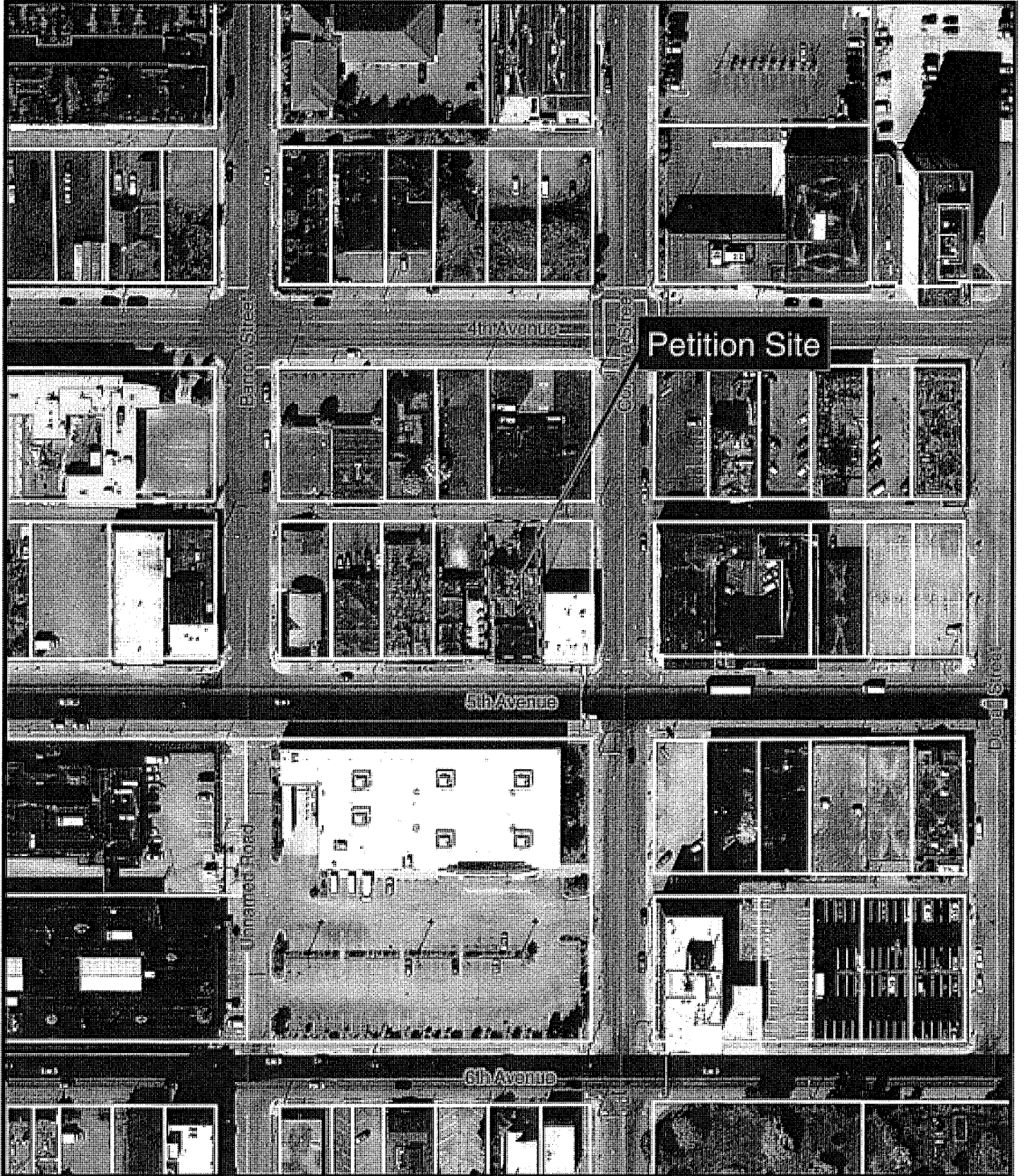
| <b>Establishment Name</b> | <b>Type</b> | <b>MOA License Number</b> | <b>Address</b>             |
|---------------------------|-------------|---------------------------|----------------------------|
| Denali Dispensaries       | Retail      | M11411                    | 225 E. 5 <sup>th</sup> Ave |
| Satori                    | Retail      | M10975                    | 221 E. 5 <sup>th</sup> Ave |

# Maps

# 2019-0035



# 2019-0035





# Application

# Application for License and Special Land Use Permit for Marijuana

Municipality of Anchorage  
 Clerk's Office/Planning Department  
 PO Box 196650  
 Anchorage, AK 99519 6650



| APPLICANT  |   |
|--|---|
| Name of Authorized Applicant (see 3 AAC 306.020(d))              |   |
| Last<br>Coltman  | First<br>Nicholas M.I.<br>G                                     |
| Home Physical Address<br>6833 Elmrich Court, Anchorage, AK 99504 | Home Mailing Address<br>6833 Elmrich Court, Anchorage, AK 99504 |
| Contact Phone – Day<br>907-229-6364                              | Evening<br>Fax  |
| E-mail (required)<br>coltman@gci.net                             | Business Mailing Address<br>PO Box 243773 Anchorage, AK 99524   |

| TYPE OF MARIJUANA ESTABLISHMENT PROPOSED   |  |
|--|--|
| <input type="checkbox"/> Cultivation Facility (including Limited Cultivation Facility)         | <input type="checkbox"/> Testing Facility                      |
| <input type="checkbox"/> Manufacturing Facility (including Concentrate Manufacturing Facility) | <input checked="" type="checkbox"/> Retail Sales Establishment |
| Business Name: Tip Top, LLC  |  |
| State of Alaska Marijuana Control Board License Number: 14359                                  |  |
| Other marijuana licenses applied for or approved on the property?<br><br>NO                    |  |

| PROPERTY INFORMATION  |  |                |
|---|--|----------------|
| Property Tax # (000-000-00-000): 002-095-14-000   |  |                |
| Site Street Address: 233 E. 5th Avenue, Unit 1, Anchorage, AK 99501                                     |  |                |
| Current Legal Description: (use additional sheet if necessary)<br>Original Townsite BLK 115 LT 11       |  |                |
| Zoning District: B2B  | Lot Size: 6,500 sf   | Grid #: SW1231 |
| Any dwelling units on the property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Any liquor licenses on the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |                |

| FACILITY OPERATIONAL INFORMATION  |
|---|
| What is the licensed premises area in square feet?<br>3,750 sf                        |
| What will be the business days and hours of operation?<br>7 Days a week, 10am to 10pm |

|                                   |                           |                |                          |                                    |                          |
|-----------------------------------|---------------------------|----------------|--------------------------|------------------------------------|--------------------------|
| Accepted by<br><i>[Signature]</i> | Poster & Affidavit<br>1+1 | Fee<br>1700.00 | Case Number<br>2019-0035 | Requested Meeting Date<br>05/21/19 | License Number<br>L14359 |
|-----------------------------------|---------------------------|----------------|--------------------------|------------------------------------|--------------------------|

| APPLICATION REQUIREMENTS                 |   |
|--|---|
| 1 copy required:                         | <input type="checkbox"/> Signed/notarized application (original)<br><input type="checkbox"/> Property owner letter of authorization (with original signature)   |
| 17 copies required:                      | <input type="checkbox"/> Signed/notarized application (copies)<br><input type="checkbox"/> Criminal justice information and records as required by AMC 10.80.056<br><input type="checkbox"/> Summary of community meeting/community meeting mailer<br><input type="checkbox"/> Project narrative explaining the proposal, with an analysis of how the proposal meets the special land use permit for marijuana approval criteria set forth below<br>For all marijuana establishments (AMC 21.03.105C.3.a.): <ul style="list-style-type: none"> <li><input type="radio"/> Site plan(s) to scale depicting, with dimensions:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> building footprint   <input type="checkbox"/> parking areas   <input type="checkbox"/> vehicle circulation and driveways   <input type="checkbox"/> loading facilities</li> <li><input type="checkbox"/> landscaping   <input type="checkbox"/> pedestrian facilities   <input type="checkbox"/> required open space   <input type="checkbox"/> fences   <input type="checkbox"/> lighting</li> <li><input type="checkbox"/> snow storage area or alternative strategy   <input type="checkbox"/> trash receptacle location and screening detail</li> <li><input type="checkbox"/> freestanding sign location(s)</li> </ul> </li> <li><input type="radio"/> Floor plan to scale and dimensioned, depicting the entirety of the licensed premises, and relation to all other uses located within the same building:</li> <li><input type="radio"/> Security plan indicating how the applicant will comply with the requirements of municipal and state law and Regulation. The security plan is not required to show location or placement of security cameras and areas covered by them.</li> <li><input type="radio"/> Waste disposal plan</li> </ul> |
|  | For marijuana cultivation facilities (AMC 21.03.105C.3.b.): <ul style="list-style-type: none"> <li><input type="radio"/> Plan that specifies the methods to be used to prevent the growth of harmful mold</li> <li><input type="radio"/> Projected amount of water that will be used</li> <li><input type="radio"/> Projected amount of wastewater that will be discharged</li> <li><input type="radio"/> Letter from the applicable electric utility stating that power capacity at the proposed location is sufficient for the intended use</li> <li><input type="radio"/> Odor control plan indicating how the applicant will comply with the requirements of municipal and state law and regulation</li> <li><input type="radio"/> Information on moisture and temperature controlled storage (AMC 10.80.535C.)</li> </ul>  |
|  | For marijuana manufacturing facilities (AMC 21.03.105C.3.c.): <ul style="list-style-type: none"> <li><input type="radio"/> Description of the type of products to be processed and the equipment to be used, including a list of any solvents, gases, chemicals, or other compounds that will be used, kept, or created at the manufacturing facility, the location of such materials, and how such materials will be stored</li> <li><input type="radio"/> Certification of an industrial hygienist or professional engineer, as required in AMC subsection 21.05.055B.2.</li> <li><input type="radio"/> Projected amount of water that will be used</li> <li><input type="radio"/> Projected amount of wastewater that will be discharged</li> </ul>  |
|  | For marijuana retail sales establishments (AMC 21.03.105C.3.d.): <ul style="list-style-type: none"> <li><input type="radio"/> Neighborhood responsibility planning MOU or community engagement report, as required in AMC subsection 21.05.055B.4.</li> </ul>   |
| (Additional information may be required) |   |

| RECENT REGULATORY INFORMATION (Events that have occurred in the last 5 years for all or a portion of the site) |   |
|--|---|
| <input type="checkbox"/> Building or Land Use Permit for:  | None  |
| <input type="checkbox"/> Land Use Enforcement Action for:  | None  |
| <input type="checkbox"/> Nonconforming Determination requested for property?                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

| MARIJUANA ESTABLISHMENTS NEAR PETITION SITE  |  |
|--|--|
| Locate and provide the name and address of all licensed marijuana establishments within 1,000 feet of the petition site. (use additional sheet if necessary) |  |
| Name   | Address                                |
| Satori   | 221 E. 5th Avenue, Anchorage, AK 99501 |
| Denali Dispensaries  | 225 E. 5th Avenue, Anchorage, AK 99501 |
|  |  |

**SPECIAL LAND USE PERMIT FOR MARIJUANA APPROVAL CRITERIA (AMC 21.03.105C.7)**

The assembly may only approve a special land use permit for marijuana if, in the judgment of the assembly, the application meets the following approval criteria. Each criterion must have a response in as much detail as it takes to explain how the project satisfies the criterion. The burden of proof rests with the applicant. (In the B-2A, B-2B, and B-2C districts, please contact the Planning Department as the approval criteria are different.)

- a. The proposed use is consistent with the comprehensive plan, all applicable provisions of this title [Title 21], and applicable state regulations.
- b. The proposed use is consistent with the purpose and intent of the zoning district in which it is located, including any district-specific standards set forth in chapter 21.04.
- c. The proposed use is consistent with applicable use-specific standards set forth in chapter 21.05.
- d. The proposed use is compatible with uses allowed on adjacent properties, in terms of its scale, site design, operating characteristics (e.g., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
- e. The proposed use is appropriately located with respect to existing and/or planned water supply, power supply, fire and police protection, wastewater disposal, storm water disposal, and similar facilities and services.
- f. Any significant adverse impacts anticipated to result from the use can and will be mitigated or offset to the maximum extent feasible.
- g. The owner/operator of the establishment has no previous denials or revocations of a marijuana license or special land use permit, or previous documented violations of municipal or state law/regulation relating to marijuana establishments. Alternatively, the owner/operator has provided sufficient evidence of rehabilitation to the assembly.
- h. The owner/operator of a marijuana retail establishment has meaningfully engaged in neighborhood responsibility planning with residents and other neighborhood businesses to mitigate concerns such as odor, parking, and security. Neighborhood responsibility planning guidelines may be included in AMC chapter 2.40.

**SWORN STATEMENT LISTING ALL CRIMINAL CONVICTIONS, NOTWITHSTANDING THE FORM OF JUDGMENT AND INCLUDING WITHHELD JUDGMENTS, DEFERRED JUDGMENTS, AND BOND FORFEITURES, AGAINST EVERY OWNER AND MANAGER OF ANY OFFENSE OTHER THAN TRAFFIC INFRACTIONS FOR THE FIVE YEARS PRECEDING THE APPLICATION DATE AS REQUIRED BY AMC 10.30.021A**

I, the applicant, hereby swear that the following is a complete list of all such convictions for each proposed owner and manager of the proposed establishment. NONE

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(use additional sheet if necessary)

**OTHER LICENSEES AND AFFILIATES (3 AAC 306.020)**

List all other licensees and affiliates with their physical home addresses. (use additional sheet if necessary)

| Name               | Address                                |
|--------------------|--|
| Magdalena H Balean | 6833 Elmrich Court, Anchorage AK 99504 |
|                    |  |
|                    |  |
|                    |  |
|                    |  |

NC (initial) I hereby certify that I am owner of the property described above, or that I have permission from the owner to use the property described above, and that I am applying for a municipal license and special land use permit for marijuana in conformance with Title 10 and Title 21 of the Anchorage Municipal Code. My establishment will remain in conformance with municipal code at all times.

NC (initial) If I am applying for a license for a marijuana cultivation facility, marijuana manufacturing facility, or marijuana retail sales establishment, I swear that neither I nor any proposed licensee (as defined in 3 AAC 306.020(b)(2)), agent, or employee of the proposed licensee, have any ownership or financial interest in any marijuana testing facility. If I am applying for a license for a marijuana testing facility, I swear that neither I nor any proposed licensee, agent, or employee of the proposed licensee, have any ownership or financial interest in any marijuana cultivation facility, marijuana manufacturing facility, or marijuana retail sales establishment.

NC (initial) I hereby swear that no proposed licensee (as defined in 3 AAC 306.020(b)(2)) owes past-due taxes (property, business personal property, or other), fees (utility or other), or fines (traffic, library, trash, or other) to the municipality.

NC (initial) In accordance with AMC 10.80.056, I will immediately provide the Municipal Clerk with any communication from the state Marijuana Control Board disclosing the substance of information received by the Board as a result of a criminal history record check.

NC (initial) I understand municipal code requirements regarding separation distance from protected land uses, and I attest that to the best of my knowledge, the proposed premises meets the separation requirements of Title 21 of the Anchorage Municipal Code.

NC (initial) I acknowledge that the Assembly may deny my application for a special land use permit for marijuana if it determines that my application does not meet the criteria listed in AMC 21.03.105C.7., and that the Assembly may deny my application for a marijuana establishment license for any of the reasons listed in AMC 10.80.080.

NC (initial) I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the license or special land use permit. I also understand that assigned hearing dates are tentative and may have to be postponed by the Planning Department, Municipal Clerk, or the Assembly, for administrative reasons or to meet legal requirements regarding notice and public hearings.

Nicholas Coltman  
Applicant Signature (must be notarized)

2/5/19  
Date

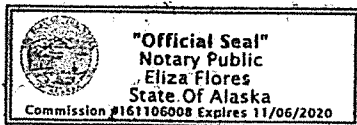
Nicholas Coltman

Print Name

State of Alaska  
Third Judicial District

Nicholas Coltman, being duly sworn, deposes and says that he/she is the individual making the foregoing application and is the authorized agent for this business; acknowledges that a person other than the proposed licensee(s) may not have a direct or indirect financial interest in the business being issued the license per AMC 10.80.015A.; and affirms that the answers to the questions, the sworn statements regarding (1) listing all criminal convictions and (2) past due taxes, fines, and fees, and all other information contained in this application are true and complete to his/her knowledge.

Subscribed and sworn before me this 5 day of February, 2019.



[Signature]  
Notary Public

My commission expires: 11/06/2020

Under AMC 8.30.170, a person commits the crime of unsworn falsification if, with the intent to mislead a public servant in the performance of a duty, the person submits a false written or recorded statement that the person does not believe to be true (1) in an application for a benefit; or (2) on a form bearing notice, authorized by law, that false statements made in it are punishable. Unsworn falsification is a class A misdemeanor.