THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

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MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: Tuesday, August 15, 2023

FROM: Gabriel Gonzales, Local Gov. Specialist

RE: For consideration: City of Valdez petition for additional Restaurant and Eating Place licenses under AS 04.11.405.

The city of Valdez has submitted a petition to the board in accordance with AS 04.11.405 requesting 10 additional Restaurant and Eating Place licenses (REPL). This new provision in statute became effective immediately upon passage of SB9. The city of Valdez is the first community to request the board for additional REPLs under the new statute. Below is the reading of the statute. Blue ink is my notes for the board.

Sec. 04.11.405. Petition for additional restaurant or eating place licenses for certain local governing bodies. (a) A first-class city, a home rule city, or a unified municipality may submit a resolution to the board, adopted by its legislative body, petitioning the board for the issuance of additional restaurant or eating place licenses under AS 04.09.210 that exceed the limits under AS 04.11.400(a) in accordance with this section.

(b) The board, following a public hearing, may issue one or more additional restaurant or eating place licenses under AS 04.09.210 within the boundaries of the municipality, if the board finds that

(1) the municipality

(A) serves as a center for commercial activity within and outside the boundaries of the municipality by providing goods and services to a population that is greater than the permanent resident population within the boundaries of the municipality; --*Third paragraph of the resolution: 2,619 population in the Copper River Census Area and 3,063 population in the Chugach Census Area. The city of Valdez's population is 3,950.*

(B) maintains a local law enforcement department; -- *Fourth paragraph of the resolution: Valdez Police Department has 11 sworn peace officers and numerous other staff members who provide robust local law enforcement…*

(C) exercises planning or land-use authority; -- *Fifth paragraph of the resolution: Valdez has a Planning and Zoning Commission and a city Planning Department with planning and land use authority,* and

(D) at the time of the petition, meets or exceeds the maximum limit under AS 04.11.400(a) for restaurant or eating place licenses issued under AS 04.09.210; --AMCO records: *Valdez currently has six restaurant or eating place licenses. Valdez's population allows for only three (3,950/1,500 = 2.6)*

(2) the number of additional licenses does not exceed the number of additional licenses requested by the municipality in the petition; and

(3) granting the additional licenses is in the public interest.

(c) A resolution submitted by a municipality under (a) of this section must include

(1) information demonstrating that the petitioner meets the criteria in (b) of this section;

(2) the most recent estimate of the number of people who claim residency or work outside the boundaries of the municipality and who are served by the municipality, including the

(A) population located outside the boundaries of the municipality that relies on the municipality for goods and services; --*Ninth paragraph of the resolution: 3,922 non-local workers in the former Valdez-Cordova census area*

(B) visitor population; --*Seventh paragraph of the resolution: an estimated 73,306 visitors arrived in Valdez throughout 2022,* and

(C) nonresident worker population that resides in the municipality, but that is not counted in the latest federal or state census for the municipality; --*Ninth paragraph of the resolution: an estimated 2,000 nonresident workers*

(3) the number of existing restaurant or eating place licenses

(A) within the boundaries of the municipality; --*Sixth paragraph of the resolution: 6 REPLs (3 operating year-round and 3 operating seasonally)*

(B) in a geographic area that the municipality serves under (2) of this subsection; --*AMCO data shows two REPLs, one near Copper Center and one near Glenallen. Valdez's resolution – paragraph 10 – does not clearly address it.*

(4) information showing that the number of additional licenses requested does not exceed one license for each 1,500 population of the population identified under (2) of this subsection; --*11th paragraph of the resolution: Valdez serves up to 90,000 (90,000/1,500 = 60) nonresidents each year, well above the additional population 15,000 that would be required for the 10 additional requested licenses,* and

(5) additional justification, as necessary, to demonstrate that granting of the additional licenses is in the public interest. *Not specifically addressed in the resolution*

(d) If the board grants a petition for additional restaurant or eating place licenses under this section to a municipality, the board may not authorize additional restaurant or eating place licenses to the same municipality under this section for the following year.

Attachments include:

City of Valdez, Alaska Resolution #23-38
Valdez Alaska by the Numbers 2022
Non-Residents Working in Alaska 2021
Title 4 Slide