THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

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

MEMORANDUM

TO: Marijuana Beverage Control Board

DATE: January 23, 2020

FROM: Glen Klinkhart, Interim Director

RE: #21170 Green Zone

Requested Action: New Retail Marijuana Store Application

Regulatory Authority: 3 AAC 306.010: "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."

Staff Rec.: Reconsider approval of application based on verification provided.

Background: At the September 11-13 meeting, the board requested additional verification of the distances. According to local police, the shortest pedestrian route from the public entrance of the licensed premises to the outer boundaries of the Putyuk Children's Home was measured at 455.10 feet.

Attachment: Verification Email Correspondence
Counsel's Email and Survey
New application

From:	Hoelscher, James C (CED)
To:	Klinkhart, Glen Edward (CED); Zielinski, Anthony J (CED); Craig, Carrie D (CED)
Cc:	CED AMCO Enforcement (CED sponsored); Davies, Jason M (CED)
Subject:	RE: Distance Objection- Enforcement Verification Requested Green Zone 21170
Date:	Tuesday, December 17, 2019 8:30:24 AM
Attachments:	image001.png

The Putyuk home is described as "an environment of hope and an experience of love and nurturing in a therapeutic setting. Putyuk is comprised of nine beds, with one bed dedicated to respite services through Maniilaq Association We operate as a Level Two: Emergency Stabilization and Assessment Center (ESA), which offers a 1:5 ratio. The services we offer are given to children ages 0 to 18 years, both male and female. Most of our referrals are generated from the Office of Children's services (OCS), Department of Juvenile Justice (DJJ)."

It does meet the definition set out in our regulations

3 AAC 306.990. Definitions
(35) "recreation or youth center" means a building, structure, athletic
playing field, or playground
(A) run or created by a local government or the state to provide
athletic, recreational, or leisure activities for persons under 21 years of age; or
(B) operated by a public or private organization licensed to
provide shelter, training, or guidance for persons under 21 years of age;

-
James

From: Klinkhart, Glen Edward (CED)
Sent: Tuesday, December 17, 2019 8:21 AM
To: Zielinski, Anthony J (CED) <anthony.zielinski@alaska.gov>; Hoelscher, James C (CED) <james.hoelscher@alaska.gov>; Craig, Carrie D (CED) <carrie.craig@alaska.gov>
Subject: RE: Distance Objection- Enforcement Verification Requested Green Zone 21170

James,

Let us know if the Childrens home falls under the regs, and if so the lets add it to the agenda for consideration.

Glen

From: Zielinski, Anthony J (CED)
Sent: Monday, December 16, 2019 9:47 AM
To: Hoelscher, James C (CED) <james.hoelscher@alaska.gov>; Klinkhart, Glen Edward (CED) <glen.klinkhart@alaska.gov>; Craig, Carrie D (CED) <carrie.craig@alaska.gov>
Subject: RE: Distance Objection- Enforcement Verification Requested Green Zone 21170

Thanks for checking into this, James. Looking over the email chain, it doesn't sound like the Lion's Club is a concern. The Putyuk Children's Home looks like cause for concern though, if it falls under the category of a correctional facility or youth center. Does this need to go back to the Board in January?

Sincerely,

TJ Zielinski
Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

From: Hoelscher, James C (CED)
Sent: Thursday, December 12, 2019 3:34 PM
To: Thomas Milliette <TMilliette@kotzebue.org>
Cc: Martin, Mikal C (CED) <mikal.martin@alaska.gov>; Zielinski, Anthony J (CED) <anthony.zielinski@alaska.gov>; Davies, Jason M (CED) <jason.davies@alaska.gov>; CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>
Subject: Re: Distance Objection- Enforcement Verification Requested Green Zone 21170

Thank you!

Sent from my iPhone

> On Dec 12, 2019, at 3:08 PM, Thomas Milliette <TMilliette@kotzebue.org> wrote:
>
> James,
>
> I do have some measurements for you. I personally walked these routes using the departments measuring wheel.
>
> Beginning from 543's front door to the Lions Club is 126.7 feet.
>
> Beginning from 543's front door to the children's Church main entry located at 538 is 642.7 feet. The main Friends Church is beyond that so well out of the 500 foot range.
>
> Beginning from 543's front door to Putyuk Children's Home's front steps located at 572 is 455.10 feet.
>
> I'll send some photos to you soon.

Thomas Milliette, Chief of Police
Kotzebue Police Department
258B Third Avenue
Kotzebue, AK 99752-0550
(907)442-3539 (work)
(907)442-3357 (fax)

From: Hoelscher, James C (CED) <james.hoelscher@alaska.gov>
Sent: Thursday, December 12, 2019 2:23 PM
To: Thomas Milliette <TMilliette@Kotzebue.org>
Subject: Re: Distance Objection- Enforcement Verification Requested Green Zone 21170

Chief Milliette,

Do you have any updates on the measurements?

I know you are busy and appreciate the help.

Thank you,

James

Sent from my iPhone

> On Nov 19, 2019, at 2:47 PM, Thomas Milliette <TMilliette@kotzebue.org> wrote:
>
> Also,
>
> I haven't walked the paths yet but according to Google Earth, from the front door of the proposed Green Zone to the Lions Club main entrance is about 114 feet and from the Green Zone front door to the main entrance to Friends Church is about 914+/- feet dependent on path taken.
>
> Further,
>
> After looking at some things, the proposed GreenZone location is under 500 feet to Putyuk Childrens Home.
>
> I've attached a map to show you the location of Greenzone in reference to other areas for your reference.

We will see how close Google Earth is compared to walking it. I'll let you know when it's done. Its cold out!

Thomas

From: Hoelscher, James C (CED) <james.hoelscher@alaska.gov>
Sent: Tuesday, November 19, 2019 2:26 PM
To: Thomas Milliette <TMilliette@Kotzebue.org>
Cc: Davies, Jason M (CED) <jason.davies@alaska.gov>
Subject: RE: Distance Objection- Enforcement Verification Requested Green Zone 21170

Much appreciated, thank you.

From: Thomas Milliette [mailto:TMilliette@Kotzebue.org]
Sent: Tuesday, November 19, 2019 2:05 PM
To: Hoelscher, James C (CED) <james.hoelscher@alaska.gov>
Cc: Davies, Jason M (CED) <jason.davies@alaska.gov>
Subject: RE: Distance Objection- Enforcement Verification Requested Green Zone 21170

Good afternoon James,

I'll get your measurements done.

To answer your question about the Lions Club, I wouldn't say it is known as a recreation center or youth center. I went a little further with your question and reached out to city hall to check with how the Lions Club is licensed through the city which turned out to be gaming. I believe the gaming comes from Bingo and what not, not youth games and activities. Hope this answers your question.

Thomas

From: Hoelscher, James C (CED) <james.hoelscher@alaska.gov>
Sent: Tuesday, November 19, 2019 10:38 AM
To: Thomas Milliette <TMilliette@Kotzebue.org>
Cc: Davies, Jason M (CED) <jason.davies@alaska.gov>
Subject: FW: Distance Objection- Enforcement Verification Requested Green Zone 21170

Chief Molliette,

If you could please take measurements of the shortest pedestrian route from the proposed address of the licensee to the two following locations,

I would appreciate it.

543 Bison Street to Friend's Jr. Church – main public entrance to main public entrance

543 Bison Street to Lion Club – main public entrance to property line of recreation or youth center

Also, is the lion's club known as a recreation or youth center?

3 AAC 306.010. License restrictions
(a) 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. This section does not prohibit the renewal of an existing marijuana
establishment license, a license conversion under 3 AAC 306.047, or the transfer of an
existing marijuana establishment license to another person if the licensed premises
were in use before the school ground, recreation or youth center, the building in which
religious services are regularly conducted, or a correctional facility began use of a site
within 500 feet. If an existing marijuana establishment license for premises 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 is revoked or
expires, the board will not issue another marijuana establishment license for the same

premises unless the school ground, the recreation or youth center, the building in which
religious services are regularly conducted, or the correctional facility no longer occupies
the site within 500 feet.

I appreciate you doing this.

Respectfully,

James

From: Martin, Mikal C (CED)
Sent: Tuesday, September 17, 2019 1:24 PM
To: Hoelscher, James C (CED) <james.hoelscher@alaska.gov>
Subject: RE: Distance Objection- Enforcement Verification Requested Green Zone 21170

I believe so

Thank You

Mikal Martin
she/her
Records and Licensing Supervisor
Alcohol and Marijuana Control Office
Phone: 907.269.0350
alcohol.licensing@alaska.gov
marijuana.licensing@alaska.gov

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From: Hoelscher, James C (CED) <james.hoelscher@alaska.gov>
Sent: Tuesday, September 17, 2019 1:00 PM
To: McConnell, Erika B (CED) <erika.mcconnell@alaska.gov>; Martin, Mikal C (CED) <mikal.martin@alaska.gov>

Cc: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>
Subject: RE: Distance Objection- Enforcement Verification Requested Green Zone 21170

So it's basically the church, but get the lions club just to safe?

From: McConnell, Erika B (CED)
Sent: Tuesday, September 17, 2019 12:59 PM
To: Martin, Mikal C (CED) <mikal.martin@alaska.gov>; Hoelscher, James C (CED) <james.hoelscher@alaska.gov>
Cc: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>
Subject: RE: Distance Objection- Enforcement Verification Requested Green Zone 21170

Please note that the application contained a surveyed distance to the youth home which was verified to be over 500 feet, so the church and the Lion's club would be the issues, although we'd have to do more investigation to determine whether or not the Lion's club qualifies as a protected land use.

Erika McConnell
Director
Alcohol & Marijuana Control Office
State of Alaska

From: Martin, Mikal C (CED) <mikal.martin@alaska.gov>
Sent: Tuesday, September 17, 2019 12:56 PM
To: Hoelscher, James C (CED) <james.hoelscher@alaska.gov>
Cc: McConnell, Erika B (CED) <erika.mcconnell@alaska.gov>; Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>
Subject: Distance Objection- Enforcement Verification Requested Green Zone 21170

Hello,

At the September meeting of the MCB the board requested that our office verify the distances that are referenced in the below invalid objection as part of the delegation for this license.

Please let me know if you need further information to move forward on

this verification request.

Thank You

Mikal Martin
she/her
Records and Licensing Supervisor
Alcohol and Marijuana Control Office
Phone: 907.269.0350
alcohol.licensing@alaska.gov
marijuana.licensing@alaska.gov

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From: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Sent: Tuesday, September 10, 2019 4:40 PM
To: Martin, Mikal C (CED) <mikal.martin@alaska.gov>; McConnell, Erika B (CED) <erika.mcconnell@alaska.gov>; Hoelscher, James C (CED) <james.hoelscher@alaska.gov>
Subject: FW: AMCO protest

Hello,

I am forwarding this email to management and Enforcement.

I already let them know that their comment was received, but the 30 day public objection period expired on September 7, 2019, so this cannot be considered an objection under 3 AAC 306.065.

Also, I notified them that I would forward this on to Enforcement and management, and that the application is being considered at the Sept. meeting in case they want to comment.

Thanks,

<image001.png>

Jacqlene Drulis
Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

From: Dena Ferguson <apiyuaq@gmail.com>
Sent: Sunday, September 08, 2019 3:20 PM
To: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Subject: AMCO protest

Dear AMCO board,
I am sending this letter in protest of the Green Zone, a Kotzebue Marijuana retail store applicant. I believe that the building intended for the marijuana retail store is not in compliance with state law and regulations. The intended location is located at: 543 Bison St. Kotzebue Alaska. That means it is less than 500 feet from the Putyuk Children's Home, which is a youth center. It is less than 500 feet from Friend's Jr. Church, which holds Sunday school. it is also less than 500 ft from lions club center, which hosts a variety of youth services throughout the year. Therefore, as a community member I protest the approval of this application.
Thank you,
Dena Ferguson
<Kotzebue Map.pdf>

From:	Zielinski, Anthony J (CED)
To:	Craig, Carrie D (CED)
Subject:	FW: Green Zone, License #21170 - Board Delegations, Scheduled for January 23-24, 2020 Meeting
Date:	Tuesday, December 17, 2019 11:12:08 AM
Attachments:	image001.png 1213.03_KotzebueStarBudz-11x17-PedRoute.pdf

---

Regarding License #21170. I'm not sure if the correspondence between Enforcement and the Kotzebue Police Department is subject to public record or not.

Sincerely,

TJ Zielinski

Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

From: Jana Weltzin [mailto:jana@jdwcounsel.com]
Sent: Tuesday, December 17, 2019 11:05 AM
To: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Cc: landahotpot@gmail.com; Brenda Mills <brenda@jdwcounsel.com>; justin an <akjustin131@gmail.com>; Legal Counsel <legal@jdwcounsel.com>; Jana Weltzin <jana@jdwcounsel.com>
Subject: Re: Green Zone, License #21170 - Board Delegations, Scheduled for January 23-24, 2020 Meeting

Hello TJ - please see attached survey, we have already looked at this issue and had it professionally surveyed, its not within 500 feet. Please include this information and the attached survey in the board tab on this matter. Please also produce any communication or comments received by AMCO relating to this issue, thank you.

Jana D. Weltzin, Esq.
JDW, LLC
Principal Owner
901 Photo Avenue
Anchorage, Alaska 99503
jana@jdwcounsel.com
907-231-3750 Office Line
630-913-1113 Cell
*Licensed in Alaska and Arizona

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Thank you.

Think green, please don't print unnecessarily

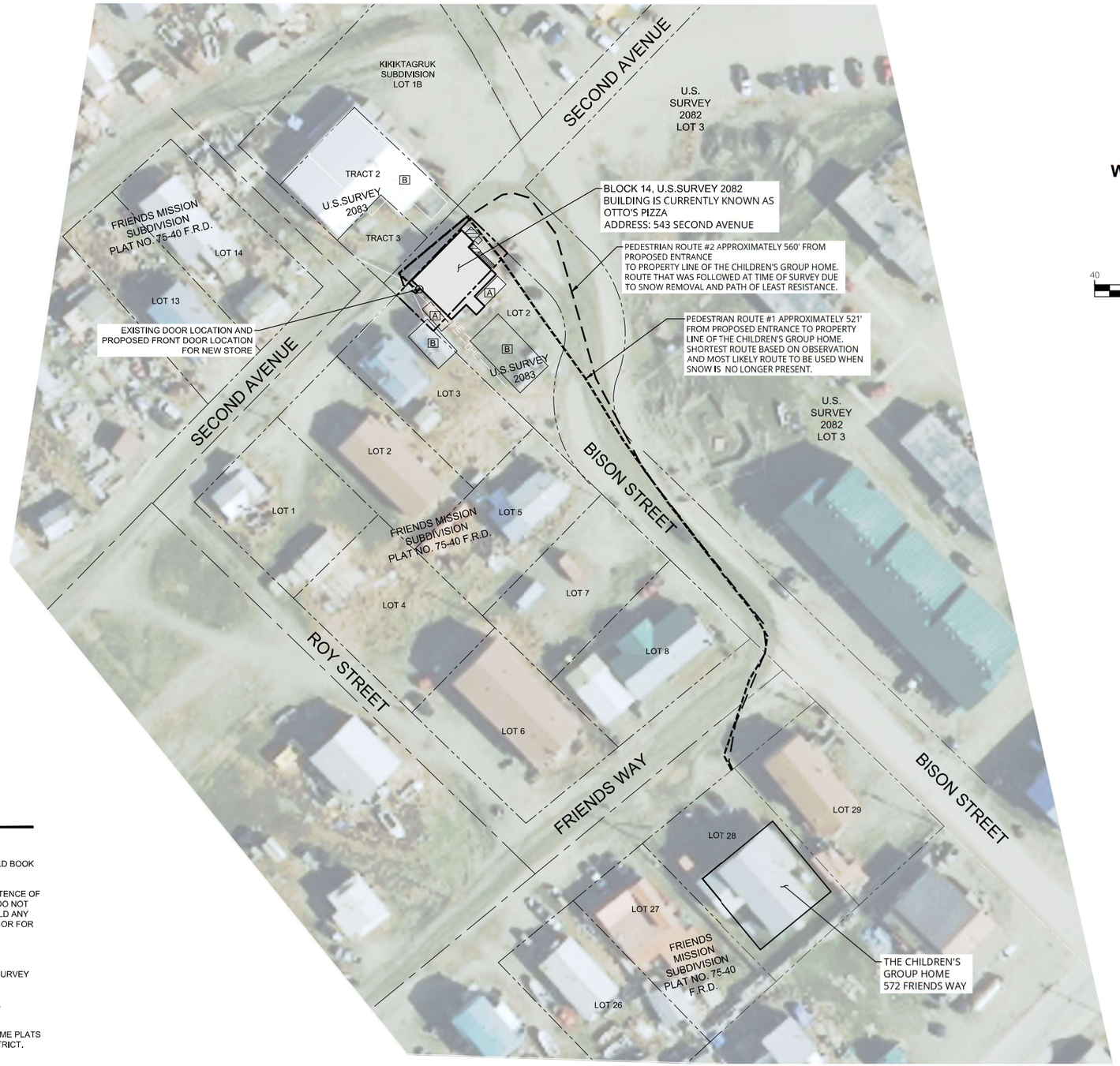
On Tue, Dec 17, 2019 at 10:38 AM Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov> wrote:

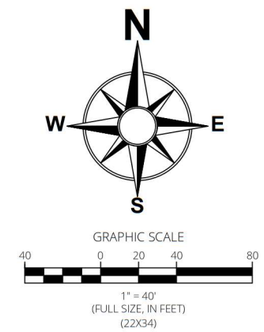
> Good morning Dae,
>
> I am following up from your phone call last Thursday (12/12/2019) regarding the status of your application for a retail marijuana store, License #21170 doing business as Green Zone. When your application was approved by the Marijuana Control Board at the September 2019 Meeting, delegations included confirming that the establishment meets the requirements of 3 AAC 306.010(a) regarding the distance between the establishment and school grounds, recreation or youth centers, buildings in which religious services are regularly conducted, or correctional facilities.
>
> It appears that your establishment is located within five hundred feet of the Putyuk Children's Home which seems to meet the definition of a recreation or youth center as described by 3 AAC 306.990(35). This application will need to be brought back to the Board at the upcoming January 23-24, 2020 Meeting. Information regarding the meeting can be found on AMCO's home page (https://www.commerce.alaska.gov/web/amco/), about halfway down the page in the blue "MCB Board Meeting" box. The agenda will be posted in this section one week before the meeting takes place, which you can use to determine when your application will be under consideration. Your participation at this meeting will be required, either telephonic or in person. Let me know if you have any questions.
>
> Sincerely,
>
> **TJ Zielinski**
> Occupational Licensing Examiner
> Alcohol & Marijuana Control Office
> 550 West 7th Avenue, Suite 1600
> Anchorage, Alaska 99501

30" x 21" BORDER

SURVEY LEGEND

A	EXISTING CONEX
B	EXISTING BUILDING
FRD	FAIRBANKS RECORDING DISTRICT
—— – ——	ROAD CENTERLINE
— - - — - - —	LOT LINES





SURVEY NOTES

1. FIELD SURVEY WAS PERFORMED IN MARCH, 2019 BY LCG LANTECH.
2. FIELD NOTES FOR THIS SURVEY ARE LOCATED IN THE LCG LANTECH KOTZEBUE FIELD BOOK PAGES 1-3.
3. EXCLUSIONARY NOTE: IT IS THE OWNERS' RESPONSIBILITY TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, RESTRICTIONS, OR RIGHT-OF-WAY TAKINGS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT. UNDER NO CIRCUMSTANCES SHOULD ANY DATA HEREON BE USED FOR CONSTRUCTION, FOR ESTABLISHING PROPERTY LINES, OR FOR PLOT-PLAN PURPOSES.
4. SNOW AND ICE MAY CONCEAL MINOR SURFACE FEATURES.
5. SUBSTANTIAL SNOW PILES AND ICE DRIFTS WERE PRESENT DURING THE TIME THE SURVEY WAS COMPLETED.
6. IMAGERY SOURCE: ALASKA DCCED, NORTHWEST ARCTIC BOROUGH, 2013 KOTZEBUE COMMUNITY MAP
7. THE RECORDING DISTRICT FOR BLOCK 14, U.S.S. 2082, IS KOTZEBUE. THERE ARE SOME PLATS AND RECORDS THAT APPEAR TO BE RECORDED IN THE FAIRBANKS RECORDING DISTRICT. KOTZEBUE IS IN THE SECOND ALASKA JUDICIAL DISTRICT.
8. THE MOST RECENT PLAT FOR BLOCK 14, U.S.S. SURVEY 2082, IS PLAT NUMBER 2009-5, KOTZEBUE RECORDING DISTRICT, RECORDED APRIL 13, 2009.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS DRAWING REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE IMPROVEMENTS AND ENCROACHMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

Steven Callaghan — STEVEN CALLAGHAN PLS 12034

4/9/2019 — DATE

1 / R1 **PEDESTRIAN ROUTE EXHIBIT**

SCALE: 1"= 40' AT 22X34 SHEET SIZE 1" = 80' AT 11X17 SHEET SIZE

STATE OF ALASKA 49TH STEVEN CALLAGHAN LS-12034 Registered Professional Land Surveyor

1" ONE INCH

NO.	DATE	BY	REVISION

4/2/2019 8:44 AM

LCG Lantech Inc
architecture · engineering · surveying
250 H Street
Anchorage, AK 99501
P: (907) 243-8985
F: (907) 243-5629
W: LCGAK.com

CLIENT: L&A CANNABIS, LLC

BLOCK 14, U.S SURVEY 2082
T17N R18W, KATEEL RIVER MERIDIAN, AK

PEDESTRIAN ROUTE EXHIBIT
543 SECOND AVENUE, KOTZEBUE, ALASKA

P:\1200-1249\1213.03 StarBudz Marijuana Retail Shop\ Survey\DWGs\1213.03 PedRouteExhibit.dwg

SHEET SIZE:	22 X 34
GRID:	N/A
DRAWN BY:	AS
CHECKED BY:	SC
DATE:	4/8/2019
FILE NO.	1213.03
SHEET NUMBER	
R1.0	OF

ONE INCH

AMCO Received 12/17/2019

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: Chair and Members of the Board DATE: August 28, 2019

FROM: Erika McConnell
Director, Marijuana Control Board

RE: Green Zone #21170

This is an application for a Retail Marijuana Store in the City of Kotzebue, by L&A Cannabis, LLC DBA Green Zone.

Date Application Initiated:	03/21/2019
Objection Period Ends:	09/07/2019
Date Under Review Queue:	06/04/2019
Incomplete Letter(s) Date:	07/11/2019
Date Final Corrections Submitted:	08/07/2019
Determined Complete/Notices Sent:	08/08/2019
Local Government(s) Response/Date:	Pending
DEC-Food Safety Response/Date:	08/22/2019 - Compliant
Fire Marshal Response/Date:	Pending
Background check status:	Complete
Objection(s) Received/Date:	Not as of the date of this memo
Other Public Comments Received:	Yes
Staff Questions/Issues for Board:	No