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:	July 10, 2019
FROM:	Erika McConnell, Director	RE:	The Fairbanks Cut, #18187 Onsite Consumption Endorsement

This is an application for an onsite consumption endorsement for The Fairbanks Cut, License 18187, a retail store located at 188 Bentley Trust Road, Suite A, in Fairbanks.

There is another business located in the same building as this retail marijuana store. The licensee argues that there is not another building attached to their building and thus they meet the definition of "freestanding." Using that argument, every single building is "freestanding," including the 5th Avenue Mall, the Atwood Building, etc. Although not made entirely clear in the definition of "freestanding" in AS 18.35.301, the carve-out from the indoor smoking ban for retail marijuana stores was presumably for those stores which did not share a building with other non-marijuana uses.

The board discussed this particular issue in December of 2018. From the minutes:

> *Mark Springer asks about the definition of "freestanding" as referenced in SB 63.*
> *Harriet Milks states that it is described 18.35.301(i)(1) " a building that is not supported by another structure and does not share ventilation or internal air space with an adjoining structure and smoke from the building cannot enter the adjoining structure."*
> *Mark Springer on 370(c)(3) asks about the requirement to eliminate odor "at the property line" and how it applies to retail stores that are in proximity to other properties.*
> *Erika McConnell says that in a strip mall situation, the building would not be freestanding.*
> *Mark Springer asks if there was a glass tunnel to the freestanding area in a strip mall situation what property line would be used.*
> *Erika McConnell states that the property line would be the property line and confirms that the store must be freestanding not just the consumption area.*
> *Brandon Emmett states that he also interprets that the retail location must be freestanding.*
> *Erika McConnell states that it could be possible for there to be multiple businesses on the same property.*
> *Mark Springer states that the odor elimination only applies to the property line and he is concerned about the smell of onsite consumption bothering adjacent businesses.*

I recommend the board determine that this application does not meet the requirement of 3 AAC 306.370(a) for an onsite consumption endorsement and deny the application.

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MEMORANDUM

TO: Chair and Members of the Board DATE: June 26, 2019

FROM: Erika McConnell
Director, Marijuana Control Board

RE: The Fairbanks Cut, LLC #18187

This is an application for an Onsite Consumption Endorsement in the City of Fairbanks, by The Fairbanks Cut, LLC DBA The Fairbanks Cut, LLC

Date Application Initiated: 04/24/2019

Objection Period Ends: 07/21/2019

Date it Entered Queue: 05/30/2019

Incomplete Letter(s) Date: 06/12/2019

Date Final Corrections Submitted: 06/20/2019

Determined Complete/Notices Sent: 06/21/2019

Local Governments Response/Date: Pending

DEC Food Safety Response/Date: Pending

Fire Marshal Response/Date: Deferred

Objection(s) Received/Date: Not as of 6/26/2019

Other Public Comments Received: Yes

Staff Questions/Issues for Board: