

Submitted by: Chairman of the Assembly
at the Request of the Mayor
Prepared by: Planning Department
For reading August 9, 2005

CLERK'S OFFICE

APPROVED

Date: 8-9-05

Anchorage, Alaska
AR 2005-192

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING
A CONDITIONAL USE FOR SALES OF ALCOHOLIC BEVERAGES
(RESTAURANT/EATING PLACE LIQUOR LICENSE) LOCATED ON W.D.
MCKINNEY SECOND ADDITION, LOT 7A GENERALLY LOCATED ON THE
EAST SIDE OF "C" STREET AND NORTH OF WEST FIREWEED LANE.

(Jose Hernandez, d.b.a. "Simon's Taco Rico")(Case 2005-101)

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The conditional use permit for a restaurant/eating place liquor license at
W.D. McKinney Second Addition. Lot 7A, is approved subject to the following
conditions:

1. A Notice of Zoning Action shall be filed with the District Recorder's Office
within 120 days of the Alcoholic Beverage Control Board's approval of the
license.
2. All construction and uses shall conform to the plans and narrative
submitted.
3. Prior to this conditional use becoming effective, the property owner shall
apply for nonconforming determination on the parking area in the R-3
district. If Code Enforcement finds no nonconforming rights to utilize the R-
3 portion of the property for parking the property owner shall seek a
conditional use for off-street parking from the Planning and Zoning
Commission.
4. This conditional use approval is for an Alcoholic Beverages Conditional Use
in the B-3 District for a restaurant/eating place use per AMC 21.40.180 D.8
for a 2,200 square-foot building located at 2409 C Street, W.D. McKinney
Second Addition, Lot 7A. The restaurant has 14 tables, 32 fixed and 28
non-fixed seats. Alcohol sales are estimated to be 15 percent of total gross
receipts compared to 85 percent food sales. The restaurant may operate
365 days a year with hours of operation as permitted by law.
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. 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.

8. Prior to this conditional use becoming effective, the petitioner shall pay the outstanding 2004 and 2005 Personal Property Business Taxes owed at 2409 C Street in the amount of \$1,311.33.

Section 2. Failure to comply with the conditions of this conditional use permit shall constitute grounds for its revocation.

Section 3. This resolution shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 9th day of August 2005

ATTEST:

Anna L. Fairclough
Chairman

Bella S. Dmensle
Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 518-2005

Meeting Date: August 9, 2005

From: Mayor

Subject: Alcoholic Beverages Conditional Use in the B-3 District for a Restaurant/Eating Place Use per AMC 21.40.180 D.8 for Jose Hernandez, dba "Simons Taco Rico Restaurant."

1 Jose Hernandez has made application for a restaurant/eating place alcoholic beverages
2 conditional use in the B-3 District for W. D. McKinney Second Addition Subdivision,
3 Lot 7A, per AMC 21.40.180 D.8 for a new restaurant, "Simons Taco Rico Restaurant."
4

5 The proposal is for a new restaurant at 2409 C Street, generally located at the northeast
6 corner of "C" Street and Fireweed Lane. The following licenses are located within
7 1,000 feet of this location: three (3) restaurant, one (1) package store and two (2)
8 beverage dispensary licenses. Approval of this new conditional use will increase the
9 number of licenses within the 1,000-foot radius by one.
10

11 The restaurant will occupy a 2,200 square-foot building, with 14 tables, 32 fixed and 28
12 non-fixed seats. The restaurant will typically be open seven days a week from 11:00
13 AM to 10:00 PM. The petitioner estimates that 15 percent of his total sales will be for
14 alcohol; all employees will be trained in handling inebriated patrons, and will be trained
15 in accordance with the Alcoholic Beverage Control Board's "Liquor Server Awareness
16 Training Program."
17

18 There appear to be no churches or schools within 200 feet of the petition site. The
19 Anchorage Police Department had no liquor related incident calls during the past two
20 years, although there were five incidents of fraud and one incident of theft. Treasury
21 recommends the conditional use not become effective until the petitioner pays the
22 outstanding or delinquent 2004 and 2005 Personal Property Business Tax owing in the
23 amount of \$1,311.33. The Department of Health and Human Services provided no
24 comment.
25

26 This conditional use for the Restaurant/Eating Place License in the B-3 District
27 generally meets the applicable provisions of AMC Titles 10 and 21, and Alaska Statute
28 04.11.100.

1

2

3 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

4 Concur: Tom Nelson, Director, Planning Department

5 Concur: Mary Jane Michael, Executive Director, Office of Economic &

6 Community

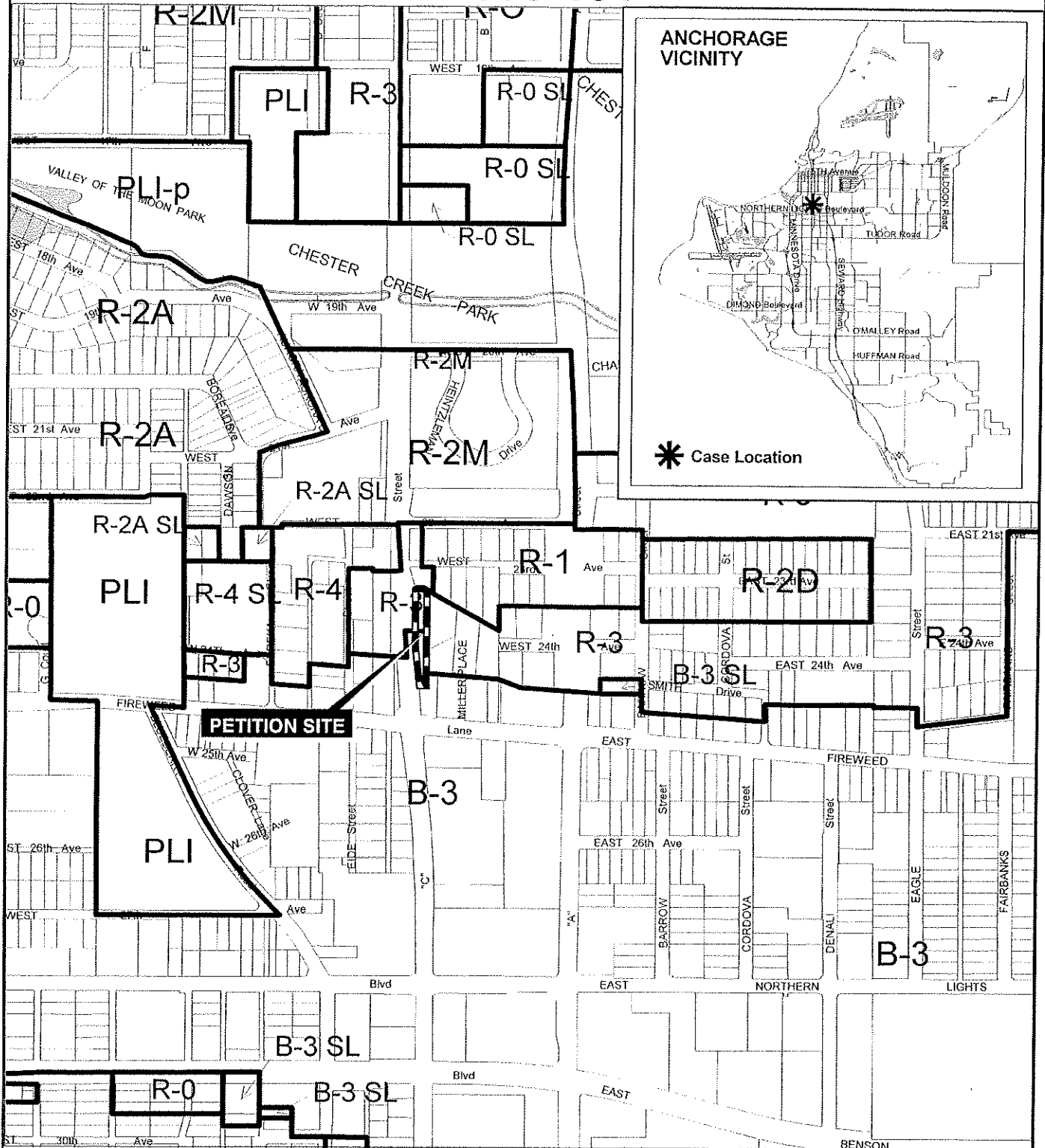
7 Development

8 Concur: Denis C. LeBlanc, Municipal Manager

9 Respectfully submitted: Mark Begich, Mayor

CONDITIONAL USE - ALCOHOL

2005-101



Municipality of Anchorage
Planning Department

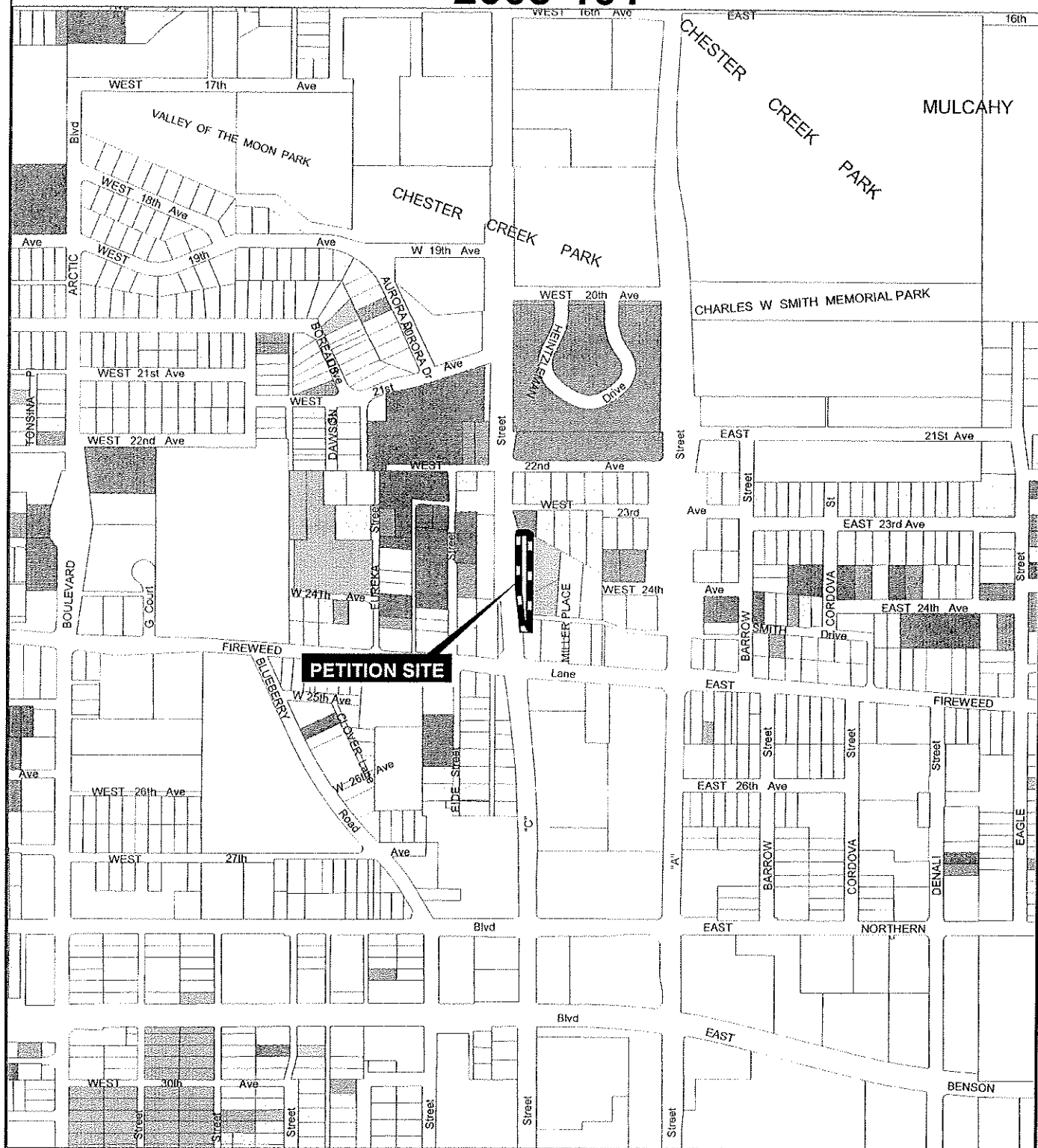
Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway

Date: June 13, 2005



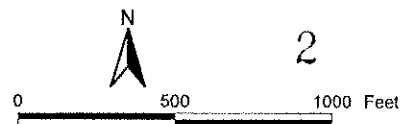
2005-101



Municipality of Anchorage
Planning Department

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

Date: June 13, 2005



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

This is an aerial photograph of a neighborhood in Denver, Colorado, with a grid of streets and various land uses. A red rectangular box is drawn on the map, and a black arrow points from the text 'PETITION SITE' to the center of this box. The box is located at the intersection of Fireweed Lane and West 24th Ave. The map shows a mix of residential buildings, some larger commercial or institutional structures, and green spaces. Street names are visible throughout the map, including West 24th Ave, West 26th Ave, Fireweed Lane, and others. The overall tone of the map is grayscale, typical of older aerial photography.

0 500 1000 Feet

Date of Aerial Photography: 2001

Alcohol Extract from List Report

Case Number: 2005-101

Description: 1000 foot

Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City Lic. Number	State Lic. Zone	Zip Lic. Type
00219147000 Las Margaritas	ESPARZA A R & G N/ TRUSTEES Esparza, Arturo & Gloria	8293 OPAL DRIVE 2409 C St.	ANCHORAGE 3859	AK B3	99502 Restaurant/Eating Place
00219147000 Spam Spicy Thai Restaurant	ESPARZA A R & G N/ TRUSTEES Vue Lor & Sia Lor	8293 OPAL DRIVE 2409 C Street	ANCHORAGE 4226	AK B3	99502 Restaurant/Eating Place
00219308000 Reilly's	BOGUE LLC Reilly's LLC	4811 WHITE BIRCH LANE 317 W. Fireweed Ln	ANCHORAGE 216	AK B3	99517 Beverage Dispensary
00219357000 Brown Jug/Fireweed	HONG SONG DAE & BONG JOO Brown Jug, Inc.	520 WEST 24TH AVENUE #3 525 W. Fireweed Ln	ANCHORAGE 395	AK B3	99503 Package Store
00219357000 Tofu House Restaurant	HONG SONG DAE & BONG JOO Kyoung Y. Lee	520 WEST 24TH AVENUE #3 515 West Fireweed Lane	ANCHORAGE 4190	AK B3	99503 Restaurant/Eating Place
00902218000 Greek Corner, The	GIMENEZ HUGO J Herrera Brothers, Inc.	123 E FIREWEED LANE #208 302 W. Fireweed Ln	ANCHORAGE 3251	AK B3	99503 Restaurant/Eating Place
00902322000 Romano's Trattoria	GIALOPSOS ANDREW 50% & Romanos, Inc.	2415 C STREET 2415 C St.	ANCHORAGE 977	AK B3	99503 Beverage Dispensary
00902323000 Alaska Bagel, Inc.	CAL WORTHINGTON TRUST Alaska Bagel, Inc.	903 W NORTHERN LIGHTS STE 2 113 Northern Lights #1	ANCHORAGE 3557	AK B3	99503 Restaurant/Eating Place

Parcels--Basic Layers

Tue Jul 19, 08:27:35, 2005

Map: Parcels--Basic Layers



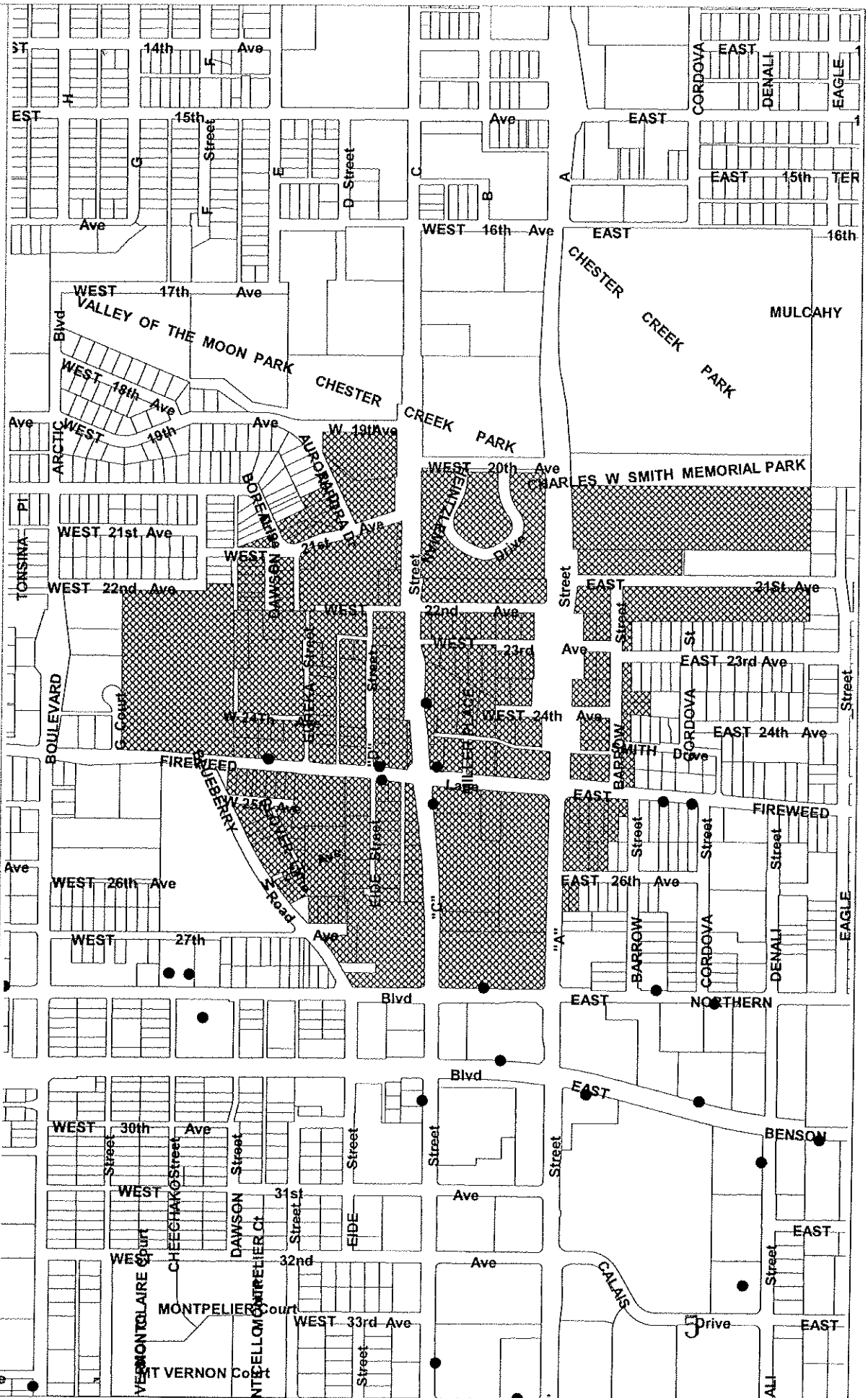
Scale 1:8000

Legend:

Txt STRNAME_BI_DIR

ALCOHOL

PARCELS



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

DATE: August 9, 2005

CASE NO.: 2005-101

APPLICANT: Jose Hernandez,
dba Simons Taco Rico Restaurant

REPRESENTATIVE: Jose Hernandez

REQUEST: Conditional Use for an Alcoholic Beverages Conditional
Use in the B-3 District for a Restaurant/Eating License
and Use per AMC 21.40.180 D.8

LOCATION: Lot 7A, W.D. McKinney 2nd Addition Subdivision;
generally located at the northeast corner of Fireweed
Lane and C Street

STREET ADDRESS: 2409 C Street

**COMMUNITY
COUNCIL:** North Star, Midtown, Fairview

TAX PARCEL: 002-191-47/ Grid SW 1732

ATTACHMENTS

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

RECOMMENDATION SUMMARY:

Generally meets the required Title 21 standards including AMC 21.50.160, and Title 10.50.

SITE:

Acres: 0.44
Vegetation: Some landscaping and natural vegetation
Zoning: B-3 and R-3
Topography: Generally level
Existing Use: Commercial Building
Soils: Good

COMPREHENSIVE PLAN

Classification: Commercial/residential
Density: N/A

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	R-3	R-3/B-3	B-3	R-3/B-3
Land Use:	Residential	Residential/ Commercial	Commercial	Residential/ Commercial

SITE DESCRIPTION AND PROPOSAL:

The application site is a 2,200 square foot office building that was built in circa 1970. The restaurant is located on C Street on a narrow remnant parcel. There is one row of parking along the eastern edge of the site with three access points to C Street. The site depicts the parking extending into the R-3, Multi-family residential zone. If the applicant wishes to extend parking into the R-3 area a Conditional use permit for off-street parking would first have to be approved by the Planning and Zoning Commission.

The applicant proposes a new restaurant/eating place liquor license to the restaurant. Within 1,000 feet of this site are three restaurant licenses, one package store, and two beverage dispensary licenses.

The restaurant seats 60 and will be open from 11:00 AM to 10:30 PM with alcohol available during all open hours. The petitioner estimates that 15% of his total sales will be for alcohol. All employees will be trained in handling inebriated patrons. No special security provisions are proposed and only recorded music as entertainment is to be provided.

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 Bowl Comprehensive Plan does not specifically address the sales of alcoholic beverages. Restaurants that sell alcoholic beverages are part of the social, recreational and economic environment of this community which is an active goal of the Comprehensive Plan.

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

This standard is met.

Title 21 provides no specific standards and the Assembly has not adopted zoning regulations for alcoholic beverage sales. The B-3 General Business District provides for alcoholic beverage sales through the conditional use permit process.

- 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 location of a restaurant is in a general commercial area. It is not expected that the commercial area will expand beyond the current strip zone on C Street. The surrounding land uses to the south are also commercial uses that will not be negatively impacted by the addition of a restaurant/eating place liquor license to this property. The property to the north and east is sufficiently buffered so as to be minimally impacted if at all.

- 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 may not be met.

Restaurants are one of the highest parking ratios in Title 21 with one space for each three seats. This proposed restaurant is a reuse of an existing building not originally built for a restaurant. As an office building the parking requirement would be seven parking spaces, but as a restaurant the use needs 20 spaces based on the number of seats. This is nearly a threefold increase.

The site plan depicts 20 spaces, however the north 210 feet of the lot is zone R-3 which will require a conditional use permit¹ for parking or the property owner would have to successfully petition to extend the B-3 strip zone further north to encompass all of the property. Within the R-3 area there are 20 parking spaces.

Alaska Department of Transportation and Municipal Traffic had no comment and no objection to this proposal.

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

This standard is met.

The addition of the restaurant/eating place liquor license will not have a significant impact on public services.

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

This standard is met.

The addition of the restaurant/eating place liquor license will not cause any environmental pollution.

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

This standard is met.

The site land use and the general area land use will likely not change as a result of this conditional use permit. This building has previously been used as a restaurant with restaurant/eating place alcohol license #3859 by Las Margaritas in 1999 and Siam Spicy Thai Restaurant license #4225 in 2002.

¹ A conditional use permit for parking was granted for this site in 1974. However, the parking lot was not constructed and the conditional use permit appears to have expired, Case Z-1060.

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 is met.

Within 1,000 feet of this application there are three restaurant license, one package store, and 2 beverage dispensary licenses.

Reilly's	317 W Fireweed Lane	Beverage dispensary license
Romano's Trattoria	2415 C St.	Beverage dispensary license
Alaska Bagel	113 Northern Lights #1	Restaurant/eating place liquor license
Greek Corner (The)	302 W Fireweed Lane	Restaurant/eating place liquor license
Tofu House Restaurant	515 W. Fireweed Lane	Restaurant/eating place liquor license
Brown Jug - Fireweed	525 W Fireweed Lane	Package Store

This is not an extraordinary concentration of licenses which would negatively impact the community.

- 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 appears to be met.

The applicant indicates that all employees handling alcohol will be trained in handling inebriated or under aged persons.

- 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.

The petition property is in the Midtown Major Employment Center and Redevelopment area: a commercial area that is expected to remain in that land use category for the foreseeable future. In and around this location are found numerous restaurants, offices, retail stores, hotels, commercial businesses and other non-residential uses. Land to the south, east and west are zoned B-3. There appear to be no churches, day care or schools within 200 feet of the site property line.

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 three restaurant/eating places, one package store, and two beverage dispensary licenses within 1,000-feet of the proposed restaurant. Approving this restaurant/eating place license will add one restaurant/eating place to the total number of restaurant/eating place licenses.

Name	Address	License Number	Type of License
Reilly's	317 W. Fireweed Lane	216	Beverage dispensary
Romano's	2415 C Street	977	Beverage dispensary
Greek Corner	302 W Fireweed Lane	3251	Restaurant/Eating Place
Tofu House	515 W. Fireweed Lane	4190	Restaurant/Eating Place
Alaska Bagel	113 Northern Lights #1	3557	Restaurant/Eating Place
Brow Jug - Fireweed	525 W. Fireweed Lane	395	Package Store

- 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 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.

The applicant proposes no special security measures, other than staff monitoring outside the facility. The Anchorage Police Department reported six (6) 2005 non liquor related incidents: 5 frauds and 1 theft.

- 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 not met.

Treasury protests the conditional use until such time as outstanding 2004 and 2005 Business Personal Property taxes are paid in the amount of \$1,311.33.

- 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.

This standard is met.

No evidence has been presented that depicts this license holder as a threat to the public health.

- 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 conditional use permit for a restaurant/eating place liquor license generally meets the standards set forth in Title 10 and generally meets most of the standards of Title 21.

If the Assembly approves this conditional use permit staff recommends the following conditions of approval:

1. A notice of Zoning Action shall be filed with the District Records Office within 120 days of the Alcoholic Beverage Control Board's approval of the license.

2. All construction and uses shall conform to the plans and narrative submitted.
3. Prior to this conditional use becoming effective the property owner shall apply for nonconforming determination on the parking area in the R-3 district. If Code Enforcement finds no nonconforming right to utilize the R-3 portion of the property for parking the property shall seek a conditional use for parking from the Planning and Zoning Commission.
4. This conditional use approval is for an Alcoholic Beverages Conditional Use in the B-3 District for a restaurant/eating place use per AMC 21.40.180 D.8 for a 2,200 SF building located at 2409 "C" Street, W. D. McKinney Second Addition Lot 7A. The restaurant has 14 tables, 32 fixed and 28 non-fixed seats. Alcohol sales are estimated to be 15 % of total gross receipts compared to 85 % food sales. The restaurant may operate 365 days a year with hours of operation as permitted by law.
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. 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.
8. Prior to this conditional use becoming effective the petitioner shall pay the outstanding 2004 and 2005 Personal Property Business Taxes owing at 2409 "C" Street in the amount of \$1,311.33 is paid.

DEPARTMENTAL COMMENTS

Reviewing Agency Comment Summary Case No.: 2005-101

Agency	Comments Included in Packet	No Comments and/or Objections	No Response
Air Pollution Control			
Alaska DEC			
Alaska Division of Parks			
Alaska DOT/PR		X	
Anchorage Police Department	X		
AWWU		X	
Code Enforcement			
Development Services			
DHHS Environmental			
DHHS Social Services			
Community Council			X
Fire Prevention			
Flood Hazard		X	
ML&P			
On-Site Water & Wastewater		X	
Parks and Recreation			
Physical Planning			
Project Mgt & Engineering			
Right-of-Way		X	
School District			
Transit		X	
Treasury	X		
Traffic & Transportation Planning		X	

2005-101

JUL 15 2005

POLICE DEPARTMENT CHECK LIST
FOR INVESTIGATION OF LICENSED LIQUOR ESTABLISHMENTS

Municipality of Anchorage
Zoning Division

1. Criminal History in Local Police Files? YES NO UNK
 {Circle which applies}
2. Incidents occurring within two years prior to the date of the liquor license application.

Type of Incident	Number of Incidents
Non-Liquor	See Attached

OLD BUSINESS NAME	OLD LOCATION
Simon's Taco Rico	2409 C Street
BUSINESS NAME	LOCATION
Armida E. Hernandez and Jose S. Hernandez	None
NAME OF APPLICANT (S)	CURRENT LICENSEE (S)

- ☐ Name Change
- ☒ Restaurant /Eating Place
- ☒ New Business
- ☐ Transfer of Ownership
- ☐ Corporate Stock Transfer Only
- ☐ Transfer of Location

THIS INFORMATION IS PROVIDED FOR EVALUATION BY THE ASSEMBLY IN CONSIDERATION OF APPLICATIONS FOR LICENSING.

07.13.05
DATE

LT Gilliam

for CHIEF OF POLICE

Simon's Taco Rico
2409 C Street

----- **2005 Non-Liquor** -----

There is no summary report for the following calls for service because they are not Liquor Violations. These incident (s) have occurred either inside, near, in front, or to the rear of the license premises.


Number of Incidents	Police Report Number	Type of Call
5	03-51220, 56891, 04-4505, 5370, 5437	Fraud
1	05-27131	Theft

Municipality of Anchorage
Treasury Division
Memorandum

RECEIVED

JUN 23 2005

Municipality of Anchorage
Zoning Division

Date: June 22, 2005
To: Rich Cartier, Planning Dept.
From: Daisy VanNortwick, Revenue Officer 
Subject: Liquor License Conditional Use Comments

Liquor License Conditional Use Application Case # 2005-101 for Simon's Taco Rico, located at 2409 C St. has been reviewed, and the transfer is ~~PROTESTED~~. Attached are the Business Personal Property taxes against this property for 2004, and 2005 in the amount of \$1,311.33

In order for protest to be lifted, this must be paid in cash, or certified funds.

MUNICIPALITY OF ANCHORAGE

PO BOX 196650 ANCHORAGE, AK 99519-6650

6/22/2005

NUMBER OF PAGES INCLUDING COVER SHEET: 1

FROM: Daisy VanNortwick

Phone: 907-343-6940

Fax # 907-343-6677

OWNER OR SELLER

MAILING ADDRESS

Siam Spicy Thai Restaurant

P.O. Box 140872

Anchorage AK 99514

LOCATION: 2409 C Street

ACCOUNT NUMBER

25-529013001-

\$25,000.00 2005 Est Taxes Less discount

14.780000 2005 mill levy

\$ 369.50 Taxes Due for 2005

\$ 36.95 10% PENALTY (if involuntary/or late filing)

10% PENALTY (if not paid by original due date)

INTEREST

\$406.45 Total Estimated 2005 Taxes

ACCT: 24 5290 13001 79 ROLL: 7 STATUS: ACTIVE
 NAME: SIAM SPICY THAI RESTAURANT TAX DIST: 001
 DESC: RESTAURANT
 PO BOX 140872 +DISCOVERY00
 ANCHORAGE AK 99514- HOME PH: - BUS PH: 907 338-0757
 STATUS: DEFAULT

SITE: 2409 C ST

TAXABLE VALUE: 45,000
 CURRENT TAX: 729.00
 STATE CREDIT: 0.00
 RESID CREDIT: 0.00

	PRINCIPAL	INTEREST	PENALTY	COST	TOTAL
ADVANCE:	0.00				0.00
CURR YEAR:	0.00	0.00	0.00	0.00	0.00
PRIOR YEAR:	729.00	30.08	145.80	0.00	904.88
BALANCE DUE:	729.00	30.08	145.80	0.00	904.88

ACCOUNT	PRINCIPAL	INTEREST	PENALTY	COST	TOTAL
24529013001	729.00	30.08	145.80	0.00	904.88
BAL(S) DUE	729.00	30.08	145.80	0.00	904.88

COLLECT STATUS: 2 AMOUNT: 0.00
 AGREEMENT DATE: 00/00/00 FREQ: AMOUNT PAID: 0.00
 START MON: 00 YEAR: 0000 COLLECT ID: SWM

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

FRANK H. MURKOWSKI, GOVERNOR

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(907) 269-0520 (FAX 269-0521)
(TTY 269-0473)

July 5, 2005

RE: Zoning Case Review

RECEIVED

JUL 07 2005

Municipality of Anchorage
Zoning Division

Jerry Weaver, Platting Officer
Planning and Development
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities (ADOT&PF) reviewed the following Zoning Cases and has no comment:

2005-095 The Terraces Tract E/Rezone:R1SL

2005-097 Athenian Village Subd Tract G-1 4303 Florina St/Site plan review: storage facility

2005-101 2409 C St/ Bangkok Express to Simon's Taco Rico/Conditional use: alcohol

2005-102 Thomson Industrial Subd Tract A-2, A-3 and A-4/Variance: encroachment

2005-103 1911 E 5th Ave, The Setter to Fantasies Upper Deck/Conditional Use: alcohol

2005-113 South Addition Blk 10B Lots 5A & 6A 1001 E Street/Variance

2005-114 Wollever Subd Blk 1 Lot 2 12500 Toilsome Hill Dr/Variance: garage encroachment

Comments:

2005-112 Bayshore Administrative site plan for a public roadway: Bayshore Drive: 100th to Discovery Bay Drive: The applicant needs to submit detailed plans showing the Bayshore Drive and 100th Avenue intersection for an Access Road Review (ARR) with ADOT&PF. The applicant may contact Lynda Hummel, Right of Ways Agent at 269-0698 for an application and assistance. 100th Avenue is a state owned road and a permit must be obtained from ADOT&PF prior to construction.

2005-110 Near Twentymile River Sec 19 T9N R3E SM Sec 24 T9N R2E SM Rezone: R11

Turnagain: The Department has no objection to rezoning the area, but our concern is access. Individual driveway access could not be accommodated on the Seward Highway. We request there be an internal circulation plan to access all lots before accessing the Seward Highway. Road access to the Seward Highway would require ADOT&PF approval and an access road review for permitting. If there are questions, contact Lynda Hummel at 269-0698 our Right of Ways Agent for information and assistance with permitting and an access road review.

MUNICIPALITY OF ANCHORAGE
Anchorage Water & Wastewater Utility

MEMORANDUM

RECEIVED

JUN 20 2005

Municipality of Anchorage
Zoning Division

DATE: June 17, 2005
TO: Zoning and Platting Division, OPDPW
FROM: Hallie Stewart, Engineering Technician, AWWU *H Stewart*
SUBJECT: Zoning Board public hearing of August 9, 2005
AGENCY COMMENTS DUE July 12, 2005

AWWU has reviewed the following case material and has the following comments.

05-101 2409 C Street (conditional use) Grid 1530

1. AWWU water and sanitary sewer mains are available to the referenced lot.
2. AWWU has no objection to the proposed conditional use to permit a restaurant serving alcohol.

05-103 Fantasies, Lot 1 (conditional use) Grid 1233

1. AWWU water and sanitary sewer mains are available to the referenced lot.
2. AWWU has no objection to the proposed conditional use to allow the sales, dispensing, or service of alcoholic beverages.

If you have any questions, please call me at 343-8009 or AWWU Planning at 564-2739.

RECEIVED

JUN 27 2005

Municipality of Anchorage
Zoning Division



FLOOD HAZARD REVIEW SHEET for PLATS

Date: 06-24-05

Case: 2005-101

Flood Hazard Zone: C

Map Number: 0235

☐ Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.

☐ AMC 21.15.020 requires that the following note be placed on the plat:

"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and any land use within the flood hazard district shall conform to the requirements of Chapter 21.60 (Anchorage Municipal Code)."

☐ A Flood Hazard permit is required for any construction in the floodplain.

☒ I have no comments on this case.

Reviewer: Jack Puff



Municipality of Anchorage
Development Services Department
Building Safety Division

MEMORANDUM



DATE: July 14, 2005

TO: Jerry Weaver, Jr., Platting Officer, CPD

FROM: *DR* Daniel Roth, Program Manager, On-Site Water and Wastewater Program

SUBJECT: Comments on Cases due July 12, 2005

JUL 14 2005

Municipality of Anchorage
Zoning Division

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

2005 – 101 A request concept/final approval of a conditional use permit for a restaurant serving alcohol

No objection

2005 – 103 A request concept/final approval of a conditional use to permit for the sales, dispensing, or service of alcoholic beverage

No objection

Pierce, Eileen A

From: Staff, Alton R.
Sent: Friday, July 01, 2005 4:16 PM
To: Pierce, Eileen A; Stewart, Gloria I.
Cc: Taylor, Gary A.
Subject: Zoning and Plat Reviews

The Public Transportation Department has no comment on the following zoning cases:

2005-091
095
097
101
103
105

The Public Transportation Department has no comment on the following plats:

S10611-2
S11039-3
S11168-2
S11257-2
S11335-3
S11359-1
S11377-1
S11380-1
S11383-1
S11384-1
S11385-1
S11387-1
S11388-1
S11389-1
S11390-1
S11391-1
S11392-1
S11393-1
S11394-1

Thank you for the opportunity to review.

Alton Staff
Public Transportation Department – People Mover



MUNICIPALITY OF ANCHORAGE
Traffic Department



RECEIVED

JUL 12 2005

Municipality of Anchorage
Zoning Division

MEMORANDUM

DATE: July 11, 2005
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
THRU: Leland R. Coop, Associate Traffic Engineer *LC*
FROM: Mada Angell, Assistant Traffic Engineer *MA*
SUBJECT: Comments, August 9, 2005 Assembly Public Hearing

05-101 Smith; Conditional Use to permit alcohol; Grid 1531

Traffic has no comment.

05-103 Fantasies; Conditional Use to permit alcohol; Fantasies on Fifth

Traffic has no comment.



MUNICIPALITY OF ANCHORAGE

Development Services Department
Right of Way Division



MEMORANDUM

RECEIVED

DATE: July 12, 2005
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor *L. Frost*
FROM: Lynn McGee, Senior Plan Reviewer *L. McGee*
SUBJ: Request for Comments on Assembly case(s) for the Meeting of August 9, 2005.

JUL 12 2005

Municipality of Anchorage
Zoning Division

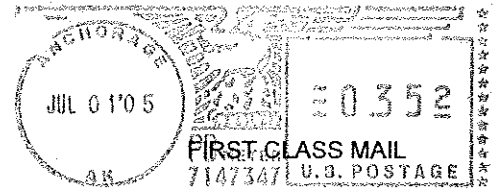
Right of Way has reviewed the following case(s) due July 12, 2005.

05-101 Ed Coffey, Lot 7A, grid 1530
(Conditional Use, Alcohol Sales and Service)
Right of Way Division has no comments at this time.
Review time 15 minutes.

05-103 Fantasies, Lot 1, grid 1233
(Conditional Use, Alcohol Sales and Service)
Right of Way Division has no comments at this time.
Review time 15 minutes.

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7943

RECEIVED
FIRST CLASS



002-192-13-010
SCHUDER ROBERT T
223 W 22ND AVENUE
ANCHORAGE, AK 99503

RECEIVED

JUL 07 2005

Municipality of Anchorage
Zoning Division

**ASSEMBLY
NOTICE OF PUBLIC HEARING - - Tuesday, August 09, 2005**

Planning Dept Case Number: 2005-101

The Assembly of the Municipality of Anchorage will hold a public hearing on a petition proposing a conditional use at its regular meeting of Tuesday, August 09, 2005. The meeting begins at 5:00 p.m. in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street. The petition is for the following:

CASE: 2005-101
PETITIONER: Jose Hernandez
REQUEST: Assembly conditional use for a restaurant serving alcohol
TOTAL AREA: 0.440 acres
SITE ADDRESS: 2409 C ST
CURRENT ZONE: B-3 and R-3
COM COUNCIL(S): 1---North Star 2---Midtown 3---Fairview

LEGAL/DETAILS: An alcoholic beverage conditional use for a restaurant serving alcohol. Simons Taco Rico located at 2409 C Street. W D McKinney 2nd Addition, Lot 7A.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing and you are invited to attend and present testimony, if you so desire.

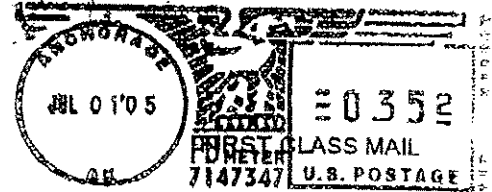
If you would like to comment on the petition this form may be submitted to the Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call: 343-7943; FAX 343-7927. Case information may be viewed at www.ci.anchorage.ak.us by selecting Departments/Planning/Zoning and Platting Cases.

Name: R. Schuder
Address: 223 W 22ND AVE
Legal Description: I have
Comments: No objections to this proposal
[Signature]

29

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7943

PRESORTED
FIRST CLASS



RECEIVED

JUL 05 2005

Municipality of Anchorage
Zoning Division

ASSEMBLY NOTICE OF PUBLIC HEARING - -

Tuesday, August 09, 2005

Planning Dept Case Number: 2005-101

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Fax to 343-7927

Name: _____

Address: _____

Legal Description: _____

Comments: _____

restaurant
Ask owner about Pit bull dogs left
locked up in vehicle on restaurant site
without air & incident of dog biting a
pedestrian walking by. Dog owner, restaurant
owner or employee paying victim \$100 not to
prosecute attack. In case of an incident, at June 15

2005-101

Municipality of Anchorage

P. O. Box 196650

Anchorage, Alaska 99519-6650

(907) 343-7943

NO SUCH
REFUSED
VACANT
INSUFFICIENT ADDRESS
NO MAIL RECEIPT

UNCLAIMED
UNKNOWN
PENDING
PENDING

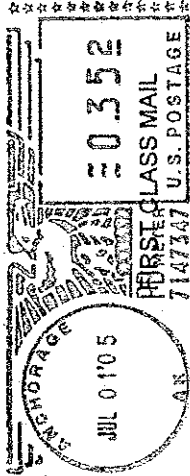
ROUTED TO INITIAL

002-197-0000

GAMBLER HOMES, INC.

P.O. BOX 4-1288

ANCHORAGE, AK 99509



RECEIVED

JUL 06 2005

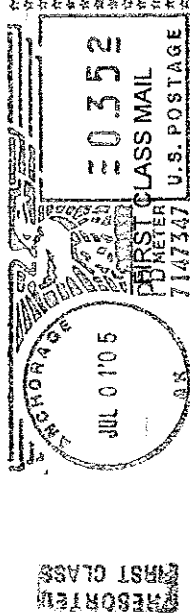
Municipality of Anchorage
Zoning Division

**ASSEMBLY
NOTICE OF PUBLIC HEARING - - Tuesday, August 09, 2005**

Planning Dept Case Number: 2005-101

The Assembly of the Municipality of Anchorage will hold a public hearing on a petition proposing a conditional use at

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7943



002-192-13-015
ROSSO THERESA M
PO BOX 240666
ANCHORAGE, AK 99524

RECEIVED

JUL 13 2005

Municipality of Anchorage
Zoning Division

ASSEMBLY
NOTICE OF PUBLIC HEARING - - Tuesday, August 09, 2005
Planning Dept Case Number: 2005-101

The Assembly of the Municipality of Anchorage will hold a public hearing on a petition proposing a conditional use at

APPLICATION

Application for Conditional Use Retail Sale Alcoholic Beverages

Municipality of Anchorage
Planning Department
PO Box 196650
Anchorage, AK 99519-6650

Please fill in the information asked for below.

PETITIONER*		PETITIONER REPRESENTATIVE (IF ANY)	
Name (last name first) <i>Hernandez Jose</i>		Name (last name first)	
Mailing Address <i>5800 Craig Dr Anchorage AK 99504</i>		Mailing Address	
Contact Phone: Day: <i>562-3663</i> Night: <i>337-5848</i>		Contact Phone: Day:	Night:
FAX: 562-3663 <i>222-4988</i>		FAX:	
E-mail:		E-mail:	

*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

PROPERTY INFORMATION		
Property Tax # (000-000-00-000): 00219147-000014 219147-00-014 <i>00219147</i>		
Site Street Address: <i>2409 Cst Anchorage AK 99503</i>		
Property Owner (if not the Petitioner): <i>Arthur Esparza</i>		
Current legal description: (use additional sheet in necessary)		
Zoning: <i>B3 & R3</i>	Acreage: <i>.44</i>	Grid # <i>1530</i>

ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED		
<input type="checkbox"/> Beverage Dispensary	<input type="checkbox"/> Private Club	<input type="checkbox"/> Restaurant, exempt
<input type="checkbox"/> Beverage Dispensary-Tourism	<input type="checkbox"/> Public Convenience	<input type="checkbox"/> Theater
<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Recreational	<input type="checkbox"/> Other (Please explain):
<input type="checkbox"/> Package Store	<input checked="" type="checkbox"/> Restaurant	
Is the proposed license: <input checked="" type="checkbox"/> New <input type="checkbox"/> Transfer of location: ABC license number:		
Transfer license location:		
Transfer licensed premises doing business as:		

I hereby certify that (I am)/(I have been authorized to act for) owner of the property described above and that I petition for a retail sale of alcoholic beverages conditional use permit in conformance with Title 21 of the Anchorage Municipal, Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department, Municipal Clerk, or the Assembly for administrative reasons.

Date *6/20/05* Signature (Agents must provide written proof of authorization) *Jose Hernandez* 34

Accepted by: <i>M.A.</i>	Poster & Affidavit:	Fee: <i>\$ 2,260.00</i>	Case Number: <i>2005-101</i>
--------------------------	---------------------	-------------------------	------------------------------

COMPREHENSIVE PLAN INFORMATIONAnchorage 2020 Urban/Rural Services: ☒ Urban ☐ RuralAnchorage 2020 West Anchorage Planning Area: ☒ Inside ☐ Outside

Anchorage 2020 Major Urban Elements: Site is within or abuts:

- ☐ Major Employment Center ☐ Redevelopment/Mixed Use Area ☐ Town Center
☐ Neighborhood Commercial Center ☐ Industrial Center
☐ Transit - Supportive Development Corridor

Eagle River-Chugiak-Peters Creek Land Use Classification:

- ☐ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study
☐ Residential at _____ dwelling units per acre

Girdwood- Turnagain Arm

- ☐ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study
☐ Residential at _____ dwelling units per acre

ENVIRONMENTAL INFORMATION (All or portion site affected)

- Wetland Classification: ☒ None ☐ "C" ☐ "B" ☐ "A"
 Avalanche Zone: ☒ None ☐ Blue Zone ☐ Red Zone
 Floodplain: ☒ None ☐ 100 year ☐ 500 year
 Seismic Zone (Harding/Lawson): ☐ "1" ☐ "2" ☐ "3" ☐ "4" ☐ "5"

RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion site)

- ☐ Rezoning - Case Number:
☐ Preliminary Plat ☐ Final Plat - Case Number(s):
☐ Conditional Use - Case Number(s):
☐ Zoning variance - Case Number(s):
☐ Land Use Enforcement Action for
☐ Building or Land Use Permit for
☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage

DOCUMENTATION

- Required: ☒ Site plan to scale depicting: building footprints; parking areas; vehicle and pedestrian circulation; lighting; landscaping; signage; and licensed premises location.
☐ Building plans to scale depicting: floor plans indicating the location of sales and service areas; building elevations (photographs are acceptable).
☐ Photographs of premises from each street frontage that include and show relationship to adjacent structures and the premises visible street address number.
☐ Narrative: explaining the project; construction, operation schedule, and open for business target date.
☐ Copy of a zoning map showing the proposed location.
☐ Copy of completed Alcoholic Beverage Control Board liquor license application form including all drawings and attachments, if filed with ABC Board.
- Optional: ☐ Traffic impact analysis ☐ Economic impact analysis ☐ Noise impact analysis

2010/10/2

35

PROPERTY OWNER AUTHORIZATION* (if petitioner is not property owner)

(I)(WE) hereby grant permission to and acknowledge that person shown as the petitioner on this application is applying for a conditional use permit for the retail sales of alcoholic beverages on a property under (MY)(OUR) ownership and that as part of the conditional use permit process the Assembly may apply conditions which will be (MY)(OUR) responsibility to satisfy.

5-19-05

Date

Signature

*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

FACILITY OPERATIONAL INFORMATION

What is the proposed or existing business name (Provide both if name is changing):

From Bangkok Express To Simon's Taco Rico

What is the gross leaseable floor space in square feet?

2100 SF

What is the facility occupant capacity?

60

What is the number of fixed seats(booth and non movable seats)?

32

What is the number non-fixed seats(movable chairs, stools, etc.)?

28

What will be the normal business hours of operation?

11A-10pm 7 days

What will be the business hours that alcoholic beverages will be sold or dispensed?

~~11A-10pm~~ 11A-10pm

What do you estimate the ratio of food sales to alcohol beverage sales will be?

15 % Alcoholic beverage sales

85 % Food sales

Type of entertainment proposed: (Mark all that apply)

☒ Recorded music ☐ Live music ☐ Floor shows ☐ Patron dancing ☐ Sporting events ☐ Other ☐ None

Do you propose entertainment or environmental conditions in the facility that will meet the definition of "indecent material" or "adult entertainment" as set forth by AMC 8.05.420 Minors-Disseminating indecent material or AMC 10.40.050 Adult oriented establishment? ☐ Yes ☒ No

DISTANCE FROM CHURCHES, DAY CARE, AND SCHOOLS

Locate and provide the names and address of all churches, day care, and public or private schools within 200 feet of the site property lines

Name

Address

North Star Elementary

1/4 mi 605 Fireweed Ln

Stellar Secondary 7-12

1/4 mi 2508 Blueberry St

36

PACKAGE STORES

Provide the projected percentage of alcoholic product inventory in the store where the retail unit price is:

% less than \$5.00	<i>N/A</i>
% \$5.00 to \$10.00	
% \$10.00 to \$25.00	
% greater than \$25.00	

CONDITIONAL USE STANDARDS

The Assembly may only approve the conditional use if it finds that **all** of the following 4 standards are satisfied. Each standard must have a response in as much detail as it takes to explain how your project satisfies the standard. The burden of proof rests with you. Use additional paper if needed.

Explain how the proposed conditional use furthers the goals and policies of the comprehensive development plan and conforms to the comprehensive development plan in the manner required by AMC 21.05.

Well respected ownership reputation with 90% of clients that reduces risk of customers problems or becoming loitering station.

Explain how the proposed conditional use conforms to the standards for that use in this title and regulations promulgated under this title.

Alcohol will be use only to compliment food & as a secondary. All employees will be trained accordingly.

Explain how the proposed conditional use will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district.

Restaurant use only. Not after dark activities. Only for use with food.

Explain how the proposed conditional use 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.

Family oriented restaurant. Alcohol only to compliment food

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

Owner well known & respected ~~& attracts~~ & will not abuse privilege.

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

N/A Restaurant Only. No dances or any other un-normal activities besides service of food.

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

building is already set & traffic or land will be affected because we can't be expanding

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 of 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.

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.

How many active liquor licenses are located on the same property as your proposed license? *0*

Within 1,000 feet of your site are how many active liquor licenses? *4*

How would you rate this area's license concentration on a scale of 1 to 5 with 5 = high *1*

How many active liquor licenses are within the boundaries of the local community council?

Unknown

In your opinion, is this quantity of licenses a negative impact on the local community? *No. Because most of the licenses are used ~~for food~~ to compliment the food of restaurants & ~~are secondary~~ the sale of alcohol is secondary.*

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.

How many employees in direct contact with alcohol will be trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program? *4*

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.

- ☐ Yes ☒ No Happy hours?
☐ Yes ☒ No Games or contests that include consumption of alcoholic beverages?
☒ Yes ☐ No Patron access and assistance to public transportation?
☒ Yes ☐ No Notice of penalties for driving while intoxicated posted or will be posted?
☒ Yes ☐ No Non-alcoholic drinks available to patrons?
☐ Yes ☒ No Solicitation or encouragement of alcoholic beverage consumption?

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.

What are the proposed precautions to maintain order and prevent unlawful conduct at the licensed premises?

inside facility: *Employees will be trained with TAM & will have the knowledge of how to limit people & prevent them from intoxication.*

outside facility: *Will monitor outside facility conduct & will keep an eye on the activities occurring. Make sure there is no loitering.*

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

☒ Yes ☐ No Are real estate and business property taxes current?
☐ Yes ☒ No Are there any other debts owed to the Municipality of Anchorage?

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.

☒ Yes ☐ No As the applicant and operator can you comply? If no explain



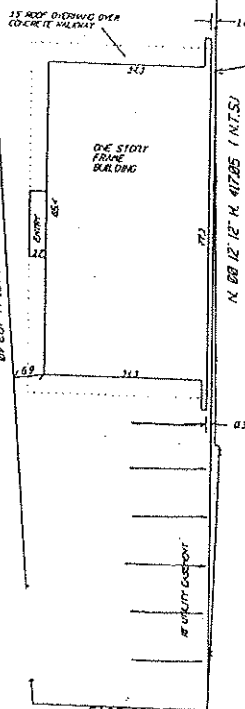
INFORMATION HEREON IS FOR THE USE OF
JUDICIAL INSTITUTIONS SPECIFICALLY TO SHOW
CONFLICTS BETWEEN EXISTING STRUCTURES
AND PLATTED LOT LINES OR EASEMENTS AND IS
NOT TO BE USED FOR POSITIONING ADDITIONAL
STRUCTURES OR FENCE LINES

C STREET

40'

N 88° 27' 41" E 240.35 INT.SJ

N 4° 03' 13" W 103.40



EAST 36.80
EASEMENTS OF RECORD OTHER
THAN THOSE SHOWN ON THE
RECORDED PLAT, ARE NOT
SHOWN HEREON



NOTE: NOTE ON PLAT 116-892 READS AS FOLLOWS:
UTILITY EASEMENT EXTENDS FROM LOT LINE TO
EDGE OF EXISTING BUILDING

COPY OF SURVEY RECEIVED
AT THE TIME OF CLOSING:

Arthur P. Brown
Gloria M. Brown
December 1998

SCALE: 1" = 30'
AS - BUILT SURVEY

NO CORNERS SET THIS DATE

I HEREBY CERTIFY THAT I HAVE PERFORMED A
MORTGAGEE'S INSPECTION OF THE FOLLOWING
DESCRIBED PROPERTY
LOT 7A, W.D. McKINNEY, 2ND ADDN. SUB.

ANCHORAGE RECORDING DISTRICT, ALASKA AND
THAT THE IMPROVEMENTS SITUATED THEREON
ARE WITHIN THE PROPERTY LINES AND NO
ENCROACHMENTS EXIST OTHER THAN NOTED

DATED AT ANCHORAGE, ALASKA THIS 21ST
DAY OF NOVEMBER 19 98
HOLT LAND SURVEYING
TEL. 345-5513 JOB 6439

FB 66-69

Scale

1 square = 3 ft

[Stippled Box] = Grass/Brush

XXXX = Chain link fence

ZZZZ = Wooden fence

[Empty Box] = Parking Lot
Entrance/Exit

○ = light post

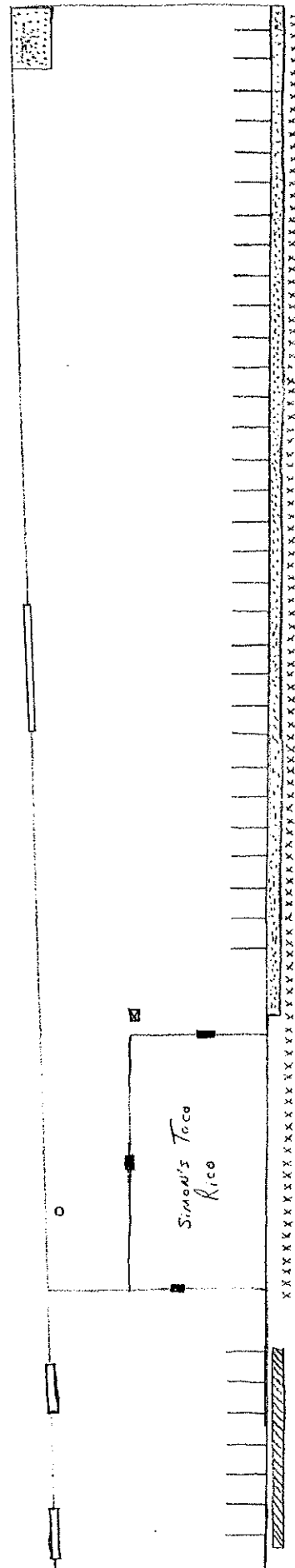
⊠ = 20' high sign

■ = doorway

W

C St

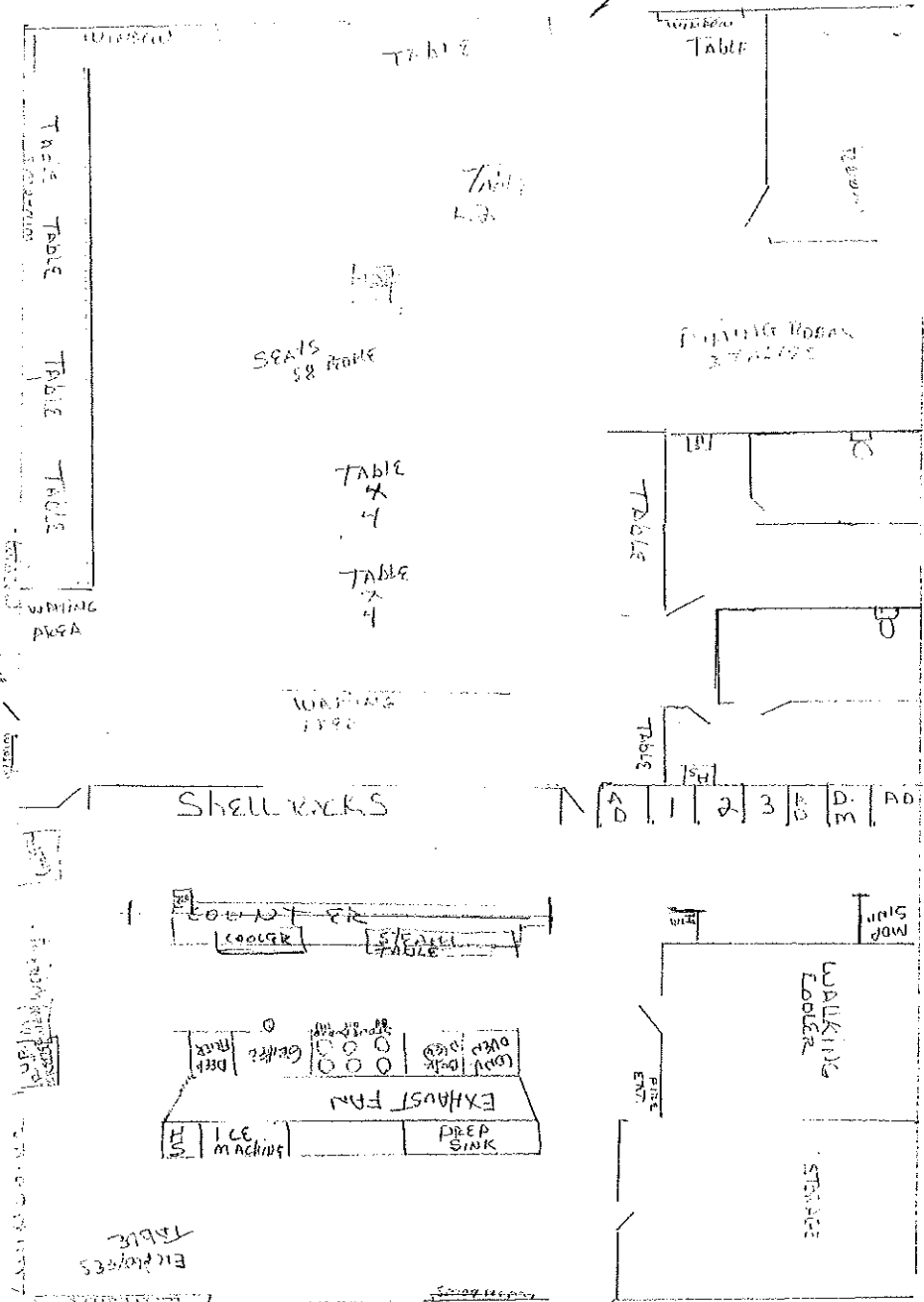
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5. ENTRADA
 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837



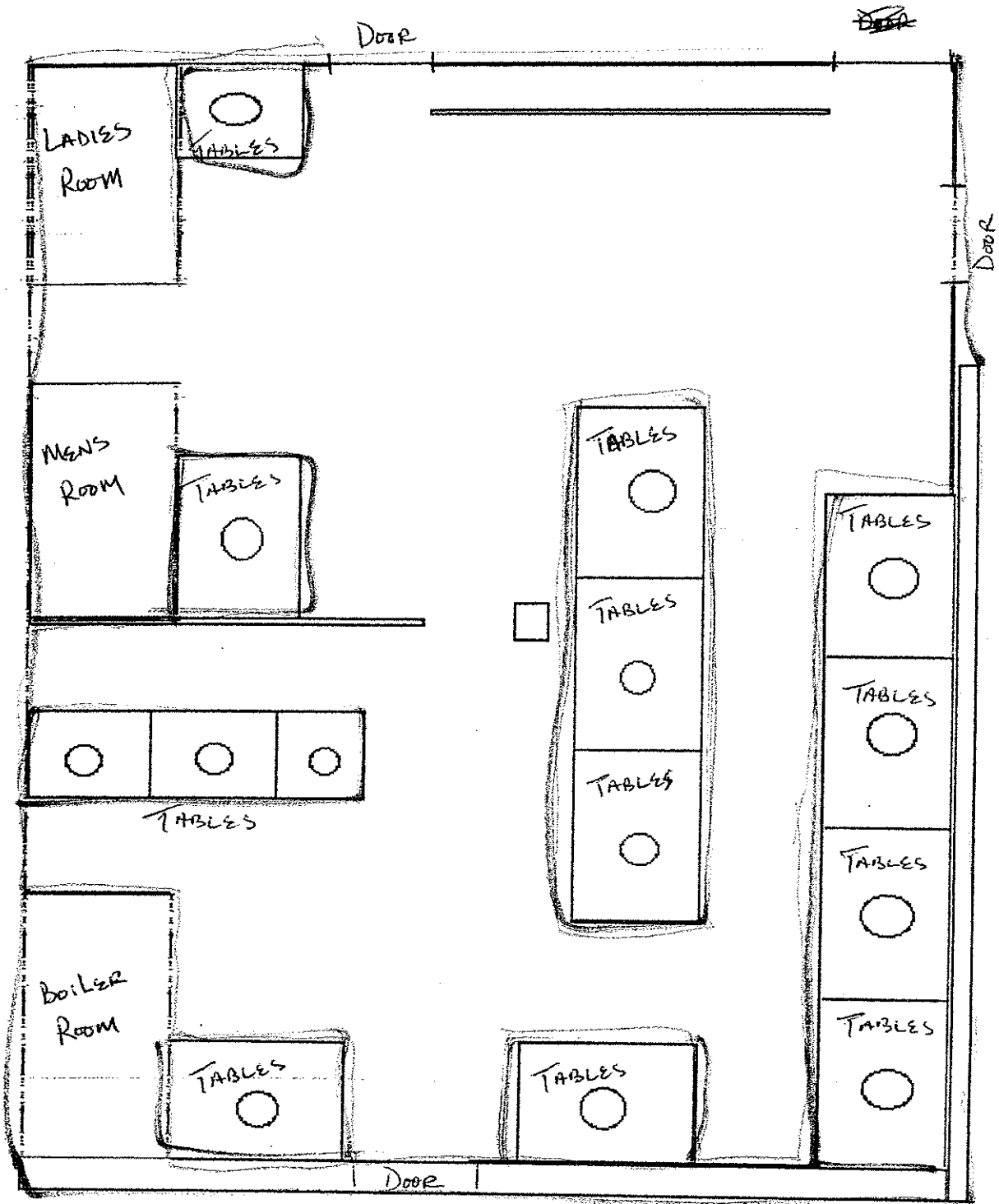
Sierra
Taco Rico
Mexican Deli/Bar



100

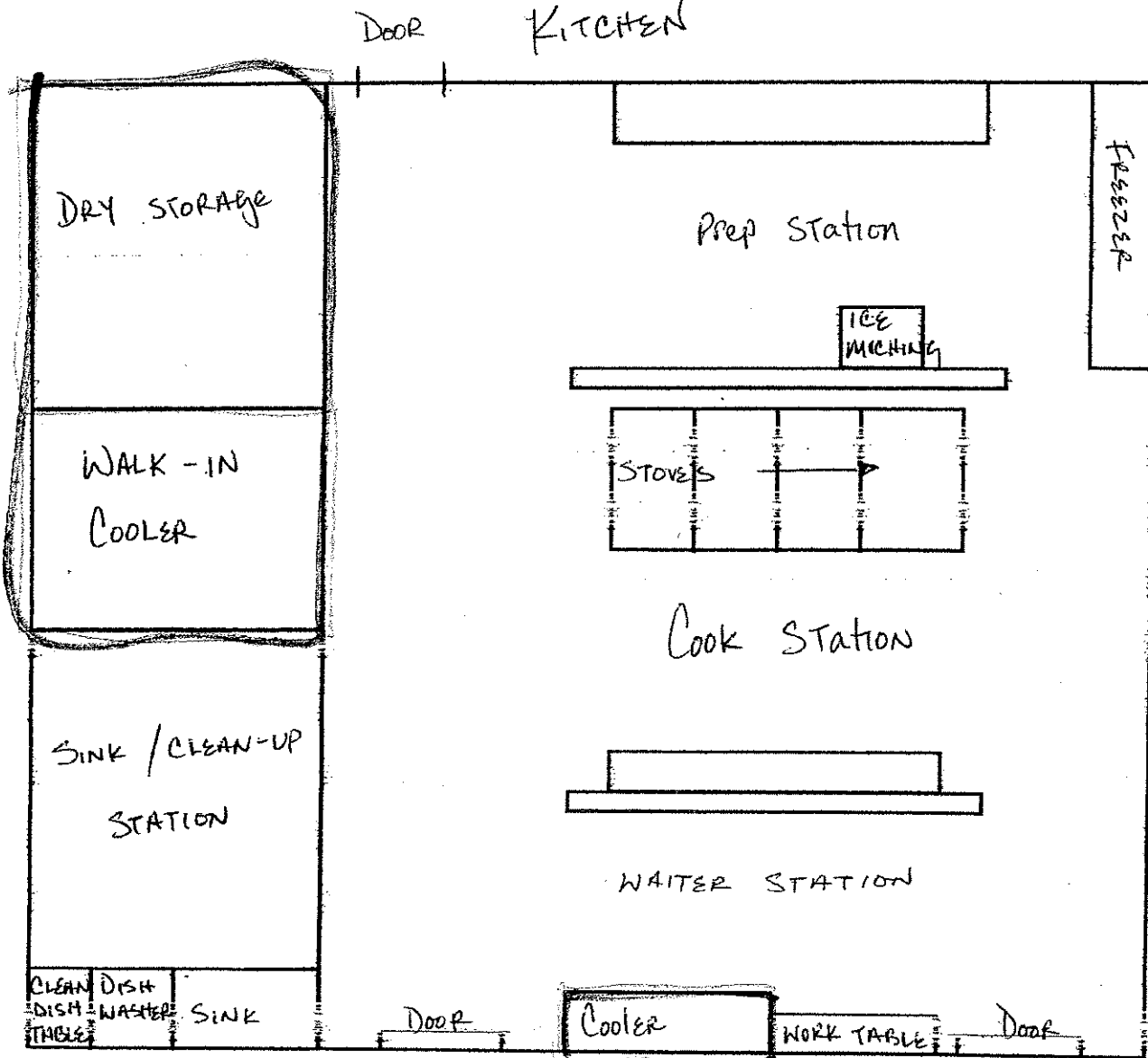
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 EMPLOYEES
 PAGE

Simon's Taco R. o



Dining AREA

Simon's Taco Rico KITCHEN



Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage, AK 99507

New Liquor License

PAGE 1 OF 2

(907) 269-0350

Fax: (907) 272-9412

<http://www.dps.state.ak.us/abc/>

This application is for:

- ☐ Seasonal - Two 6-month periods in each year of the biennial period beginning _____ and ending _____
☒ Full 2-year period _____ Mo/Day _____ Mo/Day

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.

FEES

| | | | |
|--|--|--|------------------|
| License Year: | License Type:
<i>Restaurant/Eating Place</i> | License Fee: | \$ <i>600.00</i> |
| Statute Reference
Sec. 04.11.100 | Local Governing Body: (City, Borough or Unorganized)
<i>Anchorage</i> | Filing Fee: | \$ 100.00 |
| Federal EIN or SSN: | | Total Submitted: | \$ |
| Name of Applicant:
<i>Armida E. Hernandez</i>
<i>Jose S. Hernandez</i> | Street Address or Location of Business:
<i>2409 C St Anchorage AK 99503</i> | Community Council Name(s) & Mailing Address:
<i>Fairview North Star Spenard</i> | |
| Doing Business As (Business Name):
<i>Simon's Taco Rico</i> | City:
<i>Anchorage</i> | | |
| Mailing Address:
<i>2409 C St</i> | Bus. Tel. #:
<i>562-3663</i> | | |
| City, State, Zip:
<i>Anchorage AK 99503</i> | Fax Tel. #:
<i>SAME</i> | | |
| | Email Address: | | |

SECTION B. PREMISES TO BE LICENSED. Must be completed.

| | |
|---|---|
| Name to be used on public sign or advertising:
<i>Simon's Taco Rico</i> | <input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. |
| Closest school grounds:
<i>Stellar Middle School & North Star Elem</i> | <input checked="" type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. |
| Closest church: | <input type="checkbox"/> Not applicable |
| Distance measured under:
<input type="checkbox"/> AS 04.11.410 OR
<input type="checkbox"/> Local ordinance No. _____ | <input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) |
| Premises to be licensed is:
<input type="checkbox"/> Proposed building
<input checked="" type="checkbox"/> Existing facility
<input type="checkbox"/> New building | <input checked="" type="checkbox"/> Diagram of premises attached |

SECTION C. Individual, corporate officer, limited liability organization member, manager or partner background.

Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

☐ Yes ☒ No If Yes, complete the following. Attach additional sheets if necessary.

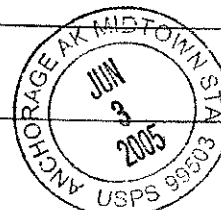
| Name | Name of Business | Type of License | Business Street Address | State |
|------|------------------|-----------------|-------------------------|-------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

☐ Yes ☒ No If Yes, attach written explanation.

Office use only

| | | |
|----------------|---------------|----------------------|
| License Number | Date Approved | Director's Signature |
| | | |



Alcoholic Beverage Control Board
550 W. 7th Ave Suite #540
Anchorage, AK 99501
(907) 269-0350
Fax: (907) 272-9412
www.abc.revenue.state.ak.us

New Liquor License

PAGE 2 OF 2

Individual - Partnership
Joint Venture
Information

Individual(s), Partner(s), Joint Venture Parties OR Affiliates. Attach additional sheets if necessary.

| | | | | | | | | | | | |
|--|--|-------------------------------------|---|-------------------------------------|--|--|--|-------------------------------------|---|-------------------------------------|--|
| Full Name
<i>Jose S Hernandez</i> | | | Applicant <input checked="" type="checkbox"/>
Affiliate <input type="checkbox"/> | | | Full Name
<i>Armidia E Hernandez</i> | | | Applicant <input checked="" type="checkbox"/>
Affiliate <input type="checkbox"/> | | |
| Mailing Address
<i>5800 Craig Dr</i> | | | | | | Mailing Address
<i>5800 Craig Dr</i> | | | | | |
| City, State, Zip Code
<i>Anchorage AK 99504</i> | | | | | | City, State, Zip Code
<i>Anchorage AK 99504</i> | | | | | |
| Date of Birth
<i>2/25/47</i> | | Home Telephone #
<i>337-5948</i> | | Work Telephone #
<i>562-3663</i> | | Date of Birth
<i>11/16/46</i> | | Home Telephone #
<i>337-5948</i> | | Work Telephone #
<i>276-6000</i> | |

| | | | | | | | | | | | |
|-----------------------|--|------------------|--|------------------|--|-----------------------|--|------------------|--|------------------|--|
| Full Name | | | Applicant <input type="checkbox"/>
Affiliate <input type="checkbox"/> | | | Full Name | | | Applicant <input type="checkbox"/>
Affiliate <input type="checkbox"/> | | |
| Mailing Address | | | | | | Mailing Address | | | | | |
| City, State, Zip Code | | | | | | City, State, Zip Code | | | | | |
| Date of Birth | | Home Telephone # | | Work Telephone # | | Date of Birth | | Home Telephone # | | Work Telephone # | |

| | | | | | | | | | | | |
|-----------------------|--|------------------|--|------------------|--|-----------------------|--|------------------|--|------------------|--|
| Full Name | | | Applicant <input type="checkbox"/>
Affiliate <input type="checkbox"/> | | | Full Name | | | Applicant <input type="checkbox"/>
Affiliate <input type="checkbox"/> | | |
| Mailing Address | | | | | | Mailing Address | | | | | |
| City, State, Zip Code | | | | | | City, State, Zip Code | | | | | |
| Date of Birth | | Home Telephone # | | Work Telephone # | | Date of Birth | | Home Telephone # | | Work Telephone # | |

Note: On a separate sheet provide information on ownership of all organized entities that are partners or joint venture parties of the licensee.

Declaration

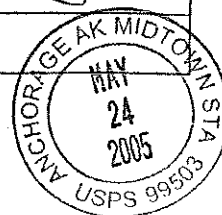
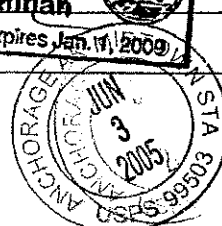
- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- The undersigned certifies on behalf of the (individual(s)) (partnership) (joint venture), it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s)

| | | | |
|---|--|---|--|
| Signature
<i>Jose S Hernandez</i> <i>ADL 535045</i> | | Signature
<i>Armidia E Hernandez</i> <i>ADL 6349469</i> | |
| Name & Title (Please Print)
<i>JOSE S HERNANDEZ OWNER</i> | | Name & Title (Please Print)
<i>ARMIDIA E HERNANDEZ-OWNER</i> | |
| Subscribed and sworn to before me this
<i>22nd</i> | | Subscribed and sworn to before me this
<i>22nd</i> | |
| Notary Public in and for the State of Alaska
<i>Jane M. Hannan</i> | | Notary Public in and for the State of Alaska
<i>Jane M. Hannan</i> | |
| My commission expires
<i>01/01/09</i> | | My commission expires
<i>Jan 11, 2009</i> | |

New/Indiv. 8/02

48



ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FC RESTAURANT DESIGNATION PERMIT - AS 04 149 & 15 AAC 104.715-794
FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 19 for employment. If for employment, please state in detail, how the person will be employed, duties, etc. (15 AAC 104.745).

This application is for designation of premises where : (please mark appropriate items).

- 1 ☒ Under AS 04.16.010(c) Bona fide restaurant/eating place.
- 2 ☒ Persons between 16 & 21 may dine unaccompanied.
- 3 ☒ Persons under 16 may dine accompanied by a person 21 years or older.
- 4 ☒ Persons between 16 and 19 years may be employed. (See note below).

LICENSEE:

Jose S. Hernandez Armida E. Hernandez

D/B/A:

Simon's Taco Rico

ADDRESS:

2409 C St Anchorage AK 99503

1. Hours of Operation: 11A to 10P Telephone # 562-3663
2. Have police ever been called to your premises by you or anyone else for any reason: ☐ Yes ☒ No
If yes, date(s) and explanation(s).

3. Duties of employment: Dishwasher, Bus Person, Waiter, Waitress, Host/Hostess

4. Are video games available to the public on your premises? No

5. Do you provide entertainment: ☐ Yes ☒ No If yes, describe.

6. How is food served? ☒ Table Service ☐ Buffet Service ☐ Counter Service ☐ Other*

7. Is the owner, manager, or assistant manager always present during business hours? ☒ Yes ☐ No

*** A MENU AND A DETAILED LICENSED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

This permit remains in effect until the liquor license is transferred OR at the discretion of the Alcoholic Beverage Control Board. (15 AAC 104.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 15 AAC 104.715-795 and have instructed my employees about provisions contained therein.

Jose S. Hernandez
Applicant(s) signature

Subscribed and sworn to before me this

22 **STATE OF ALASKA** 2005
NOTARY PUBLIC
Joanne M. [Signature]
Notary Public in and for Alaska
My Commission Expires Jan. 1, 2009

Application approved (15 AAC 104.725(e))
Governing Body Official

Date:

My Commission expires

Director, ABC Board

Date:

NOTE: AS 04.16.049(c) requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the employee who is under 19 years of age. Persons 19 and 20 years of age are not required to have the consent or exemption.

* Describe how food is served on back of form.

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below;
show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: Simon's Taco Rico

PREMISES LOCATION: 2409 C St

Indicate scale by x after appropriate statement or show length and width of premises. _____ 1 SQ. = 4 FT.

SCALE A: _____ 1 SQ. = 1 FT.

SCALE B:

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.

STATEMENT OF FINANCIAL INTEREST

CONFIDENTIAL

TO BE COMPLETED BY EACH APPLICANT, EITHER INDIVIDUAL OR CORPORATE

AS 04.11.450(a) states that no person other than a licensee may have a direct or indirect financial interest in the business for which the license is issued.

| APPLICANT'S NAME AND MAILING ADDRESS | DBA (BUSINESS NAME) AND LOCATION |
|--------------------------------------|----------------------------------|
| Jose S Hernandez | Simon's Taco Rico |
| 2409 C st | 2409 C st |
| Anchorage AK 99503 | |
| | |
| | |

List below persons, firms, lending institutions or corporations which have or may have any financial involvement in furthering purchases of assets, revenues or operating capital for the licensed business operations.

| NAME | ADDRESS | AMOUNT | PURPOSE |
|-------------|---------------|--------|-------------------|
| Wells Fargo | 5700 Debar Rd | 30,000 | Kitchen Equipment |
| | | | |
| | | | |
| | | | |
| | | | |

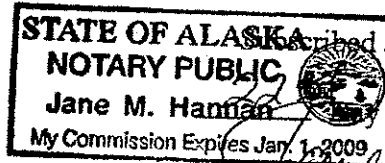
Under the penalties of perjury, I declare that I have examined this application, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of Applicant/Transferee

Jose S. Hernandez

Date

4-22-05



Subscribed and sworn to before me this

April 20 05

Jane M. Hannan

Notary Public in and for the State of Alaska
My commission expires 01/01/09

STATEMENT OF FINANCIAL INTEREST

CONFIDENTIAL

TO BE COMPLETED BY EACH APPLICANT, EITHER INDIVIDUAL OR CORPORATE

AS 04.11.450(a) states that no person other than a licensee may have a direct or indirect financial interest in the business for which the license is issued.

| APPLICANT'S NAME AND MAILING ADDRESS | DBA (BUSINESS NAME) AND LOCATION |
|--------------------------------------|----------------------------------|
| Armida E Hernandez | Simon's Taco Rico |
| 2409 C st | 2409 C st |
| Anchorage AK 99503 | |
| | |
| | |

List below persons, firms, lending institutions or corporations which have or may have any financial involvement in furthering purchases of assets, revenues or operating capital for the licensed business operations.

| NAME | ADDRESS | AMOUNT | PURPOSE |
|-------------|----------------|--------|-------------------|
| Wells Fargo | 5700 Debarr Rd | 30,000 | Kitchen Equipment |
| | | | |
| | | | |
| | | | |
| | | | |

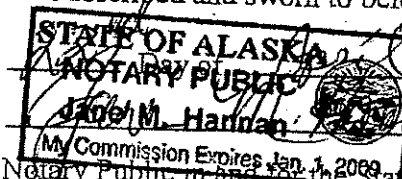
Under the penalties of perjury, I declare that I have examined this application, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of Applicant/Transferee

Armida E Hernandez
4-22-05

Date

Subscribed and sworn to before me this



Notary Public in and for the State of Alaska
My commission expires 01/01/09

Format For new Applications

Applicants must advertise once each week for three (3) consecutive weeks, seven (7) days apart by newspaper of general circulation in the area of the license, or if by radio, two (2) times each week for three (3) consecutive weeks. See instruction sheet. This public notice must be given within the sixty (60) days immediately preceding the filing of the application.

Under 15 AAC 104.125(e), within the Municipality of Anchorage, the City and Borough of Juneau and the the Fairbanks North Star Borough notice must be in a newspaper of general circulation in the area. Notice by radio MAY NOT substitute for newspaper notice.

Arvida E Hernandez & Jose S Hernandez
[Applicant(s), Individual(s), Partners, Corporation or Limited Liability Organization]

is making application for a new Restaurant/Eating Place AS 04.11.100
[Type of License & Statute Reference Number]

liquor license, d/b/a Simon's Taco Rico
[Name of Establishment]

located at 2409 C St Anchorage AK 99503
[Premises Address & City]

Interested persons should submit written comment to their local governing body, the applicant and to the Alcoholic Beverage Control Board at 550 West Seventh Avenue, Suite 540, Anchorage, Alaska 99501.

ANCHORAGE PUBLISHING, INC.

Mail: P.O. Box 241841, Anchorage, Alaska 99524-1841

Office: 540 E. Fifth Avenue, Anchorage, Alaska 99501

Phone: (907) 561-7737 Fax: (907) 561-7777

ANCHORAGE PRESS AFFIDAVIT OF PUBLICATION

Liquor License

New Application

Armida E. Hernandez & Jose S. Hernandez are making application for a new Restaurant/Eating Place AS 04.11.100 liquor license, d/b/a Simon's Taco Rico located at 2409 C St., Anchorage, AK, 99503.

** Interested persons should submit written comment to their local governing body, the applicant and to the Alcoholic Beverage Control Board at 5848 East Tudor, Anchorage, AK 99507.

I, Delana Cuilla, advertising representative for Anchorage Publishing, Inc., certify that The Liquor License New Application for Armida E. Hernandez & Jose S. Hernandez are making application for a new Restaurant/Eating Place AS 04.11.100 liquor license, d/b/a Simon's Taco Rico located at 2409 C St., Anchorage, AK. 99503 was published in April 28, May 5 & May 12, 2005 issues of the Anchorage Press Newspaper.

Delana Cuilla

Delana Cuilla

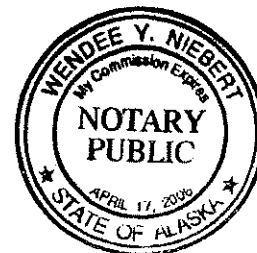
Subscribed and sworn to me in the Municipality of Anchorage, in the state of Alaska,

on this 26th day of May, 2005.

Wendy Y. Niebert

Notary Public Signature

Notary Public Seal:



April 17, 2006

Commission Expires

POSTING

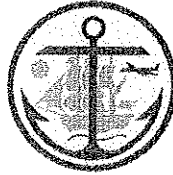
AFFIDAVIT

2409 C^{2E}
Anchorage, AK 99503
Simon's Taco Rico

RECEIVED

JUL 07 2005

PLANNING DEPARTMENT



AFFIDAVIT OF POSTING

CASE NUMBER: 2005-101

I, Jose S Hernandez hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Conditional Use/Liquor. The notice was posted on 6/13/05 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 6th day of June, 2005

Signature

Jose S Hernandez

LEGAL DESCRIPTION

Tract or Lot _____

Block _____

Subdivision _____

HISTORICAL INFORMATION

LIQUOR LICENSE BROWSE

LICENSE INFORMATION

| | | | | | | |
|------|-----------------|---|-----------------|---------------|------------------|-------------|
| List | License Number | 4226 | Action Type | New | Action Date | 09/10/2002 |
| 4173 | Approval Date | 09/10/2002 | Protest Date | 09/10/2002 | License Document | AM 808-2002 |
| 4177 | Restaurant Date | 06/17/2002 | License Status | Valid/Active | Status Date | 09/10/2002 |
| 4179 | Soc. Sec. Num. | | Fed. EIN Num. | 371984119 | ABC App. Date | |
| 4180 | License Type | Restaurant/Eating Place | | License Years | 02-03 | |
| 4181 | Comment | Business license #404545 orig. issue date is March 26, 1999; parcel #21-529013-001-34 | | | | |
| 4182 | | Debar location | | | | |
| 4186 | | | | | | |
| 4190 | | | | | | |
| 4200 | | | | | | |
| 4219 | | | | | | |
| 4223 | | | | | | |
| 4226 | | | | | | |
| | Tax ID | 002-191-47-000 | Tax ID Verified | Yes | | |

BUSINESS INFORMATION

| | | | |
|--------------------|----------------------------|---------|-------|
| Name | Siam Spicy Thai Restaurant | | |
| Address | 2409 "C" Street | | |
| | Anchorage, AK 99503 | | |
| Phone 1 | (907) 332-2622 | Phone 2 | () - |
| Community Councils | North Star | Primary | Other |
| | Midtown | | |

APPLICANT INFORMATION

| | |
|---------|---------------------|
| Name | Vue Lor & Sia Lor |
| Address | POB 140872 |
| | Anchorage, AK 99514 |

CONDITION DOCUMENTS

| Document Num. | Condition Type | Request Date | Approval Date |
|---------------|----------------|--------------|---------------|
| | | | |
| Comment | | | |
| | | | |

OWNER INFORMATION

| Owner Name | Address | City | State | Zip |
|------------|------------|-----------|-------|-------|
| Vue Lor | POB 140872 | Anchorage | AK | 99514 |
| Sia Lor | POB 140872 | Anchorage | AK | 99514 |

LIQUOR LICENSE BROWSE

LICENSE INFORMATION

| | | | | | | | |
|---------------|------------------------|-------------------------|------------------------|--------------|-------------------------|----------------------|-------|
| List | License Number | 3859 | Action Type | Renewal | Action Date | 12/08/1999 | |
| 3821 | Approval Date | 01/25/2000 | Protest Date | | License Document | AM 77-2000 | |
| 3825 | Restaurant Date | 07/14/1998 | License Status | Valid/Active | Status Date | 12/08/1999 | |
| 3827 | Soc. Sec. Num. | | Fed. EIN Num. | | ABC App. Date | | |
| 3831 | License Type | Restaurant/Eating Place | | | | License Years | 00-01 |
| 3832 | Comment | | | | | | |
| 3833 | | | | | | | |
| 3836 | | | | | | | |
| 3841 | | | | | | | |
| 3847 | | | | | | | |
| 3851 | | | | | | | |
| 3852 | | | | | | | |
| 3859 | | | | | | | |
| Tax ID | | 002-191-47-000 | Tax ID Verified | | No | | |

BUSINESS INFORMATION

| | | | |
|---------------------------|---------------------|----------------|---------|
| Name | Las Margaritas | | |
| Address | 2409 C St | | |
| | Anchorage, AK 99501 | | |
| Phone 1 | (907) 258-3029 | Phone 2 | () - |
| Community Councils | Fairview | | Primary |
| | Spenard | | Other |

APPLICANT INFORMATION

| | |
|----------------|--------------------------|
| Name | Esparza, Arturo & Gloria |
| Address | 8293 Opal Dr |
| | Anchorage, AK 99502 |

CONDITION DOCUMENTS

| Document Num. | Condition Type | Request Date | Approval Date |
|----------------|---------------------|--------------|---------------|
| AR 98-135 | Land Use Conditions | | June 09, 1998 |
| Comment | | | |
| CUP | | | |

OWNER INFORMATION

| Owner Name | Address | City | State | Zip |
|--------------------|--------------|-----------|-------|-------|
| Esparza, Arturo R. | 8293 Opal Dr | Anchorage | AK | 99502 |
| Esparza, Gloria N. | 8293 Opal Dr | Anchorage | AK | 99502 |

PARCEL INFORMATION

APPRAISAL INFORMATION

Legal W D MCKINNEY 2ND ADDN
LT 7A

Parcel 002-191-47-000
Owner ESPARZA A R & G N/TRUSTEES
AGMC FAMILY TRUST

01

Descr RESTAURANT
Site Addr 2409 C ST

8293 OPAL DRIVE
ANCHORAGE

AK 99502 4547

RELATED CAMA PARCELS

| Related Parcel(s) | XRef Type | Leased Parcels | Econ. Link | Replat | Uncouple | Get "Type" explanation |
|-------------------|-----------|----------------|----------------|----------------|------------------|--|
| | | | E = Old to New | R = Old to New | U = Old to New | |
| | | | I = New to Old | F = New to Old | Q = New to Old | Bring up this form focused on the related parcel |
| | | | Renumber | Combine | Lease | |
| | | | N = New to Old | C = Old to New | L = GIS to Lease | |
| | | | X = Old to New | P = New to Old | M = Lease to GIS | |

REZONE

1998-079
2005-101

Case Number 1998-079 # of Parcels 1 Hearing Date 06/09/1998
Case Type Assembly conditional use for a restaurant serving alcohol
Legal A RESTAURANT/EATING PLACE LIQUOR LICENSE CONDITIONAL USE for W.D. McKinney Subdivision, 2nd Addition, Lot 7A, generally located on the east side of "C" Street and north of West Fireweed Lane.

PLAT

Case Number
Action Type
Legal
Grid
Proposed Lots 0
Action Date
Existing Lots

PERMITS

01-5106
01-5518
97-5312

Permit Number 01 5106
Project
Work Desc Demo office partition wall & elec. open cement floor for reveal sewer li
ne for floor drains RD
Use OFFICE

BZAP

008628
008248

Action No. 10/23/1998
Action Date 06/30/1959
Resolution
Status APR
Type NCM
Ruling Approved
Non Conforming

ALCOHOL LICENSE

3859
4226

Business Las Margaritas
Address 2409 C St.
Anchorage, AK 99501
Applicants Name Esparza, Arturo & Gloria
Conditions AR 98-135
License Type Restaurant/Eating Place
Status Valid/Active

PARCEL INFORMATION

| OWNER
ESPARZA A R & G N/TRUSTEES
AGMC FAMILY TRUST

8293 OPAL DRIVE
ANCHORAGE AK 99502 4547
Deed 2001 0604900
CHANGES: Deed Date Sep 06, 2001
Name Date Oct 26, 2001
Address Date Oct 26, 2001 | PARCEL
Parcel ID 002-191-47-000
Status
Renumber ID 000-000-00-00000
Site Addr 2409 C ST
Comm Concl NORTH STAR
Comments

<div style="text-align: right;"># 01</div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|------------|----------|-------------|------------|------------|--|------|---------|--------|---------|-------------|------|---------|---------|---------|-------------|------|---------|---------|---------|------------|--|--|--|---|--------------|--|--|--|---|-----------|--|--|--|---------|
| LEGAL
W D MCKINNEY 2ND ADDN
LT 7A

Unit
Plat 760085
Zone B3 R3 Grid SW1530 | TAX INFO
2005 Tax 3,795.57 Balance 1,897.79 District 001

HISTORY <table border="1"> <thead> <tr> <th></th> <th>Year</th> <th>Building</th> <th>Land</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Assmt Final</td> <td>2003</td> <td>123,400</td> <td>96,800</td> <td>220,200</td> </tr> <tr> <td>Assmt Final</td> <td>2004</td> <td>128,700</td> <td>96,800</td> <td>225,500</td> </tr> <tr> <td>Assmt Final</td> <td>2005</td> <td>131,300</td> <td>101,700</td> <td>233,000</td> </tr> <tr> <td>Exemptions</td> <td></td> <td></td> <td></td> <td>0</td> </tr> <tr> <td>State Credit</td> <td></td> <td></td> <td></td> <td>0</td> </tr> <tr> <td>Tax Final</td> <td></td> <td></td> <td></td> <td>233,000</td> </tr> </tbody> </table> | | Year | Building | Land | Total | Assmt Final | 2003 | 123,400 | 96,800 | 220,200 | Assmt Final | 2004 | 128,700 | 96,800 | 225,500 | Assmt Final | 2005 | 131,300 | 101,700 | 233,000 | Exemptions | | | | 0 | State Credit | | | | 0 | Tax Final | | | | 233,000 |
| | Year | Building | Land | Total | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Assmt Final | 2003 | 123,400 | 96,800 | 220,200 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Assmt Final | 2004 | 128,700 | 96,800 | 225,500 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Assmt Final | 2005 | 131,300 | 101,700 | 233,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Exemptions | | | | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| State Credit | | | | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Tax Final | | | | 233,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PROPERTY INFO <table border="1"> <thead> <tr> <th>#</th> <th>Type</th> <th>Land Use</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>COMMERCIAL</td> <td>RESTAURANT</td> </tr> </tbody> </table> | # | Type | Land Use | 01 | COMMERCIAL | RESTAURANT | SALES DATA <table border="1"> <thead> <tr> <th>Mon</th> <th>Year</th> <th>Price</th> <th>Source</th> <th>Type</th> </tr> </thead> <tbody> <tr> <td>12</td> <td>1996</td> <td>150,000</td> <td>BUYER</td> <td>LAND & BLDG</td> </tr> </tbody> </table> | Mon | Year | Price | Source | Type | 12 | 1996 | 150,000 | BUYER | LAND & BLDG | | | | | | | | | | | | | | | | | | | |
| # | Type | Land Use | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 01 | COMMERCIAL | RESTAURANT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mon | Year | Price | Source | Type | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | 1996 | 150,000 | BUYER | LAND & BLDG | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

LAND & COMMON PARCEL INFORMATION

APPRAISAL INFORMATION

Legal W D MCKINNEY 2ND ADDN
LT 7A

Parcel 002-191-47-000

01 of 01

Owner ESPARZA A R & G N/TRUSTEES
AGMC FAMILY TRUST

Site Addr 2409 C ST

8293 OPAL DRIVE
ANCHORAGE

AK 99502

LAND INFORMATION

Land Use RESTAURANT

Class COMMERCIAL

Living Units 000

Community Council 019 NORTH STAR

Entry: Year/Quality 01 1980 0
10 2002 INTERIOR

Access Quality GOOD

Access Type

Leasehold (Y=Leasehold)

Drainage GOOD

Front Traffic MEDIUM

Street PAVED CURB & GUTTER

Topography EVEN LEVEL

Utilities PUBLIC WATER PUBLIC SEWER

Wellsite N

Wet Land

CONDOMINIUM INFORMATION

Common Area 0

Undivided Interest 0.00

RESIDENTIAL INVENTORY

APPRAISAL INFORMATION

Legal W D MCKINNEY 2ND ADDN
 Site Addr 2409 C ST
 Property Info # Descr RESTAURANT

Parcel 002-191-47-000

01 of 01

Owner ESPARZA A R & G N/TRUSTEES

01

RESIDENTIAL STRUCTURE INFORMATION

| | |
|----------------------|---------------------|
| Style | Story Height |
| Exterior Walls | Total Rooms |
| Year Built | Bed Rooms |
| Remodeled | Recreation Rooms |
| Effective Year Built | Full Baths |
| Heat Type | Half Baths |
| Heat System | Additional Fixtures |
| Fuel Heat Type | Fireplace Stacks |
| Extra Value | Openings |
| Grade | Free Standing |
| Cost&Design Factor | E-Z Set Fireplace |
| Condition | |

AREA

1st Floor
 2nd Floor
 3rd Floor
 Half Floor
 Attic Area
 Recroom Area
 Basement
 Finished Basement
 Basement Garage
 Total Living Area

CONDOMINIUM INFO

Condo Style
 Condo Level

ADDITIONS

| Basement | 1st Floor | 2nd Floor | 3rd Floor | Area |
|----------|-----------|-----------|-----------|------|
| | | | | |

OTHER BUILDINGS & YARD IMPROVEMENTS

| Type | Qty | Yr Built | Size | Grade | Condition |
|------|-----|----------|------|-------|-----------|
| | | | | | |

COMMERCIAL INVENTORY

APPRAISAL INFORMATION

Legal W D MCKINNEY 2ND ADDN
LT 7A

Parcel 002-191-47-000 # 01 of 01

01

Owner ESPARZA A R & G N/TRUSTEES
AGMC FAMILY TRUST

Site Addr 2409 C ST
Prop Info # RESTAURANT

8293 OPAL DRIVE
ANCHORAGE AK 99502

BUILDING INFORMATION

Structure Type RESTAURANT

Building SQFT 2,210

Year Built 1970

Grade C

Effective Year Built 1970

Property Information # 01

Building Number 01

Identical Units 01

Number of Units 000

INTERIOR DATA

| Floor | Level | Partitions | Heat System | Air
Conditioner | Plumbing | Physical
Condition | Functional |
|-------|-------|------------|-----------------|--------------------|----------|-----------------------|------------|
| 01 | 01 | NORMAL | HOT WATER/STEAM | NONE | ADEQUATE | NORMAL | NORMAL |

EXTERIOR DATA

| Floor | Level | Size | Perim | Use Type | Hgt | Wall
Type | Const Type |
|-------|-------|-------|-------|------------|-----|----------------|----------------------|
| 01 | 01 | 2,210 | 198 | RESTAURANT | 12 | BRICK BLK BACK | WOOD JOIST(WD & STL) |

BUILDING OTHER FEATURES - ATTACHED IMPROVEMENTS

| Type | Qty | Size1 | Size2 |
|----------------------|-----|-------|-------|
| PORCH COVERED | 01 | 564 | 1 |
| VENTILATION -OFFICE/ | 01 | 1 | 2,210 |

OTHER BUILDINGS AND YARD IMPROVEMENTS

| Type | Size/Amt | Units | Yr/Built | Condition | Funct/Utility |
|-------------------|----------|-------|----------|-----------|---------------|
| PAVING ASPHALT PK | 10,000 | 01 | 1970 | NORMAL | NORMAL |

BUILDING PERMIT INFORMATION**APPRAISAL INFORMATION**

Legal W D MCKINNEY 2ND ADDN
LT 7A

Parcel 002-191-47-000 # 01 of 01

01

Owner ESPARZA A R & G N/TRUSTEES
AGMC FAMILY TRUST

Prop Info # RESTAURANT
Site Addr 2409 C ST

8293 OPAL DRIVE
ANCHORAGE AK 99502

BUILDING PERMITS

Permit # 01 5106
01 5518
97 5312

Class Type C

Class Use OFFICE

Date Feb 20, 2001

Address 2409 C ST

Cond Occ/Occ 00000000 00000000

Certification

Contract Type OWNER

Name ESPARZA ARTURO R & GLORIA N

E-mail

Phone () -

Fax () -

Address 8293 OPAL DRIVE

City/State/Zip ANCHORAGE AK 99502-4547

Project

Sewer / Water PUBLIC PUBLIC

Work Type DEMO

Work Description Demo office partition wall & elec. open cement floor for
reveal sewer line for floor drains RD

CASES

1998-079
2005-101

Case Number 1998-079

of Parcels 1

Hearing Date Tuesday, June 09, 1998

PERMIT COMMENT

OWNER HISTORY

| | | | | |
|--------------------------------------|------------------------|-----------------------|------------|------|
| APPRAISAL INFORMATION | | Parcel 002-191-47-000 | # 01 of 01 | # 01 |
| Legal W D MCKINNEY 2ND ADDN
LT 7A | | | | |
| Property Info # Descr RESTAURANT | Site Address 2409 C ST | | | |

| | |
|--|--|
| Current 09/06/01
ESPARZA A R & G N/TRUSTEES
AGMC FAMILY TRUST

8293 OPAL DRIVE
ANCHORAGE AK 99502 4547 | 3rd
1398 0000 03/27/86
HUFFMAN HILLS DEV CO

% CENTURY ENTERPRISES INC
3301 C STREET STE 500
ANCHORAGE AK 99503 |
| Prev
3006 0000 12/10/96
ESPARZA ARTURO R & GLORIA N

8293 OPAL DRIVE
ANCHORAGE AK 99502 | 4th
1398 0000 03/27/86
HUFFMAN HILLS DEV CO

7100 HOMER DRIVE
ANCHORAGE AK 99518 |
| 2nd
3006 0000 12/10/96
CENTURY ENTERPRISES INC

3820 COVENTRY DRIVE
ANCHORAGE AK 99507 | 5th
0545 0000 00/00/00
HUFFMAN HILLS DEV CO

1360 E 71ST AVE
ANCHORAGE AK 99502 |

ON-SITE WATER \ WASTE WATER

APPRAISAL INFORMATION

Legal W D MCKINNEY 2ND ADDN
LT 7A

Parcel 002-191-47-000 # 01 of 01

Owner ESPARZA A R & G N/TRUSTEES
AGMC FAMILY TRUST

#

01

Site Addr 2409 C ST
Land Use RESTAURANT

8293 OPAL DRIVE
ANCHORAGE AK 99502

ON-SITE PERMITS

Permit id

Permit Number
Date Issued
Permit Bedrooms
Permit Type ID
Private Well Request
Privy Request
Receipt #
Septic Tank Request
Status ID
Total Bedrooms

AS BUILT

AS Built Permit
Date Completed
Date Inspected
Well Permit Type
Well Depth
Well H2O Level
Well Yield
Well Distance to Septic
Well Distance to Absorp
Well Distance to Hold
Tank Type
Bedroom Count

SPECIAL ASSESSMENTS

APPRAISAL INFORMATION

Legal W D MCKINNEY 2ND ADDN
LT 7A

Parcel 002-191-47-000 # 01 of 01

Owner ESPARZA A R & G N/TRUSTEES
AGMC FAMILY TRUST

Site Addr 2409 C ST
Prop Info # RESTAURANT

8293 OPAL DRIVE
ANCHORAGE AK 99502

ASSESSMENT

Assessment 01
03
04
06

Description SEWER LATERAL

Assessment Area 19,371

Original Assessment 778.53

Original Principal 778.53

Annual Payment 778.53

YTD Payment 0.00

Delinquent Payment 0.00

Unbilled Payment 0.00

RESOLUTION

Resolution C20063
C20063
C07P73
C77W77

PLAT
760085

Status HISTORY
Total Area 19,371

LAST PAYMENT INFORMATION

Date Monday, October 03, 1994

Principal 0.00

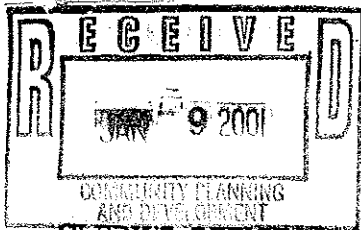
Payment 0.00

Delinquent Interest 0.00

Penalty 0.00

Bond Interest 0.00

Cost 0.00



FILE COPY

Date: 6-9-98

Submitted by: Chairman of the
Assembly at the Request
of the Mayor
Prepared by: Community Planning and
Development
For reading: May 19, 1998

Anchorage, Alaska
AR 98- 135

JUN 1 1998

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING
A CONDITIONAL USE FOR SALES OF ALCOHOLIC BEVERAGES
(RESTAURANT/EATING PLACE LIQUOR LICENSE) LOCATED ON W.D.
MCKINNEY 2ND ADD. LOT 7A GENERALLY LOCATED ON THE EAST SIDE OF
"C" STREET AND NORTH OF WEST FIREWEED LANE.

(Arturo R Esparza, d.b.a. Las Margaritas)(Case 98-079)

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The conditional use permit for a restaurant/eating place liquor license at
W.D. McKinney 2ND Add. Lot 7A is approved subject to the following conditions:

1. A notice of Zoning Action shall be filed with the District Recorders Office
within 120 days of the Alcoholic Beverage Control Board's approval of the
license.

2. All construction and uses shall conform with the plans and narrative
submitted.

3. The property owner shall apply for nonconforming determination on the
parking area in the R-3 district and building setbacks. If Code Enforcement
finds no nonconforming rights to utilize the R-3 portion of the property for
parking the property owner shall seek a conditional use for parking from the
Planning and Zoning Commission.

Resolve with Building Safety the need for change of use and sign permits.

5. Revise the site plan to depict a van accessible handicapped parking space.

6. Resolve with Alaska Department of Transportation/Public
Facilities(ADOTPF) the number and location of any driveway access points
to C Street.

7. The use of the property by any person for the permitted purposes shall

OK filed
1/11/01
BK 03751
PG 0123
M. Autre

OK
M. Iderson
traffic
1-9-01

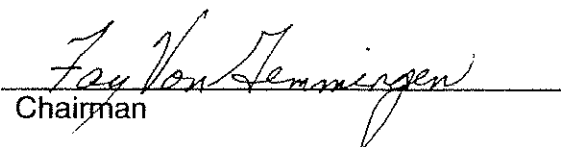
1 comply with all current and future federal, state and local laws and
2 regulations including but not limited to laws and regulations pertaining to
3 the sale, dispensing, service and consumption of alcoholic beverages and
4 the storage, preparation, sale, service and consumption of food. The
5 owner of the property, the licensee under the Alcoholic Beverage Control
6 license and their officers, agents and employees shall not knowingly permit
7 or negligently fail to prevent the occurrence of illegal activity on the
8 property.

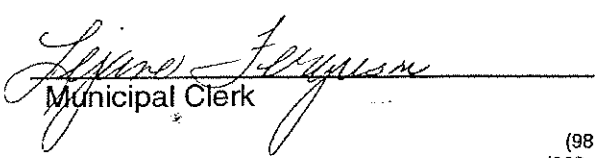
9 Section 2. Failure to comply with the conditions of this conditional use permit shall
10 constitute grounds for its revocation.

11 Section 3. This resolution shall become effective immediately upon passage and
12 approval by the Anchorage Assembly.

13
14 PASSED AND APPROVED by the Anchorage Assembly this 9th
15 day of June, 1998

16
17
18
19 ATTEST:


Chairman


Municipal Clerk

(98-079)
(002-191-47)



Municipality of Anchorage

Rick Mystrom, Mayor



Building Safety Division

P.O. Box 196650 • 3500 East Tudor Road
Anchorage, Alaska 99519-6650 • (907) 343-8301
<http://www.ci.anchorage.ak.us>

October 23, 1998

Arturo R. Esparza
8293 Opal Drive
Anchorage, AK 99502-4547

PARCEL # 002-191-47

REFERENCE # 008628

GRID & AREA 1530

Dear Mr. Esparza:

This letter is in response to your request for a determination of the nonconforming status of the property located at 2409 C Street, Anchorage, Alaska. (Parcel: 002-191-47, Grid: 1530)

This determination is based on the following information:

- W. D. McKinney 2nd Addition Subdivision, Lot 7A was created by plat, filed date.
- The property was annexed to the City of Anchorage on June 30, 1959. Section 12H of Ordinance 1030, passed September 19, 1952, provides that, "Any area annexed to the City after the effective date of this ordinance shall immediately upon such annexation be automatically classified as an R-1 District until a zoning plan for said area has been adopted by the City Council."
- The south portion of the property was rezoned B-2 on October 13, 1959.
- The south portion of the property was rezoned B-3, General Business District on April 20, 1965.
- The north portion of the property was rezoned R-3, Multiple-Family Residential District on June 12, 1969.
- Municipal property appraisal records indicate the use of the building as a commercial office building, constructed in 1970.
- Planning & Zoning Commission Resolution #73-74, dated May 22, 1974, approving the special exception to construct a parking lot in an R-3 zone, subject to conditions. Condition #1 stated "The parking area, including the egress and ingress points shall be paved with concrete or asphaltic compound and parking spaces shall be permanently marked on the pavement."
- An as-built survey by Shane A. Holt dated November 21, 1996 shows a one story frame building in the B-3 district.
- Zoning case #98-02112, opened May 5, 1998 for excavation without a permit. This case was closed on July 13, 1998 because the excavation had ceased and the property owner stated that he would apply for a conditional use and obtain the proper permits before doing any more work.
- Photo by Officer Dortch dated May 5, 1998 shows the north side of the property as unpaved.

The following conclusions are drawn from the above information:

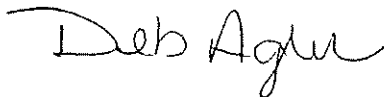
The building encroaches approximately 1 foot into the required 15 foot rear yard setback. Since it met the requirements at the time of construction in 1970, the building is a Legal Nonconforming Structure and is governed by AMC 21.55.040

Pursuant to AMC 21.40.050.D.4, off-street parking is a conditional use in the R-3 district. Pursuant to AMC 21.15.030.J.1.a, the resolution that was granted in 1974 has expired because the conditions were not met within one year of May 22, 1974. Therefore, a conditional use permit is required for the off-street parking spaces to be permitted on this R-3 lot.

Conditional use requests should be directed to the Department of Community Planning and Development, which serves as staff for the Zoning Board of Examiners and Appeals. This office is located on the second floor of City Hall. The telephone number is 343-4215.

For your convenience I have attached a copy of AMC 21.55, the section of the Anchorage Municipal Code that governs nonconformities. If I may be of further assistance, please call me at 343-8380 or fax to 343-8437.

Sincerely,



Deb Agler
Code Enforcement Officer

Attachment: AMC 21.55

Content Information

Content ID : 003103

Type: AR_AllOther - All Other Resolutions

Alcoholic Beverages Conditional Use in the B-3 District for a

Title: Restaurant/Eating Place Use per AMC 21.40.180 D.8 for Jose Hernandez, dba "*Simons Taco Rico Restaurant.*"

Author: weaverjt

Initiating Dept: Planning

Alcoholic Beverages Conditional Use in the B-3 District for a

Description: Restaurant/Eating Place Use per AMC 21.40.180 D.8 for Jose Hernandez, dba "Simons Taco Rico Restaurant."

Date Prepared: 7/25/05 12:10 PM

Director Name: Tom Nelson

Assembly Meeting 8/9/05
Date MM/DD/YY:

Public Hearing 8/9/05
Date MM/DD/YY:

Workflow History

| Workflow Name | Action Date | Action | User | Security Group | Content ID |
|--------------------------|---------------------|---------|-----------|----------------|------------|
| AllOtherARWorkflow | 7/25/05
12:13 PM | Checkin | weaverjt | Public | 003103 |
| Planning_SubWorkflow | 7/25/05
12:24 PM | Approve | weaverjt | Public | 003103 |
| ECD_SubWorkflow | 7/25/05 2:16
PM | Approve | thomasm | Public | 003103 |
| MuniManager_SubWorkflow | 7/29/05 2:49
PM | Approve | leblancdc | Public | 003103 |
| MuniMgrCoord_SubWorkflow | 7/29/05 3:20
PM | Approve | abbottmk | Public | 003103 |

NEW PUBLIC HEARINGS

M.O.A.
 2005 AUG - 1 AM 11:41
 CLERKS OFFICE