THE STATE of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community, and Economic Development

ALCOHOL AND MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

MEMORANDUM

TO:	Marijuana Control Board	DATE:	February 20, 2019
FROM:	Erika McConnell, Director	RE:	Herb'n Legends LLC, #15209, Limited Cultivation Facility

This limited cultivation facility is proposed to be located at the same address (2771 Sherwood Lane) as The Mason Jar #13279, a retail store approved by the board in October of 2018. The Mason Jar #13279 is owned by The Mason Jar LLC, which is owned by Dennis Lavigne 50% and Kenneth Rivest 50%. Herb'n Legends LLC is owned by Herb'n Legends LLC, which is owned by Jacob Miller 50% and Taylyn Miller 50%.

In late October, after the board meeting, we received a comment from a Juneau resident that The Mason Jar and Herb'n Legends were proposed to be located across the street from the Awaken Church at 2770 Sherwood Lane which appeared to be a violation of 3 AAC 306.010, which says, "The board will not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the school ground, the outer boundaries of the recreation or youth center, the main public entrance of the building in which religious services are regularly conducted, or the main public entrance of the correctional facility."

An investigation into the situation produced the following information:

- The Mason Jar #13279 submitted all application documents and were moved to the queue on March 12, 2018.
- The Awaken Church signed a lease at 2770 Sherwood Lane on April 1, 2018.
- Herb'n Legends LLC #15209 submitted all application documents and were moved to the queue on July 2, 2018.
- The City and Borough of Juneau waived its right to protest The Mason Jar #13279 on November 26, 2018.
- From Investigator Johnson: "The church is located in a multi-unit building almost directly across the street from the retail shop. Measuring straight across, crossing the road against traffic (not at a crosswalk) it is 286' door to door. Measuring the distance from the church's door, down the street to the nearest intersection, crossing at a stop sign, then back to the door of the retail shop, the distance is 1033'."

- An inquiry to the City and Borough of Juneau as to whether or not they evaluated the separation distance for compliance with 3 AAC 306.010 was answered with the information that the Juneau Assembly had waived the right to protest for The Mason Jar #13279 on the consent agenda with no discussion. It is unclear whether or not the CBJ looks at 3 AAC 306.010.
- The City and Borough of Juneau waived its right to protest Herb'n Legends LLC #15209 on February 11, 2019.

Because the application for The Mason Jar #13279 was fully submitted before the Awaken Church had leased the property across the street, I did not bring their application back to the board. The Mason Jar license was issued on November 28, 2018, and became effective on December 11, 2018.

The applicant was notified on December 7 that their proximity to the church would be brought to the board's attention.

To my knowledge, the board has never clarified how the separation distance required in 3 AAC 306.010 is to be measured.

The City and Borough of Juneau's code regarding pedestrian crossings is as follows:

ARTICLE IV. - PEDESTRIANS
72.02.160 - Crossing at other than crosswalk.
(a) A pedestrian crossing a roadway at a point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
(b) No pedestrian may cross a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided and which is accessible at road level at or near the point of crossing, unless a marked crosswalk is also provided at that point. If a pedestrian overpass or tunnel is not accessible and if no marked crosswalk is provided, a pedestrian crossing the roadway must yield the right-of-way to all vehicles on the roadway which are so close as to constitute a hazard.
(c) Between adjacent intersections in a business or residence district in which traffic control signals are in operation, no pedestrian may cross except in a marked crosswalk.
(d) No pedestrian may cross a roadway intersection diagonally or otherwise than at a right angle unless authorized by an official traffic control device. When authorized to cross diagonally, pedestrians must cross in accordance with the official traffic control device.
(e) No pedestrian may cross a roadway where an official traffic control device specifically prohibits the crossing.
(f) Except as provided in subsection (d) of this section, a pedestrian must cross a roadway at a right angle to the roadway or by the shortest route to the opposite side of the roadway.
(CBJ Code 1970, § 72.02.160; Serial No. 71-66, § 4, 1971)

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MEMORANDUM

TO: Chair and Members of the Board DATE: February 13, 2019

FROM: Erika McConnell
Director, Marijuana Control Board

RE: Herb'n Legends LLC License #15209

This is an application for a Limited Marijuana Cultivation Facility in the City and Borough of Juneau, by Herb'n Legends LLC DBA Herb'n Legends LLC.

Date Application Initiated:	1/29/2018
Objection Period Ends:	2/6/2019
Date Under Review Queue:	7/3/2018
Incomplete Letter(s) Date:	10/26/2018
Date Final Corrections Submitted:	1/4/2019
Determined Complete/Notices Sent:	1/7/2019
Local Government Response/Date:	CBJ does not protest (2/11/19)
Fire Marshal Response/Date:	Deferred
Background check status:	Complete
Objection(s) Received/Date:	No
Other Public Comments Received:	No
Staff Questions/Issues for Board:	Separation distance