

ANCHORAGE, ALASKA
AR No. 2025-12(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)

9
10 **WHEREAS, AlaskaSense, LLC doing business as AlaskaSense has submitted an**
11 **application in a timely manner to the Municipal Clerk, received May 15, 2023, for the**
12 **renewal of Municipal marijuana cultivation license #M10237 located at 521 Tudor Rd.,**
13 **Unit 202, Anchorage AK, 99503, and the Municipal Clerk deemed it complete pending**
14 **receipt of the complete State of Alaska renewal application for the state license;**
15 **and**

16
17 **WHEREAS, on April 18, 2023, the Assembly passed AO 2023-46, As Amended**
18 **regarding amending Anchorage Municipal Code Chapter 10.80 to require renewal**
19 **of licenses every two years and authorizing the Municipal Clerk to determine which**
20 **licenses are renewed in even years and which in odd years, per AMC 10.80.036A.1.;**
21 **and**

22
23 **WHEREAS, the Municipal Clerk assigned even year renewals to AlaskaSense LLC's**
24 **municipal license #M10237, with transition to the biennial renewal set for the 2024-**
25 **2026 license period (beginning September 1, 2024), and gave notice of this to the**
26 **licensee; and**

27
28 **WHEREAS, Municipal license #M10237 expired on August 31, 2023, but because**
29 **the renewal application was filed timely before June 30, it is legally allowed to**
30 **continue operating while the renewal application is under review until a decision is**
31 **made, in accordance with AMC 10.80.036G.2.a.; and**

32
33 **WHEREAS, application review procedures under AMC 10.80.036B.2. requires the**
34 **State of Alaska's deemed complete state license renewal application before the**
35 **municipal license application can be reviewed; and**

36
37 **WHEREAS, the Municipal Clerk's Office received a copy of the State of Alaska Marijuana**
38 **Control Board (MCB) license renewal application November 21, 2024, attached, which**
39 **is complete and satisfies the renewal application requirements of Anchorage Municipal**
40 **Code (AMC) section 10.80.036; and**

1
2 **WHEREAS**, the Assembly must enter any protest regarding the State of Alaska renewal
3 application to the Alcohol and Marijuana Control Office (AMCO) within 60 days following
4 the date the AMCO Director sends notice to the Municipal Clerk that the State application
5 is deemed complete; and
6

7 **WHEREAS**, the Municipal Clerk received a copy of the State of Alaska application on
8 November 21, 2024 and has determined the last day for the Assembly to file a protest **of**
9 **the state license renewal** is January 20, 2025; and
10

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

- 12 1. All Marijuana Control Board (MCB) violations and/or incidents on file that would
13 lead to an MCB violation are attached; and
- 14 2. No taxes, fees, or fines are owed to the Municipality of Anchorage by any owner;
15 and
- 16 3. Certifications from the Anchorage Fire Department, Code Abatement, and the
17 Anchorage Police Department have been received; and
- 18 4. The special land use permit for marijuana required by AMC section 10.80.011 has
19 been approved by the Assembly.
- 20 5. Comments from the Midtown Community Council and any public comments
21 received by the Clerk's Office are attached.
22

23 **WHEREAS**, per AMC 10.80.**061[074]** and 3 AAC 306.060, this resolution sets the public
24 hearing on the protest of State license #10237 for January 7, 2025 and **per AMC**
25 **10.80.071** sets **a hearing to ascertain the public's reaction to the application for**
26 **renewal[protest]** of municipal license #M10237 for January 21, 2025 and;
27

28 **WHEREAS**, the public hearing notice posting as required by Anchorage Municipal **Code**
29 **section 2.30.060A. [Charter Section 10.01(b)]** has been satisfied and is on the
30 Municipal Webpage for Current Public Notices.
31

32 **NOW, THEREFORE**, the Anchorage Assembly resolves:
33

34 **Section 1.** The Anchorage Assembly finds the applicant and the Midtown Community
35 Council were given timely notice and a hearing was properly held January 7, 2025, for
36 purposes stated herein with relevant evidence presented as indicated in the public
37 records maintained by the Municipal Clerk.
38

39 **Section 2.** The Assembly, having considered relevant evidence in the record, and
40 consideration of points in support of and in opposition to renewal of the state marijuana
41 cultivation license application, hereby **CONDITIONALLY PROTESTS** the state license
42 #10237.
43

1 After review of the application and all relevant information, **including written and verbal**
2 **testimony received from the public,** the Assembly **recognizes and acknowledges**
3 **there are allegations of record of the following [finds that]:**
4

- 5 1. The license would violate any restriction in **AMC** sections 10.80.010 or
6 10.80.011. Under **AMC** 10.80.011A., the premises must meet requirements of
7 Title 21. Per **AMC** 21.05.055A.6.:
8 A. *Use-specific standards applicable to all marijuana establishments.*
9 6. *Ventilation.* The premises shall be ventilated so that the odor of marijuana
10 cannot be detected by a person with a normal sense of smell at any lot line of
11 the subject property.
12
- 13 2. Issuance of the license will adversely impact the health, welfare or public safety of
14 the neighborhood in which the marijuana establishment is proposed to be located,
15 or otherwise would not be in the best interests of the public. **See AMC**
16 **10.80.080A.6.** The Midtown Community Council has submitted comments and
17 complaints regarding odor which are attached. This establishment has a history of
18 odor issues among others as documented in AR 2018-252(S-1) As Amended, As
19 Amended. **There is no firm date for a new ventilation system to be installed and**
20 **operational.**
21
- 22 3. That the license has been operated in violation of a condition or restriction the
23 assembly previously imposed. **These are:**
24
- 25 a. The Assembly approved **AR 2016-334 [AR 201AR 26-334]** for the new
26 cultivation license and special land use permit for license #M10237. Condition
27 #4 under section 3 lists odor mitigation requirements and **states:**
28
- 29 **4. The premises shall be ventilated so that the odor of marijuana**
30 **cannot be detected at any lot line by a person with a normal**
31 **sense of smell. Violation could lead to a requirement to**
32 **increase air filtering and/or change the ventilation location in**
33 **the establishment.**
34
- 35 b. AR 2018-252(S-1) AA, AA, conditionally protested the renewal of this license
36 pending correction of the issues listed within, including odor issues, **in Section**
37 **4.1.3. which states:**
38
- 39 **3. Odor of marijuana. Odor shall be in accordance with AMC**
40 **subsection 21.05.055A.6. If odor of marijuana is detected by code**
41 **enforcement officers during any inspection, the licensee shall**
42 **address the ventilation deficiencies immediately and in good faith,**
43 **otherwise licensee is in violation of this condition.**
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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 7th day of January, 2025.

Christopher Constant

Chair

ATTEST:

Jennie Stern

Municipal Clerk



MUNICIPALITY OF ANCHORAGE
Assembly Information Memorandum

No. AIM 9-2025

Meeting Date: January 7, 2025

1 **From: CHAIR**

2
3 **Subject: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY**
4 **REGARDING THE RENEWAL OF MUNICIPAL MARIJUANA**
5 **CULTIVATION LICENSE #M10237 FOR ALASKASENSE, LLC DBA**
6 **ALASKASENSE; STATING THE ASSEMBLY'S PROTEST TO THE**
7 **RENEWAL OF STATE OF ALASKA MARIJUANA LICENSE #10237**
8 **FOR THE SAME ESTABLISHMENT, RESPECTIVELY; AND**
9 **AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN**
10 **ACTION. (Midtown Community Council)**

11
12 Attached for your review are public comments regarding the renewal application for
13 municipal marijuana license #M10237 for AlaskaSense, LLC DBA AlaskaSense.
14 Comments attached were received after the Assembly agenda deadline and not
15 included in the Planning Department Staff Analysis.

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17
18
19 Prepared by: Mandy Honest, Business License Official
20 Approved by: Jamie Heinz, Municipal Clerk
21 Respectfully submitted: Christopher Constant, Chair

From: [Kenny Petersen](#)
To: [IMAS Assembly Members](#)
Subject: Comments for Item 15.B Resolution AR 2025-12 Protest of Cultivation License M10237 for AlaskaSense
Date: Tuesday, January 7, 2025 11:41:22 AM

[EXTERNAL EMAIL]

Hello Mr Constant.

May I please ask that my correspondence below to the Cannabaska business owner and lawyer from today be included in the public report on their license renewal efforts.

I have additional dates and correspondence that could support my statements if needed.

If I can't testify in person or via phone at the appropriate time, I welcome and ask this to be read on my behalf.

Thank you
Kenneth Petersen
Midtown CC

----- Forwarded message -----

From: Kenny Petersen <kennyp@aphome.com>
Date: Tue, Jan 7, 2025, 11:23 AM
Subject: Re: Fw: HVAC Planning
To: Jana Weltzin <jana@jdwcounsel.com>
Cc: Smadi Warden <smadi@cannabaska.com>, Brenda Mills <brenda@jdwcounsel.com>, Randi Baker <randi@jdwcounsel.com>

Thank you Jana

Let me explain.

I don't mind if Cannabaska operates where they are. I don't care to close the operation.

I do mind if I and others smell any marijuana off of the property line.

So, if Cannabaska can't operate without emitting marijuana off property lines, then they should stop any odor emitting activity until they can.

Additional points:

1. Smadi has debated me that she is allowed to emit odor off property. I would like us to agree that the standard is per city code instead. No odor off property.
2. Smadi and yourself have challenged my experience of smelling odors off property. Since smells are intermittent and could dissipate before a formal code inspection could verify a

claim, I would like us to agree that if I or others claim to smell odors that we will together verify that or find some way to do so that happens the same day of the claim.

3. The odors have come off property many times even before the damaged HVAC system was not operating. My claims go back years. I would like us to agree that once the replacement HVAC system is in place, if it doesn't fix smells coming off property, then Cannabaska will cease operations of any odor emitting activities until no odors can come off property at any time. If this can't be achieved, then this location will not be used for those activities.

Can we agree about these points?

Thank you!

Kenny