

Submitted by: Chair of the Assembly at
the request of the Mayor
Prepared by: Planning Department
For reading: September 30, 2008

CLERK'S OFFICE

APPROVED

Date: 9-30-08

Anchorage, Alaska
AR No. 2008-202

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING
2 A MINOR AMENDMENT TO AN EXISTING ALCOHOLIC BEVERAGES
3 CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS DISTRICT) TO ADD A
4 SECOND BEVERAGE DISPENSARY USE AND LICENSE PER AMC 21.40.180
5 D.8 FOR HENRI HAWAII, INC., LOCATED AT 201 E. NORTHERN LIGHTS
6 BOULEVARD, SUITE A, WITHIN SMITH SUBDIVISION NUMBER 1, LOTS 8
7 THROUGH 12A, GENERALLY LOCATED ON THE NORTHEAST CORNER OF
8 BARROW STREET AND EAST NORTHERN LIGHTS BOULEVARD.

9
10 (Midtown Community Council) (Case 2008-128)

11
12 THE ANCHORAGE ASSEMBLY RESOLVES:

13
14 **Section 1.** A conditional use permit and license number 3009, dba Casa Grande,
15 currently exists on the petition site for an Alcoholic Beverages Conditional Use in the
16 B-3 District for a Beverage Dispensary Use and License per AMC 21.40.180 D.8,
17 located within Smith Subdivision Number 1, Lots 8 through 12A. The conditional use
18 generally meets the applicable provisions of AMC 21.50.020 and AMC 21.50.160.

19
20 **Section 2.** This minor amendment will allow a second beverage dispensary license,
21 dba Henri Hawaii, Inc., to operate a separate bar within the same premise as the existing
22 conditional use, and will be comprised of 6,934 square feet of gross floor area within a
23 7,150 square-foot building.

24
25 **Section 3.** A new floor plan shows a new bar/lounge area designated in an area
26 separate from the remainder of the restaurant area, containing fourteen (14) tables with
27 four non-fixed chairs each, three tables with eight non-fixed chairs each, four booths
28 with four seats each, and thirty (30) fixed seats at the bar. There is no change to the
29 required parking or to business operating hours.

30
31 **Section 4.** This addition of a new beverage dispensary use and license within the
32 restaurant use has no significant effect to the surrounding neighborhood and is a minor
33 amendment. This minor amendment generally meets the applicable provisions of AMC
34 21.15.030 G.2.(a).

35
36 **Section 5.** The conditional use is approved subject to the following conditions:
37

1. A Notice of Zoning Action shall be filed with the State District Recorder's Office within 120 days of the Assembly's approval of a minor amendment to an existing conditional use for a Beverage Dispensary Use in the B-3 District.

2. All uses shall conform to the plans and narrative submitted with this conditional use application.

3. This minor amendment to an existing conditional use approval is for an Alcoholic Beverages Conditional Use in the B-3 District for a Beverage Dispensary Use per AMC 21.40.180.D.8, to allow the addition of a second beverage dispensary license and use for approximately 2,049 square feet gross floor area (licensed premises) known as Suite A, located with the 6,934 square-foot commercial structure within Smith Subdivision Number 1, Lots 8 through 12A.

4. On-premise sales will be seven days a week as permitted per the State Alcoholic Beverage Control Board requirements.

5. Prior to this minor amendment becoming effective, all outstanding taxes shall be paid in full to the Treasury Department.

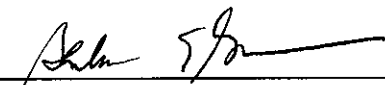
Section 6. Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification or revocation.

Section 7. This resolution shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 30th day of September 2008.

ATTEST:


Chair


Municipal Clerk

(Planning Case Number 2008-128)
(Tax Identification Number 009-012-73)



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 590-2008

Meeting Date: September 30, 2008

From: Mayor

Subject: A MINOR AMENDMENT TO AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS DISTRICT) TO ADD A SECOND BEVERAGE DISPENSARY USE AND LICENSE PER AMC 21.40.180 D.8 FOR HENRI HAWAII, INC.; LOCATED AT 201 E. NORTHERN LIGHTS BOULEVARD, WITHIN SMITH SUBDIVISION #1, LOTS 8 THROUGH 12A; GENERALLY LOCATED ON THE NORTHEAST CORNER OF BARROW STREET AND EAST NORTHERN LIGHTS BOULEVARD.

1 | Henri Hawaii, Inc. has made application for a minor amendment in accordance with
2 | AMC 21.15.030.G to an existing Beverage Dispensary Alcoholic Beverage Conditional
3 | Use and License number 3009 in the B-3 District, in order to add a second beverage
4 | dispensary license for operation of a separate bar within the same premise as the
5 | existing restaurant. Each business, existing Casa Grande Restaurant and proposed
6 | Henri Hawaii, will operate independent of each other. The property is located at 201
7 | East Northern Lights Boulevard, within Smith Subdivision Number 1, Lots 8 through
8 | 12A, generally located on the northeast corner of Barrow Street and East Northern
9 | Lights Boulevard.

10 |
11 | There is currently a beverage dispensary license being operated in the building by Casa
12 | Grande, Inc. The building is being remodeled to allow for the operation of both
13 | licenses in the building, with each business operating independently. Henri Hawaii will
14 | operate a twenty-one years of age or over bar in one end of the building, and Casa
15 | Grande, Inc. will operate their full-service restaurant in the remaining operation of the
16 | building from a separate bar. After remodeling, Casa Grande will be operating out of
17 | Suite A, and Henri Hawaii out of Suite B. The petitioner has applied to the State of
18 | Alaska Alcoholic Beverages Control Board for the transfer of location of the existing
19 | Beverage Dispensary License number 508 to the subject location.
20 |

1 The bar area comprises approximately 2,049 square feet of the 6,934 square-foot
2 leasable area of the building. Under the terms of Alaska Statute 04.11.410, no church
3 or school can be located within 200 feet of the public entrance of the "licensed
4 premises" of the beverage dispensary license use measured by the shortest pedestrian
5 route from the public entrance of the church building. This is not an issue for this
6 application.

7
8 There are five existing alcohol beverage uses within a 1,000-foot radius of the petition
9 site: one beverage dispensary, three restaurants, and one package store. The one
10 beverage dispensary use is that which is currently located on the premise.

11
12 The bar proposes daily hours of operation seven days a week during the hours of 11:00
13 A.M. to 2:00 A.M., as permitted by the State of Alaska Alcohol Beverage Control
14 Board requirements. Employees involved in the sale of alcoholic beverages will be
15 trained in accordance with the Alcoholic Beverage Control Board "Liquor Server
16 Alcohol Awareness Training Program," (TAM) and will hold the necessary
17 certifications.

18
19 The Anchorage Police Department commented that there were no reports of incidents
20 occurring on the site within two years prior to the date of the application. Treasury
21 reports there are delinquent Personal Property Business Taxes owed at this time, but no
22 Real Property Taxes owed. Prior to this request becoming effective, the outstanding
23 balance should be paid in full.

24
25 THIS CONDITIONAL USE FOR A MINOR AMENDMENT TO A BEVERAGE
26 DISPENSARY USE AND LICENSE IN THE B-3 DISTRICT GENERALLY MEETS
27 THE APPLICABLE PROVISIONS OF AMC TITLES 10 AND 21, AND ALASKA
28 STATUTE 04.11.090.

29
30 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

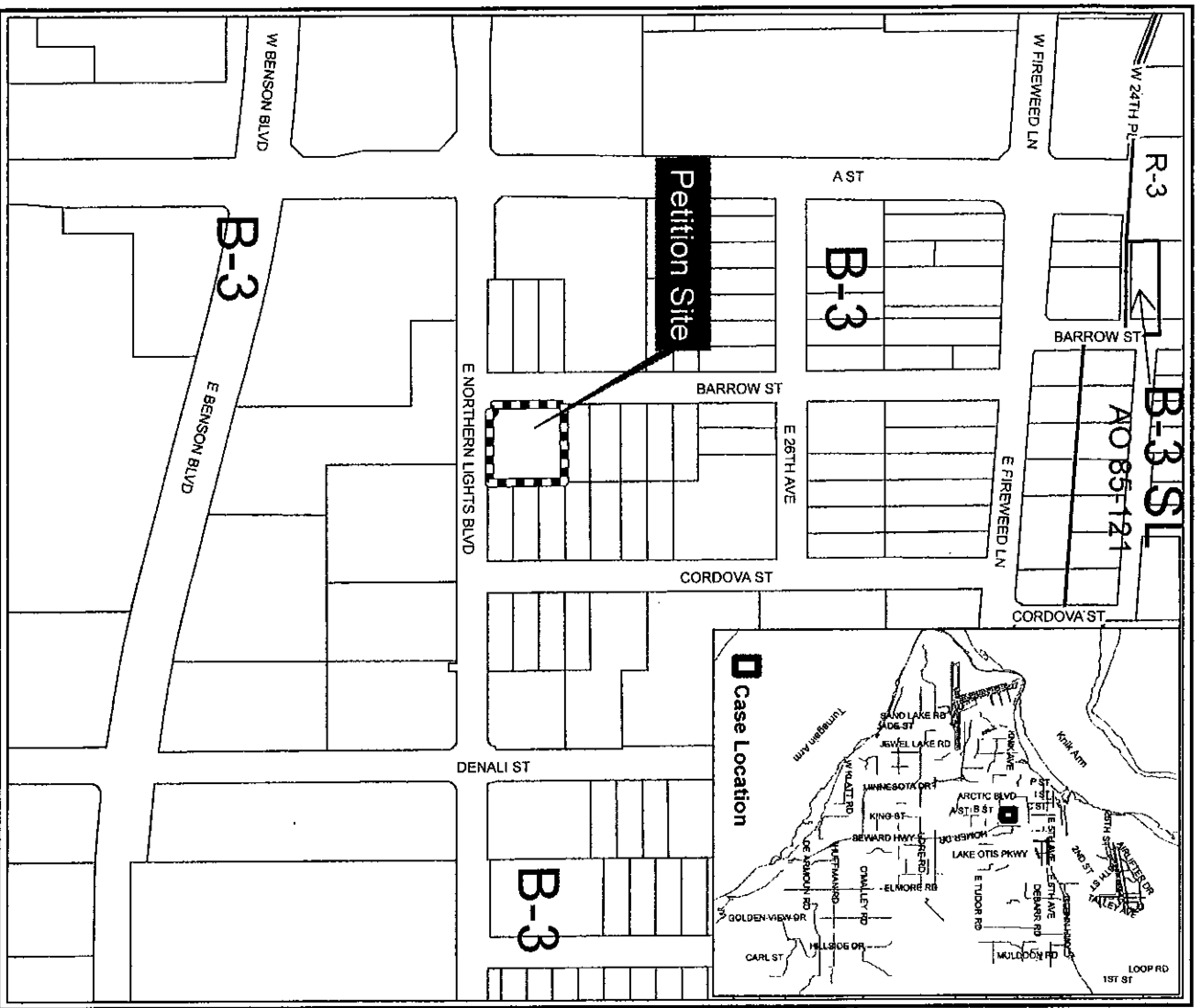
31 Concur: Tom Nelson, Director, Planning Department

32 Concur: Mary Jane Michael, Executive Director, Office of Economic &
33 Community Development

34 Concur: Michael K. Abbott, Municipal Manager

35 Respectfully submitted: Mark Begich, Mayor

2008-128



MEMO TO MUNICIPALITY OF ANCHORAGE
PLANNING DEPARTMENT

LAW OFFICES OF ERNOUF & COFFEY, PC


Facsimile: (907) 274-4258

Phone: (907) 274-3385

E-mails:

sernouf@eclawfirm.net

dcoffey@eclawfirm.net

TO: MARY AUTOR
FROM: W. SHERMAN ERNOUF 
RE: MINOR AMENDMENT TO CONDITIONAL USE
D/B/A HENRI HAWAII AND CASA GRANDE
DATE: AUGUST 8TH, 2008

Please find the attached application for a minor amendment to a previously approved conditional use permit.

In your email of August 4th, 2008, you indicated that a letter explaining the change in use, revised floor plans, copies of the ABC Board application, a letter of authorization from the property owner, and a check for fees in the amount of \$960.00 was required to process the amendment. Our clients, Henri Hawaii, Inc., had already completed the standard conditional use application in full by the time we received your email. The only item missing from the application is pictures of the property. If you would like pictures, please let us know and we will supplement them to you. The property owner is currently in China for the Olympic Games and was unavailable to sign a letter of authorization after receiving your email. However, he did sign the attached application before he left the country. For this reason, we are submitting the conditional use application as our petition for the minor amendment in place of the items you required in your email of August 4th. I believe that the application provides for information above and beyond what is required. If there is a problem with proceeding in this manner, please contact my office.

Attached to this memo are the following:

1. Check #3784 for \$960.00
2. Conditional Use Application- Minor Amendment
3. Narrative for Application

4. Site Plans
5. Building Plans- updated
6. Copy of complete liquor license transfer application

If you need any further information or have any questions regarding the attached application, please contact my office directly. Thank you for your time and courtesies in this regard.

Application for Conditional Use Retail Sale Alcoholic Beverages

Planning Department
300 W. 3rd Avenue
Anchorage, AK 99501-0000

*MINOR AMENDMENT

Please fill in the information asked for below.

PETITIONER*		PETITIONER REPRESENTATIVE (if any)	
Name (last name first)	Henri Hawaii, Inc.	Name (last name first)	
Mailing Address	411 W. 4th Avenue, Suite 200 Anchorage, Alaska 99501	Mailing Address	
Contact Phone: Day	278-3243	Contact Phone: Day	Night
FAX	222-4852	FAX	
E-mail	N/A	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 # (000-000-00-00)	009-012-73-00
Site Street Address	201 E. Northern Lights Blvd., Suite B, Anchorage, Alaska 99503
Property Owner (if not the Petitioner)	JRV Ventures
Current legal description: (use additional sheet in necessary)	Smith #1 BLK 6 LTS 8 TRKV 12A
Zoning	B3
Acreage	
Grid #	SW1531

ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED	
<input checked="" type="checkbox"/> Beverage Dispensary	<input type="checkbox"/> Private Club
<input type="checkbox"/> Beverage Dispensary-Tourism	<input type="checkbox"/> Public Convenience
<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Recreational
<input type="checkbox"/> Package Store	<input type="checkbox"/> Restaurant
Is the proposed license:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Transfer of location: ABC license number: 500
	Transfer license location: 300 W. 3rd Avenue, Anchorage, Alaska 99503
	Transfer licensed premises doing business as: Henri Hawaii

I hereby certify that I (and/or) 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: 8-8-08 Signature (Agents must provide written proof of authorization): PAUL JENKINS

COMPREHENSIVE PLAN INFORMATION

Anchorage 2020 Urban/Rural Services: ☐ Urban ☐ Rural

Anchorage 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*

Wetland 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 REMODEL

☐ 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.

8-8-08

Signature

Date
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):

Henri Hawaii and Casa Grande

What is the gross leaseable floor space in square feet?

6934

What is the facility occupant capacity?

108

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

97

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

24

What will be the normal business hours of operation?

11:00 a.m. → 2:00 a.m. Monday thru Sunday

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

Same as above

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

Henri Hawaii

Casa Grande

100 % Alcoholic beverage sales

30

0 % Food sales

70

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

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

N/A	%	less than \$5.00
N/A	%	\$5.00 to \$10.00
N/A	%	\$10.00 to \$25.00
N/A	%	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.

See Attached.

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

See Attached.

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.

See Attached.

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.

See Attached.

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

See Attached.

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

See Attached.

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

See Attached.

STANDARDS CHAPTER 10.50 ALCOHOLIC BEVERAGES

In the exercise of its powers and under AS 04.11.480 and 15 AAC 104.145 to protect 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? Approximately 5

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? Greater than 20

In your opinion, is this quantity of licenses a negative impact on the local community?

No, not in this particular area of Anchorage.

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?

All employees of both establishments will be TTM 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?

See Attached.

outside facility:

See Attached.

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.

**STANDARDS FOR MINOR AMENDMENT TO
PREVIOUSLY APPROVED CONDITIONAL USE
BEVERAGE DISPENSARY LIQUOR LICENSE FOR
HENRI HAWAII AND CASA GRANDE**

LOCATION AND DESCRIPTION OF PLANNED USE

Henri Hawaii, Inc. is making application for a minor amendment to a previously approved conditional use permit to allow "on premises" alcohol sales at the midtown location of 201 E. Northern Lights Blvd, Suite B. There is currently a BDL license being operated in the proposed building by Casa Grande, Inc. dba Casa Grande in Suite A. The building is being remodeled to allow for the operation of both licenses in the building with each business operating independent of each other. Henri Hawaii will operate a 21 years of age or over bar in one end of the building and Casa Grande, Inc. will operate their full service restaurant in the remaining portion of the building from a separate bar in Suite B. The use of this location for the operation of a second beverage dispensary liquor license is consistent with the Anchorage 2020 Comprehensive Plan as set out in the policies discussed below.

A. Explain how the proposed conditional use furthers the goals and policies of the Anchorage 2020 Comprehensive Plan and conforms to the Comprehensive Development Plan in the manner required by AMC 21.05.

The proposed amendment to the conditional use to allow Henri Hawaii, Inc. to operate a beverage dispensary license at this location is consistent with the goals and policies of the Anchorage 2020 Comprehensive Plan. This location is in the heart of what the Plan calls a major employment center and a redevelopment/mixed use area in midtown Anchorage. The Midtown area is well defined with compact employment centers and the potential to accommodate significant density increases. The 2020 Plan seeks to increase employment in this area in the future. A mix of supportive retail uses such as restaurants, office buildings, drinking places, and shopping are important to the development of the major employment centers in Anchorage and is encouraged in the 2020 Plan.

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

The proposed conditional use for Henri Hawaii conforms to the standards of Title 21 as well as the Anchorage 2020 Comprehensive Plan in all respects.

The Anchorage 2020 Comprehensive Plan does not specifically address the sale of alcoholic beverages in the community. However, the Municipality does call for the development of location standards and criteria for retail sales/service of alcoholic beverages.

The standards for a conditional use for alcoholic beverage sales and consumption are found in AMC 21.50.160 and in 21.50.020.

The proposed conditional use conforms to all Title 21 standards and is consistent with the Comprehensive Plan. My client is available to meet with the Midtown Community Council to discuss their business at any time. The operation of a professional bar and restaurant with the service of alcohol is consistent with the code and the Petitioner expects the amendment to the conditional use to be supported by the local community.

C. 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 proposed amendment to the conditional use to allow Henri Hawaii, Inc. to operate a beverage dispensary license at this location is compatible with the existing and planned land uses. This location is in the middle of a redevelopment/mixed use area in midtown Anchorage. The planned land use for this location includes a mix of supportive retail uses such as restaurants, office buildings, drinking places, and shopping. Medium to high density residential missed use areas have been designated near the major employment centers to provide opportunities for people to live close to work and be within walking distance to other supportive businesses in the area such as Henri Hawaii and the Casa Grande.

D. 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 bar and restaurant building is located on 201 E. Northern Lights Blvd., Suite B, in a convenient location that sufficiently accommodates vehicular and pedestrian traffic circulation and safety. A People Mover bus stop is located within 50 feet of the building on Northern Lights Blvd. for the convenience of their bus-riding customers. The site plan also provides for adequate entrances and exits for vehicles in a very large and spacious parking lot.

2. Demand For and Availability of Public Services and Facilities.

The following public services currently exist in Henri Hawaii:

1. Public utilities (sewer and water, waste collection, electricity, natural gas)
2. Police and Fire protection as provided by the Municipality of Anchorage
3. Public bus transportation is available to patrons of the bar and restaurant through People Mover with several pick-up locations to choose from in very close proximity.

There are no additional infrastructure requirements for any public services or facilities.

3. Noise, air, water, or other pollution.

Henri Hawaii, Inc. is committed to the operation of its facility in an environmentally responsible way. There will be no pollution other than the normal storage and removal of trash. State of the art equipment, cooking devices, and ventilation will be employed to insure that both visitors and neighbors alike will not be impacted by the restaurant's operations.

4. Maintenance of compatible and efficient development patters and land use intensities.

The maintenance of compatible and efficient development patters and land use intensities does not apply to this conditional use permit. Due to the fact that the general land use and zoning will not change as a result of an approval of a minor amendment the conditional use permit.

E. Public Safety

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

Inside Facility:

All servers will be TAM certified. Employees will be instructed to ask for the identification of all persons appearing to be under 30 years of age. Employees who violate this policy will be terminated and will be instructed so upon employment. Further, managers and all servers will be trained and reminded to assess the condition of drinkers as enumerated in the TAM training to prevent the service of alcohol to drunken persons.

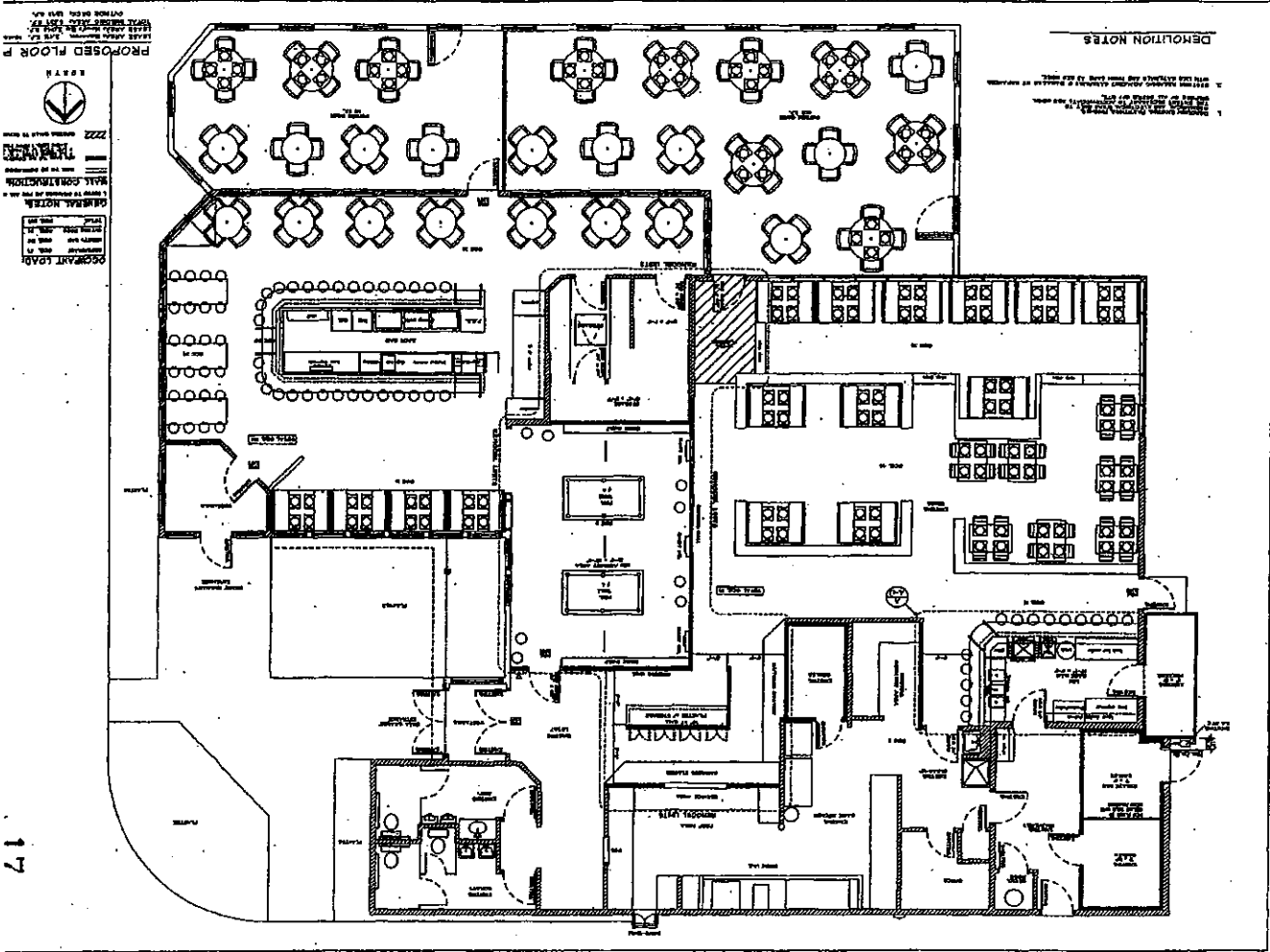
Outside Facility:

Further, for the protection of patrons in the parking lot, Henri Hawaii's employees will patrol the parking lot, as needed, to ensure the minimization of loitering. My client will work with surrounding tenants, neighbors, neighboring community councils and service patrols to combat any problems that arise in or near the facility.

IMPOSE SET OUT

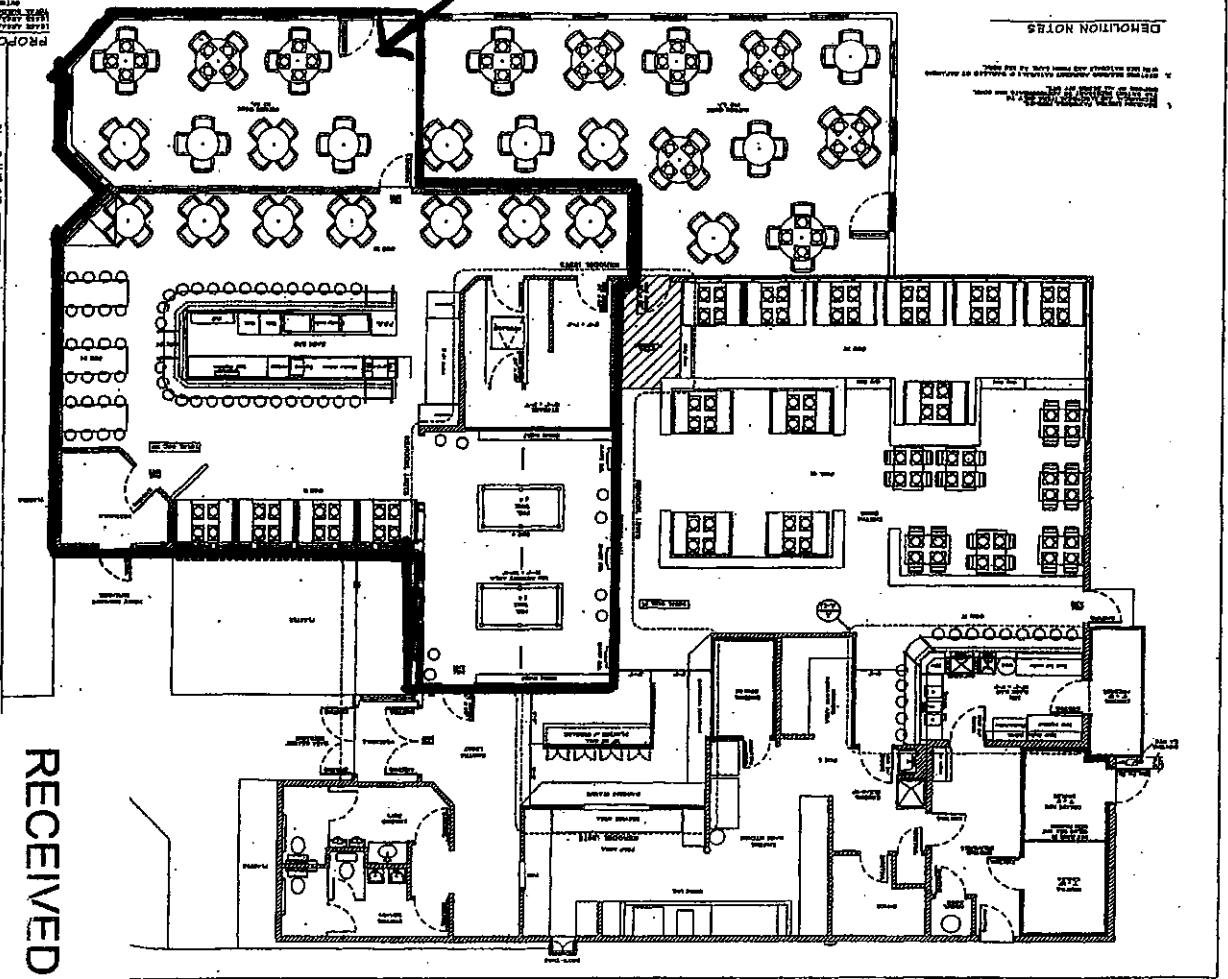


BLDG PLANS



HENRI HAWAII BEVERAGE DISPENSARY LICENSE

BLDG PLANS



DEMOLITION NOTES

1. ALL EXISTING WALLS AND PARTITIONS TO REMAIN UNLESS NOTED OTHERWISE.
2. ALL EXISTING FLOORS TO REMAIN UNLESS NOTED OTHERWISE.
3. ALL EXISTING CEILING TO REMAIN UNLESS NOTED OTHERWISE.
4. ALL EXISTING ROOF TO REMAIN UNLESS NOTED OTHERWISE.

PROPOSED FLOOR PL

1. ALL EXISTING WALLS AND PARTITIONS TO REMAIN UNLESS NOTED OTHERWISE.
2. ALL EXISTING FLOORS TO REMAIN UNLESS NOTED OTHERWISE.
3. ALL EXISTING CEILING TO REMAIN UNLESS NOTED OTHERWISE.
4. ALL EXISTING ROOF TO REMAIN UNLESS NOTED OTHERWISE.

RECEIVED

AUG 13 2008

18 PLANNING DEPARTMENT

COPY Transfer Liquor License

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.

License Year: 2008/2009	License Type: Beverage Dispensary	Statute Reference: Sec. 04.11.090	License Fee: \$
License #: 598	Community Council Name(s) & Mailing Address: Midtown CC 1057 West Fremont Lane, Suite 100 Anchorage, Alaska 99503	Filing Fee: \$100.00 Fingerprint: (\$57 per person) Total Submitted: \$100.00	
Local Governing Body: (City, Borough or Unincorporated)			
Municipality of Anchorage			
Federal EIN or SSN:	Doing Business As (Business Name): Heart Hawaii	Business Telephone Number: (907) 278-3263 Fax Number: (907) 222-4852	
Name of Applicant (Corp/LLC/PLLP/Individual/Partnership): Heart Hawaii, Inc.	Street Address or Location of Premise: 201 E. Northern Lights Blvd. Suite B Anchorage, Alaska 99503	Email Address: None	
Mailing Address: 411 West 4 th Ave., Suite 200 City, State, Zip: Anchorage, Alaska 99501			

SECTION B - TRANSFER INFORMATION

☒ Regular Transfer

☐ Transfer with security interest. Any instrument recorded under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) as a later involuntary transfer, must be filed with this Application (15 AAC 104.107). Real or personal property conveyed with this transfer must be described. Provide security interest documents.

☐ Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.

Name and Mailing Address of Current Licensee: Heart Hawaii, Inc.	Business Name (dba) BEFORE transfer: Heart Hawaii
Street Address or Location BEFORE transfer: 300 W. 36 th Avenue, Anchorage, Alaska 99503	

SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.

Closest school grounds:
Family Partnership Charter (K-12)
Distance (0.23 miles)
Closest church:
New Life Christian Chr.
Distance (0.14 miles)
Premises to be licensed in:
☐ Proposed building
☒ Existing facility
☐ New building
 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.

Offices use only

Date Approved: _____

Liquor License

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an individual ownership):		Telephone Number:	
Herald Harnall, Inc.		(907) 278-3263	
Corporate Mailing Address:		Fax Number:	
411 West 4 th Avenue, Suite 200		(907) 222-4852	
City:	Anchorage	State:	Alaska
Name, Mailing Address and Telephone Number of Registered Agent:		Zip Code:	99501
Paul Jenkins, 411 West 4 th Avenue, Suite 200, Anchorage, Alaska 99501 (907) 278-3263		Date of Incorporation OR Certification with DCEED:	State of Incorporation:
		10-6-96	Alaska

Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? ☒ Yes ☐ No
If no, attach written explanation. Your entry must be in compliance with Title 10 of the Alaska Statutes to be a valid liquor license.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)				
Name	Title	%	Home Address & Telephone Number	Work Telephone Number
James W. Y. Wong	President	2359 A Remond Top Drive, Honolulu, HI 96822	(808) 946-2966	
Darryl P. Wong	Director	(808) 946-7058	(808) 946-2966	
Warren M. Wong	Director	(808) 943-3106	(808) 946-2966	
Thomas Square Development, Inc.	Treasurer/Director	1577 Nelson St., Honolulu, HI 96822	(808) 946-2966	
		(808) 944-4663	(808) 946-2966	
		3737 Manoa Road, Honolulu, HI 96822	(808) 946-2966	N/A
		100 %		

NOTE: On a separate sheet, provide information on ownership or other organized entities that are shareholders of the licensee.

Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Address:		Address:	
Home Phone:	Date of Birth:	Home Phone:	Date of Birth:
Work Phone:		Work Phone:	

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.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, 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 of Licensee(s)

Signature of Licensee(s)

Signature of Licensee(s)

Signature of Licensee(s)

Signature of Licensee(s)

Signature of Licensee(s)

Signature of Licensee(s)

Signature of Licensee(s)

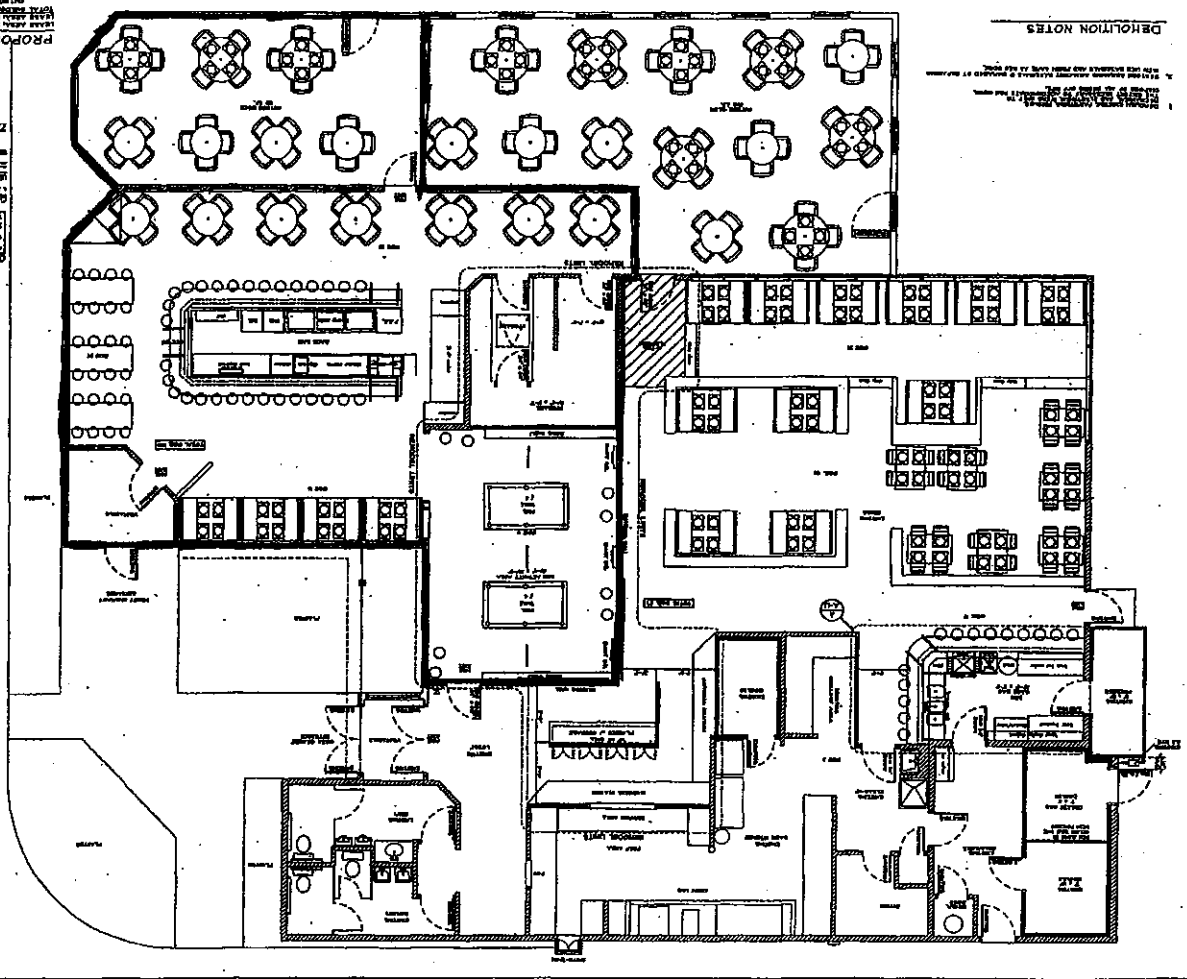
Signature of Licensee(s)

PREMISES DIAGRAM

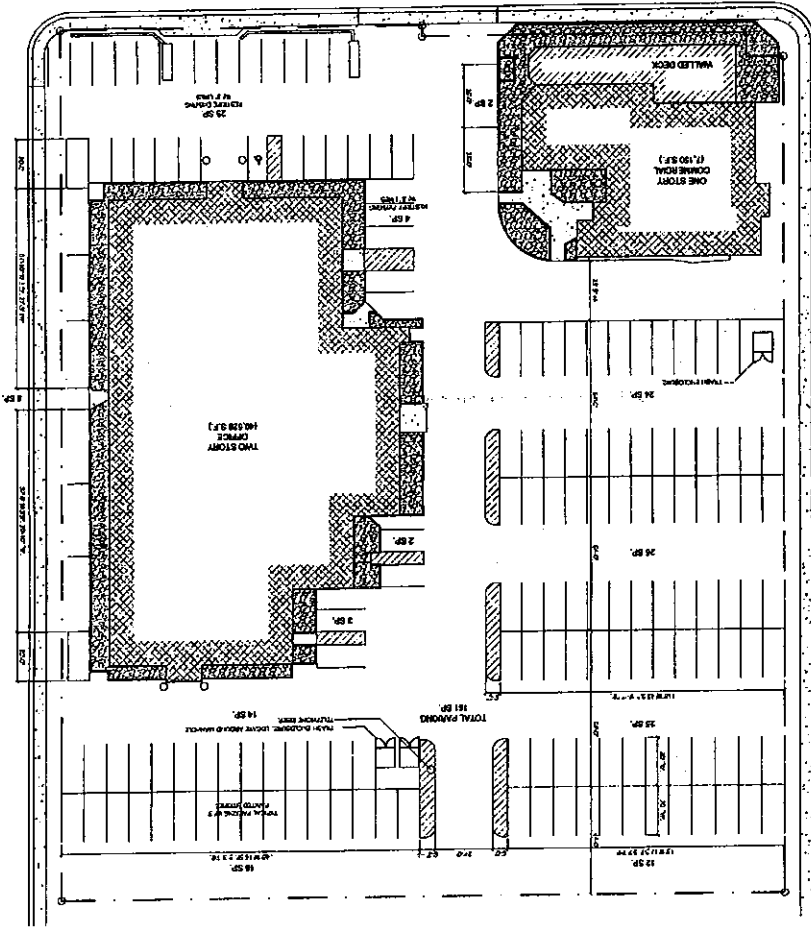
LOCATION: 201 E. Northern Lights Blvd. #8 Anchorage, AK 99503

DEMOLITION NOTES

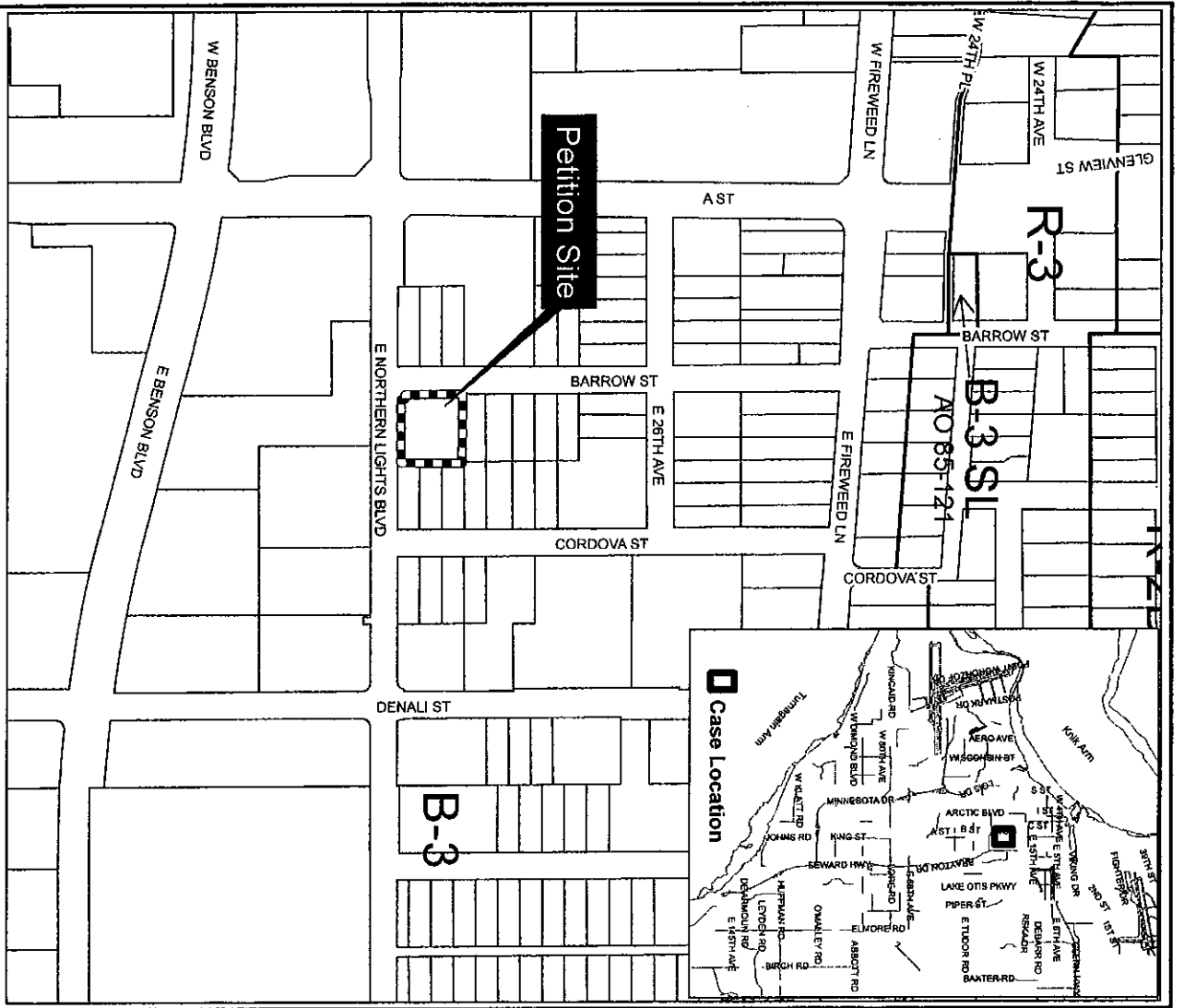
1. ALL EXISTING PARTITIONS, WALLS, CEILING, FLOOR, AND ROOF SHALL BE DEMOLISHED AND REMOVED FROM THE SITE.
2. ALL EXISTING MECHANICAL, ELECTRICAL, AND PLUMBING SHALL BE REMOVED AND DISPOSED OF BY THE OWNER.



PROPOSED FLOOR P
 1. ALL EXISTING PARTITIONS, WALLS, CEILING, FLOOR, AND ROOF SHALL BE DEMOLISHED AND REMOVED FROM THE SITE.
 2. ALL EXISTING MECHANICAL, ELECTRICAL, AND PLUMBING SHALL BE REMOVED AND DISPOSED OF BY THE OWNER.



2008-128



STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD

AFFIDAVIT IN CONNECTION WITH POSTING LIQUOR LICENSE APPLICATION
Section 04.11.260, 04.11.310, & AAC 104.125 Alaska Statutes, Title 4

POSTING AFFIDAVIT

I, the undersigned, being first duly sworn on oath, depose and say that:

b. Posting of application for transfer of a beverage dispensary liquor license
currently issued to Hennit Hawaii, Inc. whose business name (d/b/a)

is Hennit Hawaii located at 300 W. 36th Avenue, Anchorage, Alaska 99503.
(address and/or location)

2. Has been completed by me for the following 10 FULL day period:

July 21, 2008 to July 31, 2008

*** Prior to the filing of said application, a true copy of the application was posted at the following described locations: (name and address of location)

a. Location of premises to be licensed 201 E. Northern Lights Blvd/Anchorage, AK 99503.
Suite 5

b. Other conspicuous location in the area (US Post Office) 3201 C Street, Suite 500, Anchorage, AK 9950

3. I believe that with the approval of this application population would not at one time exceed in the aggregate of one license of the type requested for population as provided by law. AS 04.11.400 (check one)

a. ☐ a radius of five (5) miles of the proposed location.

b. ☒ an incorporated city, organized borough or unified municipality.

c. ☐ does not apply (application filed under AS 04.11.400(d)(e)(g) or transfer of license holder or location within an incorporated city or unified municipality or organized borough).

d. ☐ established village.

SUBSCRIBED and SWORN to me this 1 day of August, 2008.

(Signature)

Kim A. Hogg
Notary Public in and for Alaska
My commission expires: 11/16/09

State of Alaska
NOTARY PUBLIC

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

AFFIDAVIT OF PUBLICATION

Ryan Estrada

being first duly sworn on oath
deposes and says that he/she is
an representative of the
Anchorage Daily News, a
daily newspaper. That said
newspaper has been approved
by the Third Judicial Court,
Anchorage, Alaska, and it now
and has been published in the
English language continually as a
daily newspaper in Anchorage,
Alaska, and it is now and during
all said time was printed in an
office maintained at the aforesaid
place of publication of said
newspaper. That the annexed is
a copy of an advertisement as it
was published in regular issues
(and not in supplemental form)
of said newspaper on

April 15th 22nd & 29th, 2008

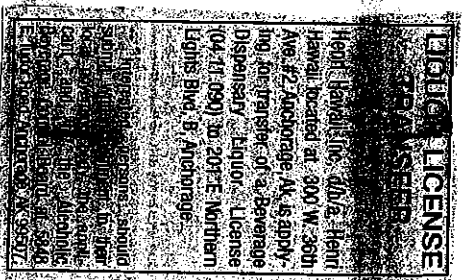
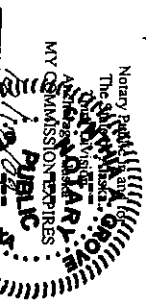
and that such newspaper was
regularly distributed to its
subscribers during all of said
period. That the full amount of
the fee charged for the foregoing
publication is not in excess of
the rate charged private
individuals.

Signed

Subscribed and sworn to before

Me this 17 day of July
2008

Centra O'Quire



ANCHORAGE PUBLISHING, CO.
540 E. Fifth Avenue
Anchorage, Alaska 99501
Phone: 561-7737 Fax: 561-7777

**Liquor
License
Correction Notice**

Heml Hawaii, Inc. d/b/a Heml
Hawaii located at 500 W. 36th #2
Anchorage, Alaska 99503 is
applying for transfer of a Beverage
Dispensary License, AB-04, from 490
to 201 E. Northern Lights Blvd.
Anchorage, Alaska 99503. Original
notice published in the Anchorage
Daily News April 15, April 22, and
April 29, 2008.

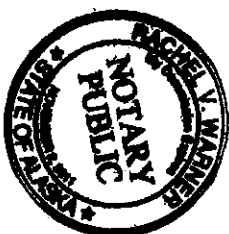
Interested persons should
submit written comment to
their local governing body,
the applicant and the Alcoholic
Beverage Control Board at
5846 East Tudor, Anchorage,
AK 99507.

I, Bridget Mackey, advertising representative for Anchorage Publishing, Co., verify
that the liquor license correction notice for Heml Hawaii, Inc. was published in the
June 26, 2008 Issues of the Anchorage Press Newspaper. Original ad published in the
Anchorage Daily News April 15, April 22, and April 29, 2008.

Bridget Mackey
Bridget Mackey

Subscribed and sworn to me in the Municipality of Anchorage, in the state Alaska, on
this 11th day of July, 2008

Michelle V. Warner
Notary Public Signature
Nov 2nd 2011
Commission Expires



Alcohol Existing License List Report

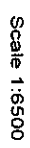
Case Number: 2008-128

Description: 1000'

<u>Parcel Owner Name</u> Applicant Name	<u>Parcel Owner Address</u> Business Address	<u>City</u> Lic. Number	<u>State</u> Lic. Zone	<u>Zip</u> Lic. Type	
3000 arden	MA DANA 50% & Park, Matthew K.	2440 E TUDOR RD #1116 204 E Fireweed Ln	ANCHORAGE 227	AK B3	99507 Restaurant/Eating Place
1000 ande	JRW VENTURES Casa Grande, Inc.	207 E NORTHERN LIGHTS #200 201 E Northern Lights Blvd	ANCHORAGE 3009	AK B3	99503 Beverage Dispensary
19000 restaurant	POSS C R LIV TRUST & WELLS Harry's Bar and Grill, Inc.	3204 C ST SUITE 200 6001 Blackberry St	ANCHORAGE 323	AK B3	99503 Beverage Dispensary
16000 . Cheese's	CALAIS CO INC CEC Entertainment, Inc.	PO BOX 150305 308 E Northern Lights Blvd	ARLINGTON 1744	TX B3	76015 Restaurant/Eating Place
5000 rt #2	CALAIS CO INC Kurani, Inc.	MS 0555 100 E. Benson Blvd	BENTONVILLE 3712	AR B3	72712 Restaurant/Eating Place
1000 eg Spirit Shop #1806	SEARS ROEBUCK & COMPANY Carr Gottstein Food Co.	3333 BEVERLY ROAD/B2-122A 600 E Northern Lights Blvd	HOFFMAN EST 795	IL B3	60179 Package Store

Wed Aug 13, 11:43:10, 2008

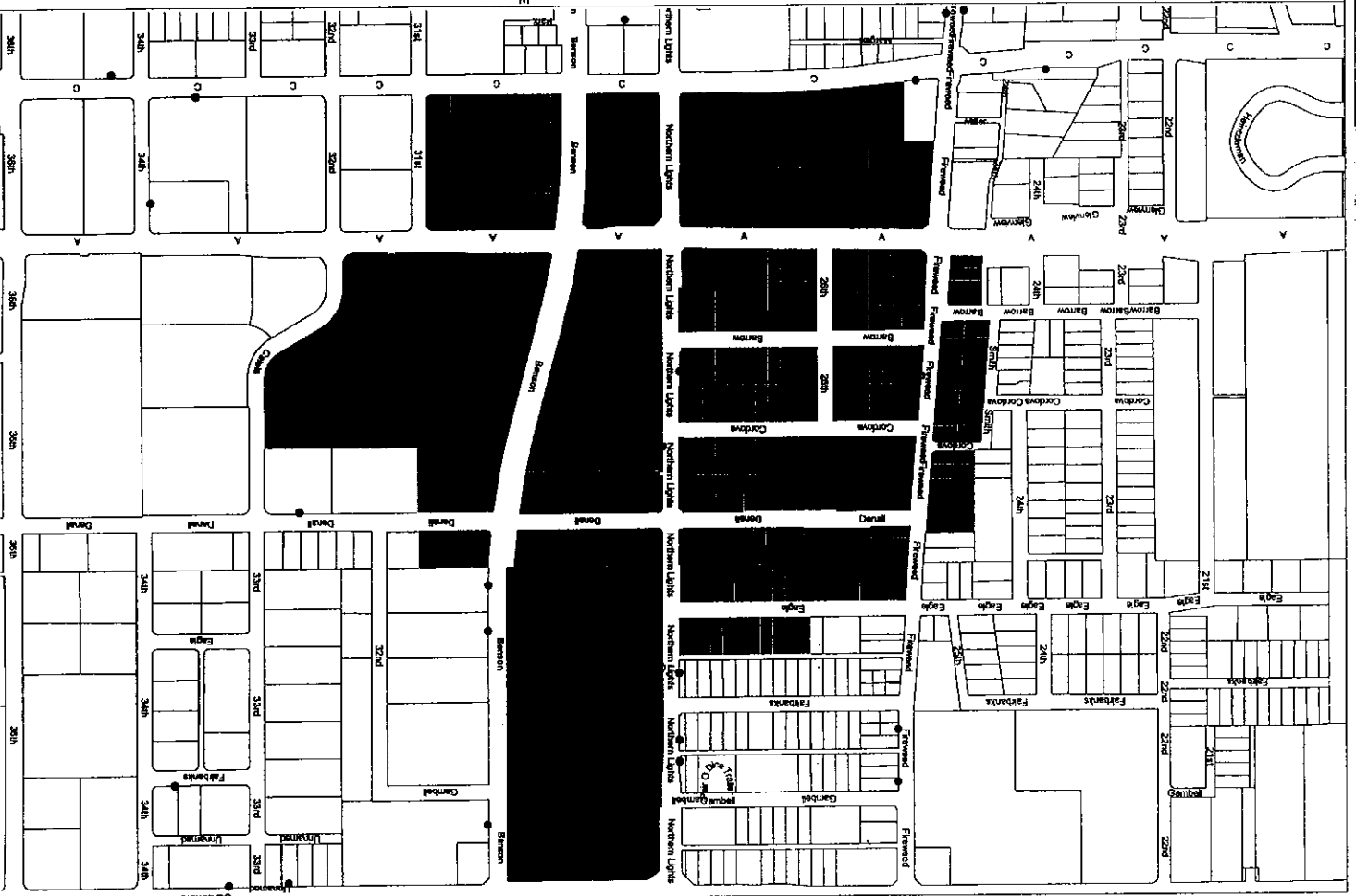
Map: Parcels--Basic Layers



STREET_NAME

ALCOHOL

1000,



Alcohol Church and School List Report

Case Number: 2008-128

Description: 200'

Parcel Owner Name	Parcel Site Address	Description
-------------------	---------------------	-------------

Parcels--Basic Layers

Wed Aug 13, 11:41:38, 2008

Map: Parcels--Basic Layers



Scale 1:2000

Legend:

STREET_NAME



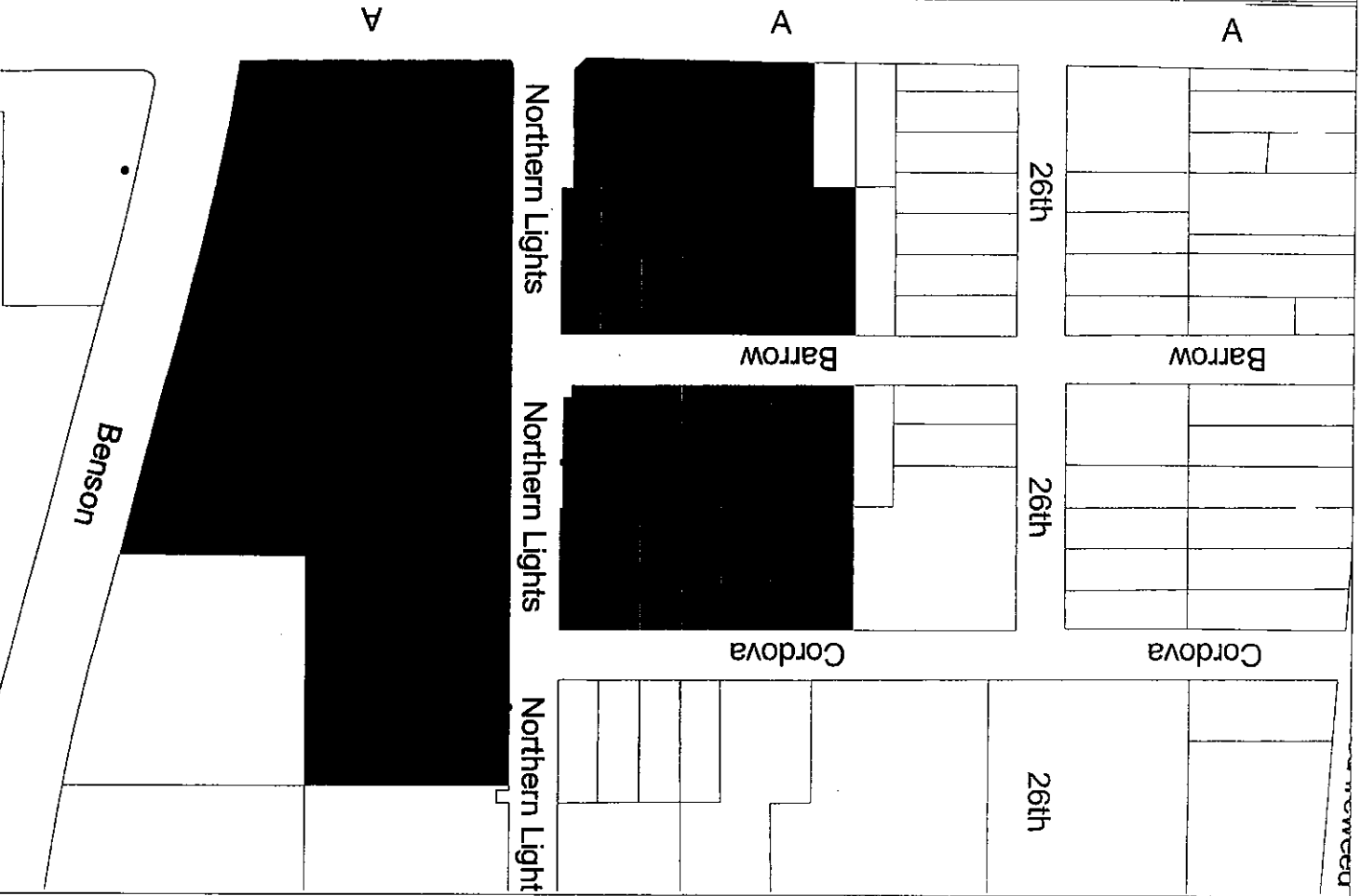
PARCELS



ALCOHOL

Distance

200'



Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

MEMORANDUM

RECEIVED

SEP 02 2008

MUNICIPALITY OF ANCHORAGE
PLANNING DIVISION

DATE: August 27, 2008

TO: Jerry Weaver, Zoning Division Administrator, Planning Department

FROM: Paul Hatcher, Engineering Technician III, AWWU *PH*

SUBJECT: Zoning Case Comments
Planning & Zoning Commission Hearing September 30, 2008
Agency Comments due September 2, 2008

AWWU has reviewed the materials and has the following comments.

08-128 SMITH #1 BLK 6 LT 12A, A request concept/final approval of a conditional use to permit an alcoholic beverage dispensary use, Grid SW1531

1. AWWU water mains located in E. Northern Lights Blvd and Barrow Street currently serves this property.
2. AWWU sanitary sewer main located in back lot line currently serves this property.
3. AWWU has no objection to this conditional use.

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2721 or the AWWU planning section at 564-2739, or e-mail paul.hatcher@awwu.biz.



Municipality of Anchorage
Project Management & Engineering Department



Comments to Miscellaneous Planning and Zoning Applications

RECEIVED

DATE: September 2, 2008

TO: Jerry Weaver, Platting Officer

Sept. 2, 2008
MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

FROM: Sharen Walsh, P.E. - Private Development - Plan Review Engineer

SUBJECT: Comments for Assembly Public Hearing date: September 30, 2008

Case No. 2008-128 - A request for conceptual/final approval of a conditional use to permit an alcoholic beverage dispensary use.

Project Management and Engineering has no comment on the request for a conditional use.

2008-128

POLICE DEPARTMENT CHECK LIST
FOR INVESTIGATION OF LICENSED LIQUOR ESTABLISHMENTS

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
None	

RECEIVED
SEP 04 2008

300 W. 36th Avenue #2
MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

OLD BUSINESS NAME

OLD LOCATION

Henri Hawaii

201 E. Northern Lights Blvd #B

BUSINESS NAME

LOCATION

Henry Hawaii, Inc

None

NAME OF APPLICANT (S)

CURRENT LICENSEE (S)

☐ New Business

☐ Package Store

☐ 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.

08.27.08
DATE


for CHIEF OF POLICE



Bar File

Activity for: 201 E NORTHERN LIGHTS BL #B
08/27/2006 through 08/27/2008




Report#	Nature of Call	Report	Officer	MO Location
---------	----------------	--------	---------	-------------

Municipality of Anchorage
Treasury Division
Memorandum

RECEIVED

AUG 19 2008

MUNICIPALITY OF ANCHORAGE
PLANNING DIVISION

Date: August 18, 2008
To: Rich Cartier, Planning Dept.
From: Daisy VanNortwick, Revenue Officer 
Subject: Liquor License Conditional Use Comments

Request: Conditional Use permit # 2008-128 for Casa Grande to Henri Hawaii located at 201 E No. Lights Blvd. # B, Anchorage AK 995031

We find unpaid Personal Property Business Taxes against Casa Grande for 2006 and 2007/ The total owed is \$2,596.89, which is good through August 31, 2008. Until these taxes are paid we can approve any transfer.

Thanks
Daisy VanNortwick
343-6940

RETURN COMMENTS TO:

DEPARTMENT OF PLANNING
Zoning and Platting Division
P.O. Box 196650
Anchorage, Alaska 99519-6650
Phone 343-7942

Case No. 2008-128

A request conceptual/final approval of a conditional use to permit:
an alcoholic beverage dispensary use
in the B-3 General business district

COMMENTS AND MEETING SCHEDULE:

Municipal Assembly Public hearing

Assembly Hearing Date:	Tuesday, September 30, 2008
Agency Comments Due:	Tuesday, September 02, 2008
Council Comments Due:	Friday, September 12, 2008

DISTRIBUTION: STANDARD DISTRIBUTION
COMMUNITY COUNCIL(S):
Midtown

MUNICIPAL ASSEMBLY
Assembly Hall, Z. J. Loussac Library
3600 Denali Street, Anchorage, Alaska
Wednesday, August 13, 2008 6:30 p.m.

Content ID: 006795**Type:** AR_AllOther - All Other Resolutions

Title: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A MINOR AMENDMENT TO AN EXISTING ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS DISTRICT) TO ADD A SECOND BEVERAGE DISPENSARY USE AND LICENSE PER AMC 21.40.180 D.8 FOR HENRI HAWAII, INC., LOCATED AT 201 E. NORTHERN LIGHTS BOULEVARD, SUITE A, WITHIN SMITH SUBDIVISION NUMBER 1, LOTS 8 THROUGH 12A, GENERALLY LOCATED ON THE NORTHEAST CORNER OF BARROW STREET AND EAST NORTHERN LIGHTS BOULEVARD.

Author: maglaquijp**Initiating Dept:** Planning

Description: A RESOLUTION APPROVING A MINOR AMENDMENT TO AN EXISTING ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS DISTRICT) TO ADD A SECOND BEVERAGE DISPENSARY USE AND LICENSE PER AMC 21.40.180 D.8 FOR HENRI HAWAII, INC

Date Prepared: 9/16/08 10:09 AM**Director Name:** Tom Nelson**Assembly Meeting Date:** 9/30/08

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	9/19/08 9:10 AM	Exit	Joy Maglaqui	Public	006795
MuniMgrCoord_SubWorkflow	9/19/08 9:10 AM	Approve	Joy Maglaqui	Public	006795
MuniManager_SubWorkflow	9/19/08 8:24 AM	Approve	Michael Abbott	Public	006795
MuniManager_SubWorkflow	9/18/08 1:38 PM	Checkin	Joy Maglaqui	Public	006795
ECD_SubWorkflow	9/16/08 3:01 PM	Approve	Tawny Klebesadel	Public	006795
Planning_SubWorkflow	9/16/08 2:35 PM	Approve	Tom Nelson	Public	006795
AllOtherARWorkflow	9/16/08 10:33 AM	Checkin	Jerry Weaver Jr.	Public	006795