

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 10-22-02

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: October 22, 2002

Anchorage, Alaska
AR 2002-317 (S)

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 7TH 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 7th 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 If the final CO is not obtained by December 31, 2004, the conditional use application will be considered withdrawn.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. Combined, the existing Bernie's Bungalow and a proposed two-story building will have a total of 169 non-fixed indoor seats and 200 non-fixed outdoor seats subject to Anchorage Fire Department approval for this or any other occupancy level. 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~~ ¹⁰⁰ outdoor seats. Lot 12, the existing Bernie's Bungalow, contains 60 non-fixed indoor seats and ~~50~~ ¹⁰⁰ outdoor seats.
5. On-premise sale of alcoholic beverages shall be seven days a week, 2:00 p.m. to 2:00 a.m. Liquor sales shall constitute no more than 80% 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 premises at a location visible to the public.

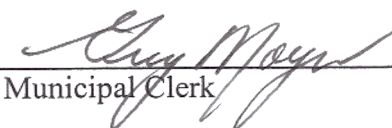
Section 4. Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification or revocation.

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

PASSED AND APPROVED by the Anchorage Assembly this 22ND day of October 2002.

ATTEST:


Chair


Municipal Clerk

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



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 925-2002

Meeting Date: October 22, 2002

From: Mayor

Subject: AR 2002-317 (S) 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

The applicant for the proposed conditional use had not read the Assembly packet prior to the October 15, 2002 Assembly meeting and requested that several issues be resolved concerning the proposed limitations for the conditional use.

Planning staff met with Mr. Souphanavong Thursday morning, October 17, 2002, to review the proposed limitations. Mr. Souphanavong would like the following amendments:

- 1 Occupancy date for the new structure to be changed to December 31, 2004.
2. One hundred (100) indoor, unfixed seating for the present facility on Lot 12.
One hundred and four (104) indoor, unfixed seating for the proposed facility on Lot 11
Two hundred and four (204) total indoor, unfixed seating.
Three hundred (300) total unfixed, outdoor seating for both Lots 11 and 12.
3. Hours of operation to be from 2 p.m. to 2 a.m.
4. Liquor sales to be 80% of total gross receipts.
5. Alcohol advertisement viewable from off the property.
6. No limitation for outdoor music (live or recorded).

Planning staff has submitted AR 2002-317 (S) which makes the following amendments:

- Occupancy date for the new structure changed to December 31, 2004.
- Hours of operation shall be from 2 p.m. to 2 a.m.
- Liquor sales to be 80% of the total gross receipts.
- No limitation for outdoor music (live or recorded).
- Occupancy levels to be determined by the Anchorage Fire Department.
- No limitation on viewable advertisement from off the property.

1 Planning staff believes the applicant's application for a total of 169 indoor, non fixed seating to
2 be appropriate for the size of the two structures and does not recommend a total of 204 indoor,
3 non fixed seating as now requested by the applicant, unless the Fire Department authorizes the
4 higher occupancy. Staff also recommends that a total of 100 outdoor, unfixed seating is also
5 appropriate for the size of the two lots (12,000 square feet) and associated structures. The
6 applicant desires to have 300 outdoor, non-fixed seating. The final determination will be made
7 by the Anchorage Fire Department. Noise will be monitored in accordance with municipal
8 noise requirements and, if the facility exceeds those standards, appropriate action will be taken
9 to enforce any excessive noise.

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11 Prepared by: Susan R. Fison, Director, Planning Department

12 Reviewed by: Craig E. Campbell, Executive Director, Office of Planning, Development,
13 and Public Works

14 Reviewed by: Harry J. Kieling, Jr., Municipal Manager

15 Respectfully submitted: George P. Wuerch, Mayor