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Submitted by

Chair of the Assembly at the  
Request of the Mayor

Prepared by

Planning Department

For reading

OCTOBER 15, 2002

Anchorage, Alaska

AR 2002-317

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A  
CONDITIONAL USE FOR AN ALCOHOLIC BEVERAGES BEVERAGE DISPENSARY  
LICENSE-DUPLICATE CONDITIONAL USE IN THE B-2B DISTRICT FOR A  
RESTAURANT/LOUNGE PER AMC 21.40.160 D. 13 GENERALLY LOCATED ON LOTS 11  
AND 12, BLOCK 71, ORIGINAL TOWNSITE SUBDIVISION, AT 409 WEST 7<sup>TH</sup> AVENUE  
AND 626 D STREET.

(Downtown Community Council) (Case 2002-160)

THE ANCHORAGE ASSEMBLY RESOLVES

**Section 1.** The conditional use permit for an Alcoholic Beverages (beverage dispensary license-duplicate) Conditional Use in the B-2B district for a restaurant/lounge per AMC 21.40.160 D. 13 generally located on lots 11 and 12, block 71, Original Townsite Subdivision, located at 409 West 7<sup>th</sup> Avenue and 626 D Street, meets the applicable standards of AMC 21.50.020 and AMC 21.50.160.

**Section 2.** The conditional use permit for an Alcoholic Beverages Conditional Use for a Beverage Dispensary-Duplicate license is for lots 11 and 12. Lot 12 is the existing Bernie's Bungalow, lot 11 is a proposed two story building with bars on both floors. The outdoor area of both lots is included in the alcohol service area. The two lots total 14,000 square feet. Total indoor seating in both buildings will be 169 non-fixed seats. Total outdoor seating will be 100 non-fixed seats.

**Section 3** The conditional use permit is approved subject to the following conditions:

- 1 A notice of Zoning Action, including a copy of the ABC duplicate license(s), shall be filed with the District Recorder's Office within 120 days of the Assembly's approval of a final conditional use approval for a restaurant/eating place serving alcohol in the B-2B District. Proof of such shall be filed with the Planning Department.
2. This conditional use will become effective upon issuance of a final certificate of occupancy for the new structure on lot 11. If the final CO is not obtained by December 31, 2003, the conditional use application will be considered withdrawn. The current conditional use for alcoholic beverages remains in effect.
- 3 All structures and uses shall substantially conform to the plans and narratives submitted.
- 4 This conditional use approval is for an Alcoholic Beverages Conditional Use in the B-2B District for a Beverage Dispensary – Duplicate license per AMC 21.40.160.D. 13 for lots 11 and 12, the existing Bernie's Bungalow and a proposed two story building, for a total of 169 non-fixed indoor seats and 100 non-fixed outdoor seats. Lot 11, the proposed building, is for a 4,400 square foot, two-story building with an alcohol service area of 1,800 square feet and

109 non-fixed, indoor seats and 50 outdoor seats. Lot 12, the existing Bernie's Bungalow contains 69 non-fixed indoor seats and 50 outdoor seats.

5 On-premise sale of alcohol beverages seven (7)-days a week; Sunday through Thursday, 2:00 p.m. to Midnight, and Friday through Saturday, 2:00 p.m. to 2:00 a.m. Liquor sales shall constitute no more than 60% of total gross receipts.

6 Upon demand the applicant shall demonstrate compliance with a liquor Server Awareness Training Program approved by the State of Alaska alcoholic Beverage Control Board, such as or similar to the program for techniques in alcohol management (T.A.M.).

7 The use of the property by any person for the permitted purposes shall comply with all current and future federal, state and local laws and regulations including but not limited to laws and regulations pertaining to the sale, dispensing, service and consumption of alcoholic beverages and the storage, preparation, sale, service and consumption of food. The owner of the property, the licensee under the Alcoholic Beverage Control license and their officers, agents and employees shall not knowingly permit or negligently fail to prevent the occurrence of illegal activity on the property.

8 A copy of the conditions imposed by the Assembly in connection with this conditional use approval shall be maintained on the premise at a location visible to the public.

9 No alcohol advertisements shall be viewable from off the property

10 Outdoor music (live or recorded) is limited to the hours of 2:00 p.m. to 8:00 p.m. seven days a week.

**Section 4.** Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification or revocation.

**Section 5.** This resolution shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_ 2002.

ATTEST

Chair

Municipal Clerk

(2002-160)  
(002-112-53, -54)

**2002-160**



\* Case Location

## PETITION AREA

### Flood Limits

100 Year Floodplain

500 Year Floodplain

### Floodway



0 500 1000 Feet



2002 160 1000ft

Fri Jun 28, 14:09:40, 2002

Map: Parcels



Scale 1:18000

Legend:

- alcohol
- Txt streetsano: Text
- parcels

subject



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 867-2002

Meeting Date: OCTOBER 15, 2002

From: Mayor

Subject: AR 2002- 317 Alcoholic Beverages Conditional Use for a Beverage Dispensary license-duplicate in the B-2B district for a restaurant/lounge per AMC 21.40.160 D. 13

1 Bernard Souphanavong, owner of Bernie's Bungalow located at 626 D Street, has made  
2 application for an alcoholic beverage conditional use permit, for a Beverage Dispensary  
3 license-duplicate, per AMC 21.40.160D. 13, the B-2B central business district,  
4 intermediate. The property consists of two lots, lot 11 and lot 12 of block 71. There is an  
5 existing conditional use alcohol permit for lots 11 and 12. Bernie's Bungalow is on lot 12,  
6 but the alcohol service area includes both 11 and 12.

7 The applicant now requires a new CU and beverage dispensary-duplicate ABC license  
8 because he proposes to construct a 4,400 gross square foot building on lot 11. The new  
9 building will be two stories and have bars and alcohol service on both floors. The alcohol  
10 service area on the first floor will be approximately 600 square feet, and 1,200 on the  
11 second floor. The existing Bungalow on lot 12 and the outdoor alcohol service area on lots  
12 11 and 12 will not change.

13 The existing CU and license for lots 11 and 12 allows 60 indoor, non-fixed seats and up to  
14 100 outdoor, non-fixed seats. The new CU and license (if granted) will allow up to 109  
15 non-fixed seats in the new building. The total service area of lots 11 and 12 would then  
16 include 169 indoor seats and 100 outdoor seats. The Anchorage 2020 – Anchorage Bowl  
17 Comprehensive Plan lists this area as major employment center, redevelopment/mixed use.  
18 The addition of a beverage dispensary-duplicate license in a restaurant/lounge at this  
19 location is consistent with the Comprehensive Plan.

20 Within 1,000 feet of this location there are 19 alcohol licenses in operation; 8  
21 Restaurant/eating places, 9 Beverage Dispensary, 1 Theater license, and 1 Beverage  
22 Dispensary-Tourism license.

23 At the time of this case preparation, the Downtown Community Council had no comment  
24 and three letters of support had been received from the public.

25 The Treasury Department has reported that taxes are current.

26 The Department of Health and Human Services (DHHS) finds that this conditional use is  
27 not within the required separation distance for schools and daycare. The Police Department

1 has reported several noise and other complaints; a copy of the summary log is in the staff  
2 report. There are no sanitation complaints on file against the applicant. DHHS and the Safe  
3 City program report a high level of calls for this area, but neither program expects a change  
4 in their levels of service as a result of this license. There is adequate parking. Traffic access  
5 and pedestrian circulation are acceptable.


6 Alaska Statute 04.11.410 restriction of location near churches and schools requires that a  
7 premise may not be located within a building with a public entrance within 200 feet of a  
8 school ground or church building if those structures were in use prior to issuance of a  
9 license. Denali Elementary School is approximately 1,000 feet away. To our knowledge  
10 there are no other schools or churches within a radius of 200 feet. There is a "before-and-  
11 after-school" Camp Fire program in Denali Elementary.

12 This conditional use for alcoholic beverage – restaurant license in the B-2B district  
13 generally meets the requirements of Title 21 and Title 10.  
14  
15


Reviewed by:

  
Harry J. Kieling, Jr.  
Municipal Manager

Reviewed by

  
Craig E. Campbell, Executive Director  
Office of Planning, Development  
and Public Works

Respectfully submitted,

  
George P. Wuerch  
Mayor

Prepared by:

  
Susan R. Fison, Director  
Planning Department



Municipality of Anchorage  
MUNICIPAL CLERKS OFFICE  
Agenda Document Control Sheet

*AK 2002-317*

<b>1</b>	<b>SUBJECT OF AGENDA DOCUMENT</b>  <b>Bernies Bungalow Conditional Use for an Alcoholic Beverage Conditional Use in the B-2B District for a Beverage Dispensary-Duplicate license Use per AMC 21.40.160 D.13; located on Anchorage Original Townsite, Block 71, Lots 11 and 12; generally located on the northwest corner of West 7<sup>th</sup> Avenue and D Street</b>  <b>(Downtown Community Council)(Case 2002-160)</b>	<b>DATE PREPARED</b> 09/16/02	<b>INDICATE DOCUMENTS ATTACHED</b>  <input type="checkbox"/> AO <input checked="" type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM
<b>2</b>	<b>DEPARTMENT NAME</b> Planning Department	<b>DIRECTOR'S NAME</b> Susan R. Fison, Director	
<b>3</b>	<b>THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY</b> Jerry Weaver	<b>HIS/HER PHONE NUMBER</b> 343-4215	
<b>4</b>	<b>COORDINATED WITH AND REVIEWED BY</b>	<b>INITIALS</b>	<b>DATE</b>
<b>5</b>	<b>Mayor</b> Heritage Land Bank Merrill Field Airport Municipal Light & Power Port of Anchorage Solid Waste Services Water & Wastewater Utility		
<b>4</b>	<b>Municipal Manager</b> Cultural & Recreational Services Employee Relations Finance, Chief Fiscal Officer Fire Health & Human Services Office of Management and Budget Management Information Services Police	<i>M</i>	<i>9/21</i>
<b>2</b>	Office of Planning, Development, & Public Works Development Services Facility Management	<i>Attorney</i>	<i>9/10/02</i>
<b>1</b>	Planning Project Management & Engineering Street Maintenance Traffic Public Transportation Department Purchasing	<i>SNZ</i>	<i>9-18-02</i>
<b>3</b>	<b>Municipal Attorney</b> <i>1392</i> <b>Municipal Clerk</b>	<i>DP</i>	<i>9-20-02</i>
<b>5</b>	<b>SPECIAL INSTRUCTIONS/COMMENT</b> Pre-advertised for the 10/15/02 Assembly meeting  <div style="text-align: right; font-style: italic; font-size: 1.2em;">New Public Hearing</div>		
<b>6</b>	<b>ASSEMBLY MEETING DATE REQUESTED</b>	<b>7</b>	<b>PUBLIC HEARING DATE REQUESTED</b> 10/15/02

00-002(7/98)

RECEIVED  
 02 SEP 19 AM 10:11  
 2002 OCT -1 AM 10:58  
 CLERKS OFFICE