



## MEMORANDUM

TO: Marijuana Control Board

DATE: June 19, 2024

FROM: Jane P. Sawyer,  
Program Coordinator

RE: Package Stores in the  
Municipality of Anchorage

As of the date of this memo, the population in the Municipality of Anchorage supports only 97 package store licenses. There are 93 active licenses and 3 license applications approved with delegation. **Delegated license applications do not trigger renewals or waivers, and applications sit in delegation for, in some cases, years.**

The three approved license applications in delegation are:

License	Doing Business As	Proposed location	Approved on	Comments
6035	49 <sup>th</sup> State Spirits and Gifts @ The Rail	721 Depot Drive Suite #50	4/12/22	The last information AMCO has is that the facility is under construction.
6102	Prospectors Provisions	2415 C Street	4/12/22	Same comment as 6035
6171	Alaska Blooms & Bubbles	8250 Homer Dr	1/29/24	As of the date of this memo, there is a conditional protest from the Muni.

On this agenda, there are three new applications for package store. If the board counts the license applications already approved but in delegation into the license cap metric, there is only one license available.

If only one license is available, two of the three applications on this agenda would be considered competing applications. The third application came in past the 30 days to be considered competing. Still, the applicant of the third application would like the board to consider it.

**3 AAC 305.100. Procedure for mutually exclusive and competing applications.** (a) If the board receives an application for a license that requires denial because it would exceed the amount of licenses available for that license type under AS 04.11.400(a), the application will be considered "mutually exclusive."

(b) The board will consider, and grant or deny, mutually exclusive applications in the order in which they are received. However, all "competing applications," as defined under (c) of this section, will be treated as if they were received at the same time, and will be considered together.

(c) For the purpose of this section, competing applications are those mutually exclusive applications for licenses, with or without an endorsement, that

(1) inside a unified municipality, organized borough, or incorporated city;

(A) are for one or more licenses which have become available because of a change of local option or a change in population and are received during the 30-day period beginning on the date the license or licenses first become available; or

(B) are for the last available license other than a license described in (A) of this paragraph and are received during the 30-day period beginning on the date the board received the first application for the license; and

(2) outside a unified municipality, organized borough, or incorporated city, are received not more than 30 days after the immediately preceding application for the license.

(d) Nothing in this section may be interpreted to allow the 90-day time limit for a decision on an application set by AS 04.11.510 to be exceeded.

**3 AAC 305.105. Selection among mutually exclusive and competing applications.** (a) Within an incorporated city, organized borough, or unified municipality, all competing applications, as defined in 3 AAC 305.100(c) will be considered together by the board under this section.

(b) If affiliates, or persons who are related by birth or marriage, have filed competing applications for premises at a single location, the board will deny all but one of those applications.

(c) The board will deny any competing applications which are required to be denied under AS 04.11.320, 04.11.340, 04.11.480, or 3 AAC 305.110.

(d) If the denial of one or more competing applications under (b) or (c) of this section makes any other competing applications no longer mutually exclusive, the board will approve the applications that are no longer mutually exclusive.

(e) If competing applications remain after the board takes action under (b), (c), or (d) of this section, the board may grant any applications the board considers to be most in the public interest. In determining the public interest, the board may consider factors including

(1) the safety, suitability, and proximity of the proposed premises to other licensed premises;

(2) the size of the proposed premises;

(3) community amenities associated with the premises including entertainment, dining facilities, and tourist accommodations; and

(4) preferences or priorities expressed by the local governing body.

(f) If competing applications remain after the board takes action under (b), (c), (d), or (e) of this section, the board may conduct a drawing to determine which remaining competing applications to approve.

(g) A competing application not granted under this section will be denied without prejudice to future application.

(h) A license, with or without an endorsement, granted under this section will be issued after the time within which unsuccessful competing applicants may appeal the denial of their applications, and after all statutory requirements are met by the successful applicant.