



MEMORANDUM

TO: Alcoholic Beverage Control Board

DATE: March 31, 2020

FROM: Glen Klinkhart, Interim Director

RE: 1381 Creekbend Company

Requested Action: Additional consideration of the Licensed Premises Diagram Change and Restaurant Designation Permit applications.

Statutory And Regulatory Authority: 3 AAC 304.185(d): "A licensee may not alter the functional floor plan, reduce or expand the area, or change the business name of the licensed premises without the prior written approval of the director. The licensee must provide a new line drawing showing the proposed changes in the premises. A licensee must pay a fee of \$250 for changing the business name or line drawing of the licensee's licensed premises when the name or line drawing change is not part of a transfer of ownership or location. A request for a business name or line drawing change for licensed premises not part of a transfer must be made on a form prescribed by the board."

3 AAC 304.305: "In AS 04.11.100 and this section, a "bona fide restaurant or eating place" is an establishment, or portion of an establishment, where, during all times that beer or wine is served or consumed, the patron's principal activity is consumption of food; and a variety of types of food items appropriate for meals is available for sale as shown on a menu provided to patrons and filed with the board. In considering an application for issuance, transfer, or relocation of a restaurant or eating place license, the board will determine the portion of the premises or proposed premises that constitutes a restaurant or eating place, and will license only that portion for the sale and consumption of alcoholic beverages."

Staff Rec.: Consider if the extended outdoor premises falls under the definition of a "bona fide restaurant or eating place".

Background: This restaurant or eating place license in Hope, an unincorporated community in the Kenai Peninsula Borough, is held by Creekbend Company LLC. They wish to include approximately 71,725 square feet in the back of restaurant where there is a stage, outdoor grill/bar with a few picnic tables.

Attachment: AB-14
AB-03



Alaska Alcoholic Beverage Control Board

Form AB-14: Licensed Premises Diagram Change

What is this form?

This licensed premises diagram change form is required for all liquor licensees seeking to alter the functional floor plan or reduce or expand the area of the establishment's existing licensed premises, under 3 AAC 304.185. **The required \$250 licensed premises diagram change fee may be made by check, cashier's check, money order, or credit card (VISA or MasterCard).**

Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, and consumption. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

If approved, this form will replace the existing licensed premises diagram on file. All sections of the currently licensed area that you wish to remain licensed must be included in the outlined area, as described on Page 2 of this form. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form, as long as it meets the requirements listed on this form. The first and third pages must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office prior to altering the existing floor plan. The licensed premises may not be altered unless and until the AMCO director has given written approval on this form. Please note that licensees seeking to change licensed premises diagrams for multiple licenses must submit a separate completed copy of this form and pay a separate fee for each license.

Section 1 – Establishment Information

Enter information for the licensed establishment.

Licensee:	Creekbend Company LLC	License Number:	1381
License Type:	Restaurant/Eating Place		
Doing Business As:	Creekbend Company		
Premises Address:	64777 Second Street		
City:	Hope	State:	AK
		ZIP:	99605

Section 2 – Summary of Changes

Provide a summary of the changes for which you are requesting approval.

Please see attached



Alaska Alcoholic Beverage Control Board

Form AB-14: Licensed Premises Diagram Change

Section 3 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, and consumption. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

A large, empty rectangular box with a black border, intended for the user to draw a detailed premises diagram. The box is currently blank.



Alaska Alcoholic Beverage Control Board

Form AB-14: Licensed Premises Diagram Change

Section 4 – Declarations

Read the statement below, and then sign your initials in the box to the right:

Initials

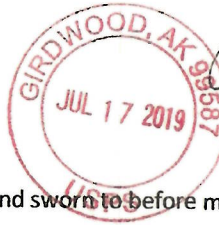
The proposed changes conform to all applicable public health, fire, and safety laws.

SLT

As a liquor licensee, I declare under penalty of perjury that this form, including all attachments, is true, correct, and complete.

Stephen Thomas
Signature of licensee

STEPHEN THOMAS
Printed name of licensee



Angela Kiana Pastor
Notary Public in and for the State of Alaska.

My commission expires: "Term"

Subscribed and sworn to before me this 17th day of July, 2019.

Section 5 – Local Government & AMCO Review

Local Government Review (to be completed by an appropriate local government official):

Yes No Pending

The proposed changes shown on this form conform to all local restrictions and laws.

A local building permit is required for the proposed changes.

Signature of local government official

Building Permit #

Date

Printed name of local government official

Title

AMCO Review:

Approved Disapproved

Signature of AMCO Enforcement Supervisor

Signature of Director

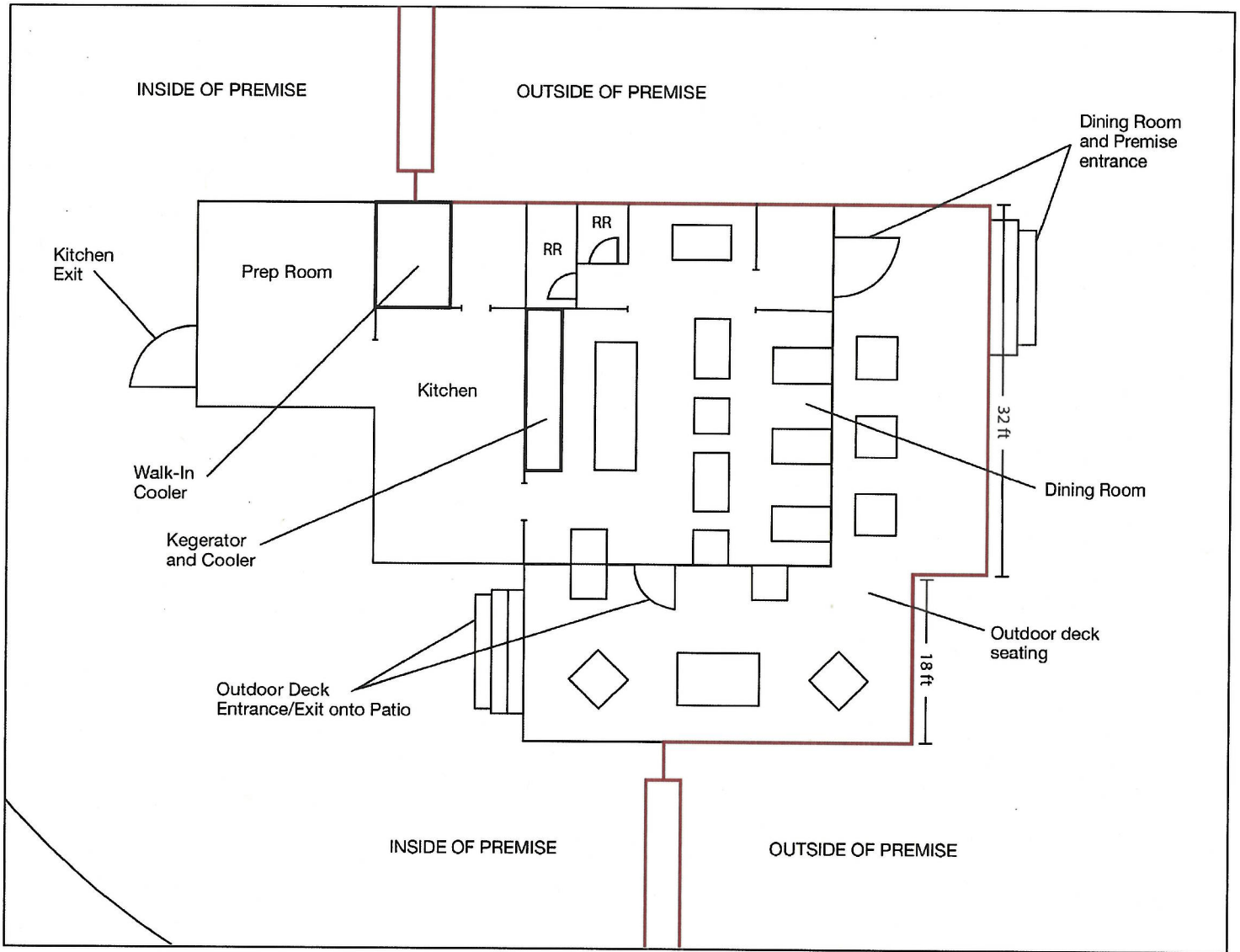
Printed name of AMCO Enforcement Supervisor

Printed name of Director

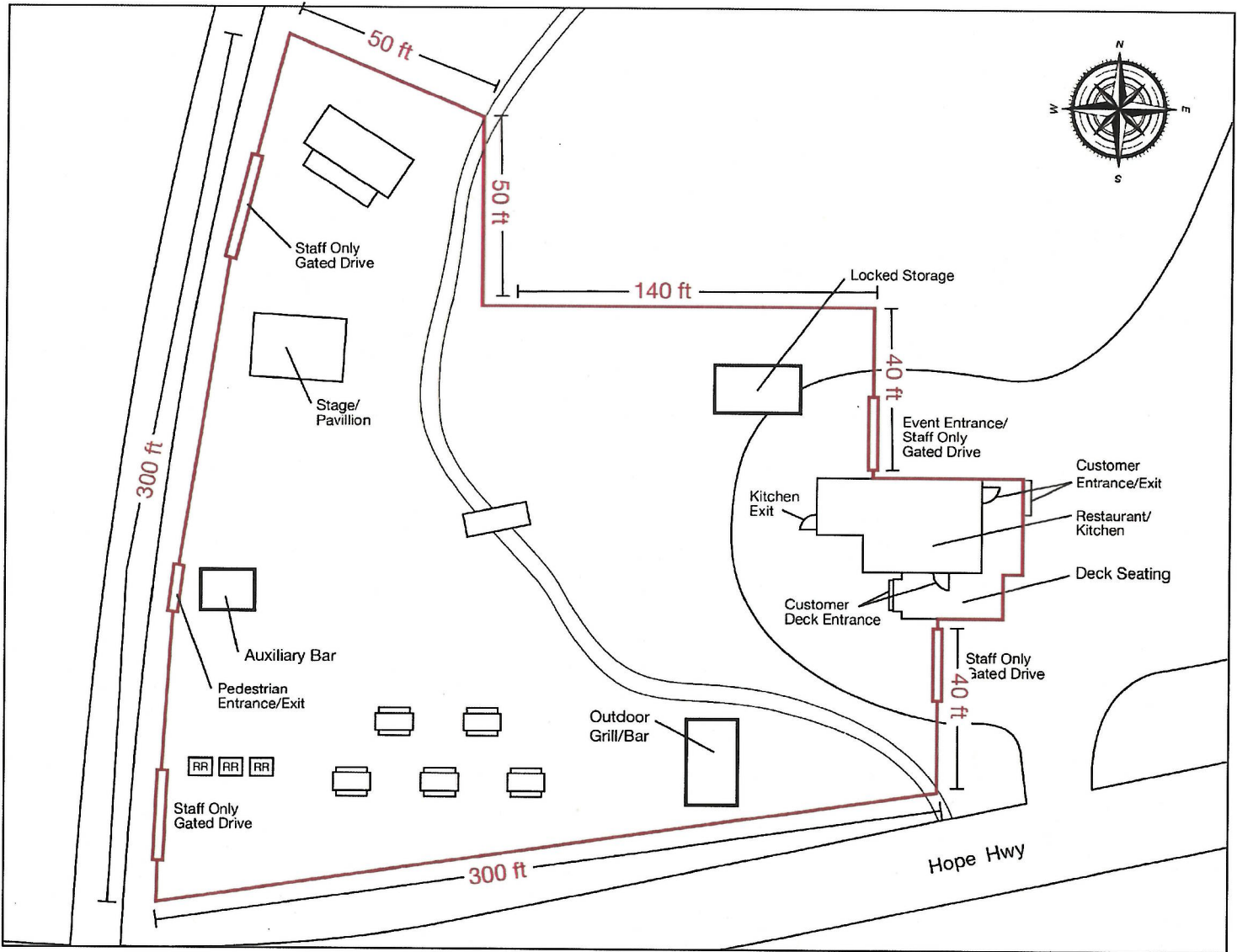
Date

AMCO Comments:

[Empty box for AMCO Comments]



RECEIVED
 AUG 26 2019
 ALCOHOL REGULATION DIVISION OFFICE
 STATE OF ALASKA



RECEIVED
 AUG 26 2019
 ALCOHOL TAX DEPARTMENT
 STATE OF ALASKA
 RICE

Our customers' principal activity when they come to Creekbend is to consume food. A variety of types of food appropriate for means is available for sale and shown on the Creekbend menu. Creekbend always offers full-service menu of food items when it is open for business and will extend that full-service menu of food to the back area. The areas outside of the building simply serve as an extension of the restaurant area. Similar to 49th State Brewing Company in Anchorage, The Pump House in Fairbanks, Pikes Landing in Fairbanks, and other well-known establishment, including the outdoor area as dinning/serving areas simply allows for customers to enjoy the beautiful outdoor Alaskan scenery during their meal. Upon approval, we will begin to expand/improve our outdoor patio area, significantly expand outdoor seating and set up proper monitoring systems. When the back area is open to customers, meal service is always provided. Customers will enter the restaurant in the same manner as they do now. They will have the choice to sit inside or outside, as weather and business capacity allows. The lack of outdoor seating demand in the winter and shoulder season could result in the back area not being open for customers to utilize, as staffing the back area would not be an efficient use of staff time when no customers desire to sit outside. When the weather allows, Creekbend may choose to close the indoor seating, only offering outdoor dining, similar to how restaurants utilize certain areas of their space at certain times (i.e. only seat you in a certain section at lunch time or closing off a private room for a private group meal).

Our American-style menus including Burgers, Wraps, Salads, Pastas etc., will be available to every customer regardless if they choose to sit inside or outside. On special occasions, such as holidays, events and cook outs, Creekbend may offer a special themed menu, again available to all customers dining inside or outside. Customers will have the option to be served in the same manner as before the premise change, with servers and table service available in the building and at a minimum in the deck/patio areas. As this change to our layout occurs, Creekbend may consider other styles of service such as counter service. Customers will be seated as they arrive via a hostess or server. Just like the Cafe is currently, the area outside of the building will also be available to reserve/rent for a private party (i.e. wedding, family reunion, corporate picnic).

The area outside the building will have security cameras to assist in patrolling and securing the premise.





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A menu or expected menu listing the meals, including entrees prepared onsite and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	Creekbend Company, LLC				
License Type:	Restaurant/Eating Place	License Number:	1381		
Doing Business As:	Creekbend Company				
Premises Address:	64777 Second Street				
City:	Hope	State:	Alaska	ZIP:	99605
Contact Name:	Stephen Thomas	Contact Phone:	440-773-0173		

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

1. Dining after standard closing hours: AS 04.16.010(c)
2. Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
3. Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
4. Employment for persons 16 or 17 years of age: AS 04.16.049(c)
 NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY	
Transaction #:	Initials:





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Minor Access

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minors will be allowed throughout the entire establishment where patrons are permitted for dining. All minors under the age of 21 must be accompanied by an adult over the age of 21. Minors who are employed will be allowed access to the entire facility. Employed minors will not serve alcohol under any circumstance and will be trained on procedures prior to employment.

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

Creekbend Company, LLC DBA Creekbend Company will ensure that no alcohol is consumed or accessed by a minor in the establishment. Staff and management will frequently check the dining area, inside and outside, for persons under the age of 21 that are not escorted by an adult and keep a close eye on patrons actions, quickly clean up beverages left on the tables and frequently check the dining areas for unacceptable behavior such as; an adult allowing a minor to consume alcohol. If an employee witnesses a patron handing a minor alcohol, he/she will immediately contact Management, Management will contact local law enforcement and the patron will be dealt with accordingly.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?

Yes No

Section 4 – DEC Food Service Permit

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: <http://dec.alaska.gov/eh/fss/food/>

Please follow this link to the Municipality Food Safety Website:

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

If you are unable to certify the below statement, please discuss the matter with the AMCO office:

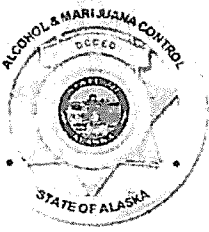
Initials

I have attached a copy of the current food service permit for this premises OR the plan review approval.

CAT

*Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Hours of Operation

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Summer Hours: 8am-4pm daily (usually closed one day a week, such as Tuesday). Friday/
 Saturday dinner service until 11pm. Winter Hours: Thursday 4p - 9p, Friday 12p -
 9pm, Saturday 9a - 9pm, Sunday 9a - 9pm, Monday 4p - 9pm.

Section 6 – Entertainment & Service

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>

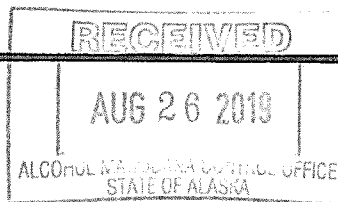
If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Live music & recorded music. The hours live or recorded music may occur are anytime while the Restaurant is open. For example, we may host a singer songwriter on our patio during the afternoon hours or we sometimes have music during dinner hours.

Food and beverage service offered or anticipated is:

table service
 buffet service
 counter service
 other

If "other", describe the manner of food and beverage service offered or anticipated:





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 7 – Certifications and Approvals

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

There are tables or counters at my establishment for consuming food in a dining area on the premises.

SGT

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons. This menu includes entrees that are regularly sold and prepared by the licensee at the licensed premises.

SGT

I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.

SGT

I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted. (AB-03 applications that accompany a new or transfer license application will not be required to submit an additional copy of their premises diagram.)

SGT

I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

[Signature]
Signature of licensee

[Signature]
Signature of Notary Public Postmaster

STEPHEN THOMAS
Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires: USPS AS 11/10/21

Subscribed and sworn to before me this 26 day of July, 2019.

Local Government Review (to be completed by an appropriate local government official):

Approved Denied

Signature of local government official

Date

Printed name of local government official

Title





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:

Enforcement Recommendation:

Approve

Deny

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Date

Enforcement Recommendations:

AMCO Director Review:

Approved

Denied

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:



Creekbend Company, LLC DBA Creekbend Company will be expanding their licensed premises from the inside of the facility to also include the exterior of the outdoor space. The increase will be approximately 71,725 sf. The expanded premises will allow for outdoor seating so patrons can eat outside by the grill, and still enjoy a glass of wine or beer. Upon approval of the licensed premises addition, Creekbend Company will be installing a 4.5' - 5' ft tall fence surrounding the entire perimeter. The fence will be made with thick wooden posts every 8-12feet, with wire fencing between the posts.

In addition, Creekbend Company will ensure that no alcohol is consumed or accessed by a minor in the establishment. Servers will check the identification of all patrons ordering an alcoholic beverage. A valid identification must be an unexpired, unaltered passport or an unexpired, unaltered driver's license or identification card issued by a federal or state agency authorized to issue driver's licenses or identification cards. Minors will be allowed throughout the entire establishment where patrons are permitted for dining. All minors under the age of 21 must be accompanied by an adult over the age of 21. All servers will be trained in verifying valid government issued photo identification. Minors who are employed will be allowed access to the entire facility. Employed minors will not serve alcohol under any circumstance and will be trained on procedures prior to employment. Staff and management will frequently check the dining area, inside and outside, for persons under the age of 21 that are not escorted by an adult and keep a close eye on patrons actions, quickly clean up beverages left on the tables and frequently check the dining areas for unacceptable behavior such as an adult allowing a minor to consume alcohol. If an employee witnesses a patron handing a minor alcohol, he/she will immediately contact Management. Management will contact local law enforcement and the patron will be dealt with accordingly. Lastly, security staff will frequently check the outer perimeter of the outdoor area for persons loitering outside the licensed premises. Employees and management will also keep a keen eye on the exits/entrances of the establishment to ensure that no alcohol is removed from the premises. When needed, a employee can be assigned to stay at exits/entrances, if management deems necessary, although we do not anticipate needing to have one employee designated to an entrance or exits at all times. If an employee witnesses a patron handing a minor alcohol or a patron attempting to vacate the establishment with alcohol, he/she will immediately contact Management, Management will contact local law enforcement and the patron will be dealt with accordingly. The facility will have signage posted that all minors must be accompanied by an adult over the age of 21.

