



## MEMORANDUM

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

DATE: October 15, 2018

FROM: Erika McConnell, Director

RE: #4694 Bear Tooth Theatrepub

**Requested Action:** Approve license transfer and alternating premises request

**Statutory and Regulatory 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 04.11.040(a): "A license issued under this title may not be transferred to another person except with the written consent of the board."

3 AAC 304.225: "Upon a licensee's written request accompanied by a detailed premises diagram, the board may approve a portion of a premises licensed under AS 4.11.100 (restaurant eating place license), AS 4.11.115 (golf course license), AS 04.11.180 (common carrier dispensary license), AS 04.11.210 (recreational site license), AS 04.11.225 (outdoor recreational lodge license), AS 04.11.255 (destination resort license), or AS 04.11.400(d) to alternate as a licensed or unlicensed premises under the following conditions:

(1) approval will be granted only if the board finds that use of the identified area as alternating premises will stimulate tourism or promote activities open to the general public;

(2) a debt that is incurred during times when the identified area is unlicensed will be considered a debt incurred in the operation of the licensed business for purposes of transfer of the license under AS 04.11.360;

(3) at any time with written notice to the licensee, the board may withdraw its approval of use of the identified area as alternating premises.

(4) caterer's permits issued under AS 04.11.090 may be exercised in the alternating area during the times the identified area is unlicensed premises;

(5) during times the identified area is designated as an unlicensed premises, all alcoholic beverages must either be removed from the identified area or be stored in a location approved by the board to be secure from the public;

(6) A licensee may apply hours that it is operating as an alternating unlicensed premises to meet the operating requirement set out in AS 04.11.330(a)(3).”

**Staff Rec.:** Approve the license transfer and alternating premises request

**Background:** The licensee currently holds beverage dispensary license #4065 at this location – which includes a movie theater – that is temporarily transferring to another entity that owns the real estate where that license will eventually be operated. This license has been nonoperational at the existing location for over three years while the licensee has been working with the Municipality of Anchorage to begin operations.

The upstairs area has been functioning as an alternating premises for many years. Food and nonalcoholic beverages are sold for consumption in all seating areas of the theater. Consumption of alcohol sold by the licensee is limited to the downstairs area, except during occasional events when the upstairs area is also licensed. Alcohol is never stored or stocked in the upstairs area.

The licensee proposes to provide AMCO on a regular basis with a schedule of events when the upstairs premises will be licensed; that area is otherwise unlicensed.

The local government (Municipality of Anchorage) response to the transfer is pending. Other reviewing entities have not objected.

**Attachment:** Request for alternating premises  
Diagram of alternating premises



1230 W 27th Ave Anchorage, Alaska 99503  
907-276-4200 Fax 907-258-2402  
WWW.BEARTOOTHEATRE.NET

9/7/18

State of Alaska  
Department of Commerce, Community, and Economic Development  
Alcohol Beverage Control Board

Re: Alternating premise designation request

Dear Alcohol Beverage Control Board,

Film-On Productions, LLC DBA Bear Tooth Theatrepub would like to request approval for an alternating premise designation relating to the theatre balcony and stairwell leading up to the balcony (BDL#4065). During general movie presentations the theatre balcony and associated stairwell operate as an "alcohol free" zone. No alcohol is served or stored in these areas. All patrons entering the theatre must present a ticket to security staff at which time unaccompanied minors are directed to the balcony area unless accompanied by his or her parent to the main level where alcohol is available for people over 21 years of age. The entrance to the balcony is also signed "No Alcohol in the Balcony" and is monitored by staff during the film. Occasionally we would like to change the designation of the stairwell and balcony to allow alcohol for events restricted to those 21 years of age and older. During these times all ID's will be checked in the foyer before entering any part of the theatre. Although alcohol would be allowed in the balcony at these times, no alcohol will be served or stored in the balcony or stairwell. After such events, the theatre balcony and stairwell will be cleaned and verified free of alcohol.

Thank you,

Roderick Hancock  
Administrative Member

Warren Hancock  
Administrative Member

Film-On Productions, LLC  
92-0166735

Mailing Address: 1317 W Northern Lights Blvd, #8 Anchorage, AK 99503



AB-02

Emergency Exit

NEW EXTERIOR STAIR  
REFER TO SH1 ASL1

PROVIDE NEW STAIR - REFER TO  
SH1 TO SH1 ASL1 - EXISTING STAIR  
DEALS ROOM TO FACILITATE CONSTRUCTION

SPLICE RM  
126 SF

NEW BALCONY  
1456 SF

PROJECTION BOOTH  
416 SF

REFER TO SPLICE CHG  
FOR NEW BALCONY  
FRAMED & STRUCTURE

THEATER BELOW

MECHANICAL  
544 SF

MECHANICAL  
437 SF

MECHANICAL  
276 SF

RELOCATED FIBER  
THEATER ZONING

MARKED DIMS INDICATE  
NEW WALL - REFER  
TO SPLICE CHG

21W  
209

168' 8"

62'

100'-0"

— Alternating Premise Area

EXISTING ROOF

Bear Tooth Theatrepub  
2nd Floor

REFER TO SH1 ASL1 FOR  
ENLARGED PLAN THIS AREA

Roof

Emergency Exit

ENLARGED ROOMS FROM  
BELOW

1/E

RECEIVED

SEP 11 2018

ALCOHOL & MARIJUANA CONTROL OFFICE  
STATE OF ALASKA