

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: September 27, 2005

Anchorage, Alaska
No. AR 2005-240

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE I-1 DISTRICT FOR A NEW RESTAURANT, OR EATING PLACE USE PER AMC 21.40.200 B.1.K. FOR PETER'S SUSHI SPOT; LOCATED ON LOT 3A, BLOCK A, INDUSTRIAL PARK 4000 SUBDIVISION; SITE ADDRESS BEING 4140 B STREET; GENERALLY LOCATED BETWEEN A STREET AND B STREET, SOUTH OF 40TH AVENUE AND NORTH OF TUDOR ROAD.

(Midtown Community Council) (Case 2005-125)

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The conditional use permit for an Alcoholic Beverages Conditional Use in the I-1 District for a new Restaurant/Eating Place use per AMC 21.40.200 B.1.k.. for Peter's Sushi Spot; located on Lot 3A, Block A, Industrial Park 4000 Subdivision. The site address is 4140 B Street, and the application meets the applicable provisions of AMC 21.50.020 and AMC 21.50.160.

Section 2. The subject conditional use permit for an Alcoholic Beverages Conditional Use in the I-1 District for a new Restaurant/Eating Place per AMC 21.40.200 B.1.k. is 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 uses shall conform to the plans and narrative submitted.
3. This conditional use approval is for an Alcoholic Beverages Conditional Use in the I-1 District for a restaurant/eating place use per AMC 21.40.200 B.1.k. within the 10,980 square-foot building located at 4140 B Street, Industrial Park 4000 Subdivision, Block A, Lot 3A. The restaurant has 147 fixed seats and 368 non-fixed seats with facility occupancy of 375. Alcohol sales are estimated to be eight percent of total gross receipts compared to 92 percent food sales. The restaurant is intended to operate from 10:00 AM to 10:00 PM, Monday through Friday, and 11:00 AM to 11:00 PM on Saturdays and Sundays, but may operate 365 days a year with hours of operation as permitted by law.
4. Prior to the conditional use becoming effective, resolve the following with the Planning Department:

~~a. Submit parking calculations and a complete parking layout to verify compliance with AMC 21.45.080 (parking requirements). Show one type B loading berth on the parking layout, if required.~~

~~b. Provide a landscaping plan to confirm that the landscaping requirements of AMC 21.40.200 M and 21.45.080 are met, or establish nonconforming rights for landscaping requirements.~~

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.

Section 3. Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification or revocation.

Section 4. This resolution shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 27th day
of September 2005.

ATTEST:

Anna L. Fairclough
Chair

Spencer L. Green
Municipal Clerk
Deputy

(Planning Case 2005-125)
(009-141-28)



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 670-2005

Meeting Date: September 27, 2005

From: Mayor

Subject: Alcoholic Beverages Conditional Use in the I-1 District for a Restaurant/Eating Place Use per AMC 21.40.200 B.1.k. for Sushi Spot, Inc., dba "Peter's Sushi Spot."

1 Sushi Spot, Inc. has made application for a restaurant/eating place alcoholic beverages
2 conditional use in the I-1 District for Lot 3A, Block A, Industrial Park 4000 Subdivision, per
3 AMC 21.40.200 B.1.k. for a new restaurant, "Peter's Sushi Spot."
4

5 The proposal is for a restaurant at 4140 B Street, located between A Street and B Street, south
6 of 40th Avenue and north of Tudor Road. The following licenses are located within 1,000 feet
7 of this location: six (6) beverage dispensary licenses and one (1) club license. Approval of
8 this new conditional use will add the only restaurant/eating place license.
9

10 The restaurant will occupy the 10,980 square-foot building, with 147 fixed seats and 368 non-
11 fixed seats, with a maximum occupancy of 375. The restaurant will typically be open
12 Monday through Friday from 10:00 AM to 10:00 PM, and on Saturdays and Sundays from
13 11:00 AM to 11:00 PM. However, the restaurant may choose to operate seven days a week
14 with hours of operation as permitted by law. The petitioner estimates that eight percent of his
15 total sales will be for alcohol. Employees will be trained in accordance with the Alcoholic
16 Beverage Control Board's "Liquor Server Awareness Training Program."
17

18 There appear to be no churches or schools within 200 feet of the petition site. Comments
19 from the Anchorage Police Department were not available at the time this report was
20 prepared. Treasury found no outstanding taxes adhering to this application. The Department
21 of Health and Human Services provided no comment at the time this report was prepared.
22

23 Although it appears that the required amount of landscaping and parking is provided on the
24 site, the Land Use Enforcement Division and Traffic Engineering noted the need to provide
25 revised site plans to ensure that the required parking spaces, parking lot design, and parking
26 lot and site landscaping are provided.
27

28 This conditional use for a restaurant/eating license in the I-1 District generally meets the
29 applicable provisions of AMC Titles 10 and 21, and Alaska Statute 04.11.100.
30

1	Prepared by:	Jerry T. Weaver Jr., Zoning Administrator, Planning Department
2	Concur:	Tom Nelson, Director, Planning Department
3	Concur:	Mary Jane Michael, Executive Director, Office of Economic & Community
4		Development
5	Concur:	Denis C. LeBlanc, Municipal Manager
6	Respectfully submitted:	Mark Begich, Mayor

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

DATE: September 27, 2005

CASE NO.: 2005-125

APPLICANT: Sushi Spot, Inc.
dba Peter's Sushi Spot

REPRESENTATIVE: None

REQUEST: Conditional Use for an Alcoholic Beverages Conditional Use in the I-1 District for a Restaurant/Eating License and Use per AMC 21.40.200 B.1.k.

LOCATION: Industrial Park 4000 Subdivision, Block A, Lot 3A; generally located between A and B Streets, south of East 40th Avenue and north of Tudor Road.

STREET ADDRESS: 4140 B Street

COMMUNITY COUNCIL: Midtown

TAX PARCEL: 009-141-28/ Grid SW 1730

ATTACHMENTS

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

RECOMMENDATION SUMMARY:

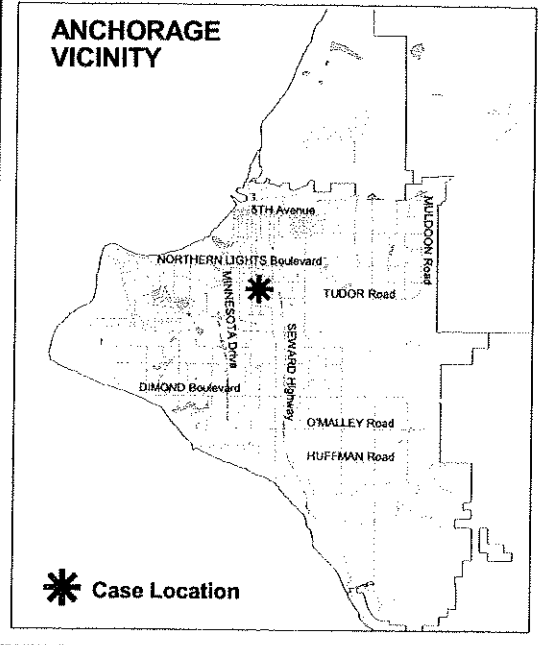
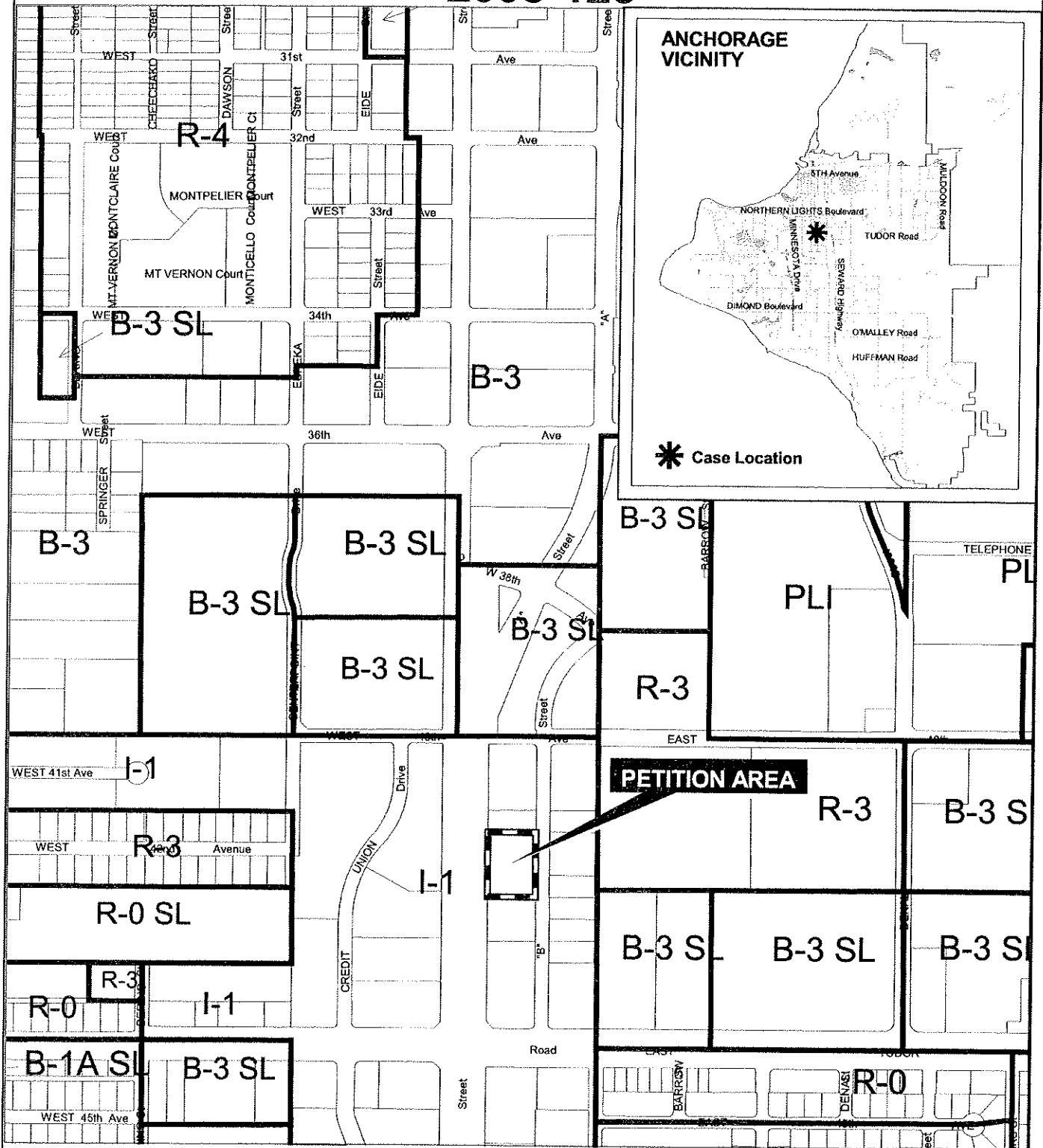
Generally meets the required Title 21 standards including AMC 21.50.160, and Title 10.50.

SITE:

Acres: 58,650 SF (1.35 acres)
Vegetation: None
Zoning: I-1

CONDITIONAL USE

2005-125



Municipality of Anchorage
Planning Department

Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 500 1000 Feet

Date: August 1, 2005

Topography: Generally level
Existing Use: Restaurant
Soils: Public Sewer & Water

COMPREHENSIVE PLAN

Classification: Redevelopment/Mixed Use; Major Employment Center
(Anchorage 2020)
Commercial (1982 Anchorage Bowl Comprehensive Plan)
Density: N/A

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	I-1	I-1	I-1	I-1
Land Use:	Commercial/ Warehouse	Commercial	Commercial	Commercial/ Restaurants

SITE DESCRIPTION AND PROPOSAL:

The subject I-1 property consists of a 58,650 square foot (SF) rectangular lot generally located between A and B Streets, south of 40th Avenue and north of Tudor Road. This lot consists of a restaurant building and parking lot. The building was last occupied by the Red Robin restaurant. The gross floor space in the building is 10,980 SF.

Property to the north, south, east and west are zoned I-1. Access is from B Street to the east, which is in turn accessed from Tudor Road to the south, and East 40th Avenue to the north. Surrounding development is primarily commercial office space, also with a warehouse to the north and restaurants to the west, across A Street.

The petitioners are asking approval of a new alcoholic beverages conditional use for a new restaurant/eating place liquor license for beer and wine in the dining area of the structure. The ABC License application states the applicant is Sushi Spot, Inc. dba Peter's Sushi Spot.

The following licenses are located within 1,000 feet of this location: six (6) beverage dispensary licenses, and one (1) club license. Although the list generated shows a seventh beverage dispensary license, it is shown to be that of Red Robin which used to be at the petition site. However, this license has not been active at this site for several years, and the conditional use has expired.

The restaurant's gross floor space is 10,980 SF, and it has an occupant capacity of 375, will have 147 fixed seats, and 368 non-fixed seats. The

restaurant will typically be open from 10:00 AM to 10:00 PM, Monday through Friday, and 11:00 AM to 11:00 PM on Saturdays and Sundays. The petitioner estimates that 8% of his total sales will be from alcohol. All servers having direct contact with alcohol will be TAM trained.

There are no churches or schools within 200 feet of the restaurant.

PUBLIC COMMENTS:

Forty (40) public hearing notices (PHNs) were mailed August 19, 2005. At the time this report was written no PHNs were returned. No response was received from the Midtown Community Council.

FINDINGS

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

This subject location is depicted on the Land Use Policy Map of the Anchorage 2020 Comprehensive Plan as being within the Midtown Major Employment Center and Redevelopment/Mixed-Use Area

The Anchorage 2020 Comprehensive Plan does not specifically address the sale of alcoholic beverages in the community. A strategy of the adopted Anchorage 2020 Plan, however, calls for the development of locational standards and criteria for retail sales/service of alcoholic beverages. To date this has not been done.

The Anchorage 2020 Plan (ref. P.40) contains a generalized community vision that advocates "an active learning community with abundant cultural amenities." Several goals of the Anchorage 2020 Plan do address related issues such as recreational and economic opportunities. The sale of alcoholic beverages is part of the social, recreational and economic environment of the community. The restaurant will also facilitate a growing hospitality and tourism industry in Anchorage. Another of the Plan's stated economic development goals are "Business Support and Development: a quality of life and a financial climate that encourages businesses to start up, expand or relocate in Anchorage (p. 41).

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

This standard is met.

Except for the alcoholic beverages conditional use standards established in AMC 21.50.160, the Assembly has not adopted specific zoning regulations for alcoholic beverage sales. The I-1 Light Industrial district zoning regulations allows alcoholic beverage sales through the conditional use permit process: AMC 21.40.200 B.1.k. Restaurants, cafes, and other places serving food or beverages. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by conditional use only.

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

This standard is met.

The 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 north, south, east and west are zoned I-1. 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. The following licenses are located within 1,000 feet of this location: six (6) beverage dispensary licenses, and one (1) club license. Approving this restaurant/eating place license will add the only restaurant license within a 1,000 foot radius.

Name	Address	License Number	Type of License
Petroleum Club of Anchorage	3301 C Street, #120	3586	Club
Applebee's Neighborhood Grill	4331 Credit Union Drive	3948	Beverage Dispensary
Sea Galley	4101 Credit Union Drive	1666	Beverage Dispensary
Sea Galley/Peppermill	4101 Credit Union Drive	3599	Beverage Dispensary Duplicate

Stuart Anderson's Cattle Company	300 W. Tudor Road	1090	Beverage Dispensary
Hilton Garden Inn	100 W. Tudor Road	4236	Beverage Dispensary-Tourism
T.G.I. Fridays	190 E. Tudor Road	4279	Beverage Dispensary

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 be met.

The application states that there are 122 parking spaces on the petition site. The occupant capacity, according to the application, is 375. The parking requirement for a restaurant is 1 space per every 3 occupants. Thus, 125 parking spaces would be required. Although it appears that there is sufficient parking, the Land Use Enforcement Division requests that parking calculations and a complete parking layout be submitted to verify compliance with AMC 21.45.080 (parking requirements). Also, it appears that one type B loading berth is required, and the parking layout submitted would need to confirm this. Similarly, the petitioner needs to confirm that the landscaping requirements of AMC 21.40.200M (I-1 visual enhancement landscaping) and 21.45.080 (parking lot landscaping) are met. Although there does not appear to be sufficient landscaping on the petition site to meet these standards, the restaurant has been on site since at least 1983, according to Municipal records, and may have nonconforming rights. This would need to be resolved through the Land Use Enforcement Division. The petitioner's representative has been made aware of these issues and is working with the Department to resolve them.

Traffic Engineering notes that the petitioner should remove the striping for parking stalls located in the B Street right-of-way (ROW), provide a physical barrier to keep parking on-site and to define driveways, and to resolve with Zoning Plan Review the need to stripe additional parking stalls to provide required parking.

This location has been used as a restaurant for many years. There are pedestrian facilities in the A Street ROW, and there is a public transit route that runs down A Street with near-by bus stops. There are signalized intersections with pedestrian facilities at the nearest two intersections of A Street and Tudor Road, and A Street and 40th Avenue.

2. The demand for and availability of public services and facilities. This standard is met.

There is no change of use at this site. Re-opening the restaurant at this location has no impact on public services. This structure was originally built as a restaurant. The site is served with public water and sewer.

3. Noise, air, water, or other forms of environmental pollution. This standard is met.

A restaurant/eating place license will not cause any environmental pollution. The parking lot is paved, which helps control air pollution.

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

This standard is met.

The zoning, land use and the general area land use will not change as a result of this conditional use permit for a restaurant/eating place.

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.**

See table and narrative on pages 4 and 5 for other alcohol licenses within 1,000 feet of this application.

The issuance of another conditional use for a restaurant will not adversely impact the immediate area or surrounding uses.

- B. Training. If application is made for issue, renewal or transfer of a beverage dispensary license, restaurant or eating place license, or package store license, whether the applicant can demonstrate prospective or continued compliance with a Liquor "Server Awareness Training Program approved by the State of Alaska alcoholic Beverage Control Board, such as or similar to the program for techniques in alcohol management (T.A.M.). Until such plan is approved, training by a licensee's employees in the T.A.M. shall constitute compliance with this ordinance.**

This standard is met.

The applicant states that all employees involved in the dispensing of alcoholic beverages, and all managers and owners of the restaurant will be trained in accordance with the T.A.M. training and hold the appropriate certificates.

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

This standard is met.

This conditional use application is for an alcoholic beverages conditional use in the I-1 District for a restaurant use.

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

- 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.

At the time this report was prepared comments from the Anchorage Police Department had not been received.

- 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**

Treasury reviewed the subject property for real property taxes or business personal taxes, and found no outstanding taxes on this application.

- 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.

The Department of Health and Human Services did not provide any comment on this case at the time this report is written. However, in the past their responses to similar cases question the lack of community standards for alcoholic beverage conditional uses.

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

This form was not requested of this applicant.

RECOMMENDATION:

This application for a final conditional use for alcoholic beverages in the B-3 District for a restaurant use generally meets the required standards of Title 21 and Title 10, and AMC 21.50.160.

If after a public hearing on the matter, the Anchorage Assembly finds that the required standards have been met, staff 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 uses shall conform to the plans and narrative submitted.

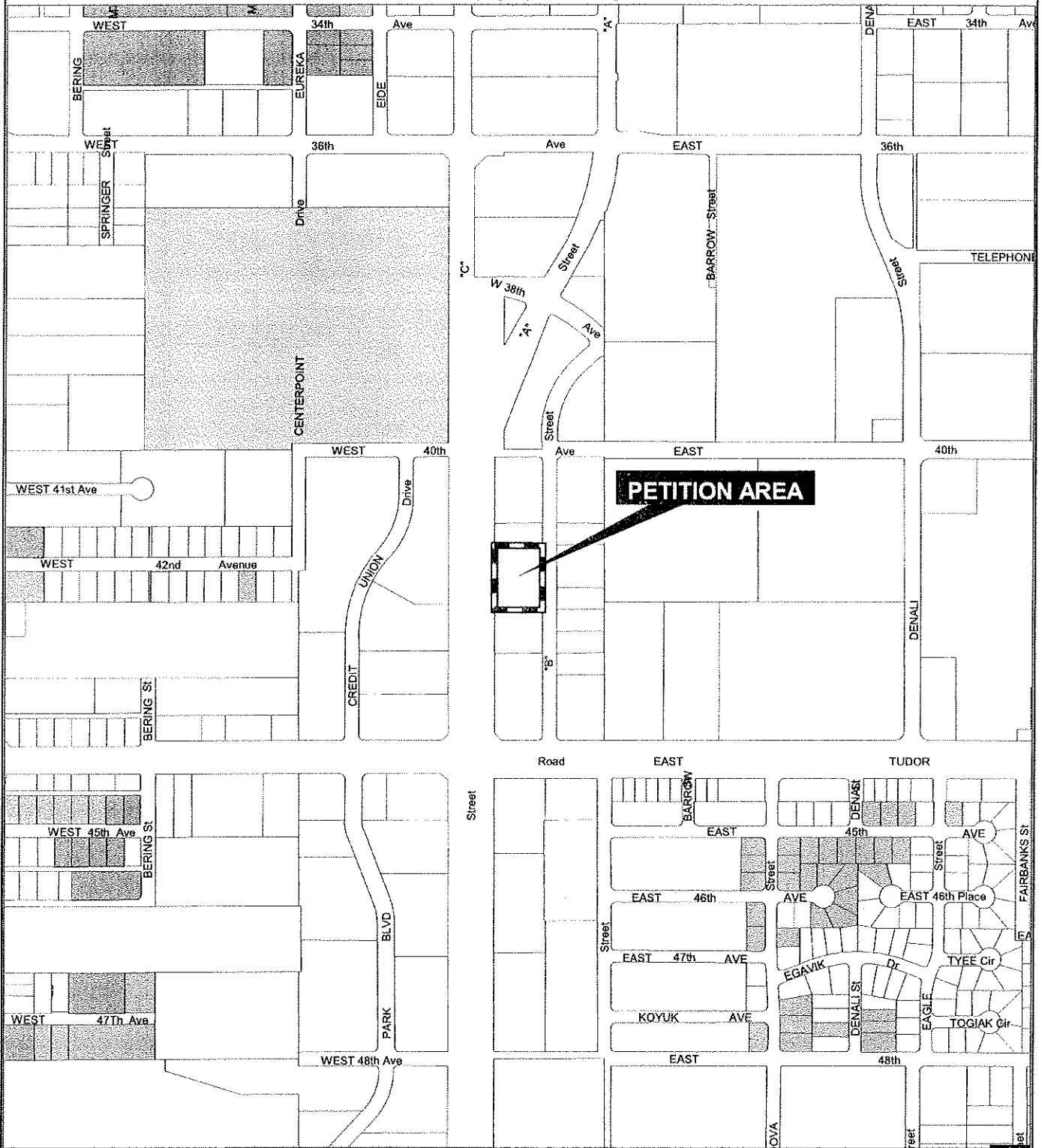
3. This conditional use approval is for an Alcoholic Beverages Conditional Use in the I-1 District for a restaurant/eating place use per AMC 21.40.200 B.1.k. within the 10,980 SF building located at 4140 B Street, Industrial Park 4000 Subdivision, Block A, Lot 3A. The restaurant has 147 fixed seats and 368 non-fixed seats with a facility occupancy of 375. Alcohol sales are estimated to be 8 percent of total gross receipts compared to 92 percent food sales. The restaurant is intended to operate from 10:00 AM to 10:00 PM Monday through Friday and 11:00 AM to 11:00 PM on Saturdays and Sundays, but may operate 365 days a year with hours of operation as permitted by law.
4. Prior to the conditional use becoming effective, resolve the following with the Planning Department:
 - a. Submit parking calculations and a complete parking layout to verify compliance with AMC 21.45.080 (parking requirements). Show one type B loading berth on the parking layout if required.
 - b. Provide a landscaping plan to confirm that the landscaping requirements of AMC 21.40.200M and 21.45.080 are met, or establish nonconforming rights to landscaping requirements.
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.

2

HISTORICAL MAPS AND AS-BUILTS

CONDITIONAL USE

2005-125



Municipality of Anchorage
Planning Department

Date: August 1, 2005

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



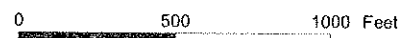
Source: Housing Stock based on 1998 Land Use Inventory
Planning Department, MOA

013

2005-125



Date: August 1, 2005



014

3

DEPARTMENTAL

COMMENTS

**Municipality of Anchorage
MEMORANDUM**

RECEIVED

AUG 30 2005

Municipality of Anchorage
Zoning Division

DATE: August 29, 2005
TO: Jerry Weaver, Manager, Zoning and Platting Division
FROM: Brian Dean, Code Enforcement Manager
SUBJECT: Land Use Enforcement Review Comments, for Assembly case for the meeting of September 27, 2005

Case #: 2005-125
Type: Conditional Use (alcohol)
Subdivision: Industrial Park 4000
Grid: 1730
Tax ID #: 009-141-28
Zoning: I-1

Platting: 83-19, filed January 27, 1983

Lot area and width: AMC 21.40.200.F: "Minimum lot requirements are as follows:

1. Area: 6,000 square feet;
2. Width: 50 feet."

The lot meets the minimum area and width requirements.

Minimum lot dimensions: The lot meets the width, depth, and width-to-depth ratio requirements of AMC 21.80.300.

Width of driveways: The site plan apparently meets the requirements of AMC 21.80.330.D: "The total width of driveway entrances to a lot from a street shall not exceed two-fifths of the frontage of that lot on that street"

The site plan submitted for review did not show the entire lot. Submit a legible site plan showing the entire lot to Land Use Enforcement for review.

OS&HP setbacks: C Street is a class IIIB major arterial. AMC 21.45.140 requires a 50 foot from centerline development setback in addition to the zoning district setback. Municipal right-of-way maps show 200 feet of total dedication. A development setback is not required.

Yard requirements: AMC 21.40.200.G: “Minimum yard requirements are as follows:

1. Front yard: Ten feet.
2. Side and rear yard: None, except that, where a lot adjoins a residential district, a side or rear yard shall be provided equal to that required in the adjoining residential district. If a side or rear yard is provided elsewhere, it shall be not less than five feet in width.”

AMC 21.35.020.B provides that “in the case of double-frontage and corner lots, there will be no rear yards, but only front and side yards.”

The site plan shows the structure in a conforming location with respect to yard setbacks.

Lot coverage: AMC 21.40.200.H: “Maximum lot coverage by all buildings is unrestricted.”

Clear vision area: Clear vision areas do not apply to this property.

Legal nonconformities: None have been established with Land Use Enforcement.

Enforcement actions: No land use cases are listed in CETS.

Use determination: Property tax records indicate a 10,714 square foot restaurant built in 1983.

Building height: AMC 21.40.200.I: “Maximum height of structures is unrestricted, except that structures shall not interfere with Federal Aviation Administration regulations on airport approaches, and provided further that, within 50 feet of any residential district boundary, no portion of any structure shall exceed the pertinent height limitations of the residential district.”

The property is not within any established Airport Height Zone or within 50 feet of any residential district boundary.

Off-street parking: AMC 21.45.080.K: “Restaurant, bars, lounges and nightclubs. One parking is required space for every three seats. Parking space requirements for such facilities without fixed seating shall be based on maximum capacity under the provisions of the Uniform Building Code.”

AMC 21.45.080.W.7: “The off-street parking area, including all points of ingress and egress, shall be constructed in accordance with the following standards:

- a. A parking area related to any use within an urban or suburban use district, as defined in section 21.85.020, shall be paved with a concrete or asphalt compound to standards prescribed by the traffic engineer.”

AMC 21.45.080.W.8 requires accessible parking for “commercial, industrial, public and institutional uses.”

The floor plan shows booth seating and what appears to be a mix of fixed and unfixed seating. No calculation of the occupant load or off-street parking requirement was submitted for review.

Submit parking calculations and a complete parking layout to Land Use Enforcement to verify compliance with AMC 21.45.080.

Off-street loading: AMC 21.45.090.B: "The following numbers and types of berths shall be provided for the specified uses....

Use	Aggregate Gross Floor Area (square feet)	Berths Required	Type
4. ... restaurants ...	7,000 - 24,000	1	B"

At 10,714 gross square feet, the restaurant requires one type B loading berth. The site plan submitted for review did not show the entire lot. Submit a parking layout to Land Use Enforcement showing one type B loading berth to verify compliance with AMC 21.45.090.

Landscaping requirements: AMC 21.40.200.M: "Landscaping ...

2. Visual enhancement landscaping. Visual enhancement landscaping shall be planted along each lot line adjoining a right-of-way designated for collector or greater capacity on the official streets and highways plan.

3. Maintenance. All landscaping shall be maintained by the property owner or his designee."

AMC 21.40.200.B.2.n.1: "Any open storage or repair yard, excluding yards for orderly display of new or reconditioned heavy equipment, shall be entirely enclosed within a fence at least eight feet high. The fence shall be of chain link, concrete block or other appropriate construction approved by the administrative official. The fence shall be maintained in a sound and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this title."

AMC 21.45.080.W.4.f requires refuse containers located within or on the same pavement as the parking area to be screened by a wall, fence or landscaping constructed in accordance with criteria established by the refuse collection agency.

AMC 21.45.080.W.10: "Landscaping for parking lots with 15 or more spaces.

a. Visual enhancement landscaping shall be planted on the perimeter of the parking area adjoining a lot line or a screening structure shall be placed on the perimeter of the parking area adjoining a lot line and an area equal to at least five percent of the surface of the parking area including appurtenant driveways shall be devoted to visual enhancement landscaping

b. The parking area shall be separated from any building on the same lot by a sidewalk or landscaped area, or both, at least four feet wide.

c. In addition to the landscaping required under subsections a and b of this subsection, visual enhancement landscaping shall be planted within the interior of a parking area containing more than 60 spaces. The area devoted to visual enhancement landscaping shall equal at least five percent of the surface of the parking area, including appurtenant driveways."

Provide calculations to Land Use Enforcement verifying five percent interior landscaping as required by AMC 21.45.080.W.10.

Provide a landscaping plan to Land Use Enforcement showing details of refuse screening and the location and type of plant materials used to satisfy the landscaping requirements of AMC 21.40.200.M and 21.45.080.

Subdivision landscaping: No landscaping is required by the plat of record.

Fences: AMC 21.45.110.A: "A fence may be constructed at the lot line"

Access: Access is shown to B Street, which complies with the requirements of AMC 21.45.040.

Stream protection setbacks: The property does not adjoin any stream protected by AMC 21.45.210.

Wetlands: Map 31 shows the property as uplands.

Seismic hazard: The property is not within an area of high ground failure susceptibility.

Recommendations: If approval of this case is granted, Land Use Enforcement recommends the following:

1. The site plan submitted for review did not show the entire lot. Submit a legible site plan showing the entire lot to Land Use Enforcement for review.
2. The floor plan shows booth seating and what appears to be a mix of fixed and unfixed seating. No calculation of the occupant load or off-street parking requirement was submitted for review. The site plan submitted for review did not show the entire parking lot. Submit parking calculations and a complete parking layout to Land Use Enforcement to verify compliance with AMC 21.45.080.
3. At 10,714 gross square feet, the restaurant requires one type B loading berth. The site plan submitted for review did not show the entire parking lot. Submit a parking layout to Land Use Enforcement showing one type B loading berth to verify compliance with AMC 21.45.090.
4. Provide calculations to Land Use Enforcement verifying five percent interior landscaping as required by AMC 21.45.080.W.10.
5. Provide a landscaping plan to Land Use Enforcement showing details of refuse screening and the location and type of plant materials used to satisfy the landscaping requirements of AMC 21.40.200.M and 21.45.080.

(Reviewer: Don Dolenc)

Pierce, Eileen A

From: Dolenc, Don I.
Sent: Monday, August 29, 2005 5:12 PM
To: Pierce, Eileen A
Cc: Johnson, Kendra L.
Subject: 2005-125 and -126

RECEIVED

AUG 30 2005

Municipality of Anchorage
Zoning Division



2005-125.doc (52
KB)

There is a slight issue with parking and access that I am working out with the owner's rep. Should be resolved tomorrow or Wednesday at the very latest.

Don Dolenc

Development Review Officer
343-8329 (voice) 343-8437 (fax)



**Municipality of Anchorage
Development Services Department
Building Safety Division**



MEMORANDUM

RECEIVED

DATE: August 29, 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 September 9, 2005

AUG 29 2005
Municipality of Anchorage
Zoning Division

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

2005 - 125 A request concept/final approval of a conditional use to permit a restaurant in the I-1 Light Industrial District

No objection



MUNICIPALITY OF ANCHORAGE
Development Services Department
Right of Way Division



MEMORANDUM

RECEIVED

DATE: August 25, 2005
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor *[Signature]*
FROM: Lynn McGee, Senior Plan Reviewer *[Signature]*
SUBJ: Request for Comments on Assembly case(s) for the Meeting of September 27, 2005.

AUG 25 2005

Municipality of Anchorage
Zoning Division

Right of Way has reviewed the following case(s) due August 30, 2005.

05-125 Industrial Park 4000, Block A, Lot 3A, grid 1730
(Conditional Use, Restaurant)
Right of Way Division has no comments at this time.
Review time 15 minutes.

05-126 Hansen, Block 3, Lot 1A, grid 1529
(Conditional Use, Liquor Store)
Right of Way Division has no comments at this time.
Review time 15 minutes.



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

DATE: August 22, 2005
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
THRU: Leland R. Coop, Associate Traffic Engineer
FROM: Mada Angell, Assistant Traffic Engineer
SUBJECT: Comments, August 30, 2005 for Municipal Assembly

RECEIVED
AUG 25 2005
Municipality of Anchorage
Zoning Division

05-125 Industrial Park 4000; Conditional Use to permit a restaurant; Sushi Spot; Grid 1730

- Remove by grinding off the striping for parking stalls located in the B Street right of way.
- Provide a physical barrier to keep parking on-site and to define driveways.
- Resolve with Zoning Plan Review the need to strip additional parking stalls to provide required parking.

05-126 Hansen; Conditional Use to permit a liquor store; Brown Jug; Grid 1529

Access to Northern Lights Boulevard is approved by State DOT.

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)

August 12, 2005

RE: Zoning Case Review

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:

2005-108 Alyeska Blk 6A Lt 1.1A Garmisch Dr/Conditional use: multi-family residence
2005-115 Midriff Lot 2B Plat No 81-133 4801 Old Seward Hwy/Conditional use: Alcohol
2005-121 Providence Chester Creek Subd Tract A/Conditional use: crisis treatment center
2005-125 Industrial Park 4000 Lot 3A Blk A 4140 B Street/Conditional use: a restaurant

Comments:

2005-116 US Survey 7023 and Lot 1 US Survey 6867 Sec 24 T9N R2E SM/Plan Amendment for the Turnagain Arm Comprehensive Plan: The Department has no objection to the zoning changes, but we are concerned with access. The Department will not allow multiple driveways accessing the Seward Highway in this area. Any access to State rights of way requires ADOT&PF approval and a current valid driveway permit. If the applicant needs more information regarding access, they may contact Lynda Hummel, Rights of Way Agent at 269-0698 for assistance.

2005-122 Anchorage Townsite Lot 1 Blk 73A 121 W 7th Ave/Site Plan review: Museum: Access to State owned rights of way on 6th Avenue and/or on C Street requires a permit. This would include any improvements in the sidewalks. No landscaping is allowed in the rights of way unless a beautification permit is issued. Rights of way permits may be applied for on the ADOT&PF web site at: www.dot.state.ak.us e-permits. Or you may call Lynda Hummel, Rights of Way Agent, at 269-0698 for an application and assistance.


"Providing for the movement of people and goods and the delivery of state services."

RECEIVED

AUG 04 2005

Municipality of Anchorage
Zoning Division

Municipality of Anchorage
Treasury Division
Memorandum

Date: August 2, 2005
To: Rich Cartier, Planning Dept.
From: Sam Myers, Revenue Officer 
Subject: Liquor License Conditional Use Comments

Liquor License Conditional Use Application Case # 2005-125 Sushi Spot, Inc. dba Peter's Sushi Spot has been received and reviewed.

I find no outstanding taxes on this application, and no reason for not approving it.

MUNICIPALITY OF ANCHORAGE
Anchorage Water & Wastewater Utility

MEMORANDUM

RECEIVED

AUG 08 2005

Municipality of Anchorage
Zoning Division

DATE: August 4, 2005
TO: Zoning and Platting Division, OPDPW
FROM: Hallie Stewart, Engineering Technician, AWWU *H Stewart*
SUBJECT: Planning & Zoning Commission Public hearing September 27, 2005
AGENCY COMMENTS DUE August 30, 2005

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

05-125 Industrial Park 4000, Block A, Lot 3A (conditional use) Grid 1730

1. AWWU water and sanitary sewer mains are available to the referenced lot.
2. AWWU has no objection to the proposed conditional use for a restaurant in the I-1 Light Industrial District.

If you have any questions, please call me at 343-8009.

Pierce, Eileen A

From: Staff, Alton R.
Sent: Wednesday, August 03, 2005 10:08 AM
To: Pierce, Eileen A; Stewart, Gloria I.
Cc: Taylor, Gary A.
Subject: Zoning and Plat Case Reviews

RECEIVED

AUG 03 2005

Municipality of Anchorage
Zoning Division

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

2004 021
2005 104
2005 105
2005 115
2005 121
2005 125

S11395-1 People Mover has a bus stop adjacent to the plat. This bus stop will be brought up to ADA standards with the current construction project on 3rd Avenue.

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

S11183-2

S11239-2
S11355-2
S11359-1
S11393
S11394
S11397-1
S11398-1
S11399-1
S11401-4
S11402-1
S11403-1

Thank you for the opportunity to review.

Alton Staff, Operations Supervisor
People Mover

RECEIVED

AUG 02 2005

Municipality of Anchorage
Zoning Division



FLOOD HAZARD REVIEW SHEET for PLATS

Date: 8-02-05

Case: 2005-125

Flood Hazard Zone: C

Map Number: 0241

☐ 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

4

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.

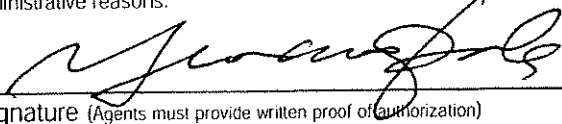
PETITIONER*		PETITIONER REPRESENTATIVE (IF ANY)	
Name (last name first) Sushie Spot Inc.		Name (last name first)	
Mailing Address 3337 Fairbanks St.		Mailing Address	
Anchorage, AK 99503			
Contact Phone: Day: 727-1368	Night: 336-1035	Contact Phone: Day:	Night:
FAX: 907-278-0259		FAX:	
E-mail: Andersongeewon@gci.net		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): 009-141-28-000-06		
Site Street Address: 4140 B Street Anchorage, AK 99503		
Property Owner (if not the Petitioner): Sushie Spot Inc.		
Current legal description: (use additional sheet in necessary) Lot 3A, Block A, Industrial Park 4000 Subdivision, according to the official plat thereof, filed under Plat Number 83-19, Records of the Anchorage Recording District, Third Judicial District, State of Alaska.		
Zoning: I-1	Acreage: 1.35 Acreage	Grid # SW1730

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 7/29/05	Signature (Agents must provide written proof of authorization)  PETER Y. PARK
-----------------	--

Accepted by:	Poster & Affidavit:	Fee 4000.00	Case Number 2005-125 030
--------------	---------------------	----------------	-----------------------------

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

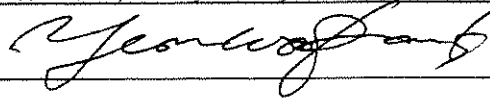
DOCUMENTATION

- 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

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.

7-28-05



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):

Peter's Sushie Spot

What is the gross leaseable floor space in square feet?

10,980 Sq

What is the facility occupant capacity?

375

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

Chairs and Booth 37 and Tables: 28 Waiting Area: 2 chairs

(147 fixed seats)
BOOTHS ~~23~~ 27
TABLES - 28
CHAIRS ~~368~~ 368

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

Stools: 52 Tables: 42 and Chairs: 192

non
fixed
7 day/week

What will be the normal business hours of operation?

10:00 AM - 10:00 PM (Weekdays) 11:00 AM - 11:00 PM (Weekends)

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

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

8 % Alcoholic beverage sales

92 % 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

None

PACKAGE STORES

N/A

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

% less than \$5.00

% \$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.

Alaska employment has been 17 years of nonstop growth. Historically, natural resource development and export, ie. oil and gas exploration, commercial fishing and timber sales have driven the Alaskan economy. Overall, Alaska's economy trends toward continued growth. Peter Park, the owner of the Peter's Sushi Spot, one of the most popular places in the city of Anchorage, has been share his excellent foods with local community and travelers from all over the world since 2003. Peter's Sushi Spot is relocating in the bigger space to meet Anchorage's repaid economic and pupulation growth. Peter's Sushi Spot will provide family oriented stmosphere to the people in Anchorage.

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

On-Site parking is 122 p-ved spaces an meets municipal requirements.

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.

The property is located in Midtown Anchorage, a primary commercial area of Anchorage and benefits from its location and vehicular exposure. Additionally, proximity, access, a and linkage to surrounding primary traffic arterials, other commercial areas within Midtown enhance the subject's market appeal and viability. Examples of the most recent development includes national franchise restaurants (TFIF, Outback Applebee's Boston Pizza, Arby's , etc) hotels (Motel 6 Homewood Suites, Hampton Inn office buildings (Arctic Slpe Regional Corporation, and strip retail/office centers (Calai Corportion)

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.

The property is located in Midtown Anchorage, a primary commercial area. The subject's attributes make it well suited for commercial development.

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

The subject consists of an existing restaurant and bar with a seating capacity of 375 (appx) . Anchorage is home to more than 50% of the state's population. Anchorage has been fortunate to endure 16 consecutive yrs of economic growth. There is a strong demand for restaurant, and Sushi Spot is capable to serve public.

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

None

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

The property is located in a primary commercial area, and well suited for commercial development.

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? 1

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

7

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

3

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

Unavailable to reach the local community council. The actual number of active liquor licenses is not available. In your opinion, is this quantity of licenses a negative impact on the local community?

No. There are seven (7) active liquor licenses within 1,000 feet of the subject property. The Anchorage restaurant industry has seen strong growth over the past few years. Although development has been citywide, the most recent development has been centered in the Midtown and South Anchorage area. Because of the most recent trend in Anchorage restaurant industry (Centered in Midtown), the number of active liquor licenses have been also increased. But, this shall not have a negative impact on the local community.

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?

Waitress: #11

Manager: 2

Owner: 1

Total 14 employees and managers and owner will be trained.

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:

outside facility:

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.

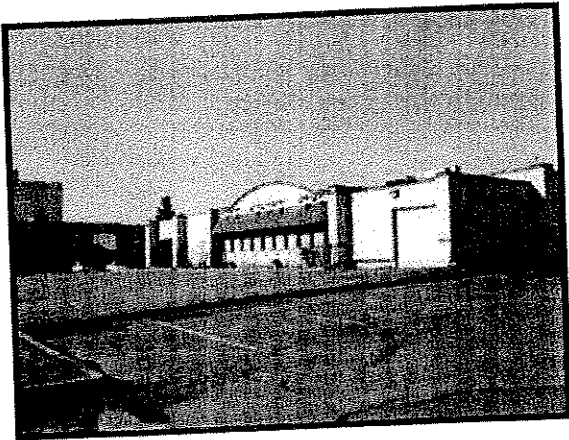
☒ Yes ☐ No *As the applicant and operator can you comply? If no explain*

Additional space if needed.

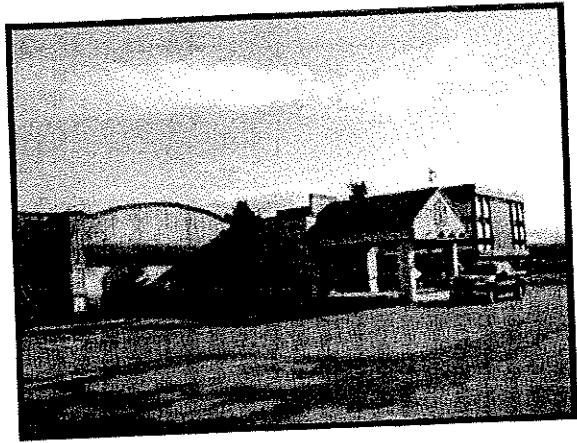
Subject Property Photographs

Date: April 19, 2005

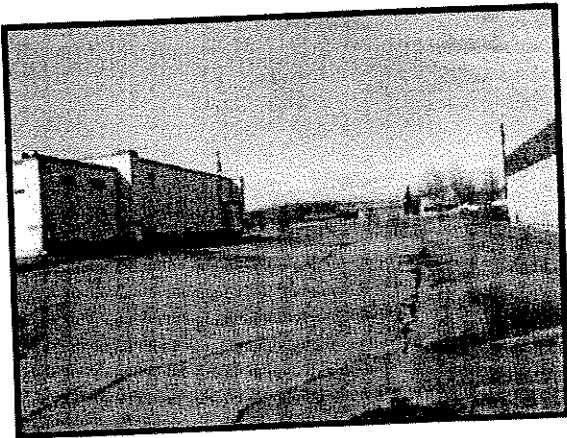
Taken by: TAL



Exterior view of subject



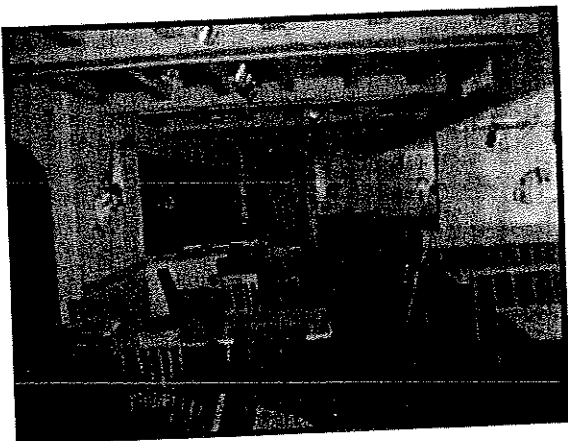
Exterior view of subject



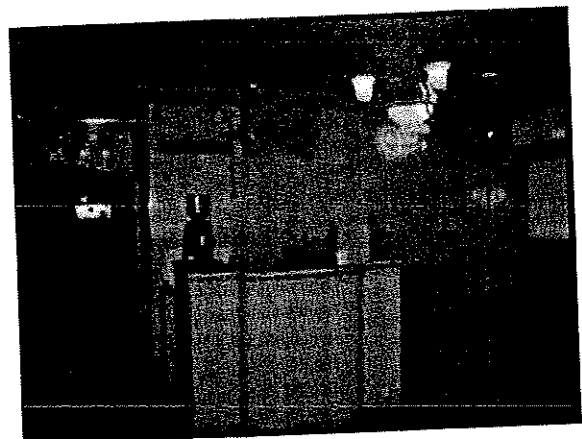
Exterior view of northern portion



Interior view of dining area



View of dining area

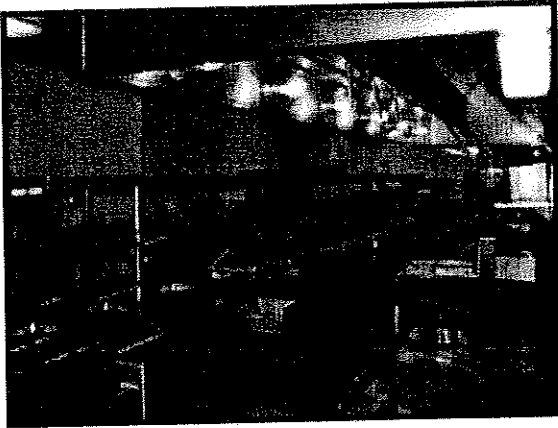


View of lobby

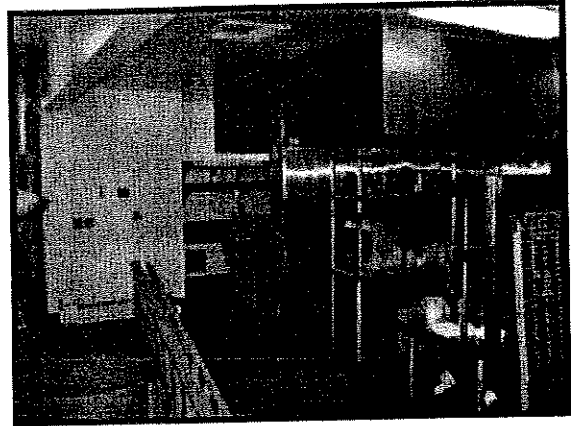
Subject Property Photographs

Date: April 19, 2005

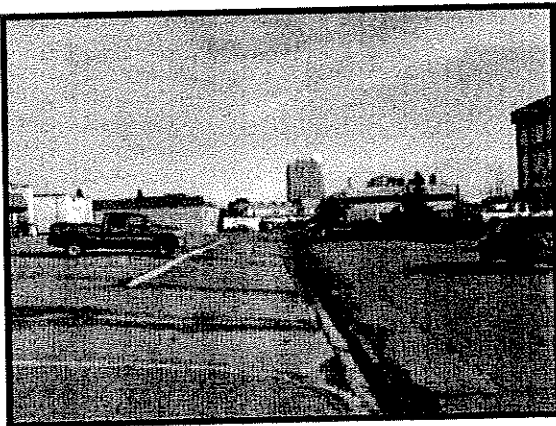
Taken by: TAL



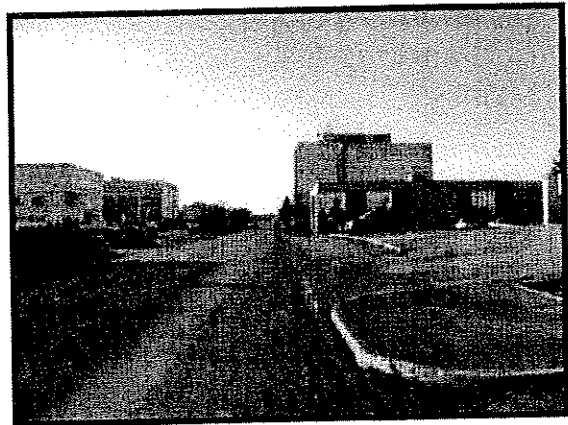
View of kitchen area



View of kitchen area



North view of B Street frontage
(subject on left)



South view of B Street frontage
(subject on right)

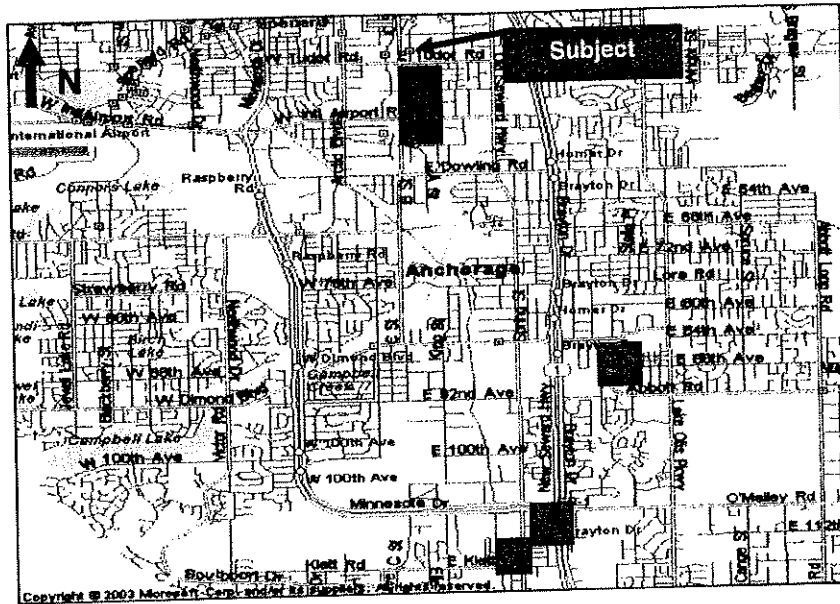
North

SUBJECT

Subject Property

Peter's Sushi Spot is moving to 4140 B Street. Mr. Park is renovating this new restaurant to create an authentic Japanese atmosphere and is adding a Sushi bar. The target opening date is September 1, 2005. The hours of operation are weekdays, 10:00AM to 10:00 PM and weekends, 11:00 AM to 11:00 PM.

Land Sales Map



ALCOHOLIC BEVERAGE CONTROL BOARD

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
Sushi Spot, Inc.	Peter's Sushi Spot
3337 Fairbanks St. Anchorage, AK 99503	4140 B Street Anchorage, AK 99508

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
First National Bank	201 W 36th Ave Anchorage, AK 99503	1,119,790	Purchase (Building)
Anchorage			

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

[Signature]
Date

Subscribed and sworn to before me this

Day of *July* 20 *05*
Notary Public in and for the State of Alaska
My commission expires *11-12-2008*

04-908 (REV. 4/05)

CONFIDENTIAL

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 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. (13 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: Sushi Spot Inc.

D/W/A: Peter's Sushi Spot

ADDRESS: 4140 B Street Anchorage, AK 99503

1. Hours of Operation: 10:00AM to 10:00 PM Telephone # 907-278-5188

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).

Weekends Operation Hour 11:00 AM 11:00 PM

3. Duties of employment: Serving Foods and Dishes & Busing

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

5. Do you provide entertainment: ☐ Yes ☒ No If yes, describe. None

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. (13 AAC 101.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 13 AAC 104.715-795 and have instructed my employees about provisions contained therein.

[Signature]
Applicant(s) signature

Subscribed and sworn to before me this
5th day of July, 2005

Notary Public in and for the State of Alaska

My Commission expires

Application approved (13 AAC 104.725(c))
Governing Body Official

Date:

Director, ABC Board

Date:

NOTE: AS 04.16.049(e) 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: Peter's Sushi Spot

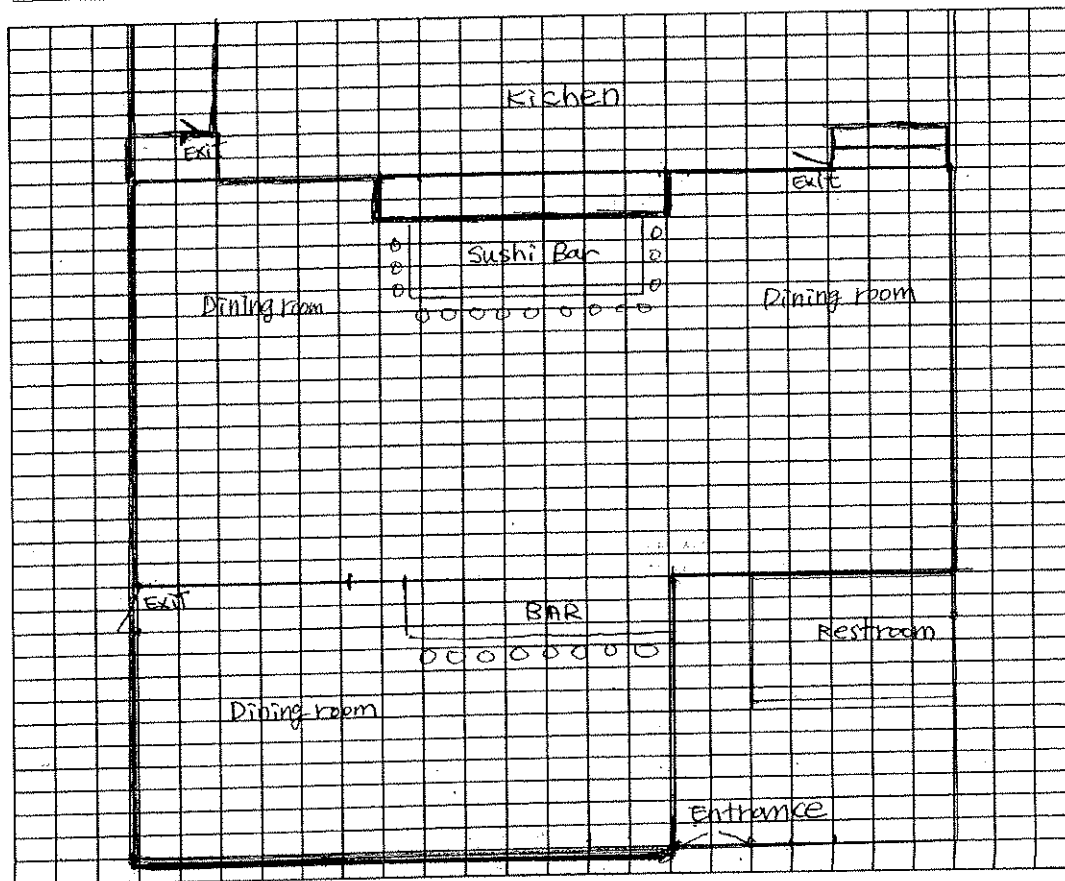
PREMISES LOCATION: 4140 B Street Anchorage, AK 99503

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.



State of Alaska
Department of Community and Economic Development
Division of Banking, Securities and Corporations

CERTIFICATE
OF
INCORPORATION
Business Corporation

The undersigned, as Commissioner of Community and Economic Development of the State of Alaska, hereby certifies that Articles of Incorporation of

SUSHI SPOT, INC.

have been received in this office and have been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Community and Economic Development, and by virtue of the authority vested in me by law, hereby issues this Certificate of Incorporation and attaches hereto the original copy of the Articles of Incorporation.

IN TESTIMONY WHEREOF, I execute this certificate and
affix the Great Seal of the State of Alaska on
DECEMBER 8, 2003.

Edgar Blatchford

Edgar Blatchford
Commissioner

JUN-20-05 12:13PM

P. 02

FILING DATE:

Filed for Record
State of Alaska

DEC 08 2003

Department of Community
and Economic Development

ARTICLES OF INCORPORATION
OF
SUSHI SPOT, INC.
(Domestic Business Corporation)

We, undersigned, natural persons of the age of 18 years or more, desiring to form a corporation under the laws of the State of Alaska, adopt the following Articles of Incorporation:

ARTICLE I

The name of this corporation shall be SUSHI SPOT, INC..

ARTICLE II

The purposes of the corporation are

To engage in the business of operating restaurants that provides food and beverage service to general public,

To engage in the business of setting up or remodeling restaurants and other food service business for purpose of selling them to restaurateurs on leased or purchased spaces,

To engage in the business of managing restaurants and bars for other non-operating owners,

To engage in any lawful activity for the accomplishment of any of its purposes or for the exercise of any power herein set forth which shall appear necessary or beneficial to the Corporation.

JUN-20-05 11:33 AM

P.03

**ARTICLES OF INCORPORATION
OF
SUSHI SPOT, INC.**

ARTICLE III

The amount of total authorized capital of this Corporation shall be:

1. 10,000 shares of common stock, all such shares to have no par value.
2. Capital stock may be issued by the corporation from time to time for such considerations, including but not limited to labor, services, money or property, as may be fixed by resolution of the Board of Directors from time to time.
3. No shareholder shall have the preferential or preemptive right to subscribe for, purchase, or otherwise acquire any stock of any class, any right, warrants, or options with respect to any such stock, any security convertible into or exchangeable for any such stock whether out of unissued stock or other securities or out of stock or other securities acquired by the Corporation after the issue thereof, regardless of the consideration.
4. Each shareholder shall have one vote for each share held of record on all matters submitted for shareholder approval. No shareholder shall be entitled to accumulate his votes for the election of any corporate officers or directors.

ARTICLE IV

1. The name of its initial registered agent is Peter Y. Park.
2. The physical address of the initial registered office of the Corporation is 3337 Fairbanks Street, Anchorage, AK 99503.
3. Mailing address of the registered agent's office is 10351 Redceder Circle, Anchorage, AK 99507.

JUN-20-05 12:34P

P. 04

ARTICLES OF INCORPORATION
OF
SUSHI SPOT, INC.

ARTICLE V

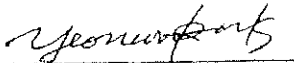
There is no alien affiliate of the corporation.

ARTICLE VI

The authority to make the by-laws and to repeal and amend the same is vested in the Board of Directors, subject to the power of the shareholders to change or repeal the same.

These Articles of Incorporation have been adopted and executed in duplicate on the 30th day of October, 2003.

Incorporator


Peter Y. Park

10351 Redceder Circle
Anchorage, AK 99507.

APPLICANT

LEAVE BLANK

TYPE OR PRINT ALL INFORMATION IN BLACK
LAST NAME PARK, FIRST NAME SOOJI

FBI

LEAVE BLANK

SIGNATURE OF PERSON FINGERPRINTED

ALIASES AKA

1

RESIDENCE OF PERSON FINGERPRINTED

1290

AKAST0100
DPS
ANCHORAGE, AK

DATE OF BIRTH DOB
Month Day Year
1967 06 14

10851 RED CEDAR CIR, ANCHORAGE AK 99507

DATE

SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

20050510

ANGELO RESTREPO

EMPLOYER AND ADDRESS

State of Alaska

Alcoholic Beverage Control Board

5848 E Tudor Rd

Anchorage, AK 99507

REASON FINGERPRINTED

Application for liquor license
AS 04.11.295

FBI NO. FBI

YOUR NO. OCA

SEX

F

AGE

A

HGT

507

WGHT

105

ETH

BRO

BLK

HAIR

KO

PLACE OF BIRTH

EOB

CLASS

REF.

ADL6312881

SOCIAL SECURITY NO. SOC

574702305

MISCELLANEOUS NO. MNU

ADL6312881

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

APPLICANT

LEAVE BLANK

PARK, PETER Y

TYPE OR PRINT ALL INFORMATION IN BLACK
LAST NAME NAME FIRST NAME MIDDLE NAME

FBI

LEAVE BLANK

SIGNATURE OF PERSON FINGERPRINTED

RESIDENT OF PERSON FINGERPRINTED

10551 RED CEDAR CIR, ANCHORAGE AK, 99507

DATE 20080510

EMPLOYER AND ADDRESS

State of Alaska
Alcoholic Beverage Control Board
5845 E Tudor Road
Anchorage, AK 99507

PERSON FINGERPRINTED

Application for liquor license

AKASIS AKA

1290

CITIZENSHIP CIZ

US

POUR NO OCA

FBI NO FBI

ARMED FORCES NO MNU

SOCIAL SECURITY NO. SOC

MISCELLANEOUS NO. MNU

AKASTD100

DPS ANCHORAGE, AK

DATE OF BIRTH DOB Year Month Day

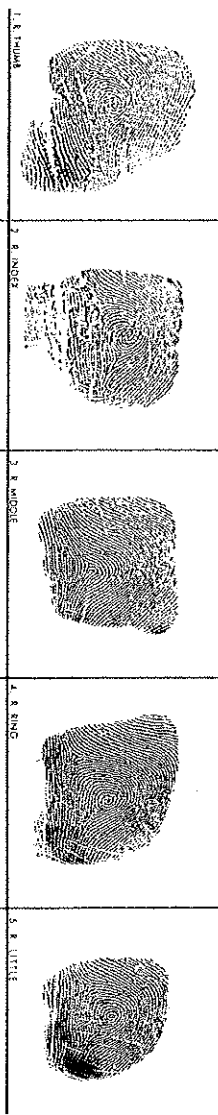
19651106

PLACE OF BIRTH POB

CLASS

REF

AD16400527



CMT ID1000 22493

EXEMPT 151441-17949 5/10/2005 4:11:27 PM

JUN-28-05 12:13 PM

P.05

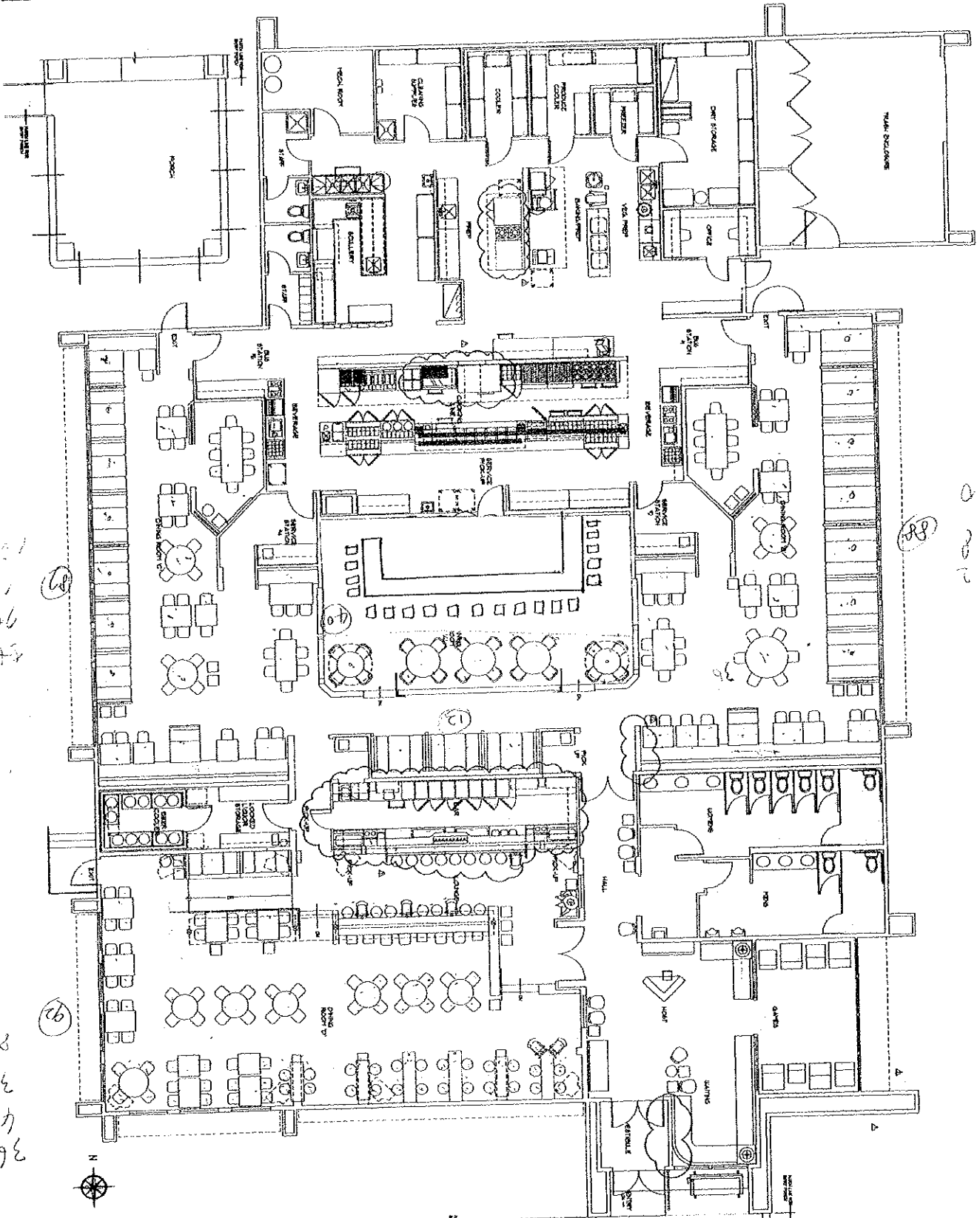
ARTICLES OF INCORPORATION
OF
SUSHI SPOT, INC.

STATEMENT OF STANDARD INDUSTRIAL CODE (SIC)

The Standard Industrial Codes (SIC) which most closely describe the initial activities of the corporation are:

Primary 5812 Secondary 5813 Other 5400

T. + a | 3/9



26
22
42

2012-06-23

28
74
40
93

5

**POSTING
AFFIDAVIT**

Geewon Anderson
Residential Mortgage LLC
100 Calais Drive
Anchorage, AK 99503
Andersong@residentialmtg.com
907-222-8847 (direct) 907-229-9499 (cell) 907-743-9609(fax)

Date: 7-29-05

To: Mary

From: Geewon Anderson

Total Pages including cover sheet: 2 pages

RE: Peter's cushion spot

☐ Urgent ☒ For review ☐ Please Comment ☐ Please Reply

Memo:



AFFIDAVIT OF POSTING

CASE NUMBER: 2005-125

I, Greer Anderson 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 BEER/WINE CTU. The notice was posted on _____ 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 29th day of July, 2005

Signature

LEGAL DESCRIPTION

Tract or Lot 3A

Block A

Subdivision Industrial Park 4000 Sub

6

HISTORICAL INFORMATION

Alcohol Extract from List Report

Case Number: 2005-125

Description: 1000 foot alcohol

Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City Lic. Number	State Lic. Zone	Zip Lic. Type
00914128000 Red Robin Burger & Spirits #3	SUSHI SPOT INC Restaurant Management, Inc.	3337 FAIRBANKS STREET 4140 B St.	ANCHORAGE 3685	AK 11	99503 Beverage Dispensary
00914134000 Petroleum Club of Anchorage	GILLIGANS LLC Petroleum Club of Anch., Inc.	4101 CREDIT UNION DRIVE 3301 C St., #120	ANCHORAGE 3586	AK 11	99503 Club
00914140000 Applebee's Neighbor Grill	APPLE ALASKA, LLC Apple Alaska, LLC	4331 CREDIT UNION DRIVE 4331 Credit Union Dr.	ANCHORAGE 3948	AK 11	99503 Beverage Dispensary
00914140000 Sea Galley	APPLE ALASKA, LLC Pepper Mill, LLC	4331 CREDIT UNION DRIVE 4101 Credit Union Dr.	ANCHORAGE 1666	AK 11	99503 Beverage Dispensary
00914140000 Sea Galley/Peppermill	APPLE ALASKA, LLC Pepper Mill, LLC	4331 CREDIT UNION DRIVE 4101 Credit Union Dr.	ANCHORAGE 3599	AK 11	99503 Beverage Dispensary Dup
00915116000 Stuart Anderson's Cattle Co.	EQUITABLE LIFE ASSURANCE SOC ARG Enterprises, Inc.	3131 S VAUGHN WAY #521 300 W. Tudor Rd	AURORA 1090	CO 11	80014 Beverage Dispensary
00915127000 Hilton Garden Inn	APPLE SIX HOSPITALITY INC Apple Six Services, Anch LLC	814 EAST MAIN STREET 100 West Tudor Road	RICHMOND 4236	VA 11	23219 Beverage Dispensary Tour
00915132000 T.G.I. Fridays	JEB LLC Out In The Boonies Inc.	4240 OLD SEWARD HIGHWAY #1 190 E Tudor Rd	ANCHORAGE 4279	AK 11	99503 Beverage Dispensary

Map: Parcels--Basic Layers



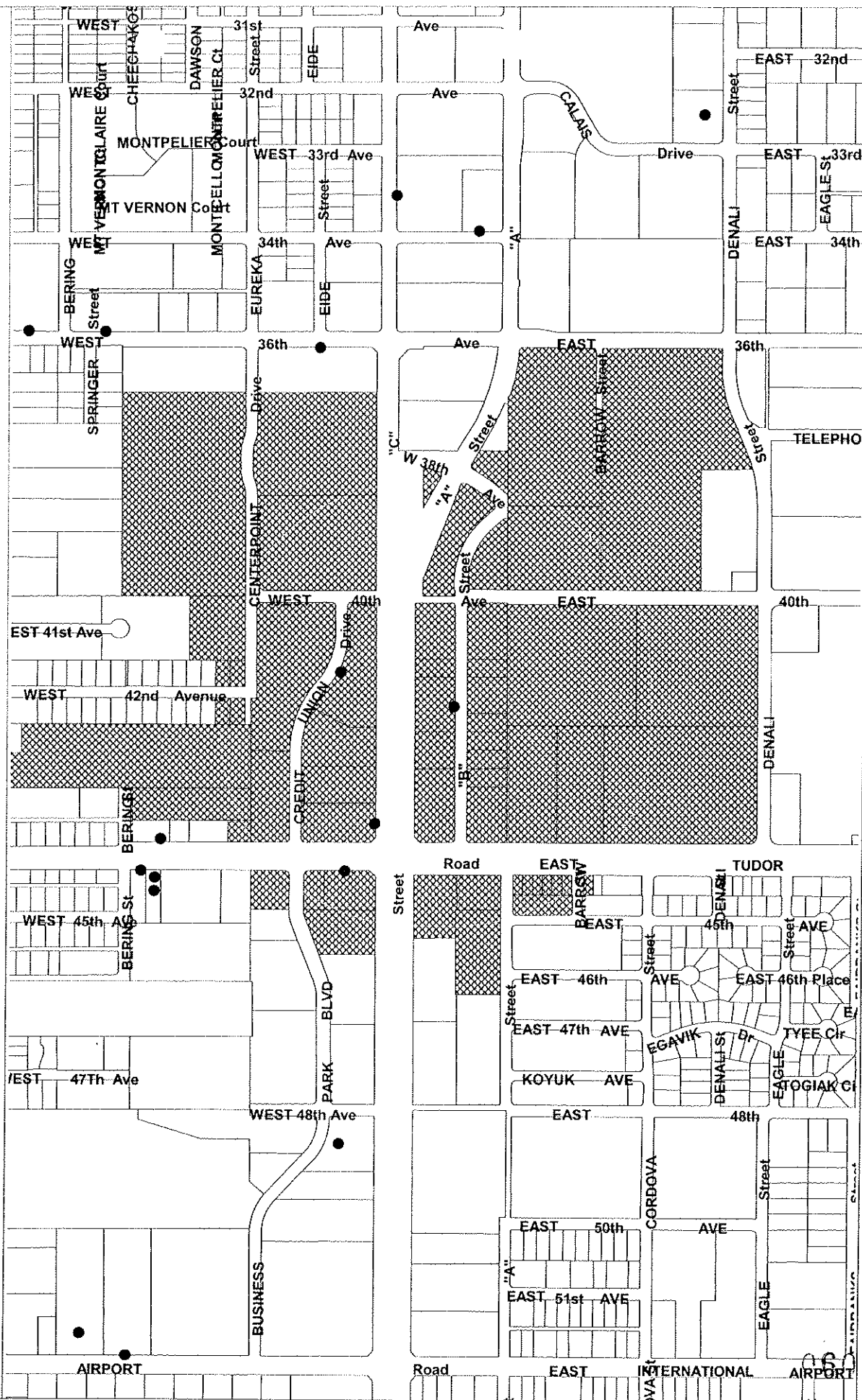
Scale 1:8000

Legend:

Txt	STRNAME_BI_DIR
-----	----------------

ALCOHOL

PARCELS



2005 125 1000 ft alcohol

Mon Aug 01, 09:11:42, 2005

Map: Parcels--Basic Layers



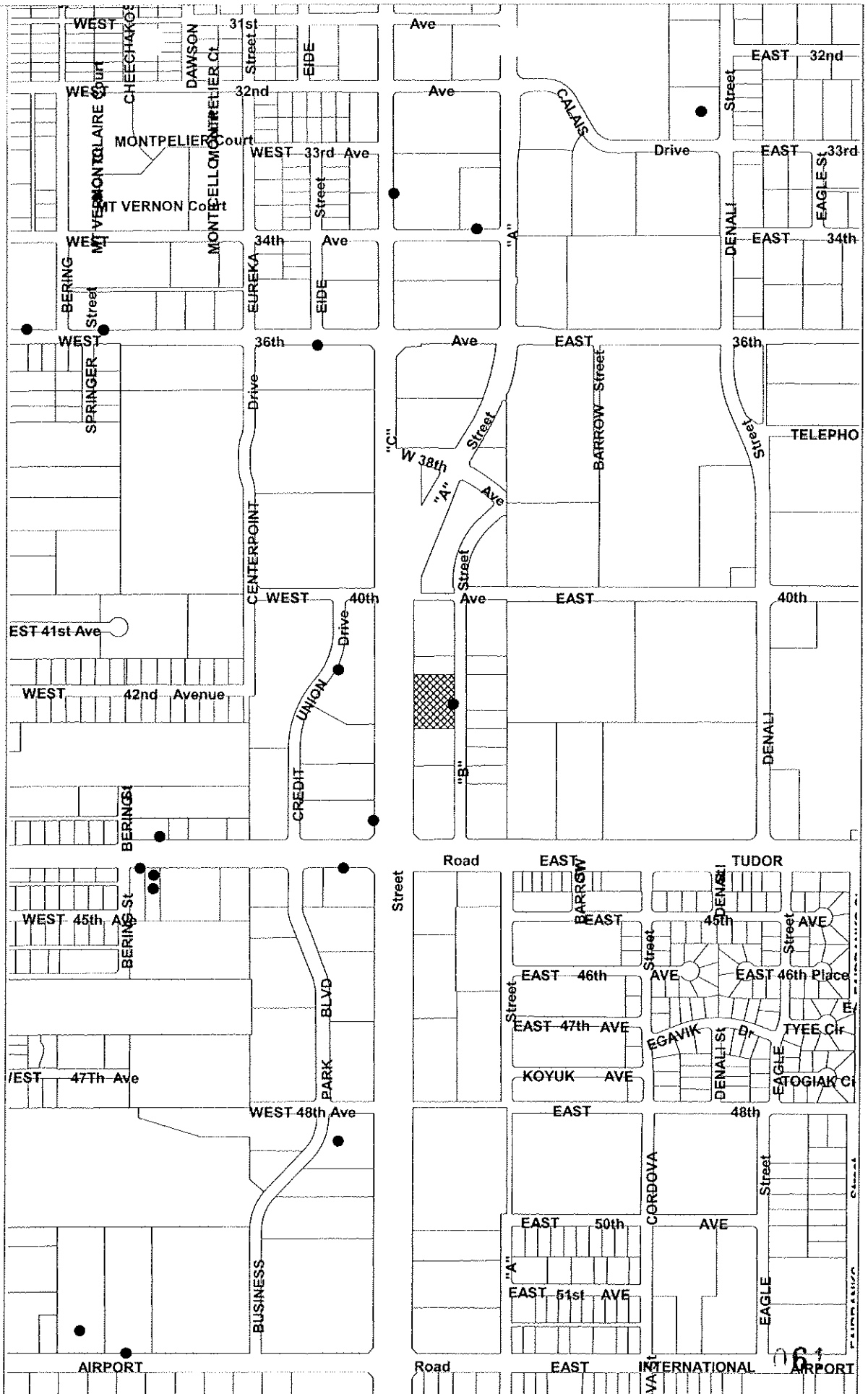
Scale 1:8000

Legend:

Txt STRNAME_BI_DIR

ALCOHOL

PARCELS



2005 125

Mon Aug 01, 09:10:36, 2005

Map: Parcels--Basic Layers



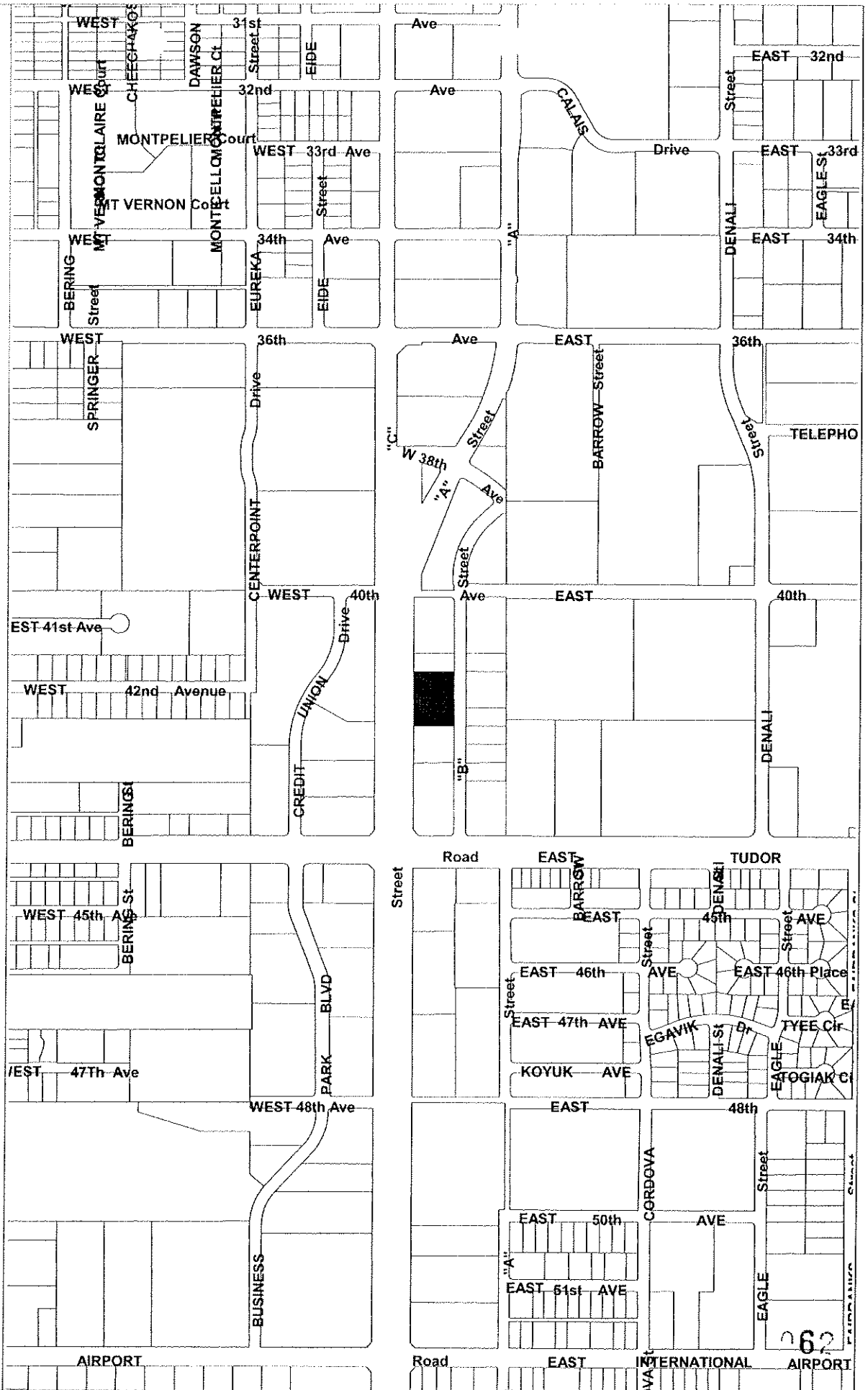
Scale 1:8000

Legend:

Txt STRNAME_BI_DIR



PARCELS



Content Information**Content ID :** 003261**Type:** AR_AllOther - All Other Resolutions

Alcoholic Beverages Conditional Use in the I-1 District for a

Title: Restaurant/Eating Place Use per AMC 21.40.200 B.1.k. for Sushi Spot, Inc., dba "Peter's Sushi Spot."**Author:** weaverjt**Initiating Dept:** Planning

Alcoholic Beverages Conditional Use in the I-1 District for a

Description: Restaurant/Eating Place Use per AMC 21.40.200 B.1.k. for Sushi Spot, Inc., dba "Peter's Sushi Spot."**Date Prepared:** 9/7/05 4:39 PM**Director Name:** Tom Nelson**Assembly Meeting**
Date MM/DD/YY: 9/27/05**Public Hearing Date**
MM/DD/YY: 9/27/05**Workflow History**

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllOtherARWorkflow	9/7/05 4:44 PM	Checkin	weaverjt	Public	003261
Planning_SubWorkflow	9/8/05 9:30 AM	Approve	nelsontp	Public	003261
ECD_SubWorkflow	9/8/05 9:32 AM	Approve	thomasm	Public	003261
MuniManager_SubWorkflow	9/15/05 11:47 AM	Approve	leblancdc	Public	003261
MuniMgrCoord_SubWorkflow	9/16/05 8:20 AM	Approve	abbottmk	Public	003261

M.O.A.

2005 SEP 19 AM 11:51

CLERKS OFFICE