

CLERK'S OFFICE

APPROVED

Date: 10-15-02

Submitted by:

Chair of the Assembly at
the request of the Mayor

Prepared by
For reading

Planning Department
OCTOBER 15, 2002

Anchorage, Alaska
AR 2002-318

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A
2 CONDITIONAL USE FOR AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN
3 THE I-1 DISTRICT FOR A BEVERAGE DISPENSARY - TOURISM USE PER AMC
4 21.40.200 B.1.K, FOR HILTON GARDEN INN, LOCATED ON LOT 3, TUDOR
5 BUSINESS PARK SUBDIVISION; GENERALLY LOCATED ON THE WEST SIDE OF A
6 STREET, SOUTH OF TUDOR ROAD.

7
8 (Spenard Community Council) (Case 2002-183)
9

10
11 **THE ANCHORAGE ASSEMBLY RESOLVES:**

12
13 **Section 1.** The conditional use permit for an Alcoholic Beverages Conditional Use in the I-1
14 District for a Beverage Dispensary Use per AMC 21.40.200 B.1.k, for Hilton Garden Inn,
15 located on Lot 3, Tudor Business Park Subdivision, meets the applicable provisions of AMC
16 21.50.020 and AMC 21.50.160.

17
18 **Section 2.** The conditional use permit for an Alcoholic Beverages Conditional Use for a
19 Beverage Dispensary - Tourism Use is for the 54 non-fixed seating for the lounge and
20 adjacent area, three conference rooms, and room-service for a three-story 125-room hotel
21 located on Lot 3, Tudor Business Park Subdivision.

22
23 **Section 3.** The conditional use permit is approved subject to the following conditions:

- 24
25 1. A notice of Zoning Action shall be filed with the District Records Office within 120
26 days of the Assembly's approval of a final conditional use approval for a beverage
27 dispensary use in the I-1 District.
28
29 2. All uses shall conform to the plans and narrative submitted with this conditional use
30 application.
31
32 3. This conditional use approval is for an Alcoholic Beverages Conditional Use in the I-1
33 District for a Beverage Dispensary - Tourism Use per AMC 21.40.200 B.1.k for 54
34 non-fixed seating for the lounge and adjacent area, three conference rooms, and room-
35 service for a three-story 125-room hotel located on Lot 3, Tudor Business Park
36 Subdivision.
37
38 4. On-premise sale of alcohol beverages shall be limited to seven (7)-days a week,
39 Monday thru Sunday, 11:00 AM to 2:00 AM. Liquor sales shall constitute no more

1 than 15% of total gross receipts.

- 2
- 3 5. Upon demand, the applicant shall demonstrate compliance with a liquor "Server
- 4 Awareness Training Program" approved by the State of Alaska Alcoholic Beverage
- 5 Control Board, such as or similar to the program for techniques in alcohol
- 6 management (T.A.M.).
- 7
- 8 6. The use of the property by any person for the permitted purposes shall comply with all
- 9 current and future federal, state and local laws and regulations including but not
- 10 limited to laws and regulations pertaining to the sale, dispensing, service and
- 11 consumption of alcoholic beverages and the storage, preparation, sale, service and
- 12 consumption of food. The owner of the property, the licensee under the Alcoholic
- 13 Beverage Control license and their officers, agents and employees shall not knowingly
- 14 permit or negligently fail to prevent the occurrence of illegal activity on the property.
- 15
- 16 7. All parking, as required by AMC 21.45.080 shall be provided. The parking that is to
- 17 be provided under Parking Agreement 2002-044455-0 must be fully constructed and
- 18 operational, and the Parking Agreement recorded, at the time the liquor lounge opens.
- 19
- 20 8. All conditions of approval must be completed, and notices of zoning action recorded,
- 21 for Planning Department cases 2001-086, 2002-006 and 2002-085, prior to selling any
- 22 alcohol.
- 23
- 24 9. A copy of the conditions imposed by the Assembly in connection with this conditional
- 25 use approval shall be maintained on the premise at a location visible to the public.
- 26

27 **Section 4.** Failure to comply with the conditions of this conditional use permit shall

28 constitute grounds for its modification or revocation.

29

30 **Section 5.** This resolution shall become effective immediately upon passage and approval by

31 the Anchorage Assembly.

32

33

34 PASSED AND APPROVED by the Anchorage Assembly this 15th day

35 of October 2002.

ATTEST:

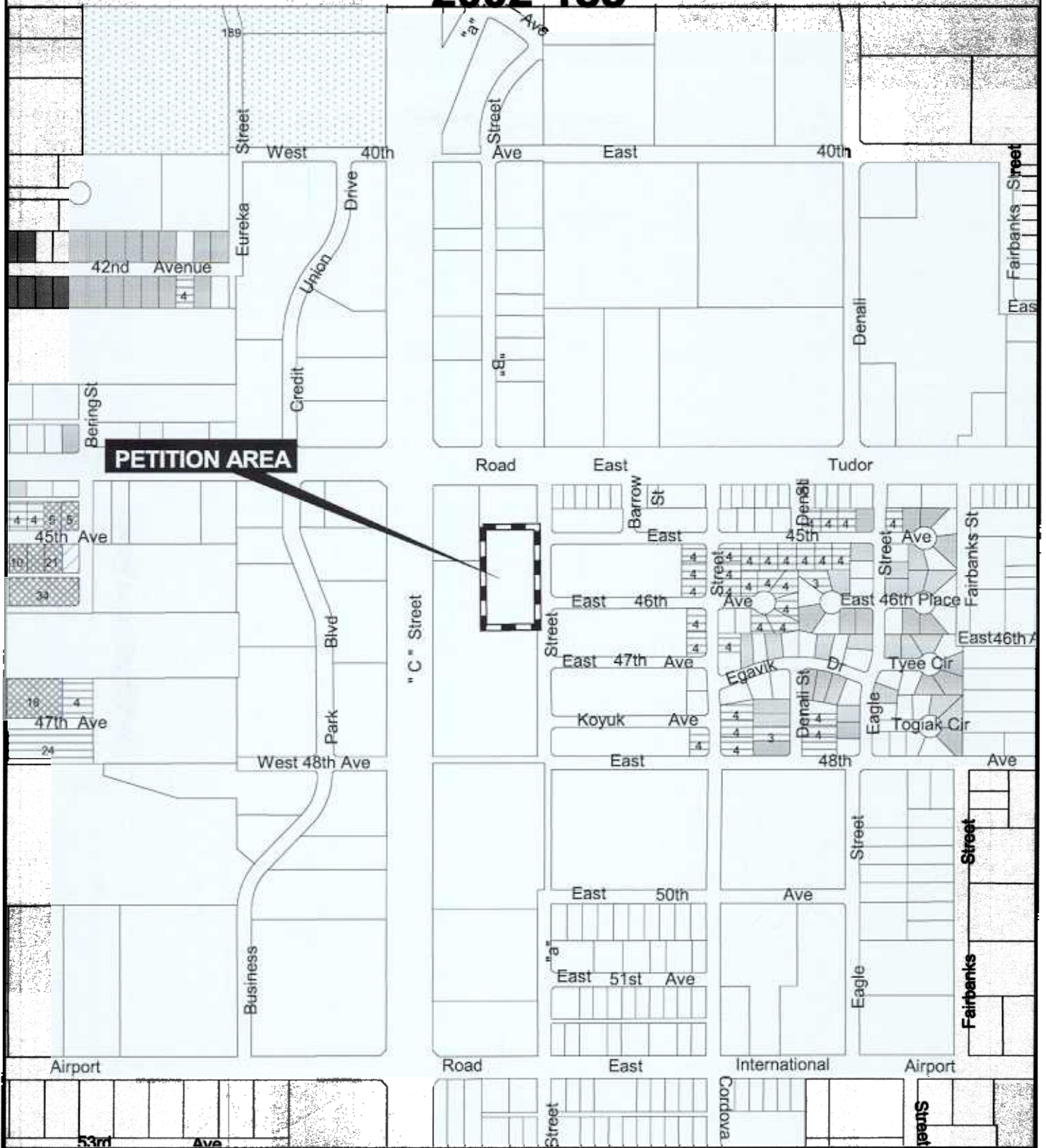

Chair


Municipal Clerk

(2002-161)
(013-092-27)

CONDITIONAL USE - LIQUOR

2002-183

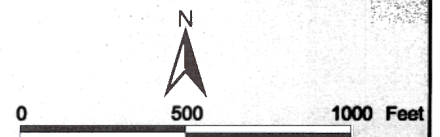


Municipality of Anchorage
Planning Department



Date: AUGUST 1, 2002

- Single Family Detached
- Single Family Attached, Duplex
- Mobile home
- Multi - Family 3 & 4 Plex
- Multi - Family 5+



Source: Housing Stock based on 1998 Land Use Inventory
Planning Department, MOA



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 868 -2002

Meeting Date: October 15, 2002

From: Mayor

Subject: AR 2002- 318

**Alcoholic Beverages Conditional Use in the I-1 District
for a Beverage Dispensary - Tourism Use per AMC
21.40.200B.1.k for the Hilton Garden Inn.**

1 Hilton Garden Inn has made application for a new conditional use permit for an alcoholic
2 beverages conditional use in the I-1 District for a beverage dispensary - tourism use per AMC
3 21.40.200B.1.k for the 54 non-fixed seating for the lounge and adjacent area, three conference
4 rooms, and room-service for a three-story 125-room hotel at 4540 A Street. The three-story, 125-
5 room hotel opened for business in June 2002. Alcoholic beverages will be restricted to room
6 service, three conference rooms, and to the lounge and adjacent seating area that consists of 54
7 non-fixed seats. The lounge and conference rooms are located on the first floor of the hotel.

8
9 The Alcoholic Beverage Control state statutes, without regard to regular license to population ratio
10 restrictions, exempts tourism related beverage dispensary and restaurant/eating place licenses from
11 population restrictions (AS 4.11.400(a)(3)(B)(d)). The intent of the statute is to encourage (a) the
12 construction or improvement of a tourist facility that would not be financially feasible without a
13 liquor license, and (b) construction or improvement of the tourist facility that will encourage
14 tourism, and tourist business will constitute a substantial portion of the business of the tourist
15 facility (15 AAC 104.325).

16
17 There are five (5) Beverage Dispensary licenses, one (1) duplicate Beverage Dispensary license
18 and one (1) club license within 1,000 feet of the petition site. Approving this beverage dispensary-
19 tourism use and license will add one such beverage dispensary license type to this 1000-foot radius,
20 but it would be the only beverage dispensary-tourism license within said radius.

21
22 This conditional use for alcoholic beverages in the I-1 District for a beverage dispensary-tourism
23 conditional use and license generally meets the required standards of Title 21 and Title 10.


Reviewed by:


Harry J. Kielling Jr.
Municipal Manager

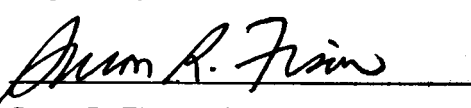
Reviewed by:


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

Respectfully submitted,


George P. Wuerch
Mayor

Prepared by:


Susan R. Fison, Director
Department of Planning

**PLANNING DEPARTMENT
STAFF ANALYSIS
CONDITIONAL USE – ALCOHOLIC BEVERAGE SALES**

DATE: October 15, 2002

CASE NO.: 2002-183

APPLICANT: Navin Dimond, Stonebridge Companies, dba Hilton Garden Inn

REPRESENTATIVE: Self

REQUEST: Conditional Use for an Alcoholic Beverages Conditional Use in the B-3 District for a Beverage Dispensary - Tourism Use/License per AMC 21.40.200B.1.K.

LOCATION: Tudor Business Park, Lot 3, generally located on the east side of "A" Street, south of Tudor Road.

STREET ADDRESS: 4540 A Street

COMMUNITY COUNCIL: Spenard

TAX PARCEL: 009-151-27/ Grid 1830

ATTACHMENTS

1. Location Map
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

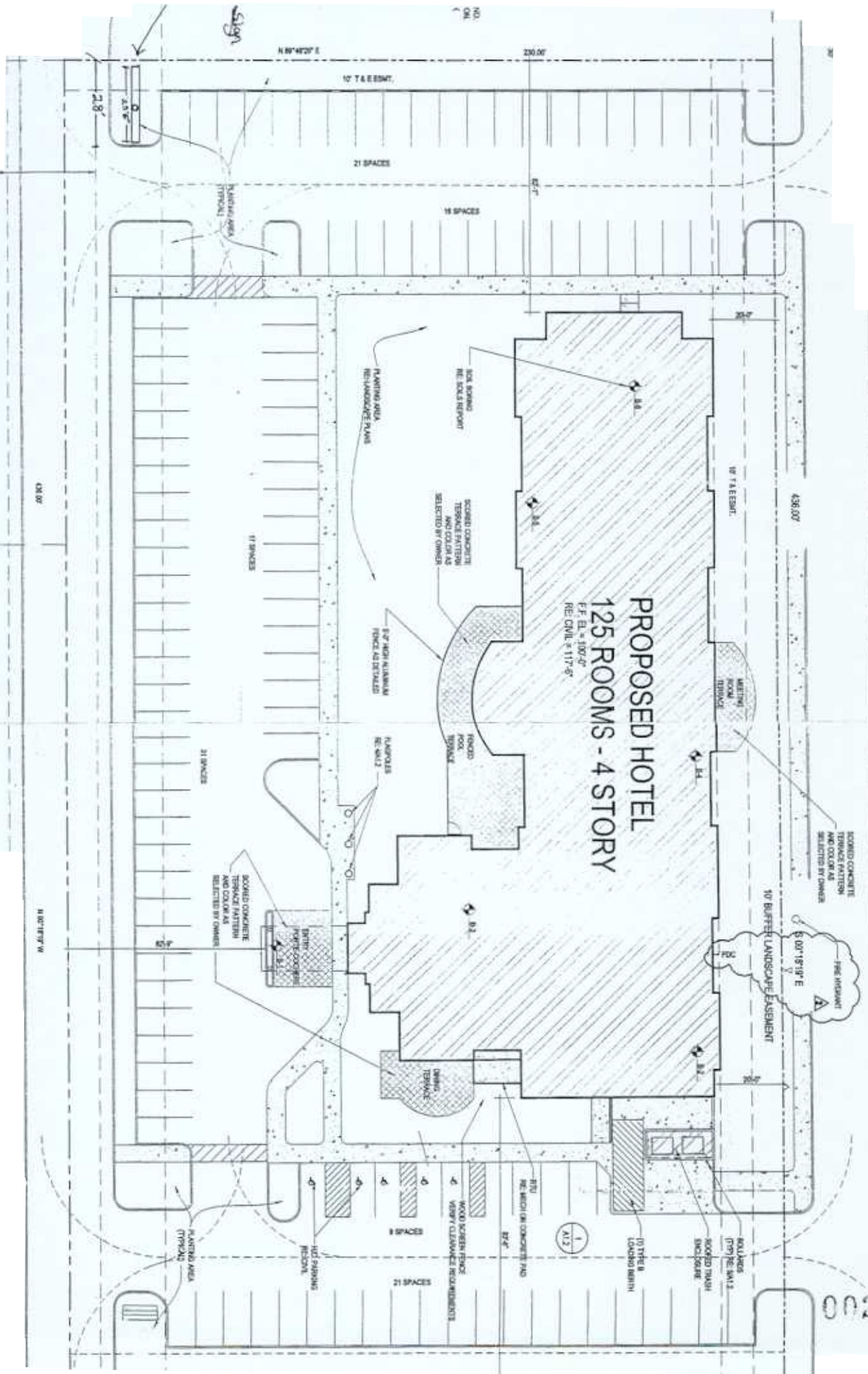
RECOMMENDATION SUMMARY:

This conditional use generally meets the required standards of AMC Title 10 and Title 21, and State Statute 04.11.480 and 15 AAC 104.145.

SITE:

Acres: 100,280 SF
Vegetation: Commercial landscaping
Zoning: I-1
Topography: Flat
Existing Use: Hotel
Soils: Public Sewer & Water

002



COMPREHENSIVE PLAN

Classification: Major Employment Center, Redevelopment/Mixed-Use Area
Density: N/A

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	I-1	R-O/R-3	I-1	I-1
Land Use:	Commercial	Residential/ Office	Undeveloped, undergoing commercial development	Commercial/ Office/ Restaurant

SITE DESCRIPTION AND PROPOSAL:

The petition property is a 100,280 lot located on the west side of A Street, one lot south of Tudor Road. It contains the recently constructed three-storey, 125-room Hilton Garden Inn hotel. Stonebridge Companies, LLC, owns the hotel. The hotel is permitted in the I-1 Light Industrial zoning district, by conditional use. The conditional use for this hotel was approved on July 9, 2001 via case 2001-086. This approval was amended for signage in 2002 via case 2002-085, and received a parking variance via case 2002-086. Conditions of approval on these cases are attached to this analysis.

There are still several conditions of approval that need to be met on these cases in order for the notice of zoning actions to be filed. However, these are minor in nature, and staff is only awaiting official verification of resolution. They are as follows: providing verification of the required interior parking lot landscaping, receiving final details of refuse area screening, and receiving corporate documents for authorization of an individual who represented the petitioner at one of the hearings.

The petitioner is seeking final conditional use approval for an alcoholic beverages conditional use in the I-1 District for a Beverage Dispensary – Tourism Use per AMC 21.40.200B.1.k for the Hilton Garden Inn. Alcoholic beverages will be served in the lounge, located on the first floor of the hotel, as well as in the first floor meeting rooms and via room-service. Based on a floor diagram of the lounge and adjacent service area, there is a bar with non-fixed moveable chair and stool seating for 54, and there are 125 guest rooms available for which room service will be provided. Service in the meeting rooms will be based upon meeting room catering service at the request of meeting room renters.

The sale of alcoholic beverages will represent 15% of the ratio of alcohol beverage sales to food sales.

The hotel will be open 24-hours per day, 7 days per week. The lounge will operate Monday thru Sunday, with beverage service hours at a maximum of 11 AM to 2 AM. The minimum business hours during which alcohol will be sold is 5 PM to 9 PM. Piped music is the only form of entertainment proposed for the lounge area. Approximately twenty (20) employees will have direct contact with alcohol and trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program. Non-alcoholic beverages will be available, notices of penalties for driving intoxicated will be posted, and patrons will have access and assistance to public transportation. There will be no entertainment defined as "indecent material" or "adult entertainment," no happy hours, games or contests that include consumption of alcoholic beverages, and no solicitation or encouragement of alcoholic beverage consumption. Sales to persons who are inebriated or underage are prohibited. There is sufficient parking provided as evidenced by the approved building permit, and by comments provided by the Traffic Department.

PUBLIC COMMENTS:

Sixty-one (61) public hearing notices (PHNs) were mailed. At the time this report was written no PHNs were returned: no written comment has been received from the Spenard Community Council.

FINDINGS

- A. Furthers the goals and policies of the Comprehensive Development Plan and conforms to the Comprehensive Development Plan in the manner required by Chapter 21.05.**

The *Anchorage 2020 Comprehensive Plan* does not specifically address the sale of alcoholic beverages in the community. A strategy of the adopted *Anchorage 2020*, however, does call for the development of locational standards and criteria for retail sales/service of alcoholic beverages.

This site is located on the periphery of an area designed in *Anchorage 2020* as a Major Employment Center and a Redevelopment/Mixed Use Area. These areas are addressed in Policy 10, 20, 21 and 23. The intent of Major Employment centers is to provide the highest concentration of office employment and the attendant infrastructure to support a mix of high-intensity land uses in order to support a more balanced transportation system. There is also an emphasis on connectivity among the land uses to include and facilitate pedestrian and transit facilities along with traditional auto access.

Furthering this intent is the Redevelopment/Mixed-Use Area. These areas are distinct sections of the Anchorage Bowl where redevelopment of underutilized parcels and infill development of vacant parcels will concentrate on pedestrian-oriented residential and mixed-use development that support and connect to major employment centers. These areas are intended to develop into "urban villages" to provide a balance between the housing supply and neighborhood amenities and the concentration of jobs in the nearby employment centers. Connectivity between redevelopment areas and employment centers will include pedestrian and transit links.

Although it is located on the periphery of these two areas, the hotel complies with the intent for this general area. The hotel has undergone substantial review at the Planning and Zoning Commission for use and site design, as well as the Zoning Board of Examiners and appeals regarding parking. Pedestrian amenities have been included in the site design to enhance access to nearby pedestrian and transit routes. It also has been reviewed to ensure compatibility with both the intent of the mixed-use Policies of *Anchorage 2020* as well as compatibility with the abutting residential area and connectivity with the surrounding commercial/industrial area currently undergoing development.

Several goals of the *Anchorage 2020* do address related issues such as recreational and economic opportunities. The sales of alcoholic beverages are part of the social, recreational and economic environment of the community. The plan emphasizes the need for centrally locating commercial uses, and the need for small-scale, local entrepreneurship. The restaurant will employ over 100 Anchorage residents in entry level to senior management positions.

Policy 21, dealing with "all new commercial development," calls for all new commercial development to be located and designed to contribute to improving Anchorage's overall land use efficiency and compatibility, traffic flow, transit use, pedestrian access, and appearance. The building and site were designed with these standards in mind and appear to satisfy these guidelines.

Several goals of the *Anchorage 2020* Plan do address related issues such as recreational and economic opportunities. The hotel is located in an area with concentrations of office and commercial development, as well as neighboring residential area. The hotel is within walking distance of tourist related uses such as restaurants, movie theatres, retail businesses, a bank and office buildings. The sale of alcoholic beverages is part of the social, recreational and economic environment of the community.

B. Conforms to the standards for that use in this title and regulations promulgated under this title.

This standard is met.

The I-1 Light Industrial District zoning regulations allow alcoholic beverage sales through the conditional use permit process:

AMC 21.40.200.B.1.k reads as follows: *Restaurants, cafes, and other places serving food or beverages Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by conditional use only.*

C. Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district.

This standard is met.

The I-1 District is intended for light industrial and general commercial uses, including hotels serving alcoholic beverages. The surrounding commercial development also includes restaurants that serve food and alcohol, such as Cattle Company, Sea Galley and related restaurants, and Applebee's. The hotel and lounge is compatible with the B-3 and existing uses in area.

There are no Beverage Dispensary/Tourist uses or licenses within 1,000 feet of the petition site.

Alaska Statute 04.11.410, Restriction of location near churches and schools, restricts beverage dispensary and package store licenses from being located in a building the public entrance of which is within 200-feet of the public entrance of a church building, or from being located within 200-feet of school grounds. There are no church buildings or school grounds within 200 feet of the Hilton Garden Inn.

AMC 21.50.160.B asks that a list of all alcohol licenses located within a minimum of 1,000 feet of the proposed conditional use be provided. There are five (5) Beverage Dispensary licenses, one (1) duplicate Beverage Dispensary license and one (1) club license within 1,000 feet of the petition site.

Approving this beverage dispensary-tourism use and license will add one such beverage dispensary license to this 1000-foot radius, but would be the only beverage dispensary-tourism license.

D. Will not have a permanent negative impact on the items listed below substantially greater than that anticipated from permitted development:

1. Pedestrian and vehicular traffic circulation and safety.

This standard is met.

The I-1 District provides that all required parking be provided on site. The amount of required parking, along with pedestrian and vehicular traffic circulation, was reviewed and determined as part of the building permit and hotel conditional use under cases 2001-086 and 2002-085 for the Planning and Zoning Commission and 2002-006 for the Zoning Board of Examiners and Appeals. There is parking on the north, west and south sides of the hotel.

The Commission approval for the hotel was contingent upon a reduction of parking spaces from 125 to 115. The Commission had concerns over the need for additional pedestrian access to the future development to the west, as well as needs for additional landscaping. The petitioner was not able to gain more land from a neighboring lot to increase the site size. As the site was maximized by the hotel use and required characteristics such as parking, the only alternatives were to reduce parking either through a reduction of use, variance, or parking agreements on neighboring lots.

The variance that was approved for the reduction of parking spaces was contingent upon minimal food and beverage service, limiting the advertising that the hotel could conduct regarding such service. This variance was granted by the Zoning Board through case 2002-006. It was found that 115 spaces were sufficient for a 125 room hotel for clients, due to parking statistics provided by the petitioner. However, it was also found that if customers that were not staying at the hotel were to be encouraged to use the facility, the additional required spaces would be necessary.

At the time, the surrounding lots had not yet been developed, and had no official development plans in process, a parking agreement could not be supported by the Traffic Department. However, as the surrounding area has further developed, the petitioner is now able to enter into a parking agreement on an adjacent lot to accommodate those 10 spaces.

Regarding this conditional use request, the Traffic Department provided the following comments:

Traffic Department requires that all parking, as required by AMC 21.34.080 (read 21.45.080), be provided if this Conditional Use is approved. There is a Parking Agreement in the process of being recorded: 2002-044455-0. The parking that is to be provided under this agreement must be fully constructed to meet AMC 21.45.080 requirements and be fully operational at the time the liquor lounge opens.

There are adequate entrances and exits for vehicles to and from adjacent streets and roadways. The parking area is well lit. The site plan incorporates pedestrian sidewalks along the along the roadways adjacent to the parking lot entrances, pedestrian walkways buffers between hotel entrances and exists and the parking lot aisles.

2. The demand for and availability of public services and facilities.

This standard is met.

The addition of a hotel serving alcohol at this location will not impact public services. Electrical, water and sewer, natural gas are available on site. Road infrastructure and public transit is already in place. The petition site is within ARDSA, Police and Fire service areas. This hotel has had significant review under the conditional use and variance processes.

3. Noise, air, water, or other forms of environmental pollution.

This standard is met.

As a land use, a Beverage Dispensary conditional use and license will not cause or contribute to any environmental pollution. The public parking lots are paved, which control air pollution. This hotel has had significant review under the conditional use and variance processes.

4. The maintenance of compatible and efficient development patterns and land use intensities.

This standard is met.

The zoning, land use and the general area land use will not change as a result of this conditional use permit for a beverage dispensary-tourism license. This hotel has had significant review under the conditional use and variance processes.

Standards Chapter 10.50 Alcoholic Beverages

In the exercise of its powers and under AS 04.11.480 and 15 AAC 104.145 to protest issue, renewal and transfer or alcoholic beverage licenses within the Municipality of Anchorage, the Assembly shall consider whether the proposed license meets each and every factor and standard set forth below

- A. Concentration and land use. Whether transfer of location or issue of the requested license will negatively impact the community through an increase in the concentration of uses involving the sale or service of alcoholic beverages within the area affected and will conform to the separate standards of AMC 21.50.020.**

This standard does not apply to tourism licenses.

Alaska Statutes for Title 4. Alcoholic Beverage Control includes an exemption clause from the regular license-to-population ratio limitations for tourism licenses. AS 4.11.400(a)(3)(B)(d)(1) permits hotels having more than 50 rental rooms to have a tourism license if the population is greater than 50,000. The Dimond Center Hotel has 109 rental rooms.

There are no schools or churches within 1,000-feet of the petition site. AMC 21.50.160.B asks that a list of all alcohol licenses located within a minimum of 1,000 feet of the proposed conditional use be provided. There are five (5) Beverage Dispensary licenses, one (1) duplicate Beverage Dispensary license and one (1) club license within 1,000 feet of the petition site.

Approving this beverage dispensary-tourism use and license will add one such beverage dispensary license to this 1000-foot radius, but would be the only beverage dispensary-tourism license.

Beverage Dispensary	Red Robin Burger & Spirits #3	4140 B Street, #3685
Beverage Dispensary	Lone Star Steakhouse & Saloon	4801 C Street, #3494
Beverage Dispensary	Applebee's Neighborhood Grill	4331 Credit Union Dr., #3948
Beverage Dispensary	Sea Galley	4101 Credit Union Dr., #1666
Beverage Dispensary – Duplicate	Sea Galley/Peppermill	4101 Credit Union Dr., #3599
Beverage Dispensary	Stuart Anderson's Cattle Company	300 Tudor Road, #1090
Club	Petroleum Club of Anchorage	3301 C Street, #3586

- B. Training.** If application is made for issue, renewal or transfer of a beverage dispensary license, restaurant or eating place license, or package store license, whether the applicant can demonstrate prospective or continued 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.). Until such plan is approved, training by a licensee's employees in the T.A.M. shall constitute compliance with this ordinance.

This standard is met.

The applicant states that approximately twenty (20) employees will be involved in the dispensing of alcoholic beverages and will be trained in accordance with the T.A.M. training and hold the appropriate certificates.

- C. Operations procedures.** If application is made for issue, renewal or transfer of a license, whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in Section 10.50.035 of this code.

This standard is met.

AMC 10.50.035 sets forth that persons seeking the issue or transfer of a license shall comply with restrictions regarding happy hours, games or contests involving the consumption of alcohol, public transportation, notice of penalties, availability of nonalcoholic drinks, compliance determination with techniques in alcohol management (T.A.M.), solicitation of purchase of alcoholic beverages for consumption by employees, and warning signs. The petitioner has stipulated in his application that he will abide by requirements of AMC 10.50.035.

The maximum hours of sales of alcoholic beverages will be from 11 AM to 2 AM, seven days a week, with the minimum hours at 5 PM to 9 PM, seven days a week.

- D. Public safety.** When application is made for the renewal or transfer of location or transfer of ownership of a beverage dispensary license restaurant or eating place license, or package store license, the Assembly shall consider whether the operator can demonstrate the ability to maintain order and prevent unlawful conduct in a licensed premises. In determining the operator's demonstrated ability to

maintain order and prevent unlawful conduct, the Assembly may consider police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection. For purposes of this section and Section 10.50.035 "licensed premises" shall include any adjacent area under the control or management of the licensee.

This standard appears to be met.

According to the application, every employee will be trained on how to best manage situations with an intoxicated patron. Beverage department employees and managers will be trained on the required TAMS program, and will be trained to report fraud, report invalid licenses and methods to manage minors.

The application further states that managers will be trained to survey parking lot activity, and to manage unlawful conduct or disturbances. The hotel will work closely with the Anchorage Police Department, as well.

- E. Payment of taxes and debts. When application is made for renewal of a license the assembly shall consider, pursuant to AS 4.11.330, whether the applicant is delinquent in payment of taxes owed to the Municipality. When application is made for transfer of ownership of a license the Assembly shall consider, pursuant to AS 4.11.360, whether the municipality has received either payment or adequate security, for the payment of any debts or taxes, including any estimated taxes for the current year, arising from the conduct of the licensed business. Adequate security for the payment of debts and taxes may be in the form of: 1) escrowed funds sufficient to pay the debts and taxes claimed and any escrow fees; 2) actual payment of debts and taxes claimed; or, 3) a guarantee agreement in accordance AMC 10.50.030. Any guarantee agreement shall be in writing, signed by the transferor, transferee and Municipality**

This standard is met.

There are no delinquent Personal Property Taxes, Real Property Taxes or Downtown Improvement Special Tax Assessments owing at this time according to the Treasury Division.

- F. Public health.** If application is made for the renewal or transfer of location or transfer of ownership of a license, the Assembly shall consider whether the operator has engaged in a pattern of practices injurious to public health or safety such as providing alcohol to minors or intoxicated persons, committing serious violations of State law relevant to public health or safety, or other actions within the knowledge and control of the operator which place the public health or safety at risk. In determining if a pattern of practices injurious to public health or safety exists, the Assembly may consider criminal convictions, credible proof of illegal activity even if not prosecuted, police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection.

After review of this proposal, the Department of Health and Human Services provided the following comments:

The nearest child care centers are several miles away. Therefore, there is no impact upon child care due to this proposal.

DHHS does not find that the permit will significantly impact the levels of public inebriety or domestic violence/sexual assault with the respective communities.

- G. Municipality of Anchorage Alcoholic Beverage Licensee Compliance Form.** In order to determine whether applicants seeking issue, renewal or transfer of alcoholic beverage licenses have complied with the provisions of this chapter, applicants shall, at the request of the Assembly, submit to the municipal clerk such information as is required on a municipal form prepared by the municipal clerk known as the Municipality of Anchorage Alcoholic Beverage Licensee Compliance Form. Upon request, operators shall also provide the municipal clerk with certificates from all current employees demonstrating that those employees have successfully completed a "Liquor Service Awareness Training Program" such as the program for techniques in alcohol management (T.A.M.) as approved by the State of Alaska Alcoholic Beverage Control Board.

This form was not requested of this applicant.

RECOMMENDATION:

This application for a final conditional use for alcoholic beverages in the B-3 District for a beverage dispensary-tourism use and license generally meets the required standards of AMC Title 10 and Title 21, and State Statute 04.11.480 and 15 AAC 104.145.

If after a public hearing on the matter, the Anchorage Assembly finds that the required standards have been met, staff recommends the following conditions of Approval:

- A notice of Zoning Action shall be filed with the District Records Office within 120 days of the Assembly's approval of a final conditional use approval for a beverage dispensary use in the I-1 District.
2. All uses shall conform to the plans and narrative submitted with this conditional use application.
 3. This conditional use approval is for an Alcoholic Beverages Conditional Use in the I-1 District for a Beverage Dispensary - Tourism Use per AMC 21.40.200B.1.k for 54 non-fixed seats in the lounge and adjacent seating areas within a 125-guest room hotel, for the Hilton Garden Inn, located on Lot 3, Tudor Business Park Subdivision. This proposal is also for alcohol beverage service for the three conference rooms and the guest rooms.
 4. On-premise sale of alcohol beverages seven (7)-days a week, Monday thru Sunday, 11:00 AM to 2:00 AM. Liquor sales shall constitute no more than 15% of total gross receipts.
 5. 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.).
 6. 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

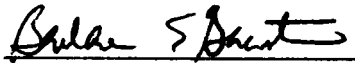
permit or negligently fail to prevent the occurrence of illegal activity on the property.

- 7. All parking, as required by AMC 21.45.080 shall be provided. The parking that is to be provided under Parking Agreement 2002-044455-0 must be fully constructed and operational, and the Parking Agreement recorded, at the time the liquor lounge opens.**
- 8. All conditions of approval must be completed, and notices of zoning action recorded, for Planning Department cases 2001-086, 2002-006 and 2002-085, prior to opening the lounge.**
- 9. 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.**

NOTICE OF ZONING ACTION

This notice announces that a zoning conditional use has been duly approved by the Municipal Assembly of the Municipality of Anchorage providing for the development of the herein described property in accordance with the provisions of the Anchorage Municipal Code of Ordinances and the terms and conditions of the zoning conditional use approval as set forth in the Municipal zoning file 2002-183. Under the provisions of the specified ordinance the subsequent development of the subject property shall be in accordance with the terms of the approved zoning conditional use or any subsequent amendments hereto.

LEGAL: Tudor Business Park Subdivision, Lot 3. Anchorage Recording District, Alaska. Generally located on the west side of A Street, south of Tudor Road.
PETITIONER: Hilton Garden Inn **NOTE:** (send a copy of the recorded document to Municipality of Anchorage, Planning Department, P.O. Box 196650, Anchorage, Alaska 99519-6650)
REQUEST: A Conditional Use for an alcoholic beverages Conditional Use in the I-1 District for a Beverage Dispensary – Tourism use per AMC 21.40.200 B.1.k.



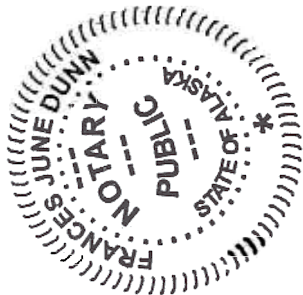
Municipal Clerk
Municipality of Anchorage
Assembly

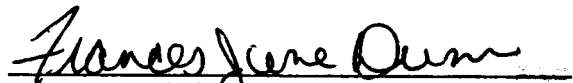
STATE OF ALASKA)

THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 27 day of October, 2003 before me, the undersigned, a Notary Public in and for Alaska, personally appeared Barbara E. Gruenstein, to me known to be the duly appointed Municipal Clerk of the Municipal Assembly and acknowledged to me that she had in her official capacity aforesaid executed the forgoing instrument as an act and deed of the Municipality of Anchorage for the uses and purposes therein stated.

WITNESS my hand and notarial seal on the 27 day of October, 2003 in this certificate first above written.





Notary Public in and for Alaska
My Commission expires: 11/9/07