



## MEMORANDUM

TO: Bob Klein, Chair, and Members of the  
Alcoholic Beverage Control Board

DATE: October 15, 2018

FROM: Erika McConnell, Director

RE: 5678 Staybridge Suites – Anchorage

**Requested Action:** Approve new license

**Statutory Authority:** AS 04.06.090(b): “The board shall review all applications for licenses made under this title and may order the director to issue, renew, revoke, transfer, or suspend licenses and permits authorized under this title.”

AS 04.11.480(a): “A local governing body may protest the issuance, renewal, relocation, or transfer to another person of a license by sending the board and the applicant a protest and the reasons for the protest within 60 days of receipt from the board of notice of filing of the application ... If an application or continued operation is protested, the board shall deny the application or continued operation unless the board finds that the protest is arbitrary, capricious, and unreasonable.”

AS 04.11.480(a): “The board shall consider a protest and testimony received at a hearing conducted under AS 04.11.510(b)(2) or (4) when it considers the application...”

AS 04.11.510(b)(2): “the board may, on its own initiative or in response to an objection or protest, hold a hearing to ascertain the reaction of the public or a local governing body to an application if a hearing is not required under this subsection; the board shall send notice of a hearing conducted under this paragraph 20 days in advance of the hearing to each community council established within the municipality and to each nonprofit community organization entitled to notification under AS 04.11.310(b);”

**Staff Rec.:** Rescind approval with delegation; uphold the protest with a 90-day abeyance

**Background:** The board approved this new beverage dispensary – tourism license with delegation at the August 2018 board meeting. Subsequently, the Municipality of Anchorage submitted a timely protest pending certification from the Department of Health & Human Services and a special land use permit approved by the Assembly.

The board is required by AS 04.11.510(b)(2) to hold a hearing to consider the protest.

The Municipality of Anchorage provided the licensee with an opportunity to be heard before the local governing body in accordance with 3 AAC 304.145(d), which states, "A local governing body that protests an application shall allow the applicant a reasonable opportunity to defend the application before a meeting of the local governing body."

Attachment: Municipality of Anchorage Protest



# Municipality of Anchorage

P.O. Box 190650 • Anchorage, Alaska 99519-0650 • Telephone: (907) 343-4316 • Fax: (907) 249-7533 <http://www.muni.org/assembly/license>

## Office of the Municipal Clerk Licensing

August 29, 2018

Ms. Sarah Oates  
Alaska Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Ave. Ste. 1600  
Anchorage, Alaska 99501

RE: Anchorage Assembly Action on Liquor Licenses

Dear Ms. Oates:

The Anchorage Municipal Assembly at its regular meeting on **August 28, 2018** took the following final actions:

### WAIVE OF PROTEST

#### New Liquor License

- Restaurant Designation  
Today's Pizza LL#2568 – AM 526-2018
- Restaurant/Eating Place  
I Luv Sushi LL#5705 – AM 528-2018
- Beverage Dispensary-Tourism  
Alaska Lounge LL#5707 – AM 5267-2018

#### Transfer Liquor License

- Restaurant/Eating Place  
Wild Wings 'N Things LL#5115 – AM 529-2018

### PROTEST

#### New Liquor License

- Beverage Dispensary-Tourism  
Staybridge Suites - Anchorage LL#5678 – AR 2018-236  
Pending certification from the Department of Health & Human Services and a special land use permit approved by the Assembly.

Any prior conditions placed on any license are to continue until specifically removed or amended. If you require additional information or if I can be of any assistance please call me.

Cordially,

  
Mandy Honest *DSS*

Business License Official

CC: Today's Pizza – Via Email  
I Luv Sushi – Via Email  
Alaska Lounge – Via Email  
Wild Wings 'N Things – Via Email  
Staybridge Suites - Anchorage – Via Email

