

Department of Commerce, Community, and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 W. 7th Avenue, Ste 1600 Anchorage, Alaska 99501 Main: 907.269.0350

MEMORANDUM

TO: Robert Klein, Chair and

Members of the Board

FROM: Cynthia Franklin

Director, ABC Board

DATE: April 15, 2016

RE: Crush #5461 and Firetap #5448

These are competing applications for a new package store license in the Municipality of Anchorage. Please see accompanying memos with dates and statuses for each license.

Questions for the board:

- 1) Are the two applications competing for a single license per 3 AAC 304.110?
 - Received within 30 days of one another
 - Only one package store license remains in MOA per 2015 population numbers and As 04.11.400(a)
 - Application for same license type within the MOA
- 2) Is either application required to be denied under AS 04.11.320, 04.11.340, or 04.11.480?
- 3) How does the board compare the factors between the two applications 3 AAC 304.112(e)?
- 4) Shall the board proceed to 3 AAC 304.112(f) to determine which application to grant and which to deny?



Department of Commerce, Community, and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

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Main: 907.269.0350

MEMORANDUM

TO: Robert Klein, Chair and

Members of the Board

FROM: Cynthia Franklin

Director, ABC Board

DATE: April 15, 2016

RE: Crush #5461

This is an application for a new package store license in the Municipality of Anchorage. This is the last available package store license in the MOA, so there is an accompanying memo regarding this application's status as a competing application to Firetap #5448.

Date of Application: February 18, 2016

Date MOA notified: February 18, 2016

Date of MOA protest: April 13, 2016

Lack of conditional use permit per AR #2016-107 Basis of MOA protest:

Statutory Consideration: AS 04.11.480(a) states that the ABC board shall uphold a

protest unless it finds it to be arbitrary, capricious and

unreasonable.

Regulatory Consideration: This is a competing application per 3 AAC 304.110 due to

> its initiation date 30 days after the application filed for License #5448 for the last package store license permitted

by AS 04.11.400(a) in the MOA

Uphold protest and deny competing application per AS Recommendation:

04.11.320(a)(7), 3 ACC 304.110 and 3 AAC 304.112(c)

PO. Box 196650 • Anchorage, Maska 99519-6650 • Telephone: (907) 343-4316 • Fax: (907) 249-7533 http://www.muni.org/assembly/license

Office of the Municipal Clerk Licensing

April 13, 2016

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 April 12, 2016 took the following final action:

APPROVAL/NON -OBJECTION

New Liquor License

- Distillery
 - -Anchorage Distillery LL#5462
- Restaurant/Eating Place
 - -Marco T's Pizzeria LL#5463

Transfer Liquor License

- Beverage Dispensary
 - -Las Margaritas LL#4580

Renewal Liquor License

- Beverage Dispensary
 - -Hideaway Club LL#512
- Beverage Dispensary-Tourism
 - -Al's Alaskan Inn LL#10
- Restaurant/Eating Place
 - -Shobu LL#5283
 - White Spot Café LL#5311

PROTEST

Continued Protest of Renewal Liquor License

Beverage Dispensary

-Fantasies on 5th LL#1078 (AR 2016-90 attached)

New Liquor License

- Package Store
 - -Crush LL#5461

Pending a conditional use permit approved by the Assembly.

G:\Clerk\Clerks\Licensing\Licenses-Liquor\Assembly Actions\AMCO Letters\2016\AMCO Action Ltr. 04.12.16.docx

Transfer Liquor License

Package Store

-Crush LL#4779

Pending 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

Business License Official

amada h.Moss

Amanda K. Moser

Deputy Municipal Clerk

C: Crush

Las Margaritas Marco T's Pizzeria Anchorage Distillery Hideaway Club

Al's Alaskan Inn

Shobu

White Spot Café

Fantasies on 5th

Submitted by: Assembly Chair Traini,

Vice-Chair Gray-Jackson and Assembly Public Safety Committee Chair Honeman

Prepared by: Municipal Clerk For reading: April 12, 2016

AR No. 2016–107

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING THE NEW PACKAGE STORE LIQUOR LICENSE #5461 FOR GRAPE BROS., LLC dba CRUSH LOCATED AT 320 W 5TH AVE., STE. 130E, ANCHORAGE AK, 99501 AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

WHEREAS, Grape Bros., LLC has made an application with the Alaska Alcohol and Marijuana Control Office (AMCO), formerly the Alcoholic Beverage Control (ABC) Board, and has paid the required fee for a new Package Store Liquor License #5461 to be used for Crush located at 320 W 5th Ave., Ste. 130E, Anchorage Alaska, 99501; and

WHEREAS, the Assembly must enter any protest to the AMCO within 60 days following receipt of the application; and

WHEREAS, the Anchorage Municipal Clerk received a copy of this application on February 18, 2016 and has determined that the last day for the Assembly to file a protest is April 18, 2016 and

WHEREAS, the Assembly Meeting on April 12, 2016 is the last scheduled regular meeting of the Anchorage Assembly prior to the expiration of the protest period; and

WHEREAS, the Municipal Clerk reports the following status concerning this location:

- Any AMCO violations and/or incidents that would lead to an AMCO violation are attached; and
- 2. No taxes owing to the Municipality of Anchorage; and
- Conditional Use Permit required by AMC 21.50.160 has not been approved; and
- Approvals from Building Safety, Municipal Health and Human Services and the Anchorage Fire Department have been received; and

WHEREAS, protest by the Assembly is in order pending Assembly confirmation that outstanding items required for this location have been completed.

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

- Section 1. The Anchorage Assembly hereby enters its PROTEST for the new Package Store Liquor License #5461 until these conditions are met:
 - Conditional Use Permit required by AMC 21.50.160 has been approved by the Planning Department and confirmed by the Assembly.
- Section 2. A copy of this Assembly Resolution may be presented to the AMCO as proof that the Anchorage Assembly, as the local governing body, has stated its protest in order to allow the Director of the AMCO to hold processing of the new Package Store Liquor License #5461 under local protest, until receipt by the Director of confirmation from the Municipal Clerk that the conditions in Section 1 have been met, and this protest is lifted as authorized by this Assembly Resolution.
- Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon Municipal Clerk's confirmation that all Assembly conditions in Section 1 have been met, to provide written notification to the AMCO that this protest by the Anchorage Assembly is lifted, without further action by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 12th day of April, 2016.

ATTEST:	Chair of the Assembly
Municipal Clerk	

Alcoholic Beverage Control Board 550 West 7th Ave. Suite 1600 Anchorage, AK 99501

New Liquor License

(907) 269-0350 Fax: (907) 334-2285

http://commerce.alaska.gov/dnn/abc/Home.aspx

License is:

☑ Full Year

OR

☐ Seasonal List Dates of Operation:

SECTION A - LICENSE INFO	PRMATION				13813
Office Use: License Year: 16/17 Office Use: License #: 540	License Type: Package	: Sto	٦	Statute Reference Sec. 04.11. / S.O.	License Fee: \$ 100.00 Filing Fee: \$100.00 Rest. Desig. Permit Fee: \$
Name of Applicant (Corp/LLC/LP/LLP/Individual/P	Down Clo 10 Anche Doing Bus	Y Council Name(s) & Ma HOWN COMMI 16 W. 6 th Au Oracic Ak 9 iness As (Business Name	12. #303 9501	Fingerprint: \$.144.25 (\$49.75 per person) 100.00 TOTAL 249.25 [6] Business Telephone Number: 907.865.9198 Fax Number: NA	
Mailing Address: 343 W. 6 th Auc City, State, Zip: Anchorage, Ak 99501 SECTION B-PREMISES TO BE LICENSED		329 WA.	ress or Location of Premi W: 5 th Avc charage, Ak L: 130 E)	ses: (u) 1 . M44104.1381 99801	Email Address: Crushak egnail
Distance to closest school grounds: SMiles Distance to closest church:	Distance measured under: ☐ AS 04.11.410 OR ☐ Local ordinance No. Distance measured under: ☐ AS 04.11.410 OR ☐ Local ordinance No.		incorporated city ☐ Premises is LESS	, borough, or unified	the boundaries of an
Prepares to be licensed is: Proposed building Existing facility New building			☐ Plans submitted to buildings) ☐ Diagram of premi		uired for new & proposed

Alcoholic Beverage Control Board 550 West 7th Ave. Suite 1600

New Liquor License

(907) 269-0350 Fax: (907) 334-2285

http://commerce.alaska.gov/dnn/abc/Home.aspx

SECTION	6	LICENSEE	TRUEWAYS BUT	ACAPT A
364 11003	-	LIE PURCH PURCH	BIND OF CAREING	2 8 85 817

Anchorage, AK 99501

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

Name of Business	Type of License	Business Street Address	State
Crush .	Restaurnt/Eating	343 W. 6th Augk	Alaska
Cellar	Packagi store	343 W 99501 AVAK	Alaska
Crush	Packagi Store	pr. Svite 130 E	Alaska
	0	A/A 99SIS AK	
	Crush Cellar Crush	Crush : Restaurnt/Eating Cellar Puckagi store	Crush Restaurnt/Eating 343 W 6th Augk Cellar Puckage store 343 W 99501 Aug Crush Package store 10950 o' Malley Centre Prockage Store pr. Svite 130 E

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes	☑ No	

SECTION D - OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

If Yes, attach written explanation.

Zip Code: 99501
ration OR state of Incorporation: Alaska

If no, attach written explanation. Your entity must be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Title	%	Home Address & Telephone Number 4 9 5 6 1	Work Telephone Number	Date of Birth
Member	33.	3 1321 F. St. Anchorage Ak	865.9198	3/24/7
Member	330	3512 Stanford Dr. A/A 99508	865.9198	11/21/71
Member	33.	37631 Griffith St. A)A 94507	865.9198	10/7/7
	1	chad Calley 907-952.4463	1	
		Robert Delveia 907.250.8795		
	\	Scott Araya 907.350:1206	/	
	Menber Menber	Member 33. Member 33.	Member 33.3 1321 F. St. Anchorage Ak Member 33.3 3512 Stanford Dr. A/A 99508 Member 33.3 7631 Griffith St. A/A 99507 / chad Colley 907.952.9463 Robert Delveia 907.250.8795	Member 33.3 1321 F. St. Anchorage Ak 865. 9198 Member 33.3 3512 Stanford Dr. A/A 99508 865. 9198 Member 33.3 7631 Griffith St. A/A 99507 865. 9198 / chad Colley 907.952.9463 Robert Delveia 907.250.8795

New Liquor License

Alcoholic Beverage Control Board 550 West 7th Ave. Suite 1600 Anchorage, AK 99501

(907) 269-0350 Fax: (907) 334-2285 http://commerce.alaska.gov/dnn/abc/Home.aspx

SECTION E - OWNERSHIP INFORMATION - SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE) Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.) Applicant Applicant -Name: Name: Affiliate Affiliate Address: Address: Date of Birth: Date of Birth: Home Phone: Home Phone: Work Phone: Work Phone: Name: Applicant -Name: Applicant Affiliate Affiliate Address: Address: Date of Birth: Date of Birth: Home Phone: Home Phone:

Declaration

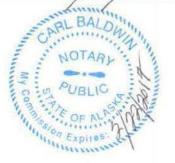
Work Phone:

I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of
my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted
obligations.

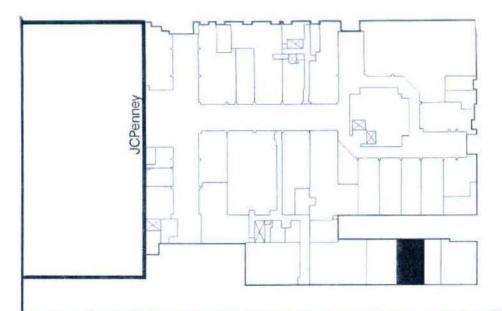
Work Phone:

- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board.
 The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s)	Signature of Licensee(s)
Signature	Signature
Signature 1997	Signature
Name & Title (Please Print)	Name & Title (Please Print)
Subscribed and sworn to before me this 16 day of Teluway 30/6	Subscribed and sworn to before me this day of
Notary Public in and for the State of	Notary Public in and for the State of
My commission expires: 2/03/3011	My commission expires:



FER 16 -674 1:55

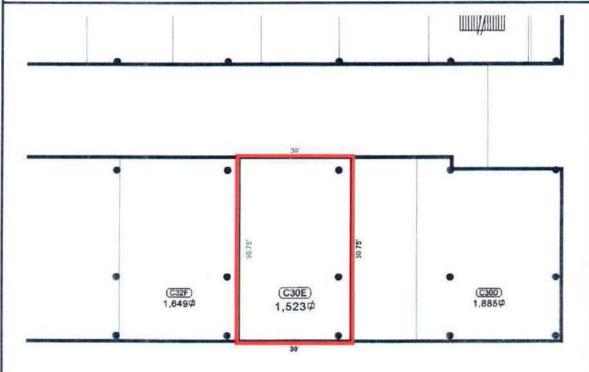


ANCHORAGE 5TH AVENUE MALL

TSD# C30E Level: 01



Simon Property Group 225 W. Washington St. Indianapolis, In 46204



Structural Element, must be field verified by tenant

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DBA Name:

Leasing Agent:

Unit No.

C30E

Date: 12/03/14 19:32 Scale: 1" = 20'

Corp. No. 0115



Department of Commerce, Community, and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 W. 7th Avenue, Ste 1600 Anchorage, Alaska 99501

Main: 907.269.0350

MEMORANDUM

TO: Robert Klein, Chair and

Members of the Board

Cynthia Franklin FROM:

Director, ABC Board

DATE: April 12, 2016

RE: Firetap #5448

This is an application for a new package store license in the Municipality of Anchorage. This is the last available package store license in the MOA, so there is an accompanying memo regarding this application's status as a competing application to Crush #5461.

Date of Application: January 20, 2016

Date MOA notified: January 21, 2016

Status of Approvals: All approvals received; MOA waived protest April 13, 2016

Regulatory Consideration: This is a competing application per 3 AAC 304.110 due to

> its initiation date 30 days before the application filed for License #5461 for the last package store license permitted

by AS 04.11.400(a) in the MOA

Issue license due to denial of License #5461 as a Recommendation:

competing application under 3 AAC 304.112(c)

New Liquor License

Alcoholic Beverage Control Board 550 West 7th Ave. Suite 1600 Anchorage, AK 99501

(907) 269-0350 Fax: (907) 334-2285 http://commerce.alaska.gov/dnn/abc/Home.aspx

SECTION A - LICENSE INFOR	RMATION				FEES 13745	
Office Use: License Year: 2016 Office Use: License #: 5448	License Type: Package Store			Statute Reference Sec. 04.11.150	License Fee: \$1500.00 Filing Fee: \$100.00 Rest. Desig. Permit Fee: \$	
Local Governing Body: (City, Bord Anchorage	Bayshore I 11900 Jun		ailing Address:	Fingerprint: \$		
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): O'Malley Alehouse & Pizza, LLC		Firetap 907-		usiness Telephone Number: 07-561-2337 ux Number:0907-561-2336		
Mailing Address: 0950 O'Malley Centre Drive		10950 O'Mallev Centre Drive fi		Email Address: Firetap@alaska.net Liane thompsoneg		
ity, State, Zip: nchorage, Alaska 99515						
SECTION B - PREMISES TO B	E LICENSED					
Distance to closest school grounds: .4 miles (Oceanview Elementary	Distance measured under: X AS 04.11.410 OR □ Local ordinance No.		☐ Premises is GREATER than 50 miles from incorporated city, borough, or unified in ☐ Premises is LESS than 50 miles from the incorporated city, borough, or unified in from the incorporated city, and the incorporated city, and the incorporated city, and the inc		municipality. he boundaries of an	
Distance to closest church: 5 Miles (St John's Methodist)	Distance measured under: XAS 04.11.410 OR □ Local ordinance No.		□ Not applicable			
Premises to be licensed is: Proposed building Existing facility New building			☐ Plans submitted t buildings) X Diagram of premi		quired for new & proposed	

New Liquor License

Alcoholic Beverage Control Board 550 West 7th Ave. Suite 1600 Anchorage, AK 99501

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SECTION C - LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

X Yes \(\subseteq \text{No} \) If **Yes**, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
Richard & Andrea Hobbs	Firetap Alchouse O'Malley	Beverage Dispensary	10950 O'Malley Centre Drive	Anchorage, Alaska
	Firetap Alchouse Tikahtnu	Beverage Dispensary	1148 Muldoon Road	Anchorage, Alaska
	McGinley's Irish Pub	Beverage Dispensary	645 G Street	Anchorage, Alaska
	BurgerFi	Restaurant Eating Place	600 Benson Blvd(Sears Mall)	Anchorage, Alaska
Gator Brothers LLC	Firetap Alehouse O'Malley	Beverage Dispensary	10950 O'Malley Centre Drive	Anchorage, Alaska
	Firetap Alehouse Tikahtnu	Beverage Dispensary	1148 Muldoon Road	Anchorage, Alaska
	McGinley's Irish Pub	Beverage Dispensary	645 G Street	Anchorage, Alaska
	BurgerFi	Restaurant Eating Place	600 Benson Blvd(Sears Mall)	Anchorage, Alaska
Gordon & Diane Thompson	Firetap Alchouse O'Malley	Beverage Dispensary	10950 O'Malley Centre Drive	Anchorage, Alaska

2.	Has any individu	al, corporate office	er, director,	limited liability	organization memb	er, manager o	or partner	named in t	his application	been o	convicted
of a	felony, a violati	on of AS 04, or be	en convicte	ed as a licensee	or manager of licens	ed premises i	n another	state of the	e liquor laws of	that s	tate?

Yes	X No	If Yes, attach written explanation.

SECTION D - OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): O'Malley Alehouse & Pizza LLC		
City: Anchorage	State: Alaska	Zip Code: 99515
Name, Mailing Address and Telephone Number of Registered Agent: Diane Thompson 2445 La Honda Drive Anchorage, Alaska 99517 907-360-8340		
	City: Anchorage d Agent:	City: State: Alaska d Agent: Date of Incorporation OR Certification with DCED:

Is the Entity in "Good Standing" with the Alaska Division of Corporations?

If no, attach written explanation. Your entity must be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Gator Brothers LLC	Managing member	25	6400 Gunnison Drive Anchorage, Alaska 99516 907-444-3791	907-444-3791	8-25-1955
Diane Thompson	Managing member	25	2445 La Honda Drive Anchorage, Alaska 99517 907-360-8340	907-360-8340	12-5-1945
Richard Hobbs	Managing member	50	15960 Terracewood Lane Anchorage, Alaska 99516 907-230-5081	907-230-5081	4-8-1966

Alcoholic Beverage Control Board 550 West 7th Ave. Suite 1600 Anchorage, AK 99501

New Liquor License

(907) 269-0350 Fax: (907) 334-2285

http://commerce.alaska.gov/dnn/abc/Home.aspx

OTE: If you need additional space, please attach a separate sheet.	

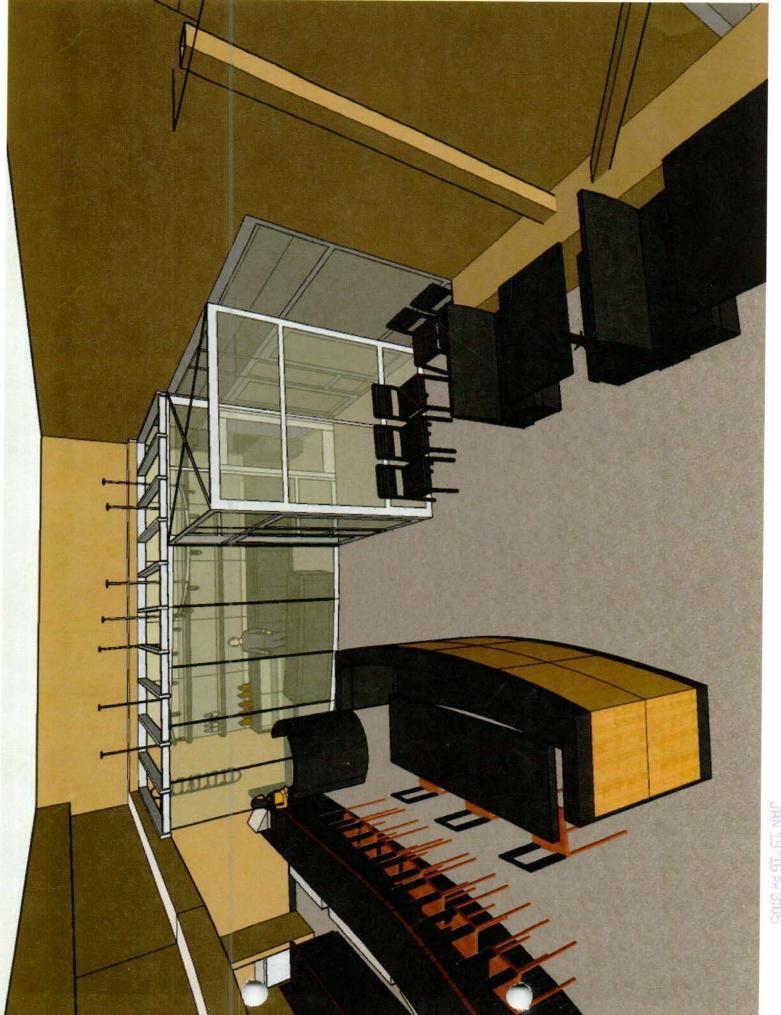
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Name: Address:	Applicant □ Affiliate □	Name: Address:	Applicant □ Affiliate □
Home Phone: Work Phone:	Date of Birth	Home Phone: Work Phone:	Date of Birth:
Name: Address:	Applicant □ Affiliate □	Name: Address:	Applicant □ Affiliate □
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of
 my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted
 obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board.
 The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s)	Signature of Licensee(s)
Signalur Thom pour	Signature
Signature	Signature
Name (Title (Please Print) Where Managary Member Subscribed and sworn to before me this	Name & Title (Please Print)
Subscribed and sworn to before me this	Subscribed and sworn to before me this
19 day of January 2016	day of
Notary Public in and for the State of Alaska	Notary Public in and for the State of
Kaitlin m Sodium	
My commission expires: OCT 15. 8019	My commission expires:

Notary Public KAITLYN M. GODWIN State of Alaska My Commission Expires Oct. 15, 2019





JAN 15 16 14 3:05