

**Board of Delegates
Federation of Community Councils, Inc.
Business Meeting Agenda
Wednesday, May 15, 2019, 6-8 p.m.
1057 West Fireweed Lane**

A. Call to Order and Establish Quorum: Matt Burkholder, Chair

B. Approval of Agenda

C. Approval of Previous Meeting Minutes

D. Standing Committee Reports:

1. **FCC Chair** – Matt Burkholder
 - MOA Grant Amendment
 - Councils Center Lease
2. **FCC Treasurer** – Don Crafts, written handouts
3. **FCC Outreach** – Al Milspaugh
4. **FCC Training** – Daniel George
5. **Community Councils Center Manager** – Mark Butler
 - Insurance for councils
6. **FCC AMATS Committee Representative** – Bob French
7. **FCC Homelessness Committee Representative** – Nikki Rose
8. **Communications Between Municipality and Councils** – Matt Cruickshank

E. Municipality (5 minutes each):

1. **Mayor's Office** – Ona Brause, Chief of Staff
2. **Anchorage Assembly** – Felix Rivera, Chair
3. **Anchorage School Board** – Deena Mitchell, Board Member

F. Presentations (5 to 10 minutes each)

1. **On-Site Consumption of Marijuana** –

PRO:

AGAINST:

G. Old Business:

1. **Resolution about Communications Between the Municipality and Councils**
 - Matt Cruickshank
2. **FCC Officers Nominations Committee: Nominations and Voting for FCC Officers** – Kevin Fimon and Darryl Parks

H. New Business:

1.

I. Council Sharing (brief points)

J. Comments by the Public (3 min. each, time permitting)

K. Adjourn

Attachments:

April 2019 FCC Financial Report

April 2019 DRAFT FCC Meeting Minutes

May 2019 Council Center Manager's Report

Federation of Community Councils, Inc.

Board of Delegates

DRAFT Minutes of April 17, 2019 meeting

Meeting was called to order at 6:10 p.m. by Chair Matt Burkholder
Quorum achieved.

FCC Delegates in attendance (20):

Abbott Loop	Bruce Roberts
Airport Heights	Teri Penn
Basher	-
Bayshore/Klatt	-
Bear Valley	-
Birchwood	Matt Chruickshank
Campbell Park	Kevin Fimon
Chugiak	Darryl Parks
Downtown	Patrick McDonnell
Eagle River	Jon F
Eagle River Valley	Tom Freeman
Eklutna Valley	-
Fairview	James Thornton
Girdwood	-
Glen Alps	-
Government Hill	Bob French
Hillside	-
Huffman/O'Malley	Matt Burkholder (FCC Chair)
Midtown	-
Mountain View	Daniel George (FCC Vice-Chair)
North Star	-
Northeast	Bob Reupke
Old Seward/Oceanview	-
Portage Valley	-
Rabbit Creek	-
Rogers Park	-
Russian Jack	James Smallwood
Sand Lake	-
Scenic Foothills	Daniel Clift
South Addition	Jeff Manfull
South Fork	-
Spenard	Irene Persson-Gamble
Taku Campbell	Michael Carey
Tudor Area	-
Turnagain	Cathy Gleason
Turnagain Arm	-
University Area	Joanie Nardini

Others in attendance:

Anchorage Assembly	Felix Rivera
Anchorage School Board	Deena Mitchell
CPCC	Sandy Traini
CPCC	Dick Traini
Community Councils Center	Mark Butler

A. Call to Order and Establish Quorum: Matt Burkholder, Chair

B. Approval of Agenda

Moved by Tom Freeman, Seconded by Bob Reupke. Approved by consensus.

C. Approval of Previous Meeting Minutes

Moved by Matt Cruickshank, Seconded by Tom Freeman. Approved by consensus.

D. Standing Committee Reports:

1. **FCC Chair** – Matt Burkholder
2. **FCC Treasurer** – Kevin Fimon for Don Crafts. Under budget at this time.
3. **FCC Outreach** – Al Milspaugh. Out of town on family business.
4. **FCC Training** – Daniel George. CIP training today before this meeting. Another training next week.
5. **Community Councils Center Manager** – Mark Butler Discussed status of insurance policies for individual councils. We are purchasing “event” insurance for each of the active councils for this calendar year. Each council needs to let Mark know of the dates for their council meetings and events for the rest of the 2019 year. The insurance is estimated to cost \$10,000 (or so) in total. Coverage should take effect within a week or two.
6. **FCC AMATS Homelessness Committee Representative** – Bob French. No AMATS meetings in the last month.
7. **FCC Homelessness Committee Representative** – No report. Nikki Rose not present.
8. **Communications Between Municipality and Councils** – Matt Cruickshank – To be discussed later under the “Old Business” section of the meeting.

E. Municipality (5 minutes each):

1. **Mayor’s Office** – Ona Brause, Chief of Staff
Studded tires are required to be removed by the end of April.

Chief Hettrick of the Fire Department is reorganizing some of the procedures and staffing levels in order to reflect the increasing proportion of AFD calls that are medical related (versus fire related). This last year there were 700 fire calls and 25,000 medical calls.

The Governor is proposing a major shift of costs from the State of Alaska level down to the Municipality level. This could mean an increase of local property taxes of over \$425 per year in 2020 for those with an average-priced residence.

2. Anchorage Assembly – Felix Rivera, Chair

Elected to Assembly Chair at the last meeting. Suzanne LaFrance was elected Assembly Vice-Chair. Three new members were elected. There was 29% voter participation. The Alcohol tax did not pass (which would have provided funds for addiction treatment and camp abatement.)

On-site consumption of marijuana is being proposed with a distinction between consumption of edibles and of inhalation. It should go to the Assembly in May with a possible vote in June.

They are looking at a consultant to review the needs of the Port of Alaska.

3. Anchorage School Board – Deena Mitchell, Board Member

The School Bond passed (thank you!) Starr Marsett was re-elected to the School Board. Margo Bellamy was elected to an empty seat. They will be sworn in on May 6th.

May 7th is Teacher Appreciation Day.

F. Presentations (5 to 10 minutes each)

- 1. Driveways and Private Streets Standards – Kristine Bunnell, MOA Planning**
Presentation. Will send out notice of public testimony options.

G. Old Business:

1. Resolution about Communications Between the Municipality and Councils –

Matt Cruickshank The committee made more changes to the draft FCC

Resolution that is suggesting changes to Municipal public notification

requirements. There were not enough FCC delegates to meet quorum, so it will be voted on by the FCC at our May meeting.

H. New Business:

1. Creation of the FCC Officers Nominations Committee and Opening of Nominations – Matt Burkholder

Kevin Fimon and Darryl Parks agreed to serve on the committee. Current FCC

Chair Matt Burkholder has served one term and **is** eligible to run again for the FCC Chair position. Current FCC Vice-Chair Daniel George has served one term and **is** eligible to run again for the FCC Vice-Chair position. Current FCC Treasurer Don Crafts has served one term and is eligible to run again for the FCC Treasurer position. Current FCC Secretary Nikki Rose has served two terms and is **not** eligible to run again for FCC Secretary.

Nominations were opened. Matt Burkholder was nominated for FCC Chair, Daniel George was nominated for FCC Vice-Chair, and Don Crafts was nominated for FCC Treasurer. There were no nominations for FCC Secretary. Nominations remain open through the election at the May FCC meeting. You can nominate yourself (or someone else) by contacting either Kevin or Darryl (or sending an email to info@communitycouncils.org, which will then be forwarded to the Nominating Committee member). Nominations will also be taken at the May 2019 FCC meeting.

I. Council Sharing (brief points) - None.

J. Comments by the Public (3 min. each, time permitting) – None.

K. Adjournment:

Meeting adjourned at 8:10 p.m. Tom Freeman moved, Matt Cruickshank seconded. Adjournment approved unanimously.

Minutes respectfully taken by Mark Butler, Community Councils Center Manager.

Federation of Community Councils

From: Federation of Community Councils <info@communitycouncils.org>
Sent: Wednesday, May 8, 2019 2:06 PM
To: Matt Burkholder
Cc: Mountain View CC (Daniel George); Basher CC (Donald Crafts); Sand Lake CC - Nikki Rose; FCC (Mark Butler)
Subject: New Lease extension for FCC Office space

The landlord here has given us a draft lease extension to review for our 350 square foot office space:
The term is three years starting June 1, 2019.

We have been paying \$455/month (\$5,460/year) for our existing office space since June 1, 2012 which equates to \$1.30/square foot/month.

As of June 1, 2019, the rent would be \$472.50/month (\$5,670.00/year) which would be an increase of 3.8% (up \$17.50/month or \$210.00/year) which equates to \$1.35/square foot/month.

As of June 1, 2020, the rent would be \$486.68/month (\$5,840.16/year) which would be an increase of 3% (up \$14.18/month or \$170.16/year) which equates to \$1.39/square foot/month.

As of June 1, 2021, the rent would be \$501.27/month (\$6,015.24/year) which would be an increase of 3% (up \$14.59/month or \$175.08/year) which equates to \$1.43/square foot/month.

Lease term over on May 31, 2022.

The other terms and conditions remain the same as the existing lease.

I recommend asking the Delegates for permission to sign this lease.

Mark Butler
Manager
CL 240-3868

Federation of Community Councils Manager's Report

May 15, 2019

Council Insurance

The FCC has purchased liability insurance for each council for their meetings for the rest of 2019. The named insured are the Municipality of Anchorage and the Anchorage School District – which will cover all meetings in Municipal-owned buildings and parks. We have also named specific non-Municipal buildings where you meet (churches, etc.) The Municipality is giving us \$10,000 to cover the cost.

Council Center Closed May 24th and May 27th for Memorial Day

We will be closed on Friday May 24th and on Monday May 27th.

Rate Potential Capital Projects in your Council Areas

The Municipal PM&E Department will be holding a training session on how councils can rate capital projects on Wednesday May 15th at 5 p.m. at the First Floor Conference Room at 1057 West Fireweed Lane (just before the FCC delegates meeting.) Your priorities are due by the end of May.

On-Site Consumption of Marijuana

The Mayor is proposing an ordinance which would allow the on-site consumption of marijuana edibles at retail marijuana stores that meet certain criteria. Information about the proposal will be available at Assembly work sessions on Friday May 10th from 2 to 3 p.m. and Friday May 17th from 2 to 3 p.m. at the 1st Floor Conference Room at City Hall. A Public Hearing before the Assembly is at their meeting on Tuesday May 21st at the Assembly Chambers at the Loussac Library at 3600 Denali Street.

Thanks!

Mark Butler

Manager

Community Councils Center

CL/TEXT 240-3868

To register or sign in to the CityView Portal go to:

<http://www.muni.org/CityViewPortal>



CityView Portal

[Sign In](#) / [Register](#) [Portal Home](#) [Property Search](#)

The Municipality's new web portal is now online!
View and comment on Planning cases, Sign up for Planning E-alerts, View Historic properties, Lookup alcohol or business licenses, and View or Submit complaints to the Municipal Ombudsman - all from the comfort of home.

Need to signup for Planning E-alerts? [Detailed instructions are available.](#)



Planning Department

[Case Information](#)



Licensing Department

[Status and Fees](#)



Ombudsman

[Submit a new Complaint](#)
[Status and Fees](#)



Property Information

[Search for a Property](#)

Federation of Community Councils

From: James Bethany <jamesleebethany@gmail.com>
Sent: Tuesday, November 27, 2018 10:30 AM
To: Federation of Community Councils
Subject: Fwd: [dcced.economicreports] Looking for Data? Check out DCRA's new online portal!

FYI: New Demographic Data Tool

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

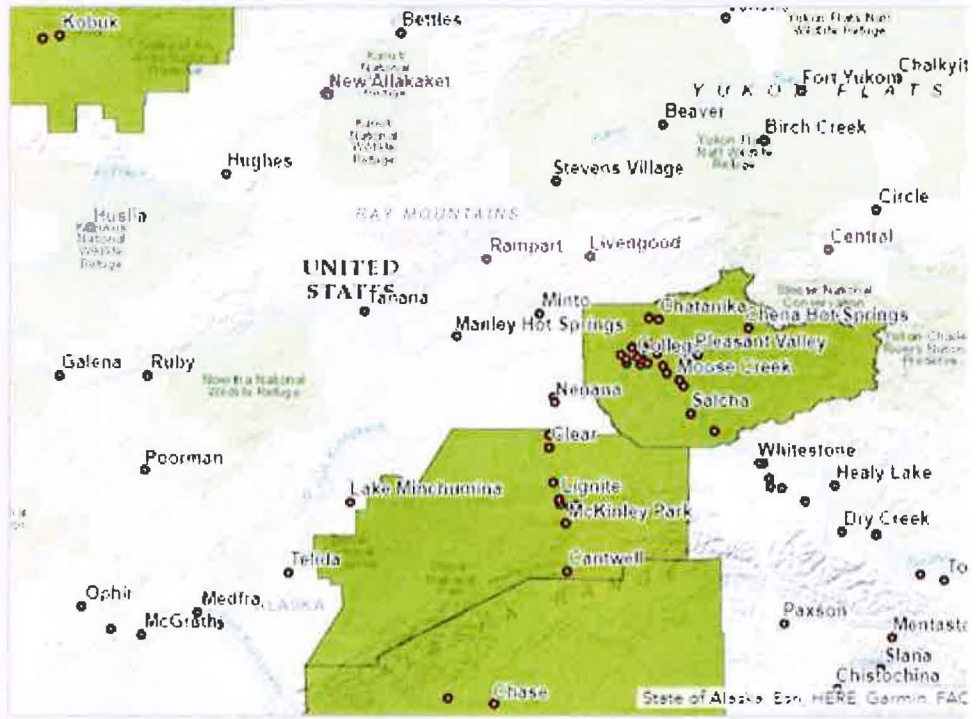
From: **Rodrigues, Alyssa Vs (CED)** <alyssa.rodriques@alaska.gov>
Date: Tue, Nov 27, 2018 at 10:02 AM
Subject: [dcced.economicreports] Looking for Data? Check out DCRA's new online portal!
To: dcced.economicreports <dcced.economicreports@list.state.ak.us>

Division of Community and Regional Affairs *new* online portal uses live mapping capabilities to help visualize data along with a slew of other tools.

- Use maps to find communities of interest
- Get a quick snapshot of community level data
- Access interactive applications
- Easily download data!
- Quickly access portal for additional data requests

Find all of this and more at the new DCRA Community Data Online (CDO) website:
<https://dcra-cdo-dcced.opendata.arcgis.com/>

- Alachua
 - Alaska
 - Akutan
 - Alakanuk
 - Alana
 - Alcan Border
 - Alagnagik
 - Aliena
 - Aleutians East Borough
 - Allakaket
 - Alone
 - Amorik
 - Anaktuvuk Pass
 - Anchor Point
 - Anchorage**
 - Anderson
 - Andreafsky
- Last update: 2 minutes ago



Navigation Menu

Use the navigation menu to submit a subject data request or provide feedback using the buttons below.

- [Data for Download](#)
- [Interactive Applications](#)
- [DCRA Website](#)
- [Data Request](#)
- [Feedback](#)
- [Alaska GIS Links](#)

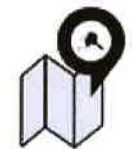
Interactive Applications

Apps provide guided and interactive access to information and tools for citizens to understand their communities. We recommend exploring the apps below for he specific goals and initiatives - as well as encourage people to create their own stories and apps using the Build Your Own Map app.




Alaska Contacts Directory

Find contact information for municipalities, federally recognized tribes, school districts, regional corporations, and village corporations.



Build Your Own Maps

Build and print your own map using Alaska DCRA Data.



Community Story Maps

Explore interactive overviews of communities, their culture, and their history.



Interactive

Generate new idea applications dear you to evaluate information!

[Interactive Maps](#)

Find Datasets for Download

How to find datasets for download

Find Data



Contacts Directory



Demographics



Transportation



Economy



Public Safety



Education



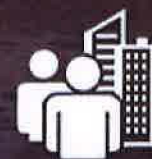
Services



Cultural



Climate Change



Local Government



General

DCRA Data Portal Data Request

Please enter your name, email address, and data request below.

We will contact you with information as soon as possible. Thank you for reaching out to the Division of Community and Regional Affairs!

Name

Email Address

Data Request

Submit

Housed within Alaska Department of Commerce, Community, and Economic Development (DCCED), the Division of Economic Development supports the growth and diversification of Alaska's economy through policy, promotion, financing, and business assistance. For additional information about the division, please visit commerce.alaska.gov/web/DED. To learn more about DCCED and its other agencies, please visit commerce.alaska.gov.

List Name: dcced.economicreports@list.state.ak.us

You subscribed as: jamesleebethany@gmail.com

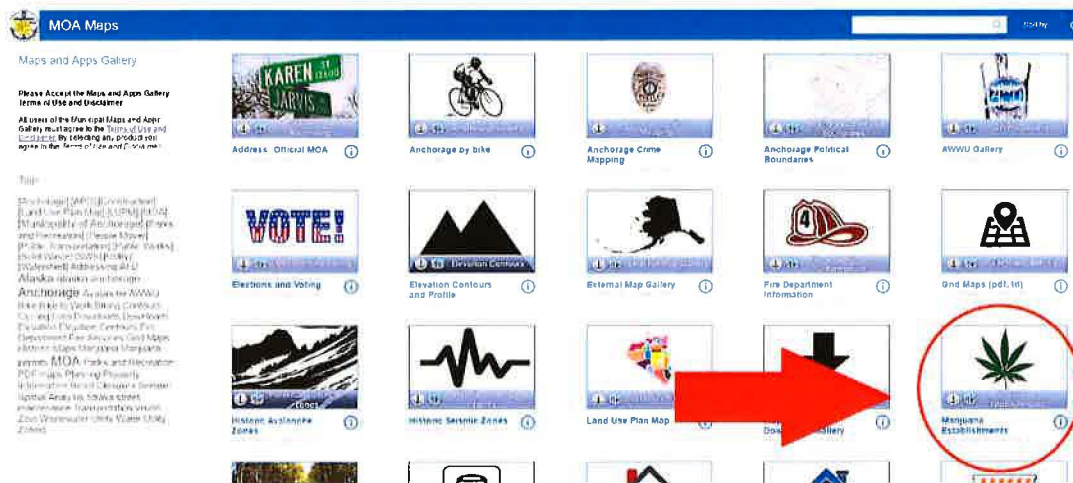
Unsubscribe at: <http://list.state.ak.us/mailman/options/dcced.economicreports/jamesleebethany%40gmail.com>

Municipal Marijuana Establishments Map Basics

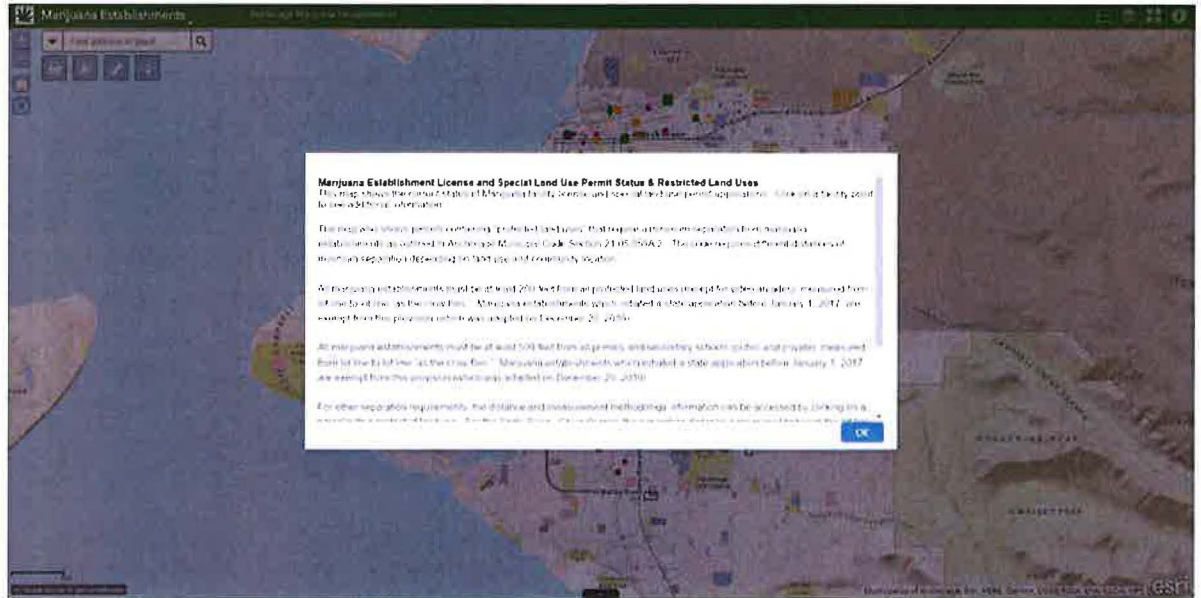
1) Found on Muni.org → Maps



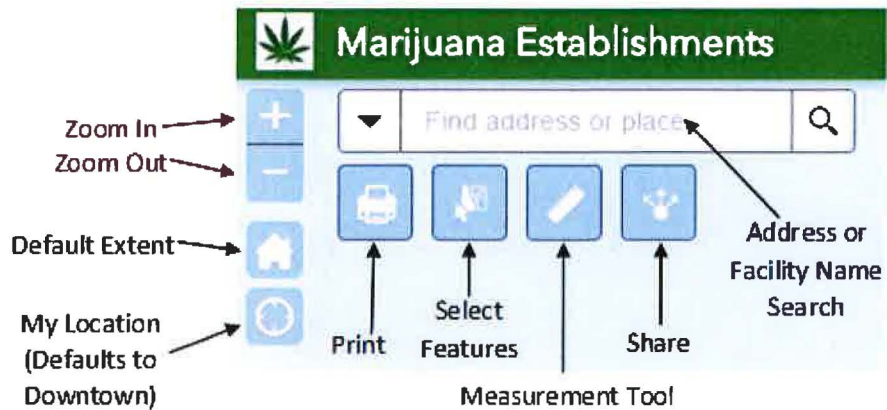
2) Select "Marijuana Establishments"



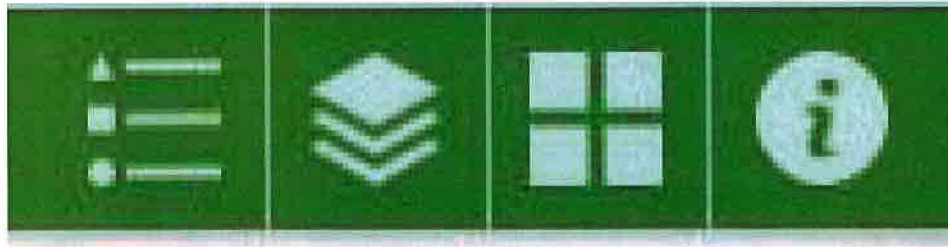
- 3) User is alerted to protected land uses and how to measure shortest practicable pedestrian route as expressed in AIM 150-2016, As Amended



- 4) Map Features – Upper Left Corner



5) Map Features – Upper Right Corner



Legend

Layers

Basemap

About

Legend

Legend
⌵
✕

Marijuana Facility Permit Status

- Proposed : Cultivation
- ▲ Proposed : Manufacturing
- Proposed : Retail
- ◆ Proposed : Testing
- Conditional : Cultivation
- ▲ Conditional : Manufacturing
- Conditional : Retail
- ◆ Conditional : Testing
- Approved : Cultivation
- ▲ Approved : Manufacturing
- Approved : Retail
- ◆ Approved : Testing

Protected Land Uses Near Marijuana Establishments

- CCRC
- Chugiak-Eagle River dedicated park
- Chugiak-Eagle River residential zones
- athletic field
- /// child care center
- community center
- correctional facility
- habitative care facility
- homeless and transient shelter
- neighborhood recreation center
- playground
- public housing facility
- religious assembly
- school
- video arcade

Layers


Layer List
⌵
✕

Operational layers


- Marijuana Facility Permit Status ...
- Protected Land Uses Near Marijuana Establishments ...
- ...
- Community_Council ...
- Assembly_District ...

Basemap


Basemap Gallery
⌵
✕




Dark Gray Canvas




Imagery




Imagery with Labels




Light Gray Canvas




National Geographic




Oceans




OpenStreetMap



Streets

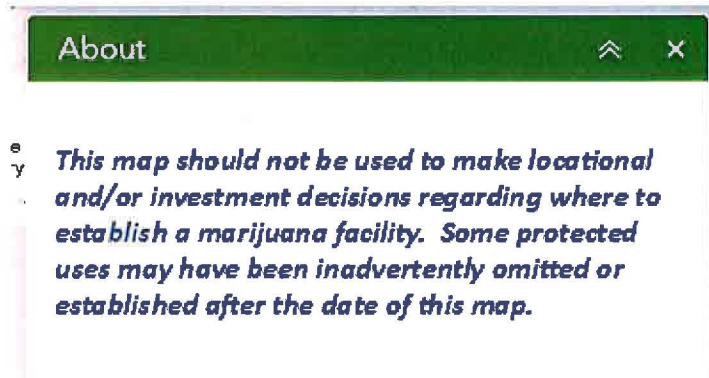


Terrain with Labels

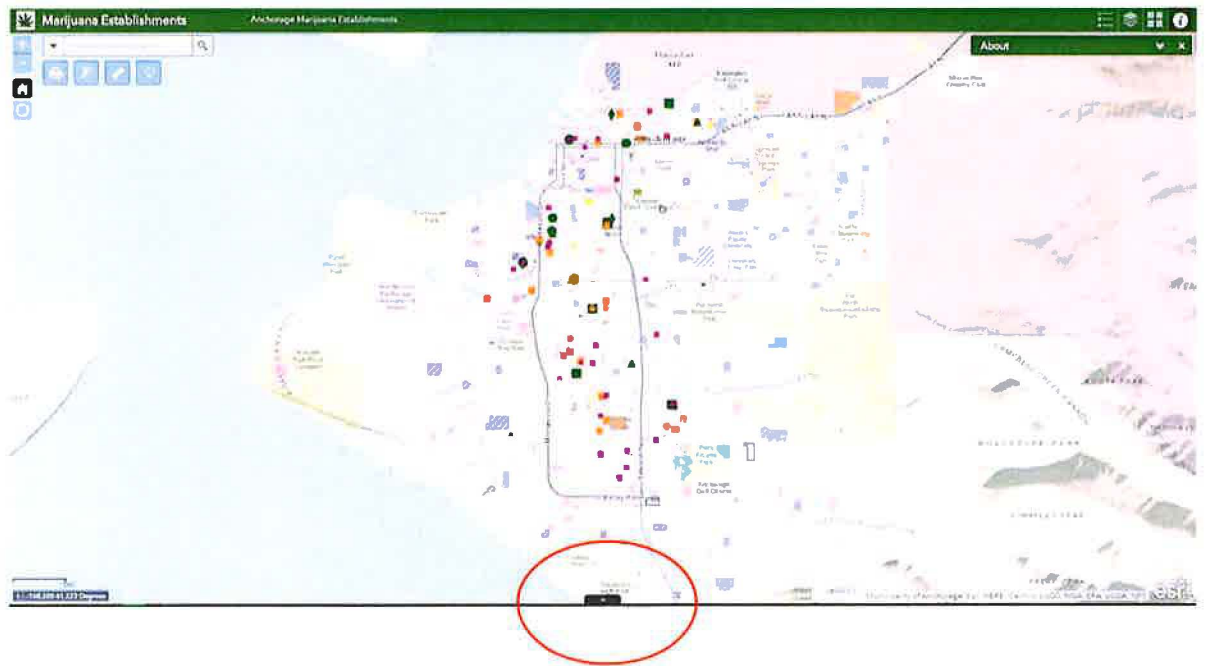


Topographic

About



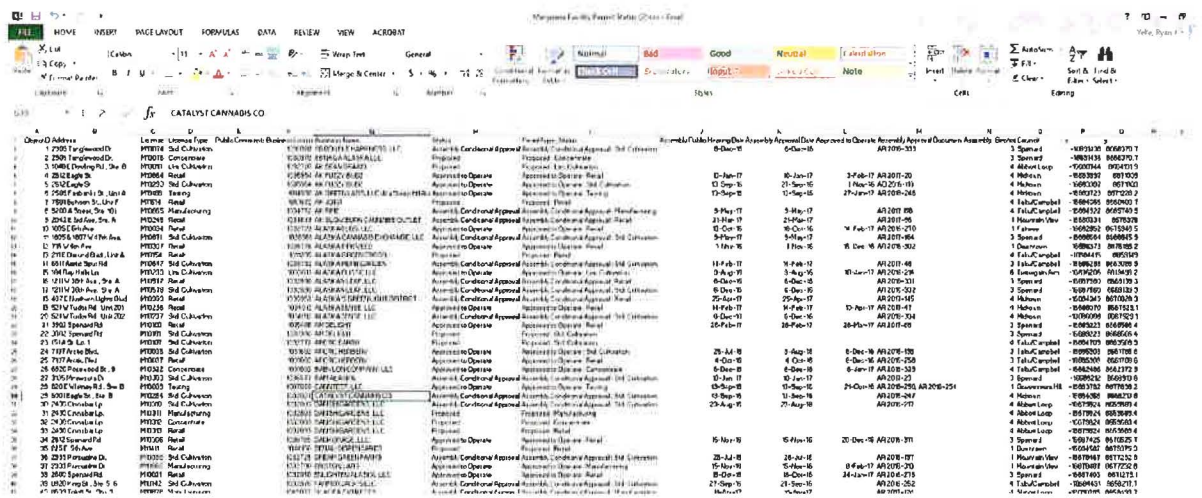
6) Getting Data – Click on the “up” arrow at the bottom of the screen



7) To export data, click "Options" → "Export all to CSV" – Make sure "Filter by Map Extent" is not selected



8) Save the .csv file. When you open the .csv in Excel you will be able to sort the data as needed



DRAFT (Rev-3, May 15, 2019)

1 **Federation of Community Councils (FCC) RESOLUTION 2019-01**

2 **Timely Notifications To Community Councils (CCs) So That Information Is**

3 **Disseminated With At Least 31 Days Notice**

4 **WHEREAS**, the Anchorage Municipal Charter Art, VIII, Sec 8.01 establishes
5 Community Councils as representatives for neighborhoods in planning and
6 development; **and**

7 **WHEREAS**, Community Councils are intended to reflect actual neighborhoods
8 and provide guidance advice on management of lands within their boundaries. The
9 Municipality of Anchorage (MOA) has granted greater responsibilities to CCs for
10 approval or review processes related to land use and zoning in Title 21, alcohol
11 licenses, marijuana licenses, and other processes, in addition to councils' functions
12 in commenting on capital improvement projects, draft ordinances, and other city
13 business; **and**

14 **WHEREAS**, the (MOA) is a government agency funded by the people for services
15 for the citizens of the Anchorage Municipality. Community Councils are all-
16 volunteer organizations and rely on active participation from the community to
17 function effectively; **and**

18 **WHEREAS**, communication with the residents of the municipality should be
19 priority for the MOA in pursuing input for the needs and wants of its residents;
20 **and**

21 **WHEREAS**, the purpose of these requested changes to the modification process to
22 give CCs more opportunities “to afford citizens an opportunity for maximum
23 community involvement and self-determination” as is their stated purpose in the
24 MOA charter.

25 **WHEREAS**, there has been lack of the MOA involving the community in its
26 decisions by lack of timely dissemination of information **and**

27 **WHEREAS**, many times information is provided to the CCs too late for the
28 Councils to disseminate the information to their members and get feedback before
29 there are action deadlines; **and**

30 **NOW THEREFORE, LET IT BE RESOLVED**, that the residents, through their
31 FCC, of the MOA respectfully request that the Mayor’s Office evaluate the public
32 notice requirements of each of the MOA departments and that an update to

DRAFT (Rev-3, May 15, 2019)

33 processes be implemented so that information is disseminated to Community
34 Councils with at least 31 days notice for the residents to provide input and with
35 respect to each Council's Bylaws for notice to its community. The FCC now
36 hereby request Chapter 21.03 be amended as follows:

- 37 1. Section 21.03-020.H(2) Table 21.03-1 (Summary of notice requirements):
38 Add line to include: Utility Comprehensive plan changes, and infrastructure
39 changes on utility easements with notice requirement including Written,
40 Published, Posted and Community Councils.
- 41 2. Section 21.03-020.H(3.b): Change line 3 from "500" to "1,000" feet.
- 42 3. Section 21.03-020.H(6): Add to line 5 prior to end of sentence word "above
43 ", with the additional requirement of 31 days minimal notice to Community
44 Councils.
- 45 4. Section 21.03-020.H(7): Add to line 5 after ...parties. "Failure of a party to
46 receive written notice shall NOT invalidate subsequent action.

47 **Resolution Vote:** For ___ Against: ___ Abstain: ___

48 This resolution was approved by the Federation of Community Councils this day
49 of May 15th, 2019.

50

51 _____

52 Matt Burkholder, Chair, FCC

53



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 343 - 2019

Meeting Date: May 7, 2019

1 **From:** MAYOR
2
3 **Subject:** AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
4 MAKING TECHNICAL CORRECTIONS TO MUNICIPAL
5 MARIJUANA LICENSING AND ALLOWING ON-SITE
6 CONSUMPTION OF EDIBLE MARIJUANA PRODUCTS AT
7 LICENSED, FREESTANDING RETAIL MARIJUANA STORES
8 THAT HAVE A MUNICIPAL ENDORSEMENT BY AMENDING
9 ANCHORAGE MUNICIPAL CODE CHAPTER 10.80 AND
10 AMENDING SECTION 14.60.030 FOR CORRESPONDING CIVIL
11 FINES.
12

13 On March 12, 2019, the State of Alaska filed permanent regulations for regulating
14 Marijuana On-site Consumption effective April 11, 2019. (Specifically new section
15 3 AAC 306.370, and conforming amendments to existing regulations.) This
16 ordinance proposes to adopt many of the State's Marijuana On-site Consumption
17 regulations, as well as make technical corrections to current Anchorage Municipal
18 Code contained within AMC chapter 10.80.
19

20 A team of personnel from the Municipal Clerk's Office, Office of Economic and
21 Community Development, Planning Department, Department of Law, and
22 Assembly Counsel's Office worked collaboratively to produce this ordinance,
23 including revisions after presenting it to the Assembly's Community and Economic
24 Development Committee at three separate meetings.
25

26 This ordinance proposes to adopt marijuana on-site consumption regulations only
27 for the consumption of edible marijuana products. Consumption by inhalation or
28 smoking is not included at this time, and will remain prohibited until such time as
29 the Assembly decides to allow consumption by inhalation or smoking in the future.
30

31 However, this ordinance does include some provisions that would be applicable to
32 onsite consumption by inhalation or smoking, such as requirements about the
33 ventilation system in marijuana consumption areas if inhalation or smoking is to be
34 permitted in the future. (See new AMC subsections 10.80.306C.3. (p. 11 line 4),
35 and 10.80.306D.1.b. (p. 11 line 32).) This ordinance includes provisions that would
36 be applicable to onsite consumption by inhalation or smoking now so that the
37 public and licensees can foresee how it will be reviewed and regulated within the
38 Chapter 10.80 framework.
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This ordinance proposes:

- Establishing a municipal on-site consumption endorsement option for licensed retail marijuana store establishments;
- Adds the endorsement to the relevant code provisions throughout AMC ch. 10.80 that are related to new applications, renewals or transfers, public hearings, modifications, revocations, or expirations of marijuana licenses;
- Defines prohibited activities for on-site consumption;
- Defines the required characteristics of on-site consumption areas;
- Details the requirements for the on-site consumption endorsement application, operating plan, and annual renewal;
- Prohibits overconsumption of marijuana product in authorized on-site consumption areas, and limits the quantity to be sold; and
- Establishes new fines for violations of this chapter.

Additionally, this ordinance proposes a number of technical corrections to existing code, including amendments to the application process that reflect current practices; assigning intake and review responsibilities from the Clerk’s Office to the Planning Department for licenses; and updates to key definitions.

Finally, because administering on-site consumption endorsements will be absorbed by current staffing levels, and revenues are not expected to increase, a summary of economic effects is not included.

THE ADMINISTRATION RECOMMENDS APPROVAL.

Prepared by:	Christopher M. Schutte, Director, Office of Economic & Community Development
Concur:	Lance Wilber, Director, Office of Management and Budget
Concur:	Alexander Slivka, CFO
Concur:	Deitra L. Ennis, Acting Municipal Attorney
Concur:	William D. Falsey, Municipal Manager
Respectfully submitted:	Ethan A. Berkowitz, Mayor

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Municipal Clerk's Office,
Planning Department,
Office of Economic and Community
Development, and
Assembly Counsel
Reviewed by: Department of Law
For reading: May 7, 2019

**ANCHORAGE, ALASKA
AO No. 2019-66**

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY MAKING
2 TECHNICAL CORRECTIONS TO MUNICIPAL MARIJUANA LICENSING AND
3 ALLOWING ON-SITE CONSUMPTION OF EDIBLE MARIJUANA PRODUCTS AT
4 LICENSED, FREESTANDING RETAIL MARIJUANA STORES THAT HAVE A
5 MUNICIPAL ENDORSEMENT BY AMENDING ANCHORAGE MUNICIPAL CODE
6 CHAPTER 10.80 AND AMENDING SECTION 14.60.030 FOR CORRESPONDING
7 CIVIL FINES.
8

9
10 **THE ANCHORAGE ASSEMBLY ORDAINS:**

11
12 **Section 1.** Anchorage Municipal Code section 10.80.010 is hereby amended to
13 read as follows (*the remainder of the section is not affected and therefore not set*
14 *out*):

15 **10.80.010 License restrictions.**

16 *** **

17 F. A licensed marijuana retail establishment may not allow on-site
18 consumption unless it has a current and valid municipal on-site
19 consumption endorsement.

20
21 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 1, 4-25-17; AO No.
22 2017-95(S) , § 1, 5-1-17)

23
24 **Section 2.** Anchorage Municipal Code section 10.80.020 is hereby amended to
25 read as follows:

26 **10.80.020 Application for new, renewal or transfer of license—State**
27 **application forms incorporated.**

28
29 An applicant for a new, renewal or transfer of a municipal marijuana
30 establishment license must have submitted [TO THE STATE MARIJUANA
31 CONTROL BOARD] a[N] state marijuana establishment license application
32 in accordance with 3 AAC 306.020 and that application must be deemed
33 complete[D] by the director of Alcohol & Marijuana Control Office [BOARD
34 FOR A STATE MARIJUANA ESTABLISHMENT LICENSE, AND MUST FILE
35 WITH THE MUNICIPAL CLERK A COPY OF ALL MATERIALS THE
36 APPLICANT SUBMITTED TO THE MARIJUANA CONTROL BOARD IN
37 ACCORDANCE WITH 3 AAC 306.020].

1
2 (AO No. 2016-16(S), § 1, 2-9-16)
3

4 **Section 3.** Anchorage Municipal Code section 10.80.021 is hereby amended to
5 read as follows (*the remainder of the section is not affected and therefore not set*
6 *out*):
7

8 **10.80.021 Application for new license-Supplemental municipal**
9 **marijuana establishment license application.**

10
11 In addition to confirmation from the state of a deemed complete
12 application as [THE MATERIALS] required by section 10.80.020, an
13 applicant for a new municipal marijuana establishment license must submit
14 to the planning department [MUNICIPAL CLERK] a municipal marijuana
15 establishment license application, which shall be submitted on a form
16 prescribed by the municipal clerk, and which shall provide the municipality
17 with all information necessary to ensure that the applicant complies with
18 supplemental standards contained in this chapter. Such information shall
19 include, without limitation:
20 *** **

21 (AO No. 2016-16(S), § 1, 2-9-16)
22

23 **Section 4.** Anchorage Municipal Code section 10.80.026 is hereby amended to
24 read as follows:
25

26 **10.80.026 Municipal application procedure for new license or**
27 **endorsement.**

- 28
29 A. An applicant must initiate a new marijuana establishment license
30 application only after submitting to the state Alcohol and Marijuana
31 Control Office [MARIJUANA CONTROL BOARD] a complete
32 application for a related state marijuana establishment license.
33
34 B. If an applicant for a new municipal marijuana retail store license or the
35 holder of a valid municipal marijuana retail store license is applying for
36 a municipal endorsement for on-site consumption, the application shall
37 contain the information required by section 10.80.306D.
38 [RESERVED].
39
40 C. The applicant must pay to the Municipality the application and
41 licensing fees set out in section 10.80.100.
42
43 D. New application: When [THE MUNICIPAL CLERK RECEIVES] an
44 application for a new marijuana establishment license and special land
45 use permit is received, the director of the planning department
46 [MUNICIPAL CLERK] shall determine if the application is complete. If
47 the director [MUNICIPAL CLERK] determines the application is
48 complete, the director [MUNICIPALITY] shall as soon as is practicable
49 give written notice to:
50 1. The applicant; and

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4. A municipal on-site consumption endorsement may only be transferred to another person if the license for which the endorsement was issued is also transferred to that person.

D. *Action by the municipal clerk.* When the municipal clerk receives a complete application for a transfer of a license with or without any associated endorsement to another person, the municipal clerk shall immediately:

*** *** ***
(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 6, 4-25-17; AO No. 2017-95(S) , § 3, 5-1 17; AO No. 2018-96(S), 11-7-18)

Section 7. Anchorage Municipal Code section 10.80.061 is hereby amended to read as follows:

10.80.061 Protest to State Marijuana Control Board by municipality.

A. The municipal clerk shall protest a state marijuana establishment license or endorsement application if:

- 1. The applicant proposes to operate a marijuana establishment within the municipality, and
- 2. Does not possess all licenses, permits and approvals needed to operate a marijuana establishment or endorsement activity within the municipality.

B. The assembly may recommend that the State Marijuana Control Board approve an application for a new state license, renewal of a state license, [OR] transfer of a state license with or without an associated endorsement to another person, or application for a new endorsement subject to a condition or conditions. In such circumstances, the municipal clerk shall request that a protest to the State Marijuana Control Board be lifted upon fulfillment of such condition or conditions.

(AO No. 2016-16(S), § 1, 2-9-16; AO No. 2018-96(S), 11-7-18)

Section 8. Anchorage Municipal Code section 10.80.065 is hereby amended to read as follows:

10.80.065 Public participation.

A person may comment on an application for a new license, renewal of a license, transfer of a license, [OR] transfer of a controlling interest in a license with or without any associated endorsement, or application for a new endorsement by submitting a written statement to the municipal clerk. If a public hearing is held, a person may also give oral testimony at the public hearing held in accordance with section 10.80.071.

1 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 8, 4-25-17; AO
2 No. 2018-96(S), 11-7-18)
3

4 **Section 9.** Anchorage Municipal Code section 10.80.071 is hereby amended to
5 read as follows:
6

7 **10.80.071 Public hearing.**
8

9 A. The assembly will hold a hearing to ascertain the reaction of the public
10 to a new application for a marijuana establishment. The hearing will
11 be consolidated with the hearing required by section 21.03.105 on the
12 applicant's associated application for a special land use permit.
13

14 B. The assembly may hold a hearing to ascertain the reaction of the
15 public to an application for a renewal of a license, transfer of a license,
16 or transfer of a controlling interest in a license. [THE MUNICIPALITY
17 WILL SEND NOTICE OF A HEARING TO EACH COMMUNITY
18 COUNCIL IN THE AREA OF THE PROPOSED PREMISES.]
19

20 C. The assembly will hold a hearing to ascertain the reaction of the public
21 to a new application for an on-site consumption endorsement. The
22 hearing may be consolidated with the hearing required for a new
23 application for a marijuana establishment license under A. of this
24 section. The assembly may hold a hearing to ascertain the reaction of
25 the public to an application for renewal of an on-site consumption
26 endorsement.
27

28 D. If a hearing is held pursuant to this section, the municipality shall send
29 notice of a hearing to each community council within 1000 feet of the
30 proposed premises.
31

32 (AO No. 2016-16(S), § 1, 2-9-16; AO No. 2018-96(S), 11-7-18)
33

34 **Section 10.** Anchorage Municipal Code section 10.80.076 is hereby amended to
35 read as follows (*the remainder of the section is not affected and therefore not set*
36 *out*):
37

38 **10.80.076 Procedure for action on license or endorsement**
39 **application; commencement of operations.**
40

41 B. The assembly will consider any written objection, suggested condition,
42 or petition, and any testimony received at a public hearing held under
43 section 10.80.071 when it considers the application. The municipal
44 clerk will retain the written objection, suggested condition, or petition
45 as part of the record of the assembly's review of an application.
46

47 1. On an application for renewal of a license or endorsement, the
48 assembly may add, remove, or modify conditions of the license.
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2. On an application for transfer of a license, with or without any associated endorsement, or transfer of a controlling interest in a license, the assembly may add, remove, or modify conditions of the license, including conditioning its grant of the transfer on satisfaction of any such conditions of the transfer or imposed on the transferees.

*** *** ***
 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 10, 4-25-17; AO No. 2017-95(S) , § 5, 5-1-17; AO No. 2018-96(S), 11-7-18)

Section 11. Anchorage Municipal Code section 10.80.080 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.080 Denial of [LICENSE] application.

- A. After review of the application, including the applicant's proposed operating plan and all relevant information, the assembly will deny an application for a new license or endorsement if the assembly finds that:
 1. The application is not complete as required under the applicable standards sections 10.80.020—10.80.056, or contains any false statement of material fact;
 2. The license or endorsement would violate any restriction in section 10.80.010 or 10.80.011 or 3 AAC 306;
 3. The license or endorsement would violate any restriction applicable to the particular license type authorized under this chapter;
 4. The license or endorsement is prohibited by municipal code;
 5. The assembly finds that the operating plan does not adequately demonstrate that the applicant will comply with applicable standards of this chapter; or
 6. Issuance of the license or endorsement 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.
- *** *** ***
- D. If the assembly denies an application for a new license, renewal of a license, transfer of a license, transfer of a controlling interest in a license, or a new or renewal of an endorsement, the municipal clerk will, not later than 15 days after the meeting at which the application was denied, furnish a written statement of issues to the applicant, explaining the reason for the denial in clear and concise language, and

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identifying any statute or regulation on which the denial is based. The notice of denial will inform the applicant of the right to appeal under section 10.80.095.

(AO No. 2016-16(S), § 1, 2-9-16; AO No. 2018-96(S), 11-7-18)

Section 12. Anchorage Municipal Code section 10.80.095 is hereby amended to read as follows:

10.80.095 Appeals.

An applicant or marijuana establishment license or endorsement holder aggrieved by a final decision of the assembly regarding an application for a new license, a license renewal, or a transfer may appeal to the superior court.

(AO No. 2016-16(S), § 1, 2-9-16; AO No. 2018-96(S), 11-7-18)

Section 13. Anchorage Municipal Code section 10.80.100 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.100 Fees; refund.

*** *** ***

D. The annual license operating fee to be paid with each application for a new marijuana establishment facility license and each license renewal application is \$0, except as further described in this subsection. If the state Marijuana Control Board fails to issue a timely response to an application as described in AS 17.38.210(f), and the municipality acts on the application, the applicant must pay an annual license operating fee to the municipality as follows:

- 1. For a marijuana retailer license, \$0;
- 2. For an on-site consumption endorsement, \$0; [RESERVED]
- 3. For a marijuana cultivation facility license, \$0;
- 4. Reserved.
- 5. For a marijuana product manufacturing facility license, \$0;
- 6. For a marijuana testing facility license, \$0.

*** *** ***

(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 11, 4-25-17; AO No. 2017-95(S) , § 6, 5-1-17)

Section 14. Anchorage Municipal Code section 10.80.305 is hereby amended to

1 read as follows:

2
3 **10.80.305 Retail marijuana store privileges.**

4
5 A. A licensed retail marijuana store is authorized to:

- 6
7 1. Sell marijuana purchased from a licensed marijuana cultivation
8 facility, packaged and labeled as required under section
9 10.80.345, 3 AAC 306.470, and 3 AAC 306.475, in an amount
10 not exceeding the limit set out in section 10.80.355, to an
11 individual on the licensed premises for consumption off the
12 licensed premises;
- 13
14 2. Sell a marijuana product purchased from a licensed marijuana
15 product manufacturing facility, packaged and labeled as
16 required under section 10.80.345, 3 AAC 306.565 and 3 AAC
17 306.570, in a quantity not exceeding the limit set out in section
18 10.80.355, to an individual on the licensed premises for
19 consumption off the licensed premises;
- 20
21 3. Store marijuana and marijuana products on the licensed
22 premises in a manner consistent with sections 10.80.710—
23 10.80.720;
- 24
25 4. Apply for an on-site consumption endorsement under section
26 10.80.306 [RESERVED FOR ON-SITE CONSUMPTION].

27
28 B. This section does not prohibit a licensed marijuana retail store from
29 refusing to sell marijuana or a marijuana product to a consumer.

30
31 (AO No. 2016-16(S), § 1, 2-9-16)

32
33 **Section 15.** Anchorage Municipal Code chapter 10.80 is hereby amended by
34 adding a new section 10.80.306 to read as follows:

35
36 **10.80.306 On-site consumption endorsement for retail marijuana**
37 **stores.**

38
39 A. Unless prohibited by local or state law, a freestanding licensed retail
40 marijuana store with an approved on-site consumption endorsement
41 is authorized to:

- 42
43 1. Sell marijuana and marijuana products, excluding marijuana
44 concentrates, to patrons for consumption on the licensed
45 premises at the time of purchase in compliance with this
46 section and sections 21.05.055 or 21.50.420, as applicable.
- 47
48 2. Sell for consumption on the premises:
- 49
50 a. Reserved.

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- b. Edible marijuana products in quantities not to exceed 10 mg of THC to any one person per day.
 3. Sell food or beverages not containing marijuana or alcohol for consumption on the premises.
 4. Allow a person to remove from the licensed premises marijuana or marijuana product that has been purchased on the licensed premises for consumption under this section, provided it is packaged in accordance with section 10.80.345.
- B. A licensed retail marijuana store with an approved on-site consumption endorsement may not:
1. Sell marijuana concentrate for consumption in the marijuana consumption area or allow marijuana concentrate to be consumed in the marijuana consumption area;
 2. Allow any licensee, employee, or agent of a licensee to consume marijuana or marijuana product, including marijuana concentrate, during the course of a work shift;
 3. Allow a person to consume tobacco or tobacco products in the marijuana consumption area;
 4. Allow a person to bring into or consume in the marijuana consumption area any marijuana or marijuana product that was not purchased at the licensed retail marijuana store;
 5. Sell, offer to sell, or deliver marijuana or marijuana product at a price less than the price regularly charged for the marijuana or marijuana product during the same calendar week;
 6. Sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana product during a set period of time for a fixed price;
 7. Sell, offer to sell, or deliver marijuana or marijuana product on any one day at prices less than those charged the general public on that day;
 8. Encourage or permit an organized game or contest on the licensed premises that involves consuming marijuana or marijuana product or the awarding of marijuana or marijuana product as prizes; or
 9. Advertise or promote in any way, either on or off the premises, a practice prohibited under this section.

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C. A marijuana consumption area shall have the following characteristics:

1. The consumption area shall be isolated from the other areas of the retail marijuana store, separated by walls and a secure door, and shall have access only from the retail marijuana store;
2. A smoke-free area for employees to monitor the marijuana consumption area; and
3. If consumption by inhalation or smoking is to be permitted, a ventilation system that directs air from the marijuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line.

D. An applicant for an on-site consumption endorsement must file an application on a form prescribed by the municipal clerk, including the documents and endorsement fee set out in this section, which must include:

1. The applicant's operating plan, in a format the planning department prescribes, describing the retail marijuana store's plan for:
 - a. Security, in addition to what is required for a retail marijuana store, including:
 - i. Doors and locks;
 - ii. Windows;
 - iii. Measures to prevent diversion; and
 - iv. Measures to prohibit access to persons under the age of 21;
 - b. Ventilation, if consumption by inhalation or smoking is to be permitted, ventilation plans must be:
 - i. Signed and approved by a licensed mechanical engineer;
 - ii. Designed so there is no visible smoke in the retail area or at the lot line; and

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- iii. Consistent with all applicable building codes and ordinances.
 - c. If any of the marijuana consumption area is outdoors, compliance with sections 21.05.055 or 21.50.420, as applicable.
 - d. Monitoring overconsumption;
 - e. Controlling unconsumed marijuana, by disposal or by packaging in accordance with section 10.80.345; and
 - f. Preventing introduction into the marijuana consumption area of marijuana or marijuana products not sold by the retail marijuana store, and marijuana or marijuana products not sold specifically for on-site consumption.
- E. The retail marijuana store holding an on-site consumption endorsement under this chapter shall:
1. Destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana consumption area in accordance with the operating plan and section 10.80.740;
 2. Monitor patrons in the marijuana consumption area at all times, including for overconsumption;
 3. Display all warning signs required under sections 10.80.360 and 10.80.365 within the marijuana consumption area, visible to all consumers;
 4. Provide written materials containing marijuana dosage and safety information for each type of marijuana or marijuana product sold for consumption in the marijuana consumption area at no cost to patrons;
 5. Package and label all marijuana or marijuana product sold for consumption on the premises as required in section 10.80.345; and
 6. Comply with any conditions imposed by the assembly or placed on the endorsement by the State Marijuana Control Board.
- F. The holder of an on-site consumption endorsement must apply for renewal annually at the time of renewal of the underlying retail marijuana store license.

1 **Section 16.** Anchorage Municipal Code section 10.80.310 is hereby amended to
 2 read as follows (*the remainder of the section is not affected and therefore not set*
 3 *out*):

4 **10.80.310 Acts prohibited at retail marijuana store.**

5 ***

6 ***

7 ***

8 B. A licensed retail marijuana store may not:

- 9 1. Conduct business on or allow a consumer to access the retail
 10 marijuana store's licensed premises during times prohibited by
 11 title 21;
- 12 2. Allow a person to consume marijuana or a marijuana product
 13 on the retail marijuana store's licensed premises except as
 14 authorized by a municipal endorsement;
- 15 3. Allow overconsumption of marijuana or marijuana product in an
 16 authorized on-site consumption area;
- 17 4. Offer or deliver to a consumer, as a marketing promotion or for
 18 any other reason,
- 19 a. Free marijuana or marijuana product, including a
 20 sample; or
- 21 b. Alcoholic beverages, free or for compensation; or [.]
- 22 5. Allow intoxicated or drunken persons to enter the licensed
 23 premises.

24 (AO No. 2016-16(S), § 1, 2-9-16)

25 **Section 17.** Anchorage Municipal Code section 10.80.355 is hereby amended to
 26 read as follows:

27 **10.80.355 Limit on quantity sold.**

28 A. A retail marijuana store may not sell to any one person per day [IN A
 29 SINGLE TRANSACTION]:

- 30 1. More than one ounce of usable marijuana;
- 31 2. More than seven grams of marijuana concentrate for inhalation;
 32 or
- 33 3. Marijuana or marijuana products, if the total amount of
 34 marijuana, marijuana products, or both marijuana and
 35 marijuana products sold contains more than 5,600 milligrams of
 36 THC.

37 B. These limits include marijuana or marijuana product sold for on-site

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consumption under section 10.80.306A.2.

(AO No. 2016-16(S), § 1, 2-9-16)

Section 18. Anchorage Municipal Code section 10.80.805 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.805 Report or notice of violation.

A. The municipal clerk, a sworn Peace Officer, a Code Enforcement Officer, or a Health Department Officer may issue an inspection report, an advisory report, or a notice of violation before taking action to initiate suspension or revocation of a marijuana establishment license or endorsement.

*** **

(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 19, 4-25-17)

Section 19. Anchorage Municipal Code section 10.80.810 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.810 Suspension or revocation of license or endorsement, certain civil fines.

A. The municipal clerk will suspend or revoke a marijuana establishment license or endorsement issued under this chapter if any licensee is convicted of violating any provision of law listed in section 10.80.010D.2., or if the municipal clerk becomes aware that a licensee did not disclose a previous such conviction.

B. The assembly may, in addition to other provisions of this chapter setting forth grounds for such action, suspend, revoke, or otherwise restrict a license or endorsement issued under this chapter for the reasons set forth in this section.

*** **

(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 20, 4-25-17)

Section 20. Anchorage Municipal Code section 10.80.815 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

10.80.815 Suspension or revocation based on act of employee.

A. If, in a proceeding to suspend or revoke a marijuana establishment license under sections 10.80.810 and 10.80.820, or an endorsement, evidence shows that an employee or agent of a licensed marijuana establishment was responsible for an act that would justify suspension or revocation of the marijuana establishment's license if committed by

1 a licensee, the Administrative Hearings Officer may find that licensee
2 knowingly allowed the act if:

3
4 *** **

5 (AO No. 2016-16(S), § 1, 2-9-16)
6

7 **Section 21.** Anchorage Municipal Code section 10.80.821 is hereby amended to
8 read as follows:

9 **10.80.821 Procedure for action on license or endorsement**
10 **suspension or revocation.**

11
12 Except for the municipal clerk's action set forth in subsection
13 10.80.810A. or section 10.80.825, a proceeding to suspend or revoke a
14 license or endorsement must be initiated by service of an accusation on the
15 marijuana establishment in compliance with section 3.60.025 and conducted
16 in accordance with chapter 3.60 of the Anchorage Municipal Code.

17
18 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 21, 4-25-17)
19

20 **Section 22.** Anchorage Municipal Code section 10.80.825 is hereby amended to
21 read as follows (*the remainder of the section is not affected and therefore not set*
22 *out*):

23 **10.80.825 Summary suspension to protect public health, safety, or**
24 **welfare.**

25
26 A. If the municipal clerk finds that a person holding a marijuana
27 establishment license or endorsement has acted and appears to be
28 continuing to act in a way that constitutes an immediate threat to the
29 public health, safety or welfare, the municipal clerk may issue an order
30 immediately suspending the license of that person, and ordering an
31 immediate stop to the activity that constitutes the threat to the public
32 health, safety, or welfare.

33 *** **

34 (AO No. 2016-16(S), § 1, 2-9-16)
35

36 **Section 23.** Anchorage Municipal Code section 10.80.846 is hereby amended to
37 read as follows:

38
39 **10.80.846 Appeal.**

40
41 A person aggrieved by a final decision of the Assembly suspending,
42 revoking, or restricting a license or endorsement under this chapter, or
43 imposing a civil fine, may appeal to the superior court.

44
45 (AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-71(S) , § 23, 4-25-17)
46

47 **Section 24.** Anchorage Municipal Code section 10.80.850 is hereby amended to
48 read as follows:

49
50 **10.80.850 Surrender or destruction of license or endorsement.**

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A license or endorsement issued under this chapter must be surrendered to the municipal clerk, sworn Peace Officer, Code Enforcement Officer, or Health Department Officer if the municipal clerk or Administrative Hearings Officer so orders. A license or endorsement issued under this chapter must be surrendered not later than ten days after the marijuana establishment loses or vacates the licensed premises. If a license is destroyed, the marijuana establishment shall promptly notify the municipal clerk.

(AO No. 2016-16(S), § 1, 2-9-16)

Section 25. Anchorage Municipal Code section 10.80.990 is hereby amended to add the following definitions (*the remainder of the section is not affected and therefore not set out*) [NOTE to Code Revisor: remove numbering of each defined term in this section, and add the following new definitions inserted in alphabetical order]:

10.80.990 Definitions.

*** *** ***

B. In this chapter, unless the context requires otherwise:

*** *** ***

"consumption" has the meaning given in AS 17.38.900(3);

"drunken person" has the meaning given in AS 04.21.080(b)(9);

"freestanding" has the meaning given in AS 18.35.301(i)(1);

"intoxicated" has the meaning given in AS 11.81.900(b)(35);

"marijuana consumption area" means a designated area within the licensed premises of a retail marijuana store that holds a valid on-site consumption endorsement, where marijuana and marijuana products, excluding marijuana concentrates, may be consumed.

"overconsumption" means, in relation to consumption of marijuana or marijuana product, (1) more than the amount allowed for on-site consumption under section 10.80.306A.2., or (2) consumption of an amount that results in the person being affected by marijuana or marijuana products to the point where the person's physical or mental conduct is substantially impaired.

"retail marijuana store premises" means an area encompassing both the retail marijuana store and any marijuana consumption area.

*** *** ***

(AO No. 2016-16(S), § 1, 2-9-16 ; AO No. 2017-95(S), § 8, 5-1-17; AO No. 2017-150 , § 2, 10-11-17)

1 **Section 26.** Anchorage Municipal Code section 14.60.030 is hereby amended to
 2 read as follows (*the remainder of the section is not affected and therefore not set*
 3 *out*):

4 **14.60.030 - Fine schedule.**

5 The fine schedule under this chapter is as follows:

Code Section	Offense	Penalty/Fine
*** *** ***		
<u>10.80.306B.</u>	<u>Violate prohibitions for on-site marijuana consumption areas</u>	<u>300.00</u>
<u>10.80.306E.</u>	<u>Required on-site operating requirements</u>	<u>300.00</u>
*** *** ***		
10.80.310B.2.	Allow consumption on retail premises <u>with no endorsement</u>	500.00
<u>10.80.310B.3.</u>	<u>Allow overconsumption while in on-site consumption area</u>	<u>300.00</u>
10.80.310B.4[3].	Offer/deliver alcohol or free marijuana	100.00
<u>10.80.310B.5.</u>	<u>Allow drunken or intoxicated person to enter premises</u>	<u>300.00</u>
*** *** ***		

9
 10 (AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-
 11 134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95;
 12 AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S),
 13 § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96;
 14 AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-
 15 137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-
 16 97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO
 17 No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-
 18 13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO
 19 No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO
 20 No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-
 21 4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1,
 22 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO
 23 No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-
 24 1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-

1 1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO
 2 No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No.
 3 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-
 4 54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07;
 5 AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-
 6 84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-
 7 09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO
 8 No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39,
 9 § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-
 10 11; AO No. 2011-59, § 10, 5-24-11; AO No. 2011-106(S), § 3, 11-8-11; AO
 11 No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No. 2012-10, § 1, 1-31-12;
 12 AO No. 2012-77, § 29, 8-7-12; AO No. 2013-109(S-1), § 5, 12-3-13; AO No.
 13 2013-130(S-1), § 1, 1-14-14; AO No. 2014-42, § 31, 6-21-14; AO No. 2014-
 14 85, § 4, 8-5-14; AO No. 2014-110(S), § 2, 9-9-14; AO No. 2014-137(S), § 3,
 15 11-18-14; AO No. 2015-23(S), § 20, 3-24-15; AO No. 2015-48, § 16, 5-14-
 16 15 ; AO No. 2015-54, § 1, 5-26-15 ; AO No. 2015-65, § 4, 6-9-15 ; AO No.
 17 2015-111(S-1), § 2, 1-1-16 ; AO No. 2016-16(S), § 4, 2-9-16 ; AO No. 2016-
 18 76(S), § 7, 7-12-16 ; AO No. 2016-81(S), § 4, 8-25-16 ; AO No. 2016-83(S),
 19 § 9, 7-26-16 ; AO No. 2016-82 , § 3, 8-9-16; AO No. 2016-116 , § 2, 10-18-
 20 16; AO No. 2016-115(S) , § 2, 11-15-16; AO No. 2016-124(S) , § 11, 12-20-
 21 16; AO No. 2017-26 , § 2, 5-1-17; AO No. 2017-29(S) , § 61, 6-1-17; AO No.
 22 2017-30 , § 3, 3-21-17; AO No. 2017-31(S) , § 5, 5-26-17; AO No. 2017-
 23 119(S) , § 4, 11-9-17; AO No. 2017-101 , § 2, 2-5-18; AO No. 2017-161(S) ,
 24 § 3, 2-27-18)

25
 26 **Section 27.** This ordinance shall be effective immediately upon passage and
 27 approval by the Assembly.

28
 29 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
 30 _____, 2019.

31
 32
 33
 34
 35 _____
 Chair

36 ATTEST:
 37
 38
 39 _____
 40 Municipal Clerk
 41



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 344 - 2019

Meeting Date: May 7, 2019

1 **From:** MAYOR

2
3 **Subject:** AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING
4 ANCHORAGE MUNICIPAL CODE TITLE 21, SECTIONS
5 21.03.020C., 21.03.105, 21.05.055, AND 21.07.090E., AND
6 AMENDING "OLD CODE" SECTIONS 21.15.030 AND 21.50.420,
7 TO ESTABLISH LAND USE REGULATIONS FOR ON-SITE
8 CONSUMPTION OF MARIJUANA ENDORSEMENTS
9 ASSOCIATED WITH A MARIJUANA RETAIL SALES
10 ESTABLISHMENT; AND WAIVING REVIEW OF THESE
11 AMENDMENTS BY THE PLANNING AND ZONING COMMISSION.
12
13

14 This ordinance will establish land use regulations for on-site marijuana
15 consumption endorsements associated with a marijuana retail sales
16 establishment's special land use permit. A team of personnel from the Planning
17 Department, Municipal Clerk's Office, Office of Economic and Community
18 Development, Department of Law, and Assembly Counsel's Office worked
19 collaboratively to produce this ordinance, including revisions after presenting it to
20 the Assembly's Community and Economic Development Committee at three
21 separate meetings. This ordinance is proposed in conjunction with another
22 proposed ordinance amending the Municipality's licensing of marijuana
23 establishments provisions in Chapter 10.80 of the Anchorage Municipal Code.
24

25 The following amendments to Title 21 of the Anchorage Municipal Code are
26 proposed:
27

- 28 • Establishment of public involvement standards by requiring an applicant to
29 hold a community meeting prior to submitting an application, and also
30 establishes public hearing notice requirements for on-site marijuana
31 consumption endorsements.
32
- 33 • Clarification on the application submittal requirements for an on-site
34 marijuana consumption endorsement.
35
- 36 • Establishment of the decision-making body for modifications which involve
37 the creation or modification of an on-site marijuana consumption area within
38 a marijuana retail sales establishment. The Assembly decides
39 modifications that create new on-site consumption areas or major

- 1 modifications to them, the Planning Director decides minor modifications.
2
3 • Outline of due process should an endorsement be suspended or revoked.
4
5 • Clarification that marijuana consumption is prohibited within a marijuana
6 manufacturing facility, cultivation facility, and testing facility.
7
8 • Establishment of use-specific standards for marijuana consumption areas
9 to minimize adverse impacts to adjoining properties.
10
11 • Establishment of an off-street parking requirement for marijuana
12 consumption areas that is identical to coffee shops, restaurants, and bars.
13
14 • Establishment of compatible and/or identical language within "old" code to
15 regulate on-site marijuana consumption areas within the downtown districts.
16

17 Any work will be absorbed by current staffing and resources, and there are no
18 costs by only amending the Code. Therefore, a summary of economic effects is
19 not included.
20

21 **THE ADMINISTRATION RECOMMENDS APPROVAL.**
22

23 Prepared by: Ryan Yelle, Senior Planner, Planning Department
24 Approved by: Michelle McNulty, Director, Planning Department
25 Concur: Christopher M. Schutte, Director
26 Office of Economic and Community Development
27 Concur: Deitra L. Ennis, Acting Municipal Attorney
28 Concur: William D. Falsey, Municipal Manager
29 Respectfully submitted: Ethan A. Berkowitz, Mayor

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: OECD
For reading: May 7, 2019

**ANCHORAGE, ALASKA
AO No. 2019-67**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE TITLE 21, SECTIONS 21.03.020C., 21.03.105, 21.05.055,**
3 **AND 21.07.090E., AND AMENDING "OLD CODE" SECTIONS 21.15.030 AND**
4 **21.50.420, TO ESTABLISH LAND USE REGULATIONS FOR ON-SITE**
5 **CONSUMPTION OF MARIJUANA ENDORSEMENTS ASSOCIATED WITH A**
6 **MARIJUANA RETAIL SALES ESTABLISHMENT; AND WAIVING REVIEW OF**
7 **THESE AMENDMENTS BY THE PLANNING AND ZONING COMMISSION.**
8

9
10 **THE ANCHORAGE ASSEMBLY ORDAINS:**

11
12 **Section 1.** Anchorage Municipal Code section 21.03.020 is hereby amended to
13 read as follows (*the remainder of the section is not affected and therefore not set*
14 *out*):
15

16 **21.03.020 - Common procedures.**

17 *** **

18 **C. Community meetings.**

19 *** **

20 **2. Applicability**

21 **a. Types of Applications**

22 The applicant shall hold a community meeting for any of
23 the following types of applications.

- 24
- 25 i. Rezonings (zoning map amendments);
- 26
- 27 ii. Subdivisions, except for abbreviated plats;
- 28
- 29 iii. Conditional uses;
- 30
- 31 iv. Marijuana—special land use permit, associated
32 endorsements, and modifications requiring a
33 public hearing;
- 34
- 35 v. Institutional master plans;
- 36
- 37 vi. Major site plan review; and
- 38
- 39 vii. Public facility site selection.

40
41 *** **

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TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS

Type of Application or Procedure	Section	Notice Required			
		Written (Mailed)	Published	Posted	Community Council
Alcohol—Special Land Use Permit	21.03.040	✓	✓	✓	✓
Appeals to Board of Adjustment	21.03.050A.	✓	✓	-	-
Appeals to ZBEA	21.03.050B.	✓	✓	-	✓
Comprehensive Plan Amendments, Substantive	21.03.070C.	-	✓	-	✓
Conditional Uses	21.03.080	✓	✓	✓	✓
<u>Marijuana - Special Land Use Permit and associated endorsements</u>	21.03.105	✓	✓	✓	✓
Marijuana – Modification of a Special Land Use Permit Requiring Public Hearing	21.03.105C.	✓	✓	✓	✓
Marijuana - Variances	21.03.105C.	✓	✓	✓	✓
Master Plan, Area	21.09.030E.	✓	✓	✓	✓
Master Plan, Development	21.09.030F.	✓	✓	✓	✓

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-131, 1-12-16; AO 2015-142(S-1), 6-21-16; AO 2016-3(S), 2-23-16; AO 2017-75, 5-9-2017; A) 2017-175(S), 2-13-18)

Section 2. Anchorage Municipal Code section 21.03.105 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.03.105 Marijuana—Special land use permit.

*** *** ***

C. Application and review procedure.

*** *** ***

3. Application Submittal

Applications for a municipal marijuana license, [AND A] special land use permit for marijuana, and any associated endorsements, shall be submitted to the municipality on a form provided by the municipality, after application to the state marijuana control board has been accepted. Applications shall contain the information required in Title 10, and the following:

a. For all marijuana establishments:

- i. A site plan to scale and dimensioned, depicting the building footprint, parking areas, vehicle**

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circulation and driveways, pedestrian facilities, lighting, landscaping, loading facilities, freestanding sign location(s), required open space, snow storage area or alternative strategy, trash receptacle location and screening detail, [AND] fences, and outdoor marijuana consumption areas.

*** *** ***

9. Modifications

*** *** ***

a. Modifications to the licensed establishment submitted by the licensee for the following changes shall be considered by the assembly after a public hearing noticed in accordance with subsection 21.03.020H.:

- i. Any increase to the gross square footage of the licensed premises area of more than 20 percent.
- ii. Any second or subsequent change to the gross square footage of the licensed premises of any amount.

*** *** ***

iv. For marijuana retail sales establishments:

(A) If within 500 feet of a residential zoning district (measured lot line to lot line) any expansion of hours of operation and/or any increase in the number of outdoor light fixtures on the site that have the potential to negatively affect nearby residential areas, as determined by the director.

(B) Any increase in the retail sales area (area of the store open to the public) of more than 20 percent of the approved area, within the approved licensed premises area.

(C) The addition of an indoor or outdoor marijuana consumption area, or an increase of the existing marijuana consumption area of more than 20 percent, or the addition of marijuana consumption by inhalation or smoking not previously approved by the assembly.

*** *** ***

(AO 2016-3(S), 2-23-16; AO 2016-161, 1-10-17; AO 2017-55, 4-11-17; AO 2017-175(S), 2-13-18)

Section 3. Anchorage Municipal Code section 21.05.055 is hereby amended to

1 read as follows (*the remainder of the section is not affected and therefore not set*
2 *out*):

3
4 **21.05.055 - Marijuana establishments.**

5 *** **

6 A. Use-specific standards applicable to all marijuana establishments.

7
8 1. Licenses Required

9 a. All marijuana establishments are required to obtain a
10 license and associated endorsements from the S[S]tate
11 of Alaska Marijuana Control Board, and a license and
12 associated endorsements from the municipality of
13 Anchorage, before beginning operations.

14
15 b. If at any time either the state license or the municipal
16 license is suspended or revoked, the establishment shall
17 immediately cease operations, until such time as both
18 required licenses and the land use approval are valid. If
19 an endorsement is suspended or revoked, the
20 establishment shall immediately cease operations
21 authorized by that endorsement until such time it is valid.

22
23 c. Licenses and endorsements from the municipality of
24 Anchorage shall be issued in accordance with chapter
25 10.80.

26 *** **

27 6. Ventilation. The premises shall be ventilated so that the odor of
28 marijuana cannot be detected by a person with a normal sense
29 of smell at any lot line of the subject property.

30 *** **

31 B. Principal uses.

32 1. Marijuana Cultivation Facility

33 *** **

34 b. Use-Specific Standards

35 *** **

36 iv. Marijuana consumption is prohibited.

37
38 2. Marijuana Manufacturing Facility

39 *** **

40 b. Use-Specific Standards

41 *** **

42 iii. Marijuana consumption is prohibited.

43
44 iv.[iii.] "Industrial hygienist" as used in this section, shall
45 mean an individual who meets the definition for
46 "industrial hygienist" set forth in Alaska Statute
47 45.50.477(a). "Professional engineer" as used in
48 this section, shall mean an individual who meets
49 the definition for "professional engineer" set forth
50 in Alaska Statute 08.48.341.

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3. Marijuana Testing Facility

*** **

b. Use-Specific Standards

*** **

ii. Marijuana consumption is prohibited.

4. Marijuana Retail Sales Establishment

a. Definition

An establishment that receives marijuana and/or marijuana products from a marijuana cultivation facility or a marijuana manufacturing facility, for sale to the public.

b. Use-Specific Standards

i. Establishments shall be closed to the public between the hours of midnight and 8:00 a.m. each day.

ii. Establishments shall not have accessory drive-throughs.

iii. No outdoor storage or display of products is permitted.

iv. Assembly issuance of special land use permits for marijuana establishments, [AND THE] related licensing, associated endorsements, and regulation of marijuana establishments under AMC title 10 require engagement by the community council. The owner/operator of a marijuana retail sales establishment is encouraged to engage in neighborhood responsibility planning with neighborhood residents and other businesses. Where available, this may be done in conjunction with the community council. A copy of an informal memorandum of understanding (MOU) outlining the elements confirmed with the community council may be included with the application. In the absence of a MOU, the applicant may include applicant's report on the status of community engagement efforts.

v. Marijuana consumption areas, as defined by section 10.80.990, shall comply with all applicable characteristics of section 10.80.306C.

vi. All outdoor marijuana consumption areas shall be screened from view on all sides with a screening fence or wall.

(AO No. 2016-3(S), 2-23-16; AO 2016-35, 4-12-16; AO 2016-144(S), 12-20-16; AO 2017-55, 4-11-17; AO 2017-175(S), 2-13-18)

Section 4. Anchorage Municipal Code section 21.07.090 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.07.090 - Off-street parking and loading.

*** *** ***

E. Off-street parking requirements.

*** *** ***

TABLE 21.07-4: OFF STREET PARKING SPACES REQUIRED

TABLE 21.07-4: OFF-STREET PARKING SPACES REQUIRED ("du" = dwelling unit; "sf" = square feet; "gfa" = gross floor area)			
Use Category	Use Type	Minimum Spaces Required	See Loading Subsection 21.07.090G.

MARIJUANA USES			
Marijuana Uses	Marijuana cultivation facility	1 per 1,000 sf gfa	X
	Marijuana manufacturing facility	1 per 400 sf gfa	X
	Marijuana testing facility	1 per 350 sf gfa	
	Marijuana retail sales establishment	1 per 350 sf gfa 1 per 100 sf gfa for marijuana consumption area(s)	X

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2014-58, 5-20-14; AO 2015-82, 7-28-15; AO 2015-100, 10-13-15; AO 2015-131, 1-12-16; AO 2016-3(S), 2-23-16; AO 2017-55, 4-11-17; AO 2017-176, 1-9-18)

Section 5. Anchorage Municipal Code ("Old Code") section 21.15.030 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.15.030 - Approval of site plans and conditional uses.

*** *** ***

C. Application. With its application the applicant shall submit the following:

*** *** ***

2. The following maps, drawn on a stable base reproducible mylar, at the scale specified in the following table:

*** *** ***

b. A site plan, showing:

*** *** ***

(7) Outdoor marijuana consumption areas.

*** *** ***

G. Modification of final approval.

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4. For modifications of approved marijuana retail sales establishments, the planning director may approve all modifications except for those listed below, which shall be processed in accordance with subsection G.2. above. The director may require a proposed change to be brought to the assembly if the director determines the change to be significant and warrant assembly consideration. Upon denial by the director, a licensee may request that the director's decision be vacated and the unchanged modification application be considered de novo by the assembly. The director shall provide a quarterly report to the assembly regarding changes requested and approved administratively.

*** *** ****

f. The addition of an indoor or outdoor marijuana consumption area, or an increase of the existing marijuana consumption area of more than 20 percent, or the addition of marijuana consumption by inhalation or smoking not previously approved by the assembly.

*** *** ***

(GAAB 21.05.060, 21.05.080; AO No. 77-355; AO No. 78-231; AO No. 79-34; AO No. 79-214; AO No. 82-22(S); AO No. 82-49; AO No. 84-70; AO No. 85-21; AO No. 85-72; AO No. 85-91, 10-1-85; AO No. 86-19; AO No. 86-155; AO No. 87-121, 11-27-87; AO No. 88-5(S); AO No. 94-62, § 1, 4-12-94; AO No. 95-129, § 5, 3-12-96; AO No. 2004-6, § 1, 10-1-03; AO No. 2004-108(S), § 1, 10-26-04; AO No. 2005-19, § 1, 3-1-05; AO No. 2006-90(S), § 1, 6-20-06; AO No. 2008-15(S-2), § 3, 8-19-08; AO No. 2016-3(S), § 19, 2-23-16; AO No. 2016-161, § 2, 1-10-17)

Section 6. Anchorage Municipal Code ("Old Code") section 21.50.420 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.50.420 - Conditional use standards—Marijuana retail sales establishments.

A. Licenses Required

1. All marijuana establishments are required to obtain a license and associated endorsements from the State of Alaska Marijuana Control Board, and a license and associated endorsements from the municipality of Anchorage, before beginning operations.
2. If at any time either the state license or the municipal license is suspended or revoked, the establishment shall immediately cease operations, until such time as both required licenses and the land use approval are valid. If an endorsement is suspended or revoked, the establishment shall immediately cease operations authorized by that endorsement until such

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time it is valid.

3. Licenses and endorsements from the municipality of Anchorage shall be issued in accordance with chapter 10.80.

B. Conditional use permit required.

1. All marijuana retail sales establishments are permitted only by conditional use. Associated endorsements shall be reviewed and determined as part of the conditional use application. Such conditional use shall only require the approval of the assembly in accordance with section 21.15.030. The provisions of section 21.15.005 which pertain to notice and public hearing shall apply.

*** **

C. *Use-specific standards for marijuana retail sales establishments.* All marijuana retail sales establishments shall meet the following standards:

*** **

5. *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.

*** **

13. Marijuana consumption. Marijuana consumption areas as defined by section 10.80.990, shall comply with all applicable characteristics of section 10.80.306C. All outdoor marijuana consumption areas shall be screened from view on all sides with a screening fence or wall.

(AO No. 2016-3(S), § 24, 2-23-16; AO No. 2016-144(S), § 3, 1-1-17; AO No. 2017-55, § 15, 4-11-17; AO No. 2017-175(S), § 6, 2-13-18)

Section 7. Notwithstanding Anchorage Municipal Code section 21.03.210, this ordinance and its text amendments to Title 21 shall not require Planning and Zoning Commission review.

Section 8. This ordinance shall be effective immediately upon passage and approval by the Assembly.

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

Chair of the Assembly

ATTEST:

Municipal Clerk

On-Site Consumption of Marijuana Ordinances



Image source: inyolasvegas.com

Drafted by:
Clerk's Office
Assembly Counsel
Municipal Attorney
Planning Department
Office of Economic & Community Development

May 10th, 2019

AO 2019-66 (Licensing ordinance)

- Section 1:* prohibits on-site consumption without endorsement (O-SCE)
- Section 2:* adds “renewal” and “transfer” as application types
- Section 3:* codifies Planning Department as the permit intake
- Section 4:* adds O-SCE to application procedures
- Section 5:* adds O-SCE to renewal and expirations
- Section 6:* adds O-SCE to transfers
- Section 7:* adds O-SCE to protests
- Section 8:* adds O-SCE to public participation
- Section 9:* requires public hearing for O-SCE + 1,000 foot public notice
- Section 10:* adds O-SCE to procedures for action
- Section 11:* adds O-SCE to procedures for denial
- Section 12:* adds O-SCE to procedures for appeal

AO 2019-66 (Licensing ordinance)

- Section 13:* establishes \$0 license fee for O-SCE
- Section 14:* adds O-SCE to marijuana retail store privileges
- Section 15:* establishes eligible products for O-SCE (edibles only)
 - establishes prohibitions for retail stores with O-SCE
 - establishes consumption area characteristics
 - establishes criteria for O-SCE operating plan
 - requires packaging, labeling, destruction, and annual renewal
- Section 16:* prohibits overconsumption and allowing intoxicated persons to enter
- Section 17:* establishes limits on daily quantity sold
- Section 18:* adds O-SCE to report or notice of violations
- Section 19:* adds O-SCE to suspension or revocation
- Section 20:* adds O-SCE to suspension or revocation based on actions of employee

AO 2019-66 (Licensing ordinance)

Section 21: adds O-SCE to suspension or revocation

Section 22: adds O-SCE to summary suspension

Section 23: adds O-SCE to appeals

Section 24: adds O-SCE to surrender or destruction of license

Section 25: adds several new definitions

Section 26: adds O-SCE violations to fine schedule



AO 2019-67 (Title 21 ordinance)

- Section 1:* adds O-SCE to required community meetings
- Section 2:* adds O-SCE to Special Land Use Permits, application & modification
- Section 3:* adds use specific standards for O-SCE in retail stores
O-SCE prohibited at cultivation, manufacturing, and testing facilities
- Section 4:* adds 1 parking space per 100 sf gfa for O-SCE
- Section 5:* adds O-SCE to approval of site plans and conditional uses
- Section 6:* requires conditional use permit for O-SCE, conditional use standards
- Section 7:* waives review by Planning & Zoning Commission

Proposed On-Site Consumption Basics

- Marijuana consumption will only be allowed within a licensed marijuana retail sales establishment
- **Consumable products are restricted to edibles only.**
 - *Consumption by inhalation or smoking is not included at this time.*
- Product must be purchased by, distributed to, and consumed by customers only within the consumption area.
- Any product left unconsumed must be properly repackaged before it leaves the consumption area.
- Other consumable products not containing marijuana or alcohol can be sold within the consumption area (i.e. coffee, water)
- Marijuana Handler Permit required for all employees and licensees
 - *Provides training to identify when someone is impaired*

Image Source: leafly.com



On-Site Consumption Area

- Marijuana consumption will only be allowed within a licensed marijuana retail sales establishment.
- Must be isolated from other areas of the retail store.
 - Separated by walls and a secure door
 - Only accessible from the retail store
- Must provide a smoke-free area for employees to monitor the area.
 - Employees must monitor for overconsumption, outside products
- A separate ventilation system to direct air to the outside, with filters to remove visible smoke and eliminate odor at the property line.



On-Site Consumption Licensing Special Land Use Permit Process (*New*)



On-Site Consumption Licensing Special Land Use Permit Process (*Existing*)

State Endorsement Application Deemed Complete
& Community Meeting is Held



Modification Application Submitted to Planning
Department



Planning Department Staff Report Drafted



Report Supplied to the Assembly for Decision



Resolve Conditions



Final Inspection(s)



License and SLUP Endorsement Issued



Begin Operations



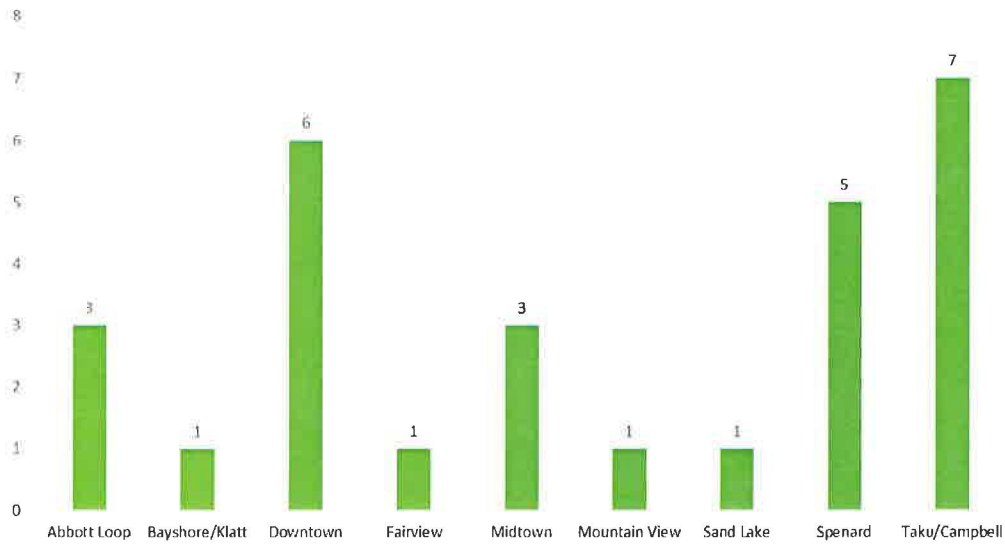
Image Source: leafscience.com



Image Source: leafscience.com

Retail Establishments (*Approved to Operate*) by Community Council

of Marijuana Retail Sales Establishments by Community Council



Status of Marijuana in Anchorage

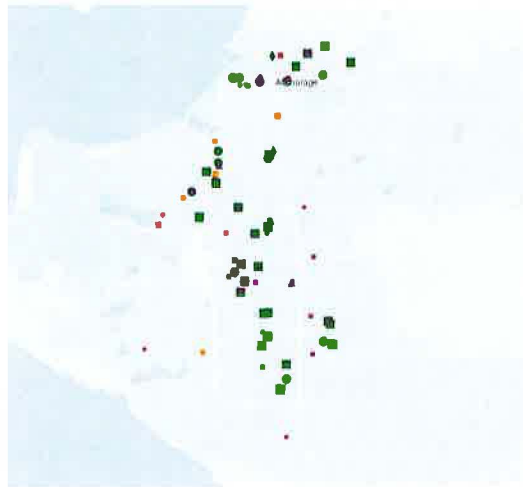
- Currently 142 total facilities within the MOA in various stages
- 67 facilities are Approved to Operate which include:
 - 28 retail shops
 - 11 manufacturing facilities
 - 27 cultivation facilities
 - 1 testing facility

Legend

Marijuana Facility Permit Status

- Proposed: Cultivation
- ▲ Proposed: Manufacturing
- ◆ Proposed: Retail
- ◆ Proposed: Testing
- Conditional: Cultivation
- ▲ Conditional: Manufacturing
- ◆ Conditional: Retail
- ◆ Conditional: Testing
- Approved: Cultivation
- ▲ Approved: Manufacturing
- ◆ Approved: Retail
- ◆ Approved: Testing

Anchorage Marijuana Establishments Map





Alaska Smoke-Free Indoor Workplaces

Only half of Alaska’s population is covered by a current smoke-free workplace law. A statewide smoke-free indoor workplaces law would update existing Alaska state law to provide comprehensive protection from secondhand smoke for employees and customers in all enclosed workplaces and places of public accommodation.

This law would prohibit smoking in all indoor workplaces, businesses and public spaces. It would require that those who choose to smoke “take it outside” in order to better protect the health and safety of all workers, patrons and visitors from the disease and premature death caused by secondhand smoke. No one should have to choose between their health and a good job. Due to limitations in local authority, it is time for a statewide law.

A statewide law would create a standard with regard to secondhand smoke that puts all businesses and workplaces across Alaska on a level playing field.

Everyone has the right to breathe smoke-free air.

Smoke-Free Laws Save Lives

There is conclusive scientific evidence that secondhand smoke causes heart disease.

- Studies of at least 10 communities published in peer-reviewed journals have proven a decrease in heart attack incidence after the implementation of smoke-free laws.²
- Helena, MT enjoyed a 40% decrease in heart attacks among Helena residents while smoke-free laws were in place.²
- Heart attack hospitalizations fell by 41% in Pueblo, CO after a comprehensive smoke-free law was enacted. This decrease was sustained over a three-year-period.²

Anchorage Experiences

Smoke-Free Laws Benefit Businesses

Using employment data on Anchorage bars from 2001 to 2010, a report commissioned by the Alaska Department of Health and Social Services Tobacco Prevention and Control Program (2011) found:

Bar employment within the Municipality was 10% higher than it would have been if the smoke-free law had not been implemented.

The Institute of Social and Economic Research interviewed representatives of 50 full-service restaurants and bars in Anchorage on their perceptions of the impact of the smoke free indoor ordinance.

- 76% of restaurant and bars reported very positive or somewhat positive feedback from customers and employees.
- A total of 96% (48/50) of surveyed full-service restaurant and bar representatives identified at least one benefit from the passage of the smoke-free ordinances in Anchorage.
- Most respondents identified a cleaner environment, increased customer and employee satisfaction, improved employee health, more new customers, and lower maintenance costs as benefits of a smoke-free Anchorage.



Alaskans strongly support smoke-free indoor workplaces.

- 4 in 5 Alaska adults support smoke-free workplaces.⁴
- Support for smoke-free indoor workplaces includes a strong majority of current smokers (59%) as well as former smokers (80%).⁴
- Alaskan support for smoke-free indoor workplaces is high throughout all regions of the state, ranging from 75% to 84%.⁴



The Need for Legislation

- Secondhand smoke is a major cause of needless, preventable death, causing or worsening a wide range of adverse health effects, including lung cancer, heart disease, respiratory infections, and asthma. Most significantly, it has been shown that even brief exposure can be dangerous.¹
- Non-smokers exposed to secondhand smoke increase their risk of heart disease and lung cancer by up to 30 percent.¹
- The U.S. Surgeon General's Report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," (2006) concluded that there is no risk-free level of exposure to secondhand smoke; ventilation and other air cleaning technologies cannot eliminate exposure of nonsmokers to secondhand smoke; and that comprehensive smoke-free workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace¹
- Published research in communities before and after adoption of comprehensive smoke-free workplace laws has documented a significant decline in heart disease-related hospital admissions.²

Sources:

1. U.S. Department of Health and Human Services, The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General, HHS, CDC, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.
2. Institute of Medicine (IOM), *Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence*, Washington, DC: The National Academies Press, 2009
3. Institute of Social and Economic Research, University of Alaska Anchorage, The Impact of Anchorage's 2000 and 2007 Smoke-free Policies on Select Restaurants and Bars, 2014.
4. Alaska Tobacco Facts, Update 2013 http://dhss.alaska.gov/dph/Chronic/Documents/Tobacco/PDF/2013_alaska_tobacco_facts.pdf

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Marijuana Threatens Smokefree Protections

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The concern about marijuana interests weakening smokefree air protections is no longer theoretical; it's now happening in practice. The emerging marijuana industry and its proponents are actively working to roll back local and state smokefree air laws to create more spaces where people are allowed to smoke and vape marijuana, which puts the health of workers and the public at risk.

These marijuana industry efforts threaten to erode longstanding, hard-won public health laws that are proven effective at protecting the health of workers and the public from secondhand smoke exposure. Marijuana retailers and industry proponents are aided by the fact that there is too little awareness among the public and local elected officials about the health risks of marijuana exposure and the fact that even though marijuana is now legal, it should not be used in ways that harm other people. The bottom line is that smoke is smoke, and smokefree spaces where people live, work, and play should be free from *all types* of secondhand smoke exposure.

Happening Now Locally

Threats to local smokefree protections in California are indicative of the challenges cities across the country will face from the growing lobbying influence of the commercial marijuana industry.

In San Francisco the Board of Supervisors passed a law in February allowing smoking even in marijuana shops located in multi-use buildings, meaning that secondhand smoke will impact others in the building. Also, because it is marijuana smoking, complaints of secondhand smoke will be outside the jurisdiction of tobacco control program for enforcement. The city also indicated it would waive smokefree laws to allow marijuana smoking at special events.

In Eureka, the City Council voted to allow smoking lounges at marijuana retailers, relying on the tobacco industry's old discredited arguments of ventilation systems, falsely implying that these systems provide some sort of protection from the health hazards of secondhand smoke. ASHRAE, the standard setting body for the HVAC industry, bases its ventilation standard for acceptable indoor air quality on an environment that is completely free from secondhand tobacco smoke, secondhand marijuana smoke, and emissions from electronic smoking devices.

In **Berkeley**, the City Council considered ordinances in March to allow for on-site smoking in marijuana retailers, and to roll back the city's 2007 smokefree parks law to allow smoking and vaping during marijuana special events in a city park that is also used by families. The Council decided to hold off on allowing special events in the park, but will consider on-site consumption, including smoking lounges, in the near future.

At the State Level

Colorado also continues to feel the push of the commercial marijuana industry. The Colorado House of Representatives has passed HB1230 a marijuana “hospitality” bill to broadly allow marijuana smoking and vaping in a wide range of businesses. The result will be many more people exposed to secondhand smoke in workplaces and public places.

California is also facing a statewide threat to smokefree protections as the legislature considers a bill—**AB1465**—that would allow marijuana smoking and vaping in licensed consumption cafes and lounges. This bill could severely undermine smokefree protections throughout the state by permitting marijuana smoking and vaping in venues that are currently required to be smokefree. Many of the regulations governing these smoking venues would be determined by the **California Cannabis Bureau**, so the marijuana industry could further erode protections by *expanding where these smoking venues could be located*.

Voice Your Concerns

We encourage tobacco control programs, public health partners, advocates, and community members to work together and speak up about keeping smokefree air laws strong, including educating your elected officials about why marijuana smoking and vaping should not be allowed in smokefree spaces. Even if you're not talking to your local elected officials, local marijuana industry supporters may be talking to them. Make sure they hear from you too! Remember, *we are not questioning the rights of individuals to use marijuana*. This is about protecting everyone's right to breathe smokefree air.

SHARE
THIS —



HEALTH NEWS

HVAC systems spread thirdhand smoke

Old smoke causes new problems



Men smoke outside a building in New York on June 11, 2009. Spencer Platt / Getty Images file

By Maggie Fox

People all over could be breathing in the lingering particles from years-old smoke breaks, researchers reported Wednesday.

They found evidence that lingering smoke particles – called thirdhand smoke – can be picked up and spread all around buildings by forced air HVAC systems.

That could mean that people need to be aware not only of secondhand smoke from cigarettes and other tobacco products, but might need to worry about people taking smoke breaks outside, or even the residue from years ago.

“For people who do not smoke and avoid areas where smoking occurs, this is an additional involuntary exposure route for environmental tobacco smoke species,” Peter DeCarlo and colleagues at Drexel University in Philadelphia wrote.

Secondhand tobacco smoke has killed at least 2.5 million non-smokers since 1964, the Centers for Disease Control and Prevention estimates. CDC estimates that secondhand smoke causes 7,300 lung cancer deaths a year and 34,000 heart disease deaths.

The effects of thirdhand tobacco smoke are less well-studied, although several groups have warned about potential dangers.

“Over the last decade the concept of thirdhand smoke has emerged as a distinct entity that poses health risks because hazardous compounds in thirdhand smoke include many that are toxic or cancer-causing agents,” the California Consortium for Thirdhand Smoke says on its website.

Any kind of smoke can stick to surfaces and linger deep in fabrics. And the many chemicals in tobacco smoke can react with other chemicals to form new compounds.

“Of special concern relative to thirdhand smoke is that nicotine and other post-combustion tobacco constituents can interact with other environmental chemicals to form new toxicants and carcinogens,” Thomas Northrup of the University of Texas Health Science Center at Houston and colleagues wrote in the journal Public Health Reports.

The Food and Drug Administration warns about thirdhand smoke.

“Like children, dogs and cats spend a lot of time on or near the floor, where tobacco smoke residue concentrates in house dust, carpets and rugs. Then, it gets on their fur,” FDA veterinarian Carmela Stamper said in a statement.

“Dogs, cats and children not only breathe these harmful substances in, but pets can also ingest them by licking their owner’s hair, skin, and clothes.”

DeCarlo’s team ran a test in a single classroom that had been a non-smoking room for years. To their surprise, they found many components of tobacco smoke in the air.

In fact, 29 percent of the particles in the air appeared to have been affected by tobacco smoke residue.

They’re not sure how those particles got there.

“However, the classroom where measurements were performed is 20 meters (yards) down the hall from an outdoor balcony where illicit smoking activity occurs,” they wrote.

Or particles could have been picked up and spread by the building’s HVAC system.

They ran a controlled experiment and found cigarette smoke stuck well to the sides of a Pyrex glass container, and then got picked up again when air was passed through.

Forced air might do that in a building. “HVAC systems recirculate and disperse air throughout the multiple rooms of the zone served by the system, meaning that what happens in one room affects all the other rooms in the zone,” they wrote.

“For this reason, a room located near a smoking area with smoke penetration or a room occupied by a smoker can effectively expose the other occupants served by the same HVAC system to thirdhand smoke, even if they do not share space directly.”



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