



MEMORANDUM

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

DATE: April 29, 2019

FROM: Erika McConnell, Director

RE: 5676 Fire Island Rustic Bake
Shop

Requested Action: Extension of abeyance period

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... 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... 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."

Staff Rec.: Approve one 90-day extension to June 25, 2019

Background: In December of 2018, the board upheld a protest of this new restaurant or eating place license by the Municipality of Anchorage and denied the license with a 90-day abeyance, which ended on March 27, 2019.

On March 25, 2019, AMCO received a request to extend the abeyance period, needing more time to work out some land use issues with the Municipality.

Subsequent to the board's December action, the board's regulations project governing abeyance periods became effective on February 21, 2019. The new regulation, at 3 AAC 304.145(h), limits the abeyance period to a single period not to exceed 180 days, with no ability to extend or renew.

Considering that the abeyance period was set for this licensee before the regulations change became effective, it is fair to allow the licensee an additional 90 days. This would mean that the Municipality of Anchorage protest would need to be lifted by June 25, 2019. But the board should indicate that no additional extension to this abeyance period will be considered, consistent with the new regulation.

Attachment: Extension request

ABC Board
3/25/19

Fire Island Rustic Bakeshop would like to request an extension or a pause on our application with the state for a beer and wine license. We need additional time to work with the MOA to address parking at our bakery. To that end, we are working with the planning and traffic staff to address our non-conforming status under Title 21.

As a small business we cannot afford the cost of going through the application process again if the original 90-day deadline times out. We would appreciate having additional time to work with the MOA to resolve the parking issue we have at our 2530 E 16th Ave property.

Thank you for your time and for helping a local, family-run business grow and thrive.

Sincerely,

Fire Island Rustic Bakeshop
Jason Croft



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. 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

December 27, 2018

Fire Island Rustic Bake Shop LLC
DBA Fire Island Rustic Bake Shop
1343 G Street
Anchorage, AK 99501

Re: Fire Island Rustic Bake Shop, License #5676

Dear Fire Island Rustic Bake Shop:

At the December 17, 2018 meeting of the Alcoholic Beverage Control Board in Anchorage, Alaska, the board upheld the protest of your new license application by the Municipality of Anchorage with a 90 day abeyance. This means that the Municipality of Anchorage must withdraw its protest of your license application by March 27, 2019; otherwise the application is denied. The municipality protested the transfer pending the approval of a special land use permit from the planning department.

If the protest is lifted by the deadline, the board approves the new license application with delegation, meaning that the new license is approved once all other requirements have been met. An inspection by AMCO enforcement staff is then required before operation may begin.

Please contact alcohol.licensing@alaska.gov with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Erika McConnell".

Erika McConnell
Director

cc: License File
Municipality of Anchorage



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-4316 • Fax: (907) 249-7533 <http://www.muni.org/assembly/license>

Office of the Municipal Clerk Licensing

September 12, 2018

Ms. Sarah Oates
Alaska Alcohol and Marijuana Control Office
550 W 7th 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 **September 11, 2018** took the following final actions:

WAIVE OF PROTEST

Transfer Liquor License

- **Beverage Dispensary**
El Rodeo Mexican Restaurant LL#4367 – AM 554-2018

PROTEST

New Liquor License

- **Restaurant/Eating Place**
Fire Island Rustic Bake Shop LL#5676 – AR 2018-420
Pending a special land use permit approved by the Director of the Planning Department.
-Per 3AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the September 11, 2018 Assembly Meeting.

Transfer Liquor License

- **Beverage Dispensary-Tourism**
Sheraton Anchorage Hotel & Spa LL#1443 – AR 2108-241
Pending certification from the Anchorage Fire Department.
-Per 3AAC 304.145(d) the applicant was given the opportunity to defend their application by public hearing at the September 11, 2018 Assembly Meeting.

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

Mandy Honest *Dgs.*
Business License Official

CC: Fire Island Rustic Bake Shop, LLC – Via Email
Ashford TRS Anchorage, LLC – Via Email