

Submitted by: Chair of the Assembly at
the Request of the Acting
Mayor

Prepared by: Planning Department
For reading: June 23, 2009

CLERK'S OFFICE
APPROVED

Date: 6-23-09

Anchorage, Alaska
AR No. 2009-152

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING
2 AN ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A BEVERAGE
3 DISPENSARY USE AND LICENSE IN THE B-2B (CENTRAL BUSINESS
4 DISTRICT-INTERMEDIATE) DISTRICT FOR GOURMET ASSOCIATES LLC,
5 DBA MARX BROTHERS CATERING; LOCATED WITHIN THE ANCHORAGE
6 MUSEUM AT RASMUSON CENTER, 121 WEST 7TH AVENUE, WITHIN AOT,
7 BLOCK 73A, LOT 1; GENERALLY LOCATED NORTH OF WEST 7TH AVENUE
8 BETWEEN A AND C STREETS.

9
10 (Downtown Community Council) (Case 2009-096)

11
12 **THE ANCHORAGE ASSEMBLY RESOLVES:**

13
14 **Section 1.** This conditional use approval is for an Alcoholic Beverages
15 Conditional Use for a Beverage Dispensary Use and License in the B-2B District
16 for Gourmet Associates LLC, dba Marx Brothers Catering, located within the
17 Anchorage Museum at Rasmuson Center, 121 West 7th Avenue, within AOT,
18 Block 73A, Lot 1; generally located north of West 7th Avenue between A and C
19 Streets; generally meets the applicable provisions of AMC 21.50.020 and AMC
20 21.50.160.

21
22 **Section 2.** The conditional use is approved subject to the following conditions:

23
24 1. A Notice of Zoning Action shall be filed with the District Recorder's Office
25 within 120 days of the Assembly's approval for this beverage dispensary use in
26 the B-2B District.

27
28 2. All uses shall conform to the plans and narrative submitted with this
29 conditional use application, including the building plans except as modified by
30 this approval.

31
32 3. Proof of payment shall be provided to the Planning Department of all
33 outstanding municipal taxes prior to this conditional use becoming effective.

34
35 4. This conditional use approval is for a Beverage Dispensary Use per AMC
36 21.40.160.D.13 for approximately 4,457 square-foot restaurant within the
37 Anchorage Museum building. The restaurant will have one fixed bar and the
38 outdoor patio area is 15' x 60'. Plans indicate 132 seats: 15 fixed seats and 117
39 non-fixed seats. Catering functions within the museum may be located in the

3,558 square-foot useable space in the atrium banquet room and 2,048 square-foot upstairs banquet room.

5. On-premise sale of alcohol beverages are from 11:00 A.M. to 10:00 P.M., 365 days a year. Liquor sales represent 30 percent compared to 70 percent food sales. All employees will be trained in accordance with the Alcoholic Beverage Control Board's "Liquor Server Awareness Training Program." 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 (TAM).

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. 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.

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.

PASSED AND APPROVED by the Anchorage Assembly this 23rd
day of June 2009.

ATTEST:


Chair


Municipal Clerk



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 349-2009

Meeting Date: June 23, 2009

From: ACTING MAYOR

Subject: ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A BEVERAGE DISPENSARY USE AND LICENSE IN THE B-2B (CENTRAL BUSINESS DISTRICT-INTERMEDIATE) DISTRICT FOR GOURMET ASSOCIATES LLC, DBA MARX BROTHERS CATERING; LOCATED WITHIN THE ANCHORAGE MUSEUM AT RASMUNSON CENTER, 121 WEST 7TH AVENUE, WITHIN AOT, BLOCK 73A, LOT 1; GENERALLY LOCATED NORTH OF WEST 7TH AVENUE BETWEEN A AND C STREETS.

1 | Gourmet Associates LLC, dba Marx Brothers Catering, has made application
2 | for a Conditional Use for a beverage dispensary use and license in the B-2B
3 | (Central Business District-Intermediate) District; located within the Anchorage
4 | Museum at Rasmuson Center, 121 west 7th avenue, within AOT, Block 73A, Lot
5 | 1; generally located north of west 7th Avenue between A and C Streets. The
6 | museum was recently expanded and the restaurant moved its location from the
7 | rear of the atrium to the southwest corner of the new addition.

8 |
9 | The restaurant leases 4,457 square feet, including a 960 square-foot seasonal
10 | outdoor patio area, with a total seating for 132: 15 fixed seating and 117 non-
11 | fixed seating. On-site parking is not required in the B-2B zoning district;
12 | however there is existing underground parking. Catering functions may be
13 | located in the 3,558 square-foot useable space in the atrium banquet room, and
14 | a 4th floor gallery banquet space having 2,048 square feet. Daily operating
15 | hours are 11:00 A.M. – 10 P.M. six days a week in winter months and seven
16 | days a week in summer months.

17 |
18 | The petitioner has applied to the ABC Board for the transfer of location and
19 | ownership of a "No Premise" Beverage of Dispensary License Number 1949,
20 | held by Motherlode LLC, dba North Slope Restaurant and Saloon, to Gourmet
21 | Associates LLC, dba Marx Bros Catering, at 121 West 7th Avenue as Beverage

1 Dispensary License Number 4923. A conditional use for sales of alcoholic
2 beverages for Gourmet Associates LLC, dba Marx Brothers Catering, was
3 approved to operate a Restaurant Beer and Wine license in the museum in
4 2000, under Alcohol Beverage Control Board License Number 4008. This is an
5 active/valid 2008-2009 license and will not be renewed in 2010. Restaurants
6 are a permitted accessory use to a museum in the B-2B.

7
8 AMC 21.50.160 B. requires that a list of all alcohol licenses located within a
9 minimum of 1,000 feet of the proposed condition use be provided. Approving
10 this conditional use and license would add a 16th beverage dispensary use and
11 license in this area. Additionally, there are 8 restaurant/eating place licenses,
12 and one package store license. There are no churches and/or schools within
13 200 feet of the building. The licensed premises public entrance of the museum
14 lobby is more than 300 feet from the Diocese of Sitka and Alaska Orthodox
15 Church building located at 605 A Street.

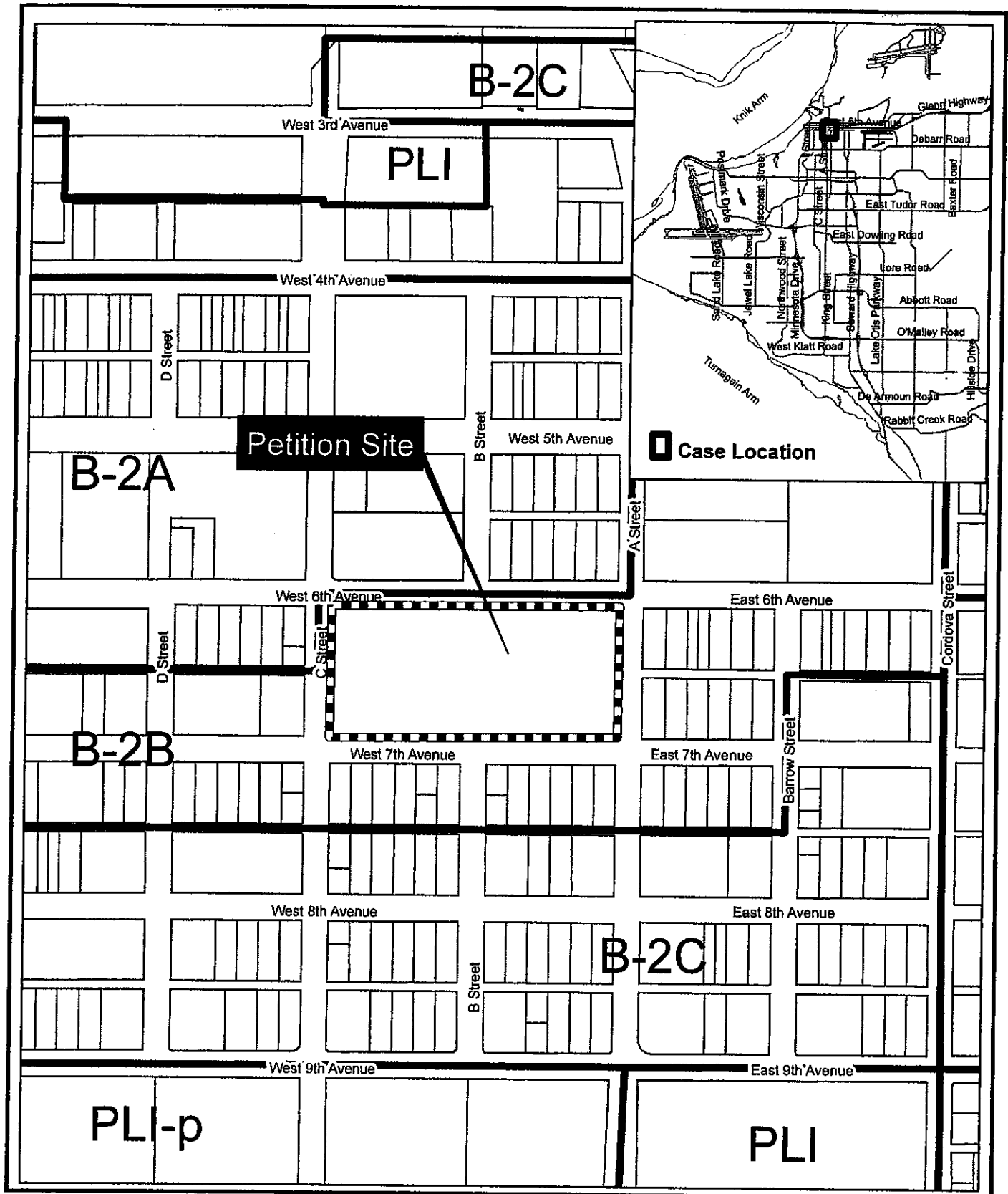
16
17 All servers of alcoholic beverages will be trained in accordance with the
18 Alcoholic Beverage Control Board "Liquor Server Alcohol Awareness Training
19 Program" (TAM) and will hold necessary certifications.

20
21 The Anchorage Police Department and the Department of Health and Human
22 Services did not provide comments at the time this report was written. Treasury
23 reports there are delinquent Municipal Personal Property Taxes or Real
24 Property Taxes owed at this time in the amount of \$1,837.58.

25
26 THIS ALCOHOLIC BEVERAGES CONDITIONAL USE PERMIT FOR A
27 BEVERAGE DISPENSARY USE AND LICENSE IN THE B-2B DISTRICT
28 GENERALLY MEETS THE APPLICABLE PROVISIONS OF AMC TITLES 10
29 AND 21, AND ALASKA STATUTE 04.11.090.

30
31 Prepared by: Jerry T. Weaver Jr., Zoning Administrator
32 Concur: Tom Nelson, Director, Planning Department
33 Concur: Mary Jane Michael, Executive Director
34 Office of Economic and Community Development
35 Concur: James N. Reeves, Municipal Attorney
36 Concur: Michael K. Abbott, Municipal Manager
37 Respectfully submitted, Matt Claman, Acting Mayor

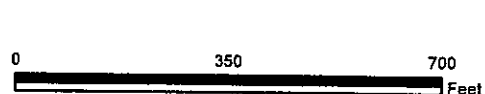
2009-096



Municipality of Anchorage
Planning Department
Date: May 14, 2009

Flood Limits

- 100 Year
- 500 Year
- Floodway



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

DATE: June 23, 2009

CASE NO.: 2009-096

APPLICANT: Gourmet Associates dba Marx Brothers Catering

REPRESENTATIVE: Same

REQUEST: A Conditional Use for an Alcoholic Beverages
Conditional Use in the B-2B (Central Business District
- Intermediate) for a Beverage Dispensary Use per AMC
21.40.160 D.13 for a new license for The Muse
Restaurant.

LOCATION: AOT, Block 73A, Lot 1

STREET ADDRESS: 121 West 7th Avenue

**COMMUNITY
COUNCIL:** Downtown

TAX PARCEL: 002-111-65/ Grid SW 1330

ATTACHMENTS

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

RECOMMENDATION SUMMARY:

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

SITE:

Acres: 4.55 acres

Vegetation: Enhanced commercial landscaping

Zoning: B-2B (Central Business District - Intermediate)

Topography: Relatively level

Existing Use: Fine Art & History Museum/Restaurant

Soils: Public Sewer & Water

COMPREHENSIVE PLAN

Classification: Redevelopment – Mixed Use Area in *Anchorage 2020*
Commercial in the *1982 Anchorage Bowl Comp Plan*
Density: N/A

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	B-2A	B-2B	B-2B	B-2B
Land Use:	Commercial	Commercial	Commercial	Commercial

SITE DESCRIPTION AND PROPOSAL:

The application site is located within the new addition to the Anchorage Museum of History and Art on the main floor with access from West 7th Avenue. A conditional use for sales of alcoholic beverages for Gourmet Associates LLC, dba Marx Brothers Catering, was approved to operate a Restaurant Beer and Wine license in the museum in 2000, under Alcohol Beverage Control Board license #4008.¹ (This is an active/valid 2008-2009 license and will not be renewed in 2010.) Restaurants are a permitted accessory use to a museum in the B-2B.

The museum was recently expanded and the restaurant moved its location from the rear of the atrium to the southwest corner of the new addition. The applicant is now applying for an alcoholic beverages conditional use in the B-2B District for a new Beverage Dispensary Use and license #4923 at the new location within the museum. They have also applied to the ABC Board for the transfer of location and ownership of a “No Premise” Beverage of Dispensary License #1949, held by Motherlode LLC, dba North Slope Restaurant and Saloon, to Gourmet Associates LLC, dba Marx Bros Catering, at 121 West 7th Avenue as Beverage Dispensary License #4923.

Marx Bros Catering restaurant occupies 4,457 square feet area within the ground floor of the new museum expansion. The outdoor patio area is 16’ x 60’. The restaurant will have seating for 132: 15 fixed seating and 117 non-fixed seating. On-site parking is not required in the B-2B zoning district; however there is an existing underground parking area. Catering functions may be located in the 3,558 square foot useable space in the atrium banquet room, and in a 4th floor gallery space having 2,048 square feet (32’ xx 64’).

Daily operating hours are 11:00 a.m. – 10:00 p.m. six days a week in winter months and seven days a week in summer months. Catering hours will depend on the function booked. Non-alcoholic beverages will be available, notice of penalties for

¹ AR 2000-152, approved June 13, 2000 (Case #2000-105)

driving intoxicated will be posted, patrons will have access and assistance to public transportation, no happy hours games or contests that include consumption of alcoholic beverages will be permitted, and no solicitation or encouragement of alcoholic beverage consumption will be permitted. The sale of alcoholic beverages represents 30% compared to 70% food. Recorded and live music may be provided. All employees will be TAM trained, and management staff will be on site during all open hours. Entrance to the restaurant is through the museum lobby. A lobby guard is on duty after museum hours.

PUBLIC COMMENTS:

One hundred ninety-five (195) public hearing notices (PHNs) were mailed. At the time this report was written, one PHN was returned objecting to the conditional use because the museum "is full of school children." The Downtown Community Council unanimously supports the transfer of the North Slope Restaurant Liquor license to Gourmet Associates LLC dba Marx Bros Catering.

FINDINGS

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

Neither the Anchorage Bowl Comprehensive Plan nor the Central Business District Comprehensive Development Plan specifically deals with the sales of alcoholic beverages in the community. However, goals of the Comprehensive Plan do address related issues such as recreational and economic opportunities. Restaurants that sell alcoholic beverages are part of the social, recreational and economic environment of the community.

Anchorage 2020 contains a generalized community vision which was compiled using community survey results along with feedback from Community Councils. Out of this vision came the community interest in developing "a thriving, sustainable, broad-based economy supported by an efficient urban infrastructure (p. 37). Additionally, one of the Plans'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).

The restaurant will be within walking distance for people working in the downtown area, as well as providing visitors and tourists to the museum with a convenient dining option.

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 CBD Development Plan depicts the location of the museum as an area that the need should be developed with museum and public amenities. The plan identifies cultural/entertainment as a secondary land use to the primary land uses to promote more people to the down area. The plan emphasizes the need for more public amenities such as the improvements to pedestrian, parking and transportation systems.

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

Title 21 provides no specific standards and the Assembly has not adopted zoning regulations for alcoholic beverage sales.

- Use: The B-2B District zoning regulations allow alcoholic beverage sales through the conditional use permit process: AMC 21.40.160 D.13, Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160.
- Parking: AMC 21.40.160 K. states that no off-street parking need be provided.
- Landscaping: B-2B zoning requires all areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee (AMC 21.40.160.Q). These requirements appear to have been met.

Museum expansion was reviewed and approved through the Urban Design Commission. All zoning requirements were met through this process.

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

This standard is met.

The location of the museum is toward the eastern edge of Downtown in a commercial/mixed use area that is expected to remain in that land use category for the foreseeable future. In and around this location, there are numerous office buildings, hotels, commercial/retail businesses and other

non-residential uses. Because of its location it is readily available to the traveling public, both local residents as well as out of state visitors.

There are no churches and/or schools within 200 feet of the subject site. The licensed premises public entrance of the museum lobby is more than 300 feet from the Diocese of Sitka and Alaska Orthodox Church building, located at 605 A Street, in which religious services are regularly conducted. The church building also has a museum/gift shop, coffee shop and liturgical supply.

AMC 21.50.160.B asks that a list of all alcohol licenses located within a minimum of 1,000 feet of the proposed conditional use be provided. There are 15 beverage dispensary (including one tourism and one duplicate), 8 restaurant/eating place licenses, and one package store license within 1,000-feet of the proposed restaurant. Approving this conditional use for a beverage dispensary use and license would add a 16th beverage dispensary use and license in this area.

Name	Address	License Number	Type of License
Clarion Suites Hotel	325 W. 8 th Avenue	3851	Beverage Dispensary/Tourism
Sullivan's Steak House	320 W. 5 th Avenue, Unit C100	3412	Beverage Dispensary
Howard Johnson Plaza Hotel	239 W. 4 th Avenue	519	Beverage Dispensary
Howard Johnson Plaza Hotel	239 W. 4 th Avenue	4682	Beverage Dispensary
Kodiak Bar & Grill	225 E. 5 th Avenue	4568	Beverage Dispensary
Avenue Bar, The	338 W. 4 th Avenue	1184	Beverage Dispensary
Panhandle Bar	312 W. 4 th Avenue	825	Beverage Dispensary
Club Soroya	333 W. 4 th Avenue Suite 207	4353	Beverage Dispensary
Club Paris	417 W. 5 th Avenue	258	Beverage Dispensary
William Egan Convention Center	555 W. 5 th Avenue	4455	Beverage Dispensary
William Egan Convention Center	555 W. 5 th Avenue	3234	Beverage Dispensary
Rumrunner's Old Time Towne Bar	415 E Street	4157	Beverage Dispensary
Bernie's Bungalow Lounge	626 D Street	4425	Beverage Dispensary Duplicate

Bernie's Bungalow Lounge	626 D Street	3781	Beverage Dispensary
WildFin	517 W. 7 th Avenue Suite 130	4846	Beverage Dispensary
Kodiak Café	225 E. 5 th Avenue	3679	Restaurant/Eating Place
Tito's Gyros	120 E. 6 th Avenue	4062	Restaurant/Eating Place
Crush	343 W. 6 th Avenue #1	4780	Restaurant/Eating Place
Cyrano's	413 D Street	2724	Restaurant/Eating Place
Phyllis's Café	436 D Street	3266	Restaurant/Eating Place
Ginger	425 W. 5 th Avenue	2925	Restaurant/Eating Place
Café Savannah	508 W. 6 th Avenue	4295	Restaurant/Eating Place
Marx Bros Café at the Museum	121 W. 7 th Avenue	4008	Restaurant/Eating Place
Grape Expectations	510 W. 6 th Avenue	4779	Package Store

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.

The B-2B zoning district does not require on-site parking. Nevertheless, this site has on-site parking in a under building garage. Street parking is also available. Transit had no comment on this request. Three bus routes run along A Street adjacent to the petition site. The site plan shows pedestrian sidewalks along all street frontages.

MOA Traffic had no comment on this request. The building permit process for the museum expansion addressed vehicular and pedestrian traffic circulation and safety.

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

This standard is met.

Electrical, water and sewer, natural gas are available to the site. Road infrastructure and public transit is already in place. The petition site is within ARDSA, Police and Fire service areas. The Police and Fire Department had no comments on this request.

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

This standard is met.

As a land use, a Beverage Dispensary conditional use and license will not cause or contribute to any environmental pollution. The public parking lots will be paved, which 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.

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 5 and 6 for other alcohol licenses within 1,000 feet of this application.

The approval of a conditional use for a restaurant with a beverage dispensary license will not adversely impact the immediate area or surrounding uses. There are no churches and/or schools within 200 feet of the subject site. The licensed premises public entrance of the museum lobby is more than 300 feet from the Diocese of Sitka and Alaska Orthodox Church building, located at 605 A Street, in which religious services are regularly conducted. The church building also has a museum/gift shop, coffee shop and liturgical supply.

AMC 21.50.160.B asks that a list of all alcohol licenses located within a minimum of 1,000 feet of the proposed conditional use be provided. There are 15 beverage dispensary (including one tourism and one duplicate), 8 restaurant/eating place licenses, and one package store license within 1,000-feet of the proposed restaurant. Approving this conditional use for a beverage dispensary use and license would add a 16th beverage dispensary use and license in this area.

- 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 will be trained in accordance with the T.A.M. training in handling inebriated or under aged persons 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.**

The petitioner has applied to the ABC Board for the transfer of location and ownership of a "No Premise" Beverage of Dispensary License #1949, held by Motherlode LLC, dba North Slope Restaurant and Saloon, to Gourmet Associates LLC, dba Marx Bros Catering, at 121 West 7th Avenue as Beverage Dispensary License #4923.

AMC 10.50.035 addresses operations procedures involving happy hours, games or contests, public transportation, notice of penalties, availability of nonalcoholic drinks, compliance determination with these procedures including employee TAM training, and warning signs for impoundment and forfeiture of vehicles seized pursuant to an arrest for or charge of a DUI.

The applicant has a current valid and active restaurant/eating license #4008 and a conditional use for a restaurant serving alcoholic beverages

approved in 2000 (AR 2000-152), and has a demonstrated compliance record with these operating procedures.

- D. Public safety. When application is made for the renewal or transfer of location or transfer of ownership of a beverage dispensary license restaurant or eating place license, or package store license, the Assembly shall consider whether the operator can demonstrate the ability to maintain order and prevent unlawful conduct in a licensed premise. In determining the operator's demonstrated ability to maintain order and prevent unlawful conduct, the Assembly may consider police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection. For purposes of this section and Section 10.50.035 "licensed premises" shall include any adjacent area under the control or management of the licensee.**

This standard appears to be met. The applicant proposes no increased security measures as a result of the beverage dispensary license. Management will be on site during all open hours. Entrance to the restaurant is through the museum lobby. Lobby guard is on duty after museum hours. As of the date this report is written no comments have been received from the Anchorage Police Department.

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

This standard is not met.

There are delinquent Municipal Business Personal Property Taxes owing in the amount of \$1,837.58 at this time according to the Treasury Division.

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

This standard is met.

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

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

This form was not requested of this applicant.

RECOMMENDATION:

This application for a final conditional use for a beverage dispensary use serving alcoholic beverages in the B-2B District per AMC 21.40.160 D.13 appears to meet or can meet the required standards of AMC Title 10 and Title 21 through the building permit process, and State Statute 04.11.090.

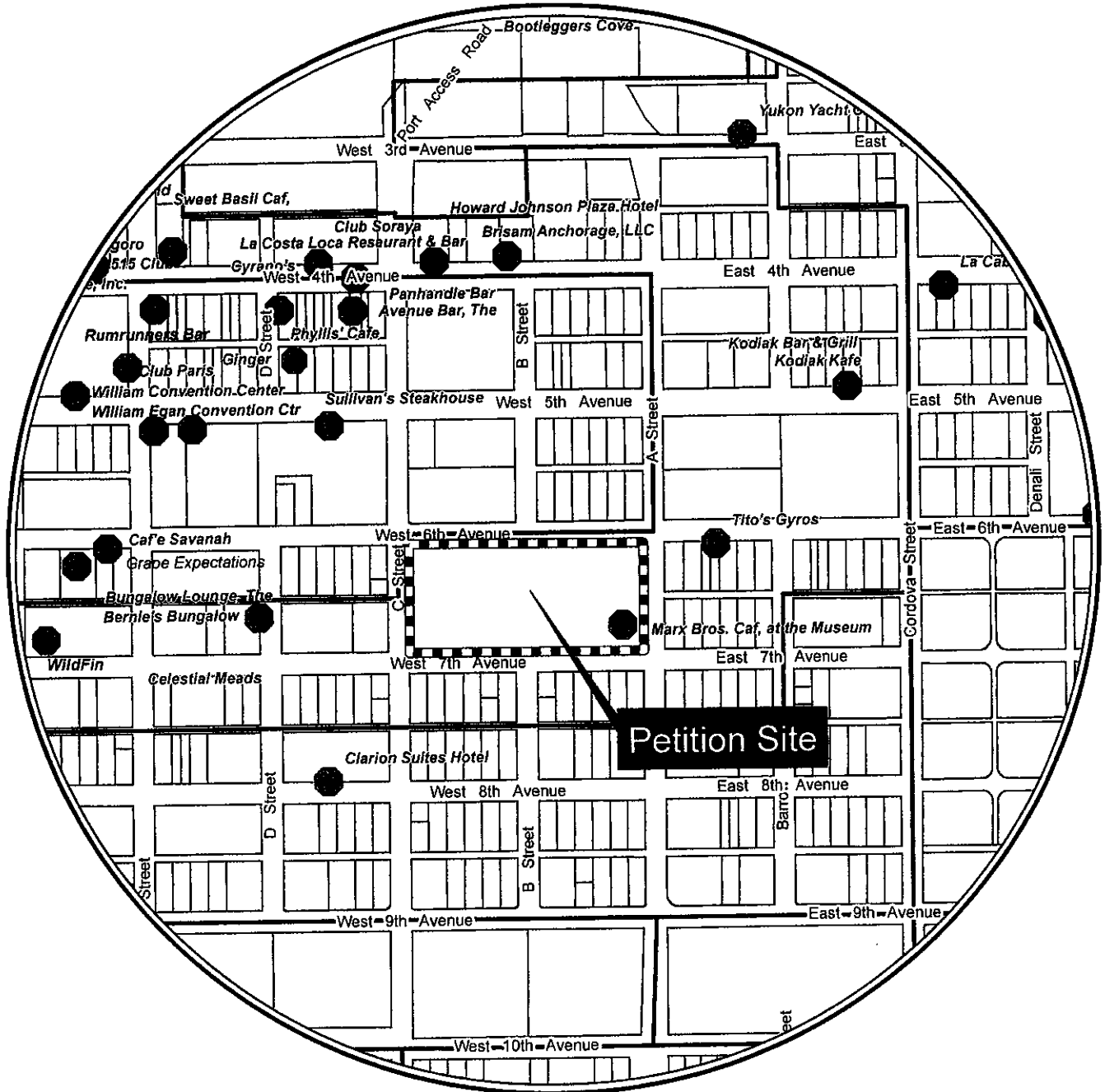
If after a public hearing on the matter, the Anchorage Assembly finds that the required standards have been met; staff recommends the following conditions of Approval:

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 the final conditional use approval for a beverage dispensary use in the B-2B District.
2. All uses shall conform to the plans and narrative submitted with this conditional use application, including the building plans except as modified by this approval.
3. Proof of payment shall be provided to the Planning Department of all outstanding municipal taxes prior to this conditional use becoming effective.
4. This conditional use approval is for an Alcoholic Beverages Conditional Use in the B-2B District for a Beverage Dispensary Use per AMC 21.40.160.D.13 for approximately 4,457 SF restaurant within the Anchorage Museum building located on AOT, Block 73A, Lot 1. The outdoor patio area is 15' x 60'. The restaurant will have one fixed bar. Plans indicate 132 seats: 15 fixed seats and 117 non-fixed seats. Catering functions within the museum may be located in the 3,558 square foot useable space in the atrium banquet room and 2,048 square feet upstairs banquet room.
5. On-premise sale of alcohol beverages are from 11:00 AM to 10:00 PM, 365 days a year. Liquor sales represent 30% compared to 70% food sales.
6. Upon demand, the applicant shall demonstrate compliance with a liquor "Server Awareness Training Program" approved by the State of Alaska alcoholic Beverage Control Board, such as or similar to the program for techniques in alcohol management (T.A.M.).
7. The use of the property by any person for the permitted purposes shall comply with all current and future federal, state and local laws and regulations, including but not limited to, laws and regulations pertaining to the sale, dispensing, service and consumption of alcoholic beverages and the storage, preparation, sale, service and consumption of food. The owner of the property, the licensee under the Alcoholic Beverage Control license and their officers, agents and employees shall not knowingly permit or negligently fail to prevent the occurrence of illegal activity on the property.
8. A copy of the conditions imposed by the Assembly in connection with this conditional use approval shall be maintained on the premise at a location visible to the public.

LOCATION MAPS

2009-096

● EXISTING LIQUOR LICENSES WITHIN 1000'



Alcohol Existing License List Report

Case Number: 2009-096 Description: 1000'

Parcel Business Name	Parcel Owner Name Applicant Name	Parcel Owner Address Business Address	City	State	Zip	Lic. Number	Lic. Zone	Lic. Type
✓ 00209515000 Kodiak Bar & Grill	ALESSI ROBIN LYNNE Kodiak Bar, Corp	3313 YELLOWSTONE DR 225 E 5th Ave	ARLINGTON 4568	TX B2B	76013			Beverage Dispensary
✓ 00209515000 Kodiak Kafe	ALESSI ROBIN LYNNE Robin L Alessi	3313 YELLOWSTONE DR 225 E 5th Ave	ARLINGTON 3679	TX B2B	76013			Restaurant/Eating Place
00210242000 CRUSH	NORTHWESTERN SIMON INC CRUSH, LLC	PO BOX 6120 343 West 6th Avenue #1	INDIANAPOLIS 4780	IN B2A	46206			Restaurant/Eating Place
✓ 00210242000 Sullivan's Steakhouse	NORTHWESTERN SIMON INC Sullivans of Alaska	PO BOX 6120 320 W 5th Ave Unit C100	INDIANAPOLIS 3412	IN B2A	46206			Beverage Dispensary
✓ 00210321000 Cyrano's	LOUSSAC BUILDING JOINT VENTURE Cyrano's Crepes & Books LLC	413 D STREET 413 D St	ANCHORAGE 2724	AK B2A	99501			Restaurant/Eating Place
✓ 00210322000 Avenue Bar, The	PATTEE JOHN J.G. Pattee, Inc.	338 W 4TH AVE 338 W 4th Ave	ANCHORAGE 1184	AK B2A	99501			Beverage Dispensary
✓ 00210328000 Panhandle Bar	PAPAGIANNIS KONSTANTINOS & BJV, Inc.	KARAPANOU 3-5 312 W 4th Ave	ARTA GREECE 825	FC B2A	47100			Beverage Dispensary
✓ 00210415000 Club Soraya	JRW VENTURES 81.15% & WINDWAR Latin Connection Entertainment	411 W 4TH AVE #200 333 W 4th Ave Ste 207	ANCHORAGE 4353	AK B2B	99501			Beverage Dispensary
✓ 00210438000 Howard Johnson Plaza Hotel	IMPAC HOTELS III LLC Brisam Anchorage, LLC	PO BOX 35527 239 W 4th Ave	TULSA 4682	OK B2B	74153			Beverage Dispensary
✓ 00210446000 Howard Johnson Plaza Hotel	BRISAM ANCHORAGE LLC Hallelujah Corporation	420 GREAT NECK RD 239 W 4th Ave	GREAT NECK 519	NY B2B	11021			Beverage Dispensary
✓ 00210501000 Phyllis's Cafe	TSAKRES GOLDIE TRUST FOR Letourneau, Richard & Phyllis	PO BOX 100720 436 D St	ANCHORAGE 3266	AK B2A	99510			Restaurant/Eating Place
✓ 00210504000 Club Paris	MOMA SHEILA D & H & T, Inc.	417 W 5TH AVENUE 417 W 5th Ave	ANCHORAGE 258	AK B2A	99501			Beverage Dispensary
✓ 00210506000 Ginger	LUPINE COMMERCIAL COMPANY & Ginger LLC	1403 P STREET 425 W 5th Ave	ANCHORAGE 2925	AK B2A	99501			Restaurant/Eating Place

<u>Parcel</u> _____ Business Name	<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
✓ 00210509000 William Convention Center	MOA SMG of Alaska, Inc.	PO BOX 196650 555 W 5th Ave	ANCHORAGE 4455	AK B2A	99519 Beverage Dispensary
✓ 00210509000 William Egan Convention Ctr	MOA SMG of Alaska Inc.	PO BOX 196650 555 W 5th Ave	ANCHORAGE 3234	AK B2A	99519 Beverage Dispensary
00210540000 Rumrunner's Old Time Towne Bar	NEUMANN ROBERT G & CAROLYN F Basilio Gallo	1433 W 13TH AVENUE 415 E St	ANCHORAGE 4157	AK B2A	99501 Beverage Dispensary
✓ 00211165000 Marx Bros. Café at the Museum	MOA Gourmet Asso., LLC	PO BOX 196650 121 W 7th Ave	ANCHORAGE 4008	AK B2B	99519 Restaurant/Eating Place
✓ 00211268000 Clarion Suites Hotel	CHENEGA LODGING LLC Chenega Hotel Management, LLC	3000 C ST STE 301 325 W 8th Ave	ANCHORAGE 3851	AK B2C	99503 Beverage Dispensary Tour
00211272000 Bernie's Bungalow Lounge	SOUPHANAVONG BERNARD Bernard Souphanavong	626 D ST 626 D St	ANCHORAGE 4425	AK B2B	99501 Beverage Dispensary Dup
00211272000 Bungalow Lounge, The	SOUPHANAVONG BERNARD Souphanavong, Bernard I.	626 D ST 626 D St	ANCHORAGE 3781	AK B2B	99501 Beverage Dispensary
✓ 00211380000 Cafe Savanah	VARGAS ALEX 50% & Cafe Savanah LLC	PO BOX 111846 508 W 6th Ave	ANCHORAGE 4295	AK B2A	99511 Restaurant/Eating Place
✓ 00211380000 Grape Expectations	VARGAS ALEX 50% & Grape Expectations LLC	PO BOX 111846 510 West 6th Avenue	ANCHORAGE 4779	AK B2A	99511 Package Store
✓ 00211449000 WildFin	ALASKA HOUSING FINANCE CORP WildFin, LLC	550 W 7TH AVE STE 130 517 West 7th Avenue Ste 100	ANCHORAGE 4846	AK B2B	99501 Beverage Dispensary
✓ 00212513000 Tito's Gyros	ROMO HECTOR Romo, Hector	120 E 6TH AVE 120 E 6th Ave	ANCHORAGE 4062	AK B2B	99501 Restaurant/Eating Place

Alcohol Church and School List Report

Case Number: 2009-096

Description: 200'

Parcel	Parcel Owner Name	Parcel Site Address	Description
00212436000	UNIVERSITY OF ALASKA A CONSTITUTIONAL CORP	707 A ST	EDUCATION STATE
00212437000	UNIVERSITY OF ALASKA A CONSTITUTIONAL CORP	112 E 7TH AVE	EDUCATION STATE
00212438000	UNIVERSITY OF ALASKA A CONSTITUTIONAL CORP		EDUCATION STATE
00212510000	DIOCESE OF SITKA AND ALASKA ORTHODOX CHURCH IN AMERICA INC	605 A ST	RELIGION

Distance
200'

ALCOHOL

PARCELS

STREET_NAME

Legend:

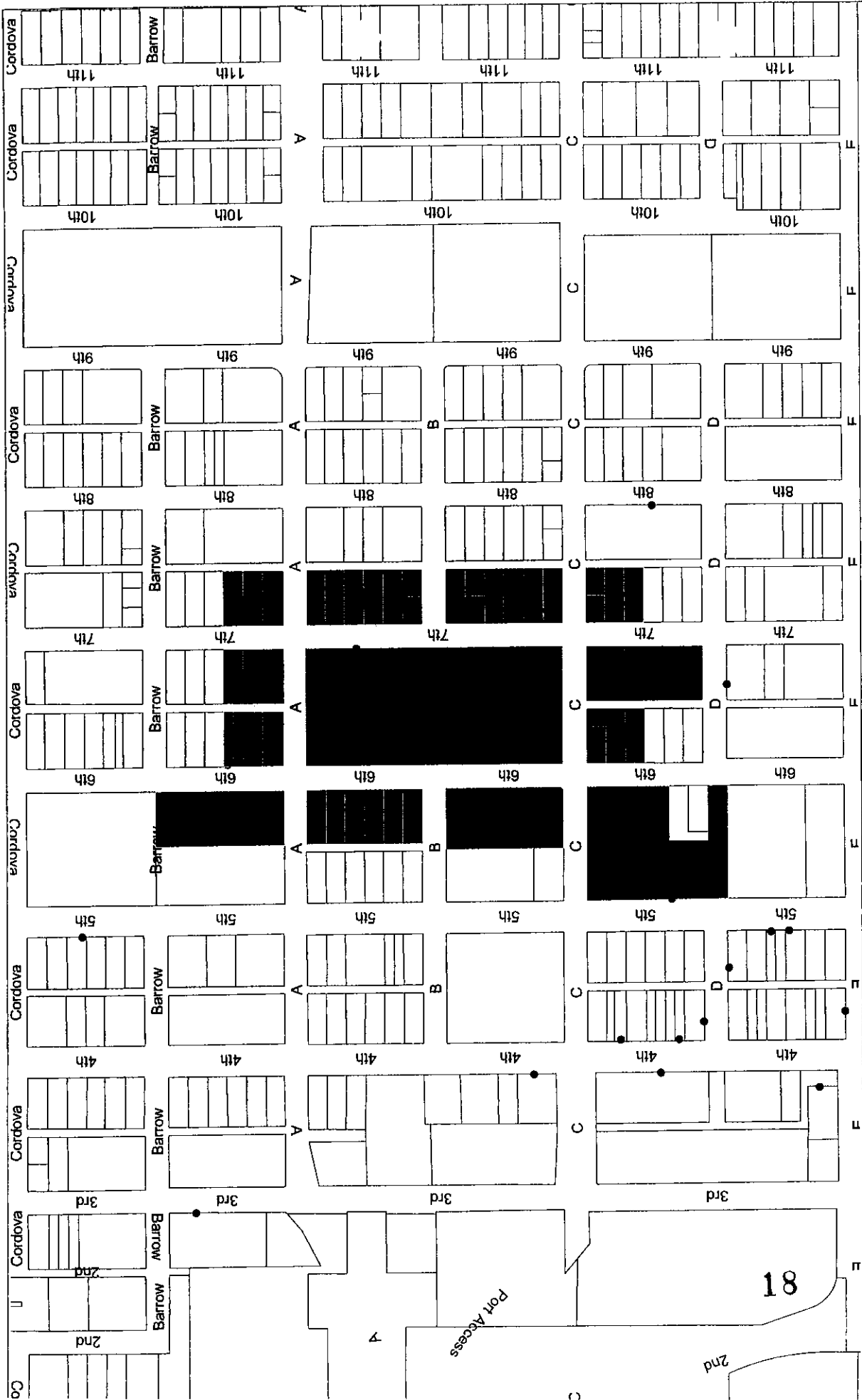
Scale 1:4000



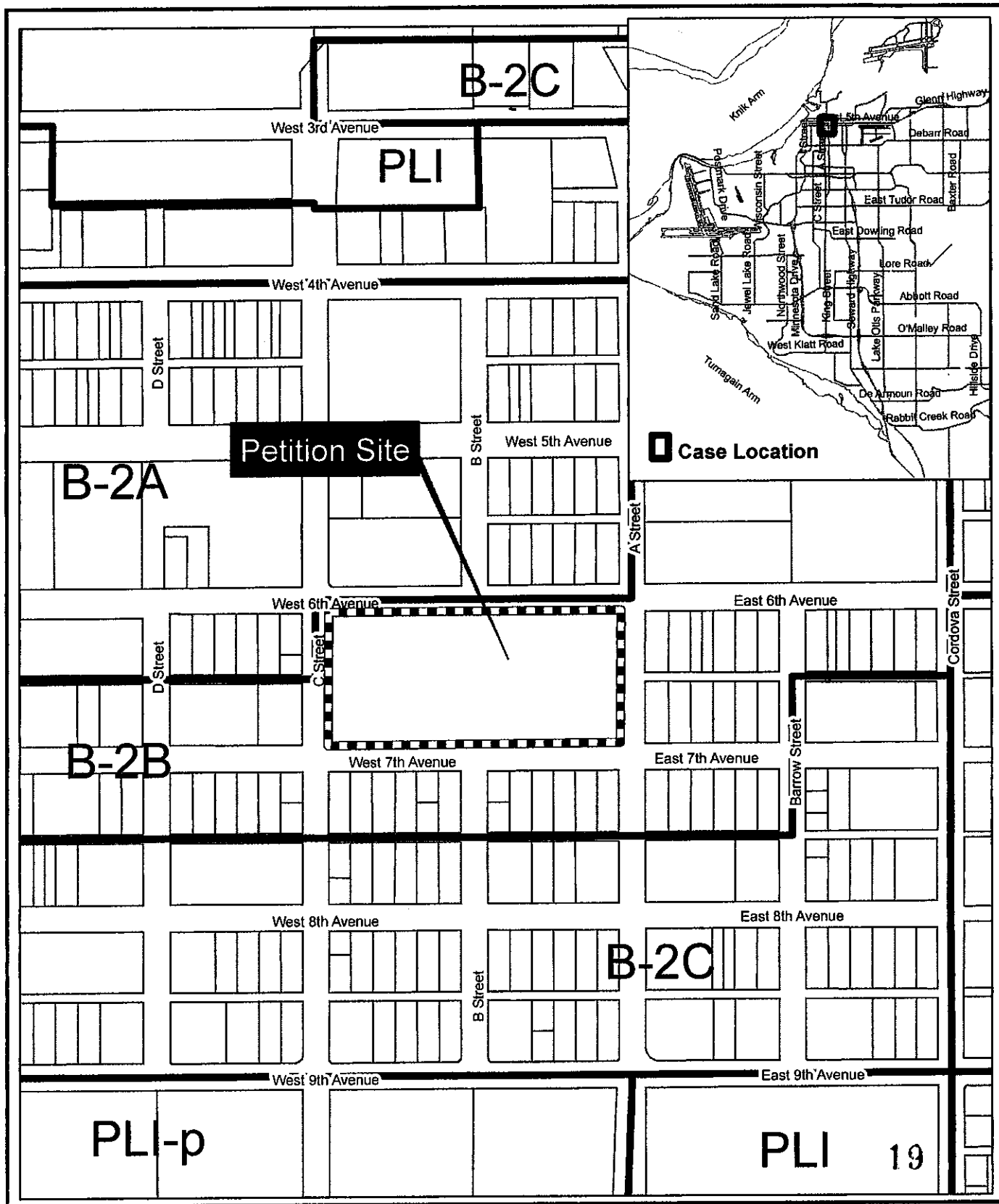
Map: Parcels--Basic Layers

Thu May 14, 09:54:38, 2009

Parcels--Basic Layers

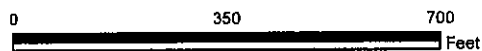
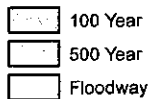


2009-096

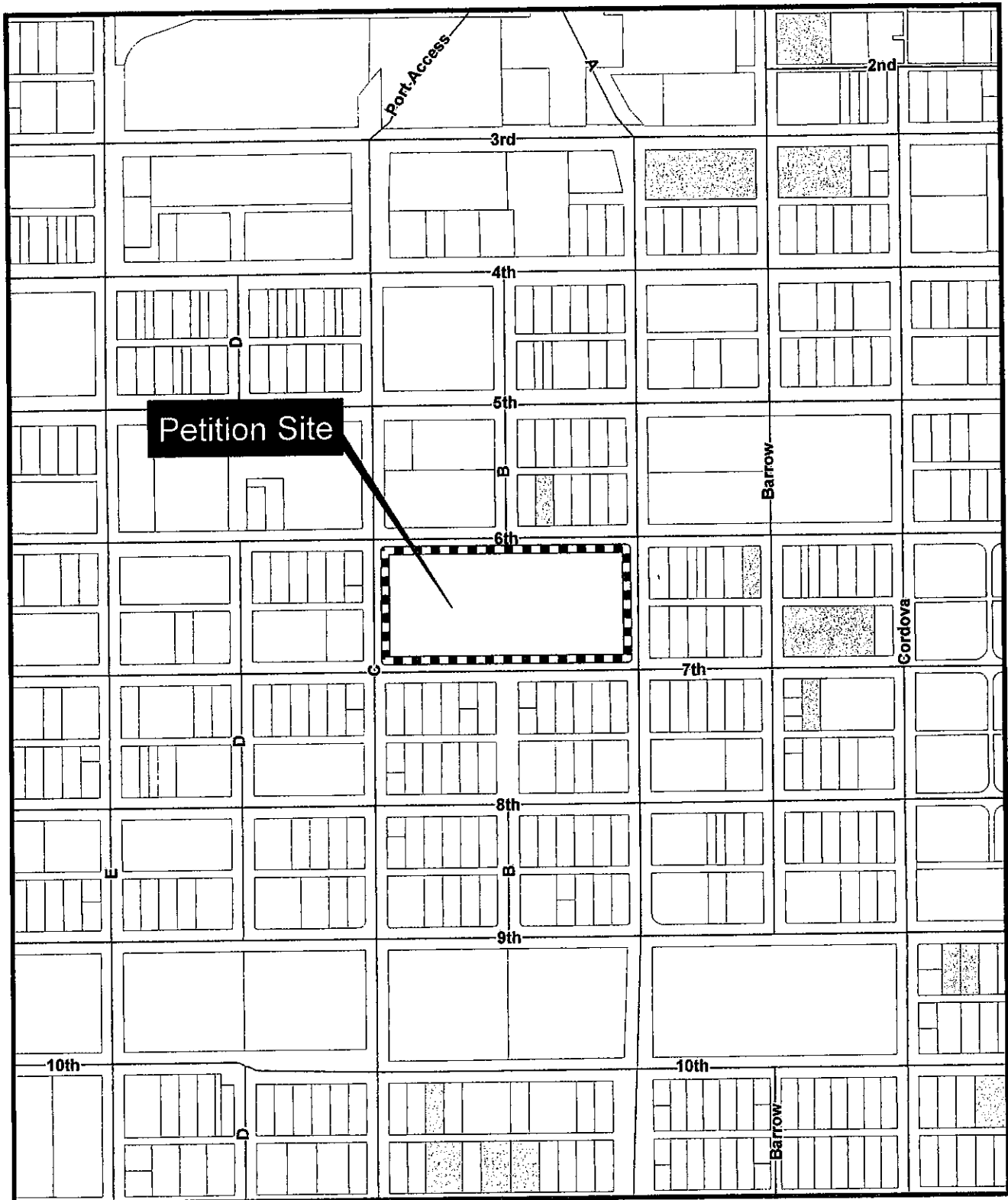


Municipality of Anchorage
Planning Department
Date: May 14, 2009

Flood Limits






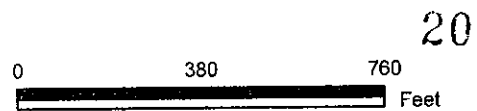
2009-096



Municipality of Anchorage
Planning Department

Date: May 14, 2009

-  Mobile Home Park
-  Multi-Family
-  Single Family



2009-096



Municipality of Anchorage
Planning Department

Date: May 14, 2009

0 355 710 Feet



2

COMMENTS

Reviewing Agency Comment Summary Case No.: 2009-096

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

Downtown Community Council

mailed 5-19-09

J. Reese Investments & Brokerage, Ltd.
1740 E. 27th Avenue
Anchorage, AK 99509

RECEIVED

JUN 04 2009

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Dear Ms Reese,

The Downtown Community Council unanimously supports the transfer of the North Slope Restaurant Liquor license to Gourmet Associates LLC D/B/A Marx Bros Catering. Let me know if you need additional assistance from the DCC—339-4203. We look forward to the opening of your restaurant.

Sincerely,

Deirdre A. Cronin

Deirdre A. Cronin

Secretary

Municipality of Anchorage
Treasury Division
Memorandum

RECEIVED

MAY 20 2009

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Date: May 19, 2009
To: Rich Cartier, Planning Dept.
From: Diana Flavin, Revenue Officer
Subject: Liquor License Conditional Use Comments

Request for conditional use permit 2009-096 for Gourmet Associates LLC, located at 627 W. 3rd Ave, Anchorage, AK. 99501.

We are protesting the transfer of the liquor license from Motherlode LLC to Gourmet Associates LLC due to delinquent Business Personal Property Taxes in the amount of \$1837.58.

We will notify you when the protest is satisfied.

Fire

Fire plan review comments:

1. S11750-1; Green Sub.; No Objection
2. S11751-1; Northern Lights Sub.; No Objection
3. ~~S-11752-1~~
~~S11751-1~~; Fetrow Sub.; Comment: Lot 3 shall required Fire Department turnaround in accordance with IFC D103.4.
4. 2009-094; Pendland park Sub.; No Objection
5. 2009-096; OT B 73A L1; No Objection
6. S11579-3; Seclusion Sub.; No Objection

RECEIVED

MAY 19 2009

**MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION**



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

DATE: May 21, 2009
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
THRU: Leland R. Coop, Associate Traffic Engineer
FROM: Mada Angell, Assistant Traffic Engineer
SUBJECT: Traffic Engineering Comments for June 23, 2009 Assembly

RECEIVED

MAY 21 2009

**MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION**

09-096

**AOT, Conditional Use to permit dispensing of alcohol; Marx Bros.
(Muse) at the Museum.**

Traffic has no comment.

**Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY**

M E M O R A N D U M

RECEIVED

MAY 27 2009

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

DATE: May 26, 2009

TO: Jerry Weaver, Zoning Division Administrator, Planning Department

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

SUBJECT: Zoning Case Comments
Planning & Zoning Commission Hearing June 23, 2009
Agency Comments due May 26, 2009

AWWU has reviewed the materials and has the following comments.

09-096 ORIGINAL BLK 73A LT 1, A request concept/final of a conditional use to permit, Grid SW1330

1. AWWU water mains located in W. 7th Avenue and A Street are currently available to this parcel.
2. AWWU sanitary sewer mains located in W. 7th Avenue, part of W. 6th Avenue, A Street and C Street are currently available to this parcel.
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: May 27, 2009

MAY 27 2009

TO: Jerry Weaver, Platting Officer

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

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

SUBJECT: Comments for Assembly Public Hearing date: June 23, 2009

Case 2009-096, A request for concept/final approval of a conditional use to permit an alcoholic beverage dispensary use

Project Management and Engineering has no objection to the proposed conditional use.

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7942



002-103-16-000
KIMM JACK
PO BOX 100007
ANCHORAGE, AK 99510

RECEIVED

JUN 01 2009

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

**ASSEMBLY
NOTICE OF PUBLIC HEARING - -**

Tuesday, June 23, 2009

Planning Dept Case Number: 2009-096

The Assembly of the Municipality of Anchorage will hold a public hearing on a petition proposing a conditional use at its regular meeting of Tuesday, June 23, 2009. The meeting begins at 6:00 p.m. in the Assembly Chambers of the Z. J. Loussac Library, 3600 D Street. The petition is for the following:

CASE: 2009-096
PETITIONER: Gourmet Associates LLC
REQUEST: Assembly conditional use for an alcoholic beverage dispensary use
TOTAL AREA: 4.550 acres
SITE ADDRESS: 625 C ST
CURRENT ZONE: B-2B Central business district-intermediate
COM COUNCIL(S): 1---Downtown

LEGAL/DETAILS: An alcoholic conditional use to allow for a beverage dispensary. The Muse Restaurant located in the Municipality of Anchorage Museum. Original Townsite, Block 73A, Lot 1.

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

If you would like to comment on the petition this form may be used for. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call: 343-7942; FAX 343-7927. Case information may be viewed at www.muni.org by selecting Departments/Planning/Zoning and Platting Cases.



Jack Kimm
PO Box 7
Anchorage AK 99510

Name:

JACK KIMM

Address:

PO BOX 7 ANCHORAGE AK 99510

Legal Description:

Lot 9, Block 84, ORIGINAL TR

Comments:

NO

MUSEUM IS FULL OF SCHOOL CHILDREN

30

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) Gourmet Associates LLC		Name (last name first)	
Mailing Address 627 W. 3rd Avenue Anchorage, AK 99501		Mailing Address same	
Contact Phone: Day: 278-2133 Night: 229-3273		Contact Phone: Day: Night:	
FAX: 258-6297		FAX:	
E-mail: jamon@pci.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): 002-111-65-000		
Site Street Address: Anchorage Museum of History & Art, 121 W. 7th Avenue, Anch		
Property Owner (if not the Petitioner): MOA		
Current legal description: (use additional sheet in necessary) Block 73A, Lot 1, Original Townsite of Anchorage		
Zoning: B2B	Acreage: 4.55	Grid # SW1330

ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED		
<input checked="" 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 type="checkbox"/> New <input checked="" type="checkbox"/> Transfer of location: ABC license number: 1914		
Transfer license location: no premises		
Transfer licensed premises doing business as: no premises		

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.

5-6-09	
Date	Signature (Agents must provide written proof of authorization)
Accepted by:	Poster & Affidavit: Fee: Case Number: 2009-096

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- Tumagain 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 ZoneFloodplain: ☒ None ☐ 100 year ☐ 500 yearSeismic 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 Museum Expansion☐ 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. Signage only lobby directions.
- ☒ 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.

5/8/09

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):

Formerly North Slope Rest. New d/b/a: Marx Bros Catering (at Muse)

What is the gross leaseable floor space in square feet?

4,457

What is the facility occupant capacity?

134

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

15

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

117

What will be the normal business hours of operation?

11:00 a.m. - 10:00 p.m.

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

same plus varied times for private events for catering functions.

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

30 % Alcoholic beverage sales

70 % 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

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.

Please see attached statement.

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

Please see attached statement.

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.

Please see attached statement.

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.

Please see attached statement.

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

Please see attached statement.

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

Please see attached statement.

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

Please see attached statement.

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? None .

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

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

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

In your opinion, is this quantity of licenses a negative impact on the local community? No .

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 are trained and records on file. Up to 15 employees are on duty.

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

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

Public safety. When application is made for the renewal or transfer of location or transfer of ownership of a beverage dispensary license restaurant or eating place license, or package store license, the Assembly shall consider whether the operator can demonstrate the ability to maintain order and prevent unlawful conduct in a licensed premises. In determining the operator's demonstrated ability to maintain order and prevent unlawful conduct, the Assembly may consider police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection. For purposes of this section and Section 10.50.035 "licensed premises" shall include any adjacent area under the control or management of the licensee.

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

inside facility:

Employees will be TAM trained. The establishment is an upscale restaurant with early hours. Management will be on site during all open hrs.

outside facility:

Entrance to restaurant is through the museum lobby. Lobby guard is on duty after museum hours.

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*

Attachment for page 4: Conditional Use Standards.

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.

The proposed conditional use meets the goals of the comprehensive development plan. The use will contribute to the continuing growth, vibrancy, and success of the downtown Anchorage area by supporting resident and visitor use of the Museum. The use will also add to increased enjoyment of the Downtown cultural facilities and activities by residents and visitors. The specific guidelines which impact the proposed use include the following: #18-Strengthen the Central Business District's role as the regional center for commerce, services, finance, arts and culture, government office and medium-to-high density residential development. Petitioner's application and the services to be provided support the use of the Downtown district as the regional center for arts and culture; #22-Provide locational standards and criteria for retail sales/services of alcoholic beverages. Petitioner's application meets and satisfies all criteria for the sale of alcoholic beverages under a Beverage Dispensary License. #73-Public facilities and services shall meet adopted level of service standards. The adopted level of service standards is set out in the lease between Petitioner and the Museum. Petitioner will provide and meet all standards contained therein.

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 conforms to all such standards. AMC §21.160.020(B) requires that a conditional use involving the sale of alcoholic beverages must meet the standards of AMC §21.50.020. As detailed in this application on page 5, all of these standards are met by Petitioner. The proposed use conforms to the Anchorage 2020/comprehensive development plan in enhancing the role of the Downtown District as a center for arts and cultural activities. The proposed use will be compatible with existing and planned land uses in the district and will not have a negative impact on such matters as pedestrian and vehicular traffic, demand for public services, and environmental pollution. The proposed use continues an already existing use which positively impacts the experience of residents and visitors who attend the Museum.

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.

Food and beverage services will only be provided during established hours or at appropriate functions held at the Museum. Promoting the use of the Museum and its facilities conforms to both existing and planned land use in the Downtown district.

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. Service will be provided only in conjunction with established restaurant hours and planned activities at the Museum. Service is provided only within the Museum and will not cause traffic or pedestrian flows to increase beyond the level of traffic normally attending Museum functions or above the capacity for safe vehicular and pedestrian circulation.

2. The demand for and availability of public services and facilities. The demand for services will not be greater than anticipated as service is provided in the Museum building. The following public services are available at the Museum: Public utilities, police and fire protection; People Mover bus service.

3. Noise, air, water or other forms of environmental pollution. These will not be impacted as the services offered will be the same as has been offered historically and there have traditionally been no adverse environmental impact from the service provided.

4. The maintenance of compatible and efficient development patterns and land use intensities. The service offered will complement the efficient development of the downtown district through support of the cultural activities offered at the Museum. Because the proposed license replaces a Beer and Wine License which has operated for a number of years at the location, no significant change to the existing operation, land use or use impact is expected to occur.

Attachment to Page 2: Documentation. Narrative: explaining the project; construction, operation schedule, and open for business target date.

The restaurant and catering is part of the 100 million dollar expansion of the Anchorage Museum. The function of restaurant and catering is to enhance the mission of the museum, promote cultural events and community involvement. Construction was begun in 2006 and the opening is scheduled for May 30th. We will operate year round, 6 days per week in the winter and 7 days per week in the summer. Our hours will be 11:00 a.m. to 10:00 p.m. Catering hours will depend on the function booked.

muse

LUNCH

SOUPS

Ask your server about our fresh soups of the day.

3.75 cup 4.75 bowl

SALADS & APPETIZERS

Add grilled chicken to any salad 2.00 half, 3.00 whole

VAN'S FAMOUS CAESAR SALAD 5.50 half, 10.50 whole

Add chicken or salmon lox 6.75 half, 13.25 whole

CITRUS SALAD 6.00 half, 11.75 whole

Seasonal citrus and fresh baby greens, tossed with a house vinaigrette and topped with chevre

GARDEN SALAD 5.50 half, 10.50 whole

Mixed greens, grape tomatoes, red onion with English cucumber and house vinaigrette

SALAD NICOISE 6.50 half, 12.75 whole

Potatoes, long green beans, hard boiled eggs and fresh peppers

QUICHE D'JOUR 7.75

Fresh quiche served with a side of garden salad

GREEN GARLIC DIP 7.75

A creamy blend of spinach, garlic and cream cheese; baked and served with pita chips.

SANDWICHES & ENTREES

All of our sandwiches are served with a complimentary side of the day.

TURKEY, AVOCADO & BACON 6.25 half, 11.75 whole

Oven roasted turkey breast, hickory smoked bacon, fresh avocados, lettuce, tomato, onion and house mayonnaise

MARX BROS. BLT 6.25 half, 11.75 whole

Herb aioli, lettuce, tomatoes, Apple wood smoked bacon, salmon lox, served on rye bread

LAVENDER ROAST BEEF 6.25 half, 11.75 whole

Thinly sliced roast beef, tomatoes, red onion, Provolone, sprouts, spring mix greens, with a lavender aioli served on baguette

HAM & CHEESE half 6.25, 11.75 whole

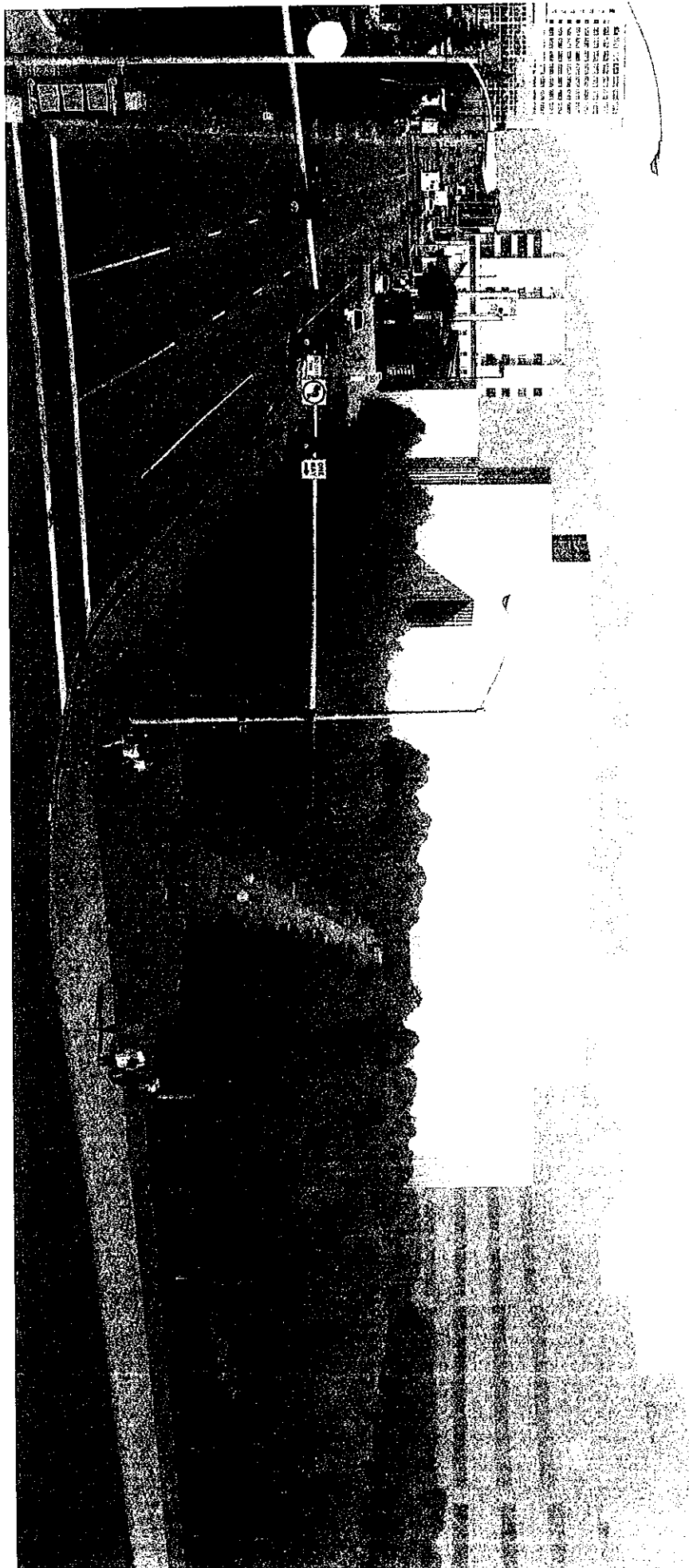
Sliced ham, tomatoes, Provolone and honey mustard, served on Sourdough with pesto butter

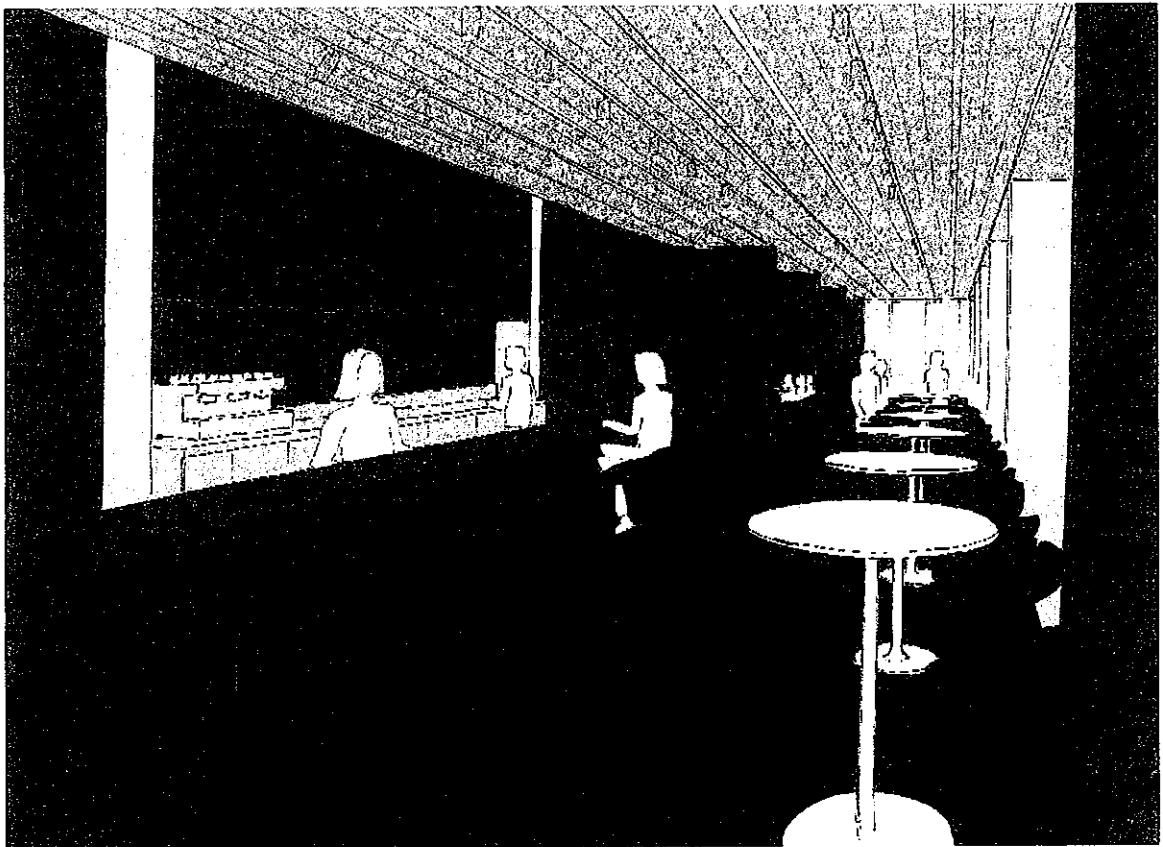
BAKED PENNE PASTA 12.25

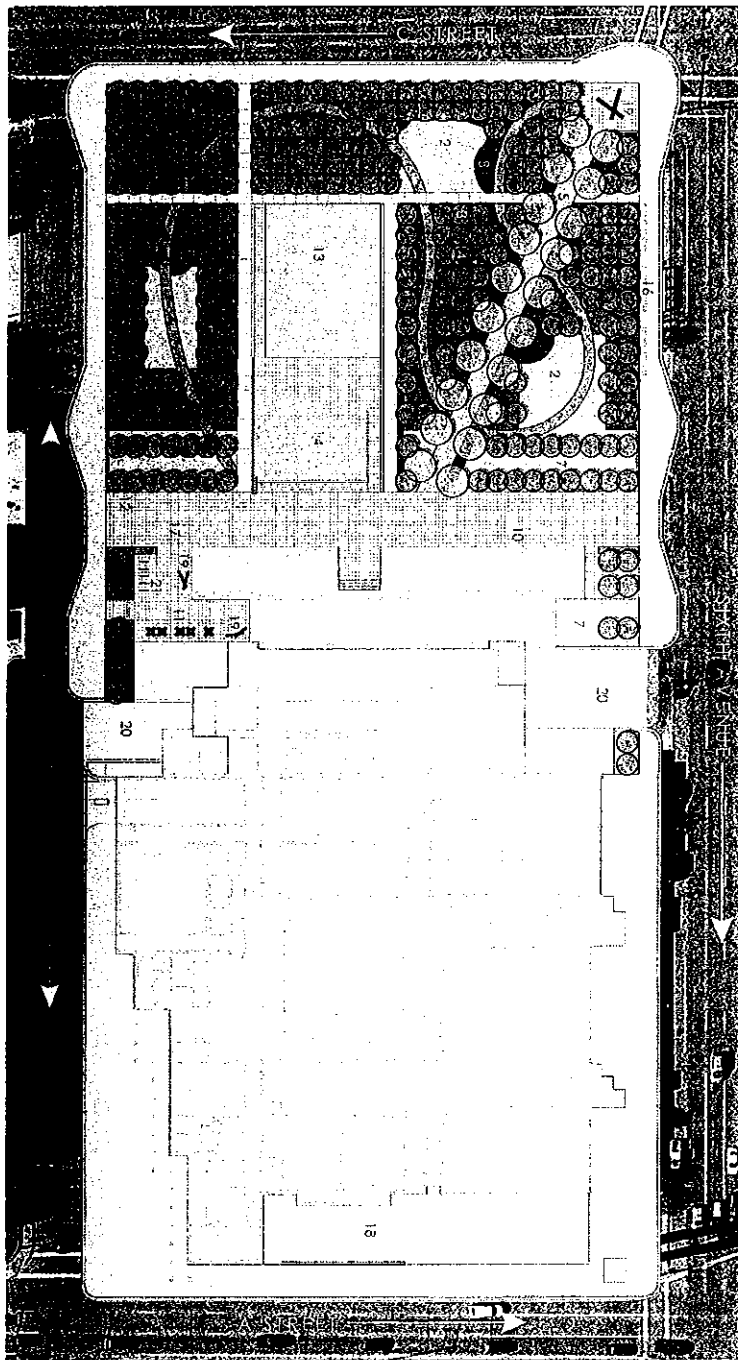
House marinara and penne pasta mixed with Ricotta, topped with Provolone and served with garlic points

For parties of 5 or more, 18% gratuity will be added.

42





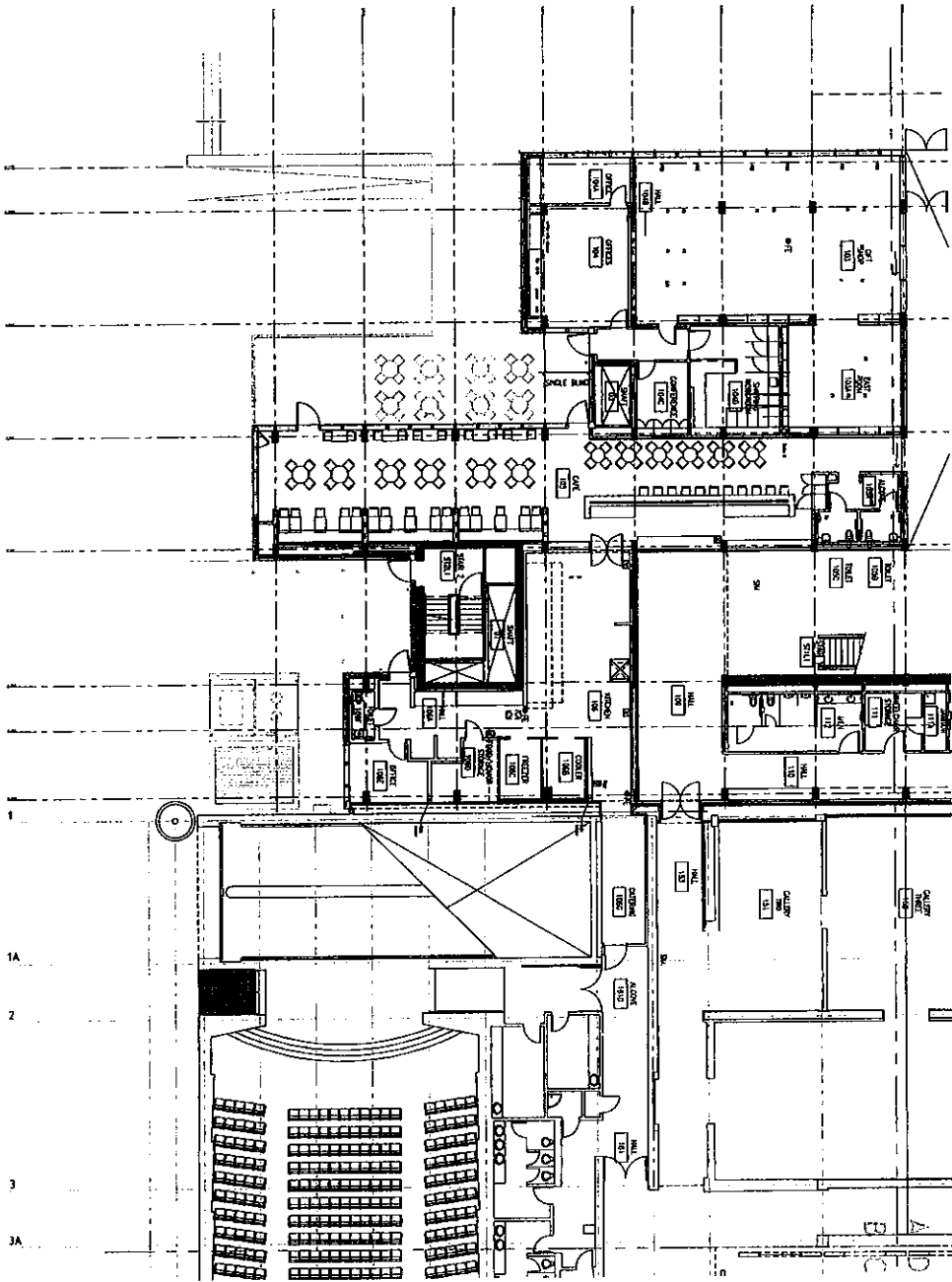


SITE FEATURES

1. ENTRANCE
2. AUDITORIUM
3. MULTITHEATRE BRANCHES
4. OFFICE AREA BRANCHES
5. COVERED ALLEY
6. WALK OF ALASKA
7. LAUNCH
8. CHANGING WIGGLE
9. ARTISTAL PLANTING
10. PROMENADE
11. CASE TABLE SEATING
12. SEATING WALL
13. COMMON
14. TIDAL POOL
15. DROP OFF
16. TRANSIT
17. ENTRY PLAZA
18. FENCED OUTDOOR IMAGIARIUM SPACE
19. POTENTIAL ART OPPORTUNITIES
20. LOADING DOCKS
21. BIKE RACKS



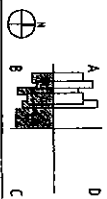
Anchorage Museum Expansion
 Schematic Design
 Site Design Narrative
 Charles Anderson Landscape Architecture + Earthscience
 July 2005



46

SHEET NOTES

1. SEE A2.1A FOR EXHIBIT, ARTS, MUSIC
2. SEE A2.1A FOR EXHIBIT, ARTS, MUSIC



Conformed Drawing: 19 January 2007

Architect of Record
Kutani Associates, Inc.
1000 West 10th Avenue, Suite 100
Anchorage, Alaska 99501
Tel: 907.561.1111 Fax: 907.561.1112

Design Architect
David Chipperfield Architects
London, England

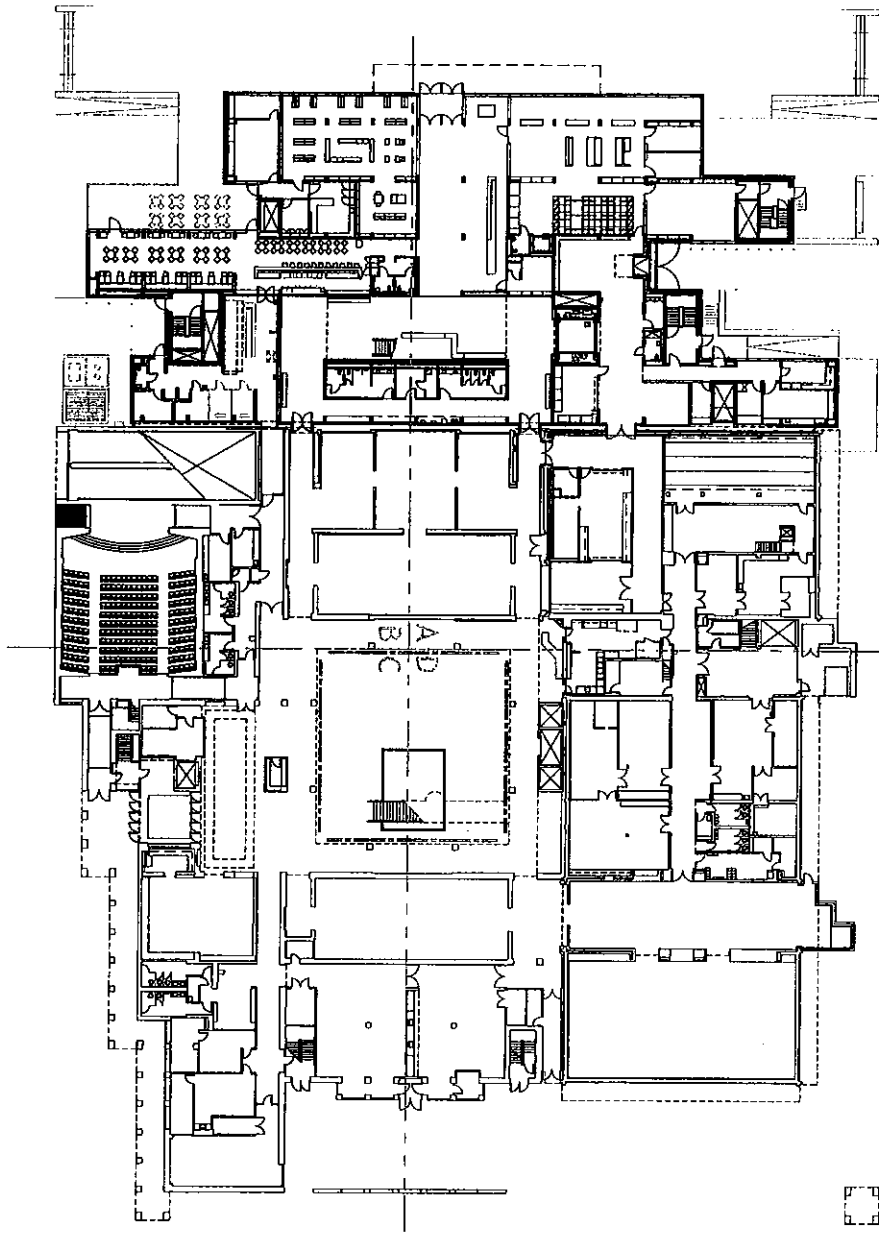
Project
Anchorage Museum Expansion
1000 West 10th Avenue, Suite 100
Anchorage, Alaska 99501

Client
Museum Building Committee

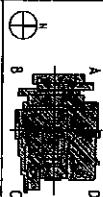
Date: 15 November 2006
Drawn by: [Name]
Checked by: [Name]

FLOOR PLAN
LEVEL 01 B

A2.1B



47



Confirmed Drawing: 19 January 2007

Architect of Record
Kohn Associates, Inc.
1000 Main Street
Anchorage, Alaska 99501
Phone: 907.562.1100
Fax: 907.562.1101

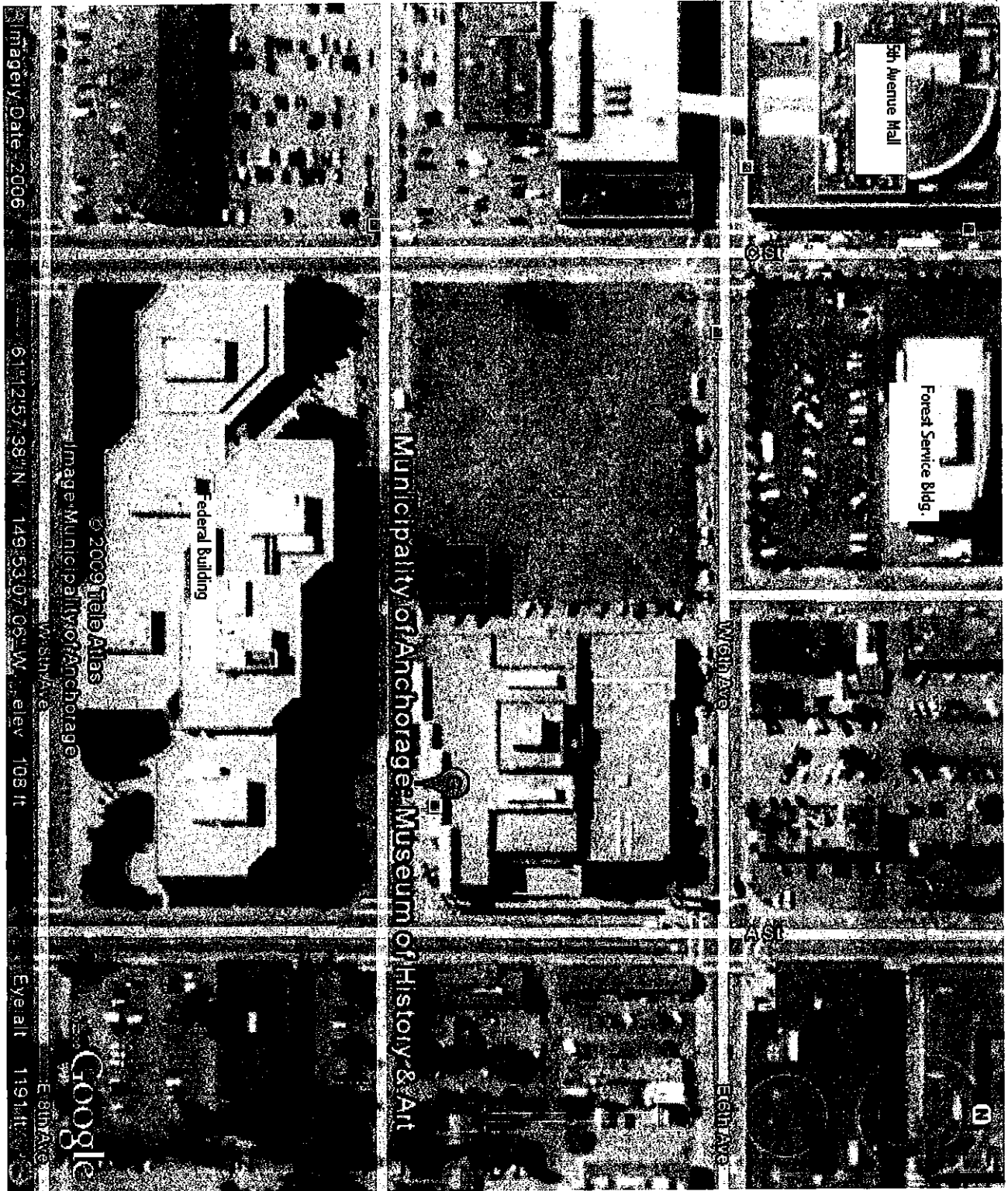
Design Architect
David Chipperfield Architects
London, England

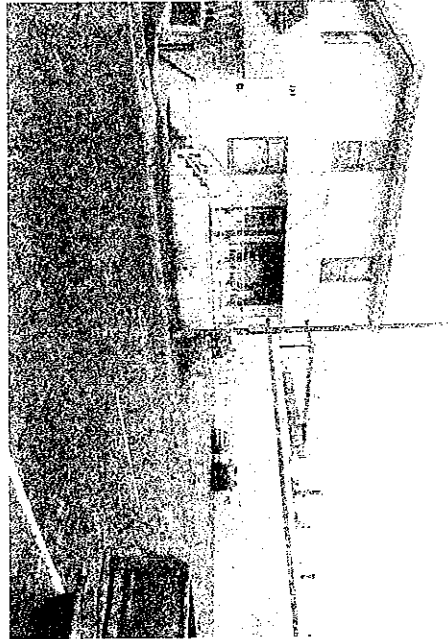
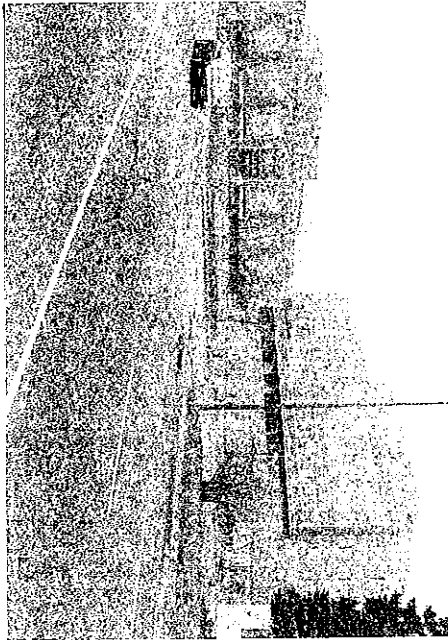
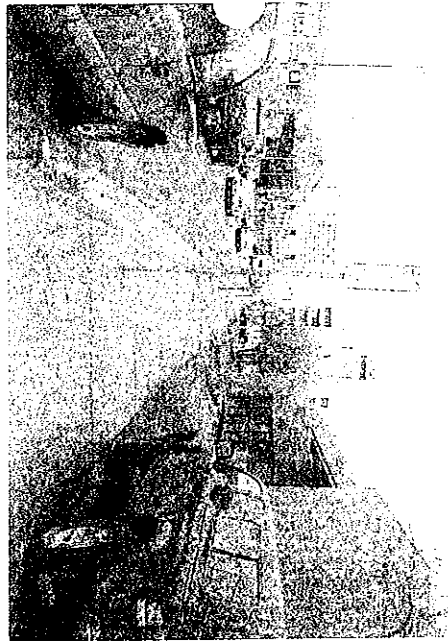
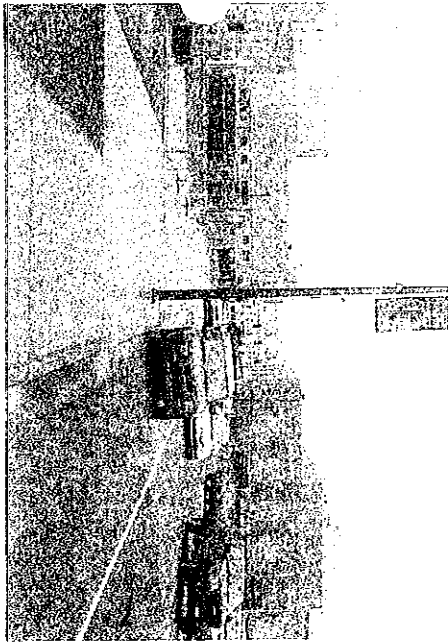
Project
Anchorage Museum Expansion
and Project Number: 2013.42

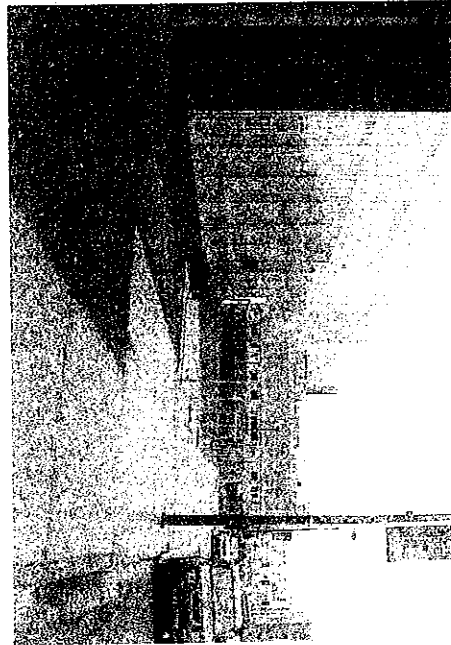
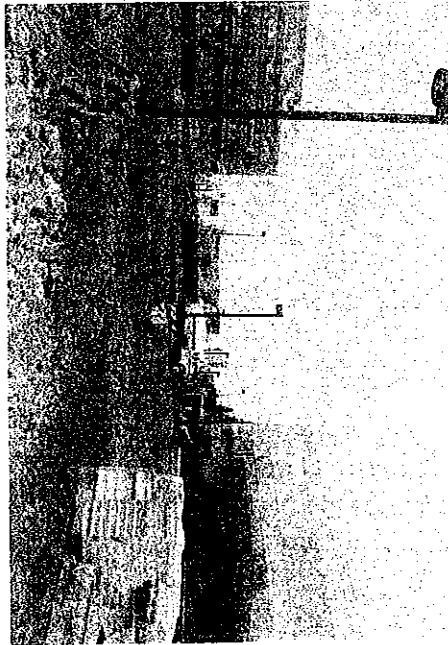
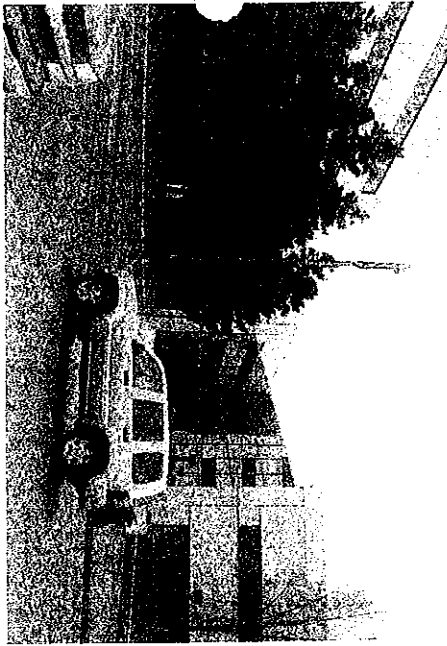
Client
Museum Building Committee

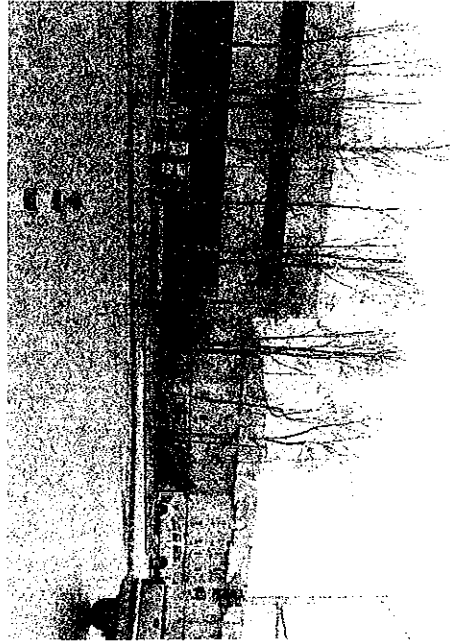
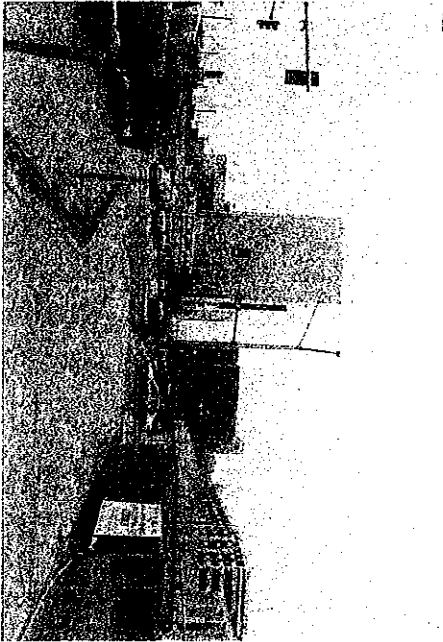
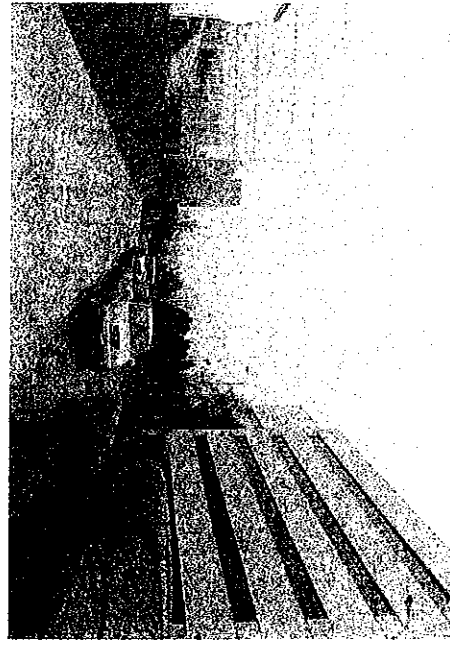
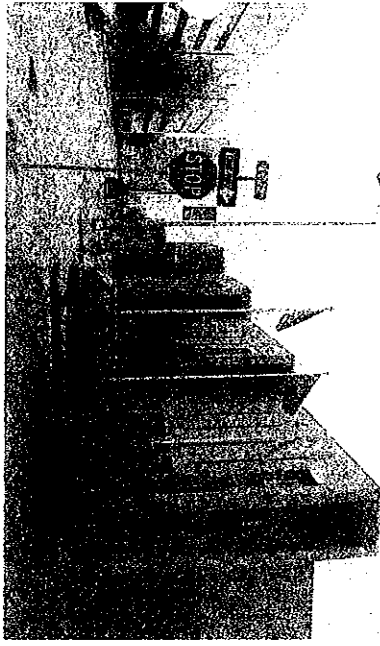
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Drawn By: [Name]
Checked By: [Name]

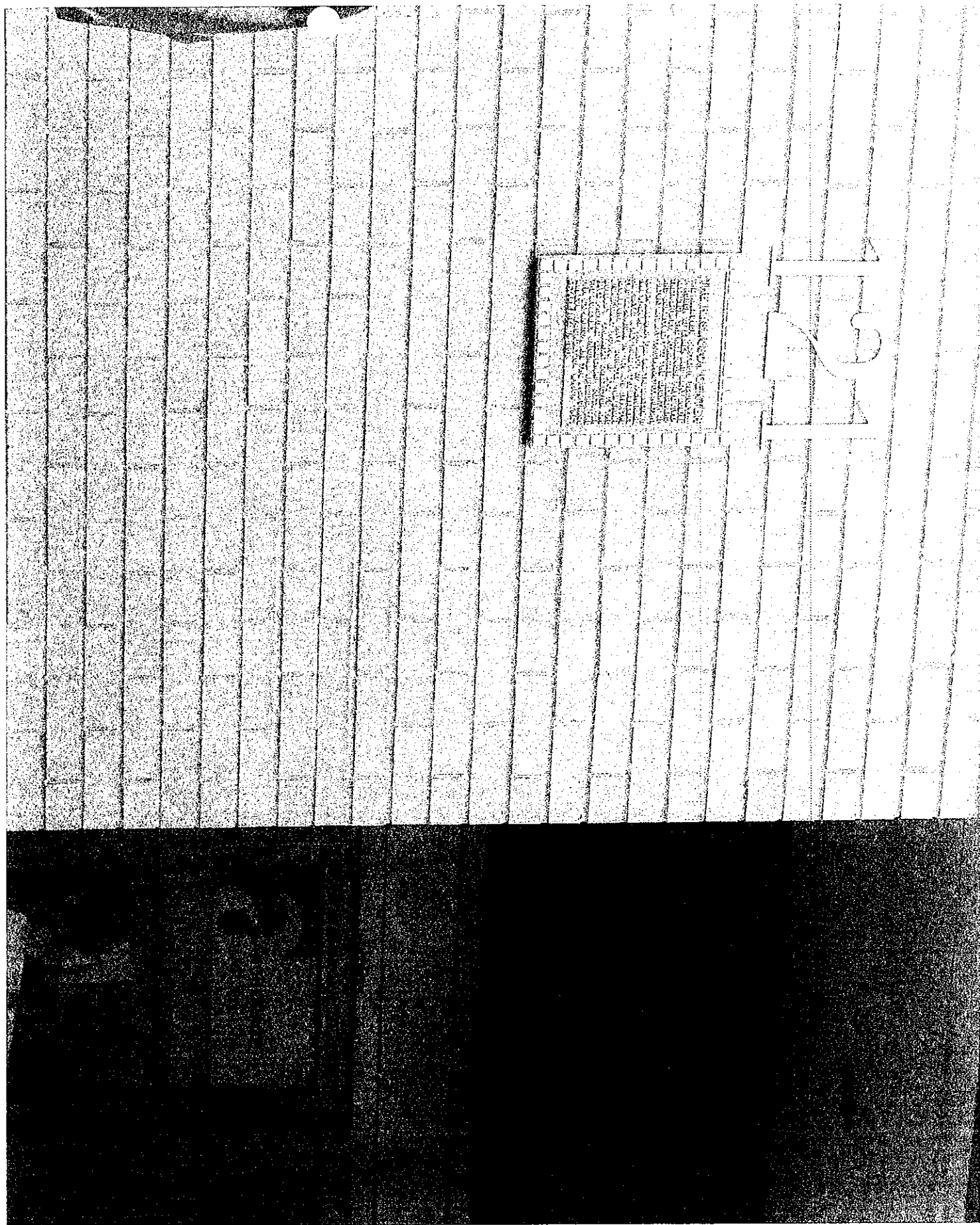
Project
TUCKERMAN
RESEARCH
A2.1

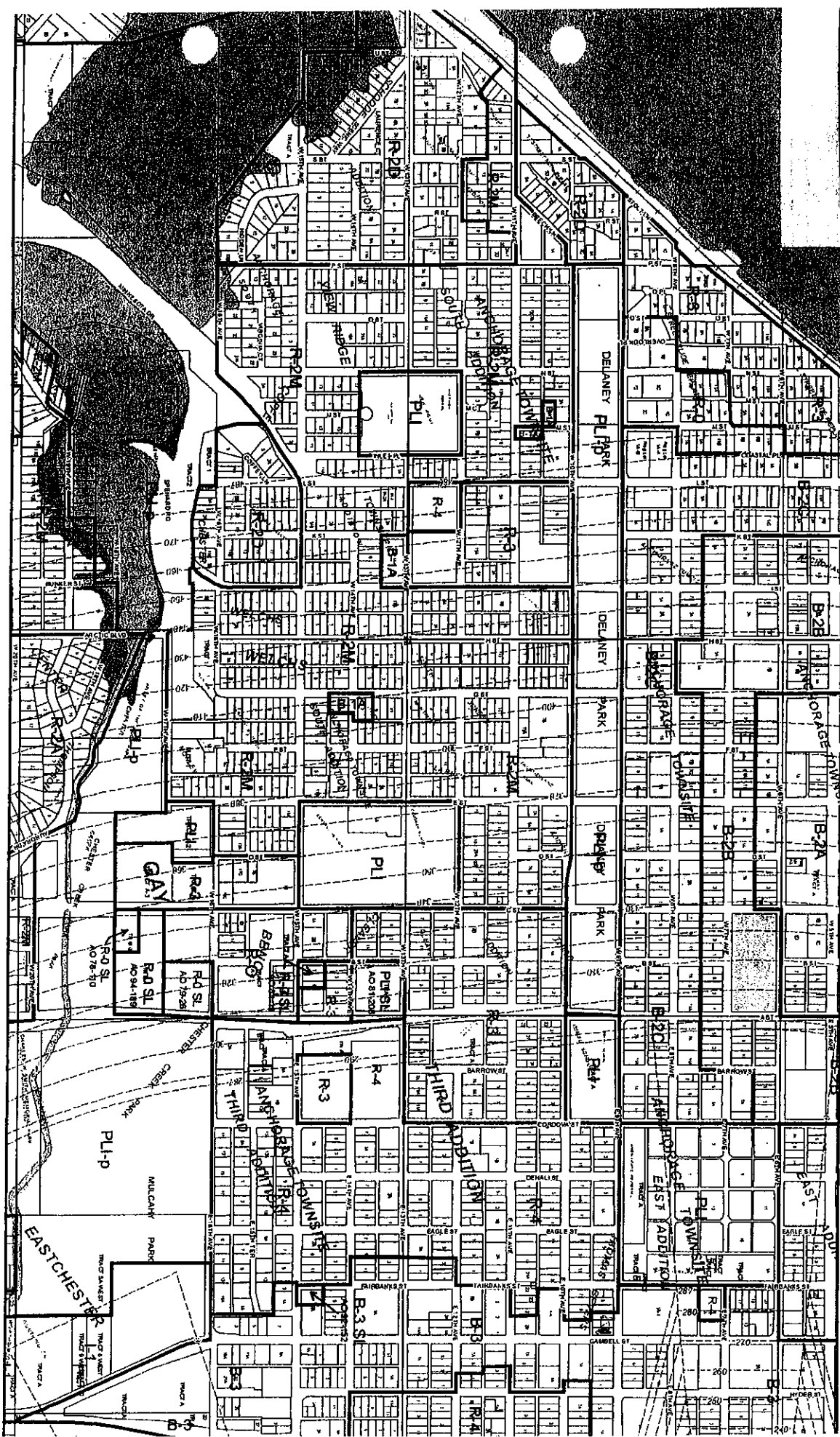












3

4

5

Municipal Zoning Map

- Institutions District
- Institutions District-Park
- Central District
- Central District (large lot)
- Central District
- B-1A Local and Neighborhood Business District
- B-1B Community Business District
- B-2A Central Business District Core
- B-2B Central Business District Intermediate
- R-100

100 year floodplain
500 year floodplain



Anchorage Bowl Location



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

Transfer Liquor License

PAGE 1 OF 2

(907) 269-0350

Fax: (907) 272-9412

www.dps.state.ak.us/abc

This application is for:

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

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications.			FEES	
License Year: 2009	License Type: Beverage Dispensary	Statute Reference Sec. 04.11.090	License Fee: \$paid Filing Fee: \$100.00 Fingerprint: (\$54.25 per person)x5	
License # 1914			271.25 Total Submitted: \$371.25	
Local Governing Body: (City, Borough or Unorganized) City of Anchorage		Community Council Name(s) & Mailing Address: Downtown Community Council 101 Christenson Dr. Anchorage, AK 99501		
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Gourmet Associates LLC		Doing Business As (Business Name): Marx Bros Catering		Business Telephone Number: 907-278-2133 Fax Number: 907-258-6279
Mailing Address: 637 W. 3 rd Ave. City, State, Zip: Anchorage, AK 99501		Street Address or Location of Premise: Anchorage Museum of History and Art at the Rasmussen Center, 121 W. 7 th Ave. Anchorage, AK 99501		Email Address: jamon@gci.net
SECTION B - TRANSFER INFORMATION.				
<input checked="" type="checkbox"/> Regular Transfer		Name and Mailing Address of CURRENT Licensee: Motherlode LLC 7532 Gray Wolf Circle Anchorage, AK 99507		
<input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in 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.		Business Name (dba) BEFORE transfer: No premises		
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.		Street Address or Location BEFORE transfer: No premises		
SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.				
Closest school grounds: Denali Elementary 952 Cordova Street (approx 7 blocks)	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Not applicable		
Closest church: Russian Orthodox Museum 600 A. Street (approx 1 block)	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.			
Premises to be licensed is: <input type="checkbox"/> Proposed building <input type="checkbox"/> Existing facility <input checked="" type="checkbox"/> New building (New Addition to Museum)		<input checked="" type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached		
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, complete the following. Attach additional sheets if necessary.				
Name	Name of Business	Type of License	Business Street Address	State
Gourmet Associates LLC	Marx Bros Restaurant	Beer and Wine	637 3 rd Avenue Anchorage, AK 99501	Alaska
Gourmet Associates LLC	Marx Bros Catering	Beer and Wine	121 W. 7 th Ave. Museum of History & Art At the Rasmussen Center Anchorage, AK 99501	Alaska
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, attach written explanation.				

Office use only

Date Approved

Director's Signature

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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): Gourmet Associates LLC		Telephone Number: 907-278-2133	Fax Number: 907-258-6279
Corporate Mailing Address: 637 W. 3 rd Avenue	City: Anchorage	State: AK	Zip Code: 99501
Name, Mailing Address and Telephone Number of Registered Agent: Jack Amon -- 700 Dogwood Street, Anchorage, AK		Date of Incorporation OR Certification w/ DCED: 09/20/1999	State of Incorporation: Alaska
Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach written explanation. Your entity <i>must</i> be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Phone	Date of Birth
Jack Amon	Member	35	700 Dogwood St., Anchorage, AK - 907-258-3463	907-229-3273	
Richard V. Hale	Member	35	1009 L. St., Anchorage, AK 99501 - 907-272-7774	907-278-2133	
Kenneth Brown	Member	10	2341 Belmont Dr., Anch., AK 99517 - 907-258-5272	Retired	
Leonard B. Hyde	Member	10	10102 Point Resolution, Anch., AK 99518 - 907-248-7297	907-279-8068	
Jonathan B. Rubini	Member	10	2655 Marston Drive, Anch. AK 99517 - 907-277-8825	907-277-8825	

NOTE: On a separate sheet provide information on ownership 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: Four individuals as listed above Address: As listed above Home Phone: As listed above Work Phone: As listed above	Applicants <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Margie Brown Address: 2341 Belmont Drive Anchorage AK 99517 Home Phone: 907-258-5272 Work Phone: Retired	Applicant <input type="checkbox"/> Affiliate <input checked="" type="checkbox"/> Date of Birth:
Name: Nicki Shinnors Address: 1009 L. Street, Anchorage, AK 99501 Home Phone: 907-272-7774 Work Phone: 907-440-6017	Applicant <input type="checkbox"/> Affiliate <input checked="" type="checkbox"/> Date of Birth:	Name: Suzanne LaPierre Address: 2655 Marston Dr. Anchorage, AK 99517 Home Phone: 907-277-8825 Work Phone: n/a	Applicant <input type="checkbox"/> Affiliate <input checked="" type="checkbox"/> Date of Birth:

Name: Sandra T. Hyde Affiliate X
Address: 10102 Point Resolution
Anchorage, AK 99518 Date of Birth:
Home Phone: 907-248-7297
Work Phone: n/a

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 Current Licensee(s) Signature: <i>Michael E Merrill</i>	Signature of Transferee(s) Signature: <i>Jack Amon</i>
Signature	Signature
Name & Title (Please Print) Michael E. Merrill, Member	Name & Title (Please Print) Jack Amon, Member
Subscribed and sworn to before me this 14 day of April, 2009.	Subscribed and sworn to before me this 14 th day of April, 2009.
Notary Public in and for the State of Alaska <i>[Signature]</i>	Notary Public in and for the State of Alaska <i>Pamela S. Hill</i> 55
My commission expires: STATE OF ALASKA NOTARY PUBLIC Jessie R. Foster My Commission Expires: 9.8.12	My commission expires: STATE OF ALASKA NOTARY PUBLIC Pamela S. Hill May 5, 2010

Transfer App 3/09

I. PARTIES AND EFFECTIVE DATE

This contract is effective on the 1st of April, 2009, by and between ANCHORAGE MUSEUM ASSOCIATION, an Alaska nonprofit corporation, referred to as "AMA," and GOURMET ASSOCIATES, L.L.C., an Alaska limited liability company, referred to as "GA LLC."

II. RELATIONSHIP OF PARTIES

In the operation of this contract, it shall be understood and agreed that GA LLC is an independent contractor and not an agent of AMA or the Anchorage Museum at Rasmuson Center, referred to as "Museum". Likewise, in the operation of this contract, neither AMA nor the Anchorage Museum at Rasmuson Center is an agent of GA LLC.

III. TERM OF CONTRACT

This contract shall have a term of five (5) years commencing April 1, 2009, and ending March 31, 2014, subject to mutual agreement of the parties to extend the contract term for one consecutive three-year period. An additional two year extension may be granted by agreement of both parties. GA LLC shall exercise options to extend by giving AMA notice in writing of its intent to do so no later than one hundred eighty (180) days prior to the end of the initial or extended term. AMA shall respond within forty five (45) days. If the option is not exercised, GA LLC shall continue full-scale operation under this contract through the last day of the initial or extended term. Contract provisions are subject to being reviewed and revised at the time of any extension.

IV. EXCLUSIVE CONCESSION RIGHTS

- a) In exchange for devoting its best efforts to promote maximum use of the Museum for Café service and catered events, and subject to its obligation to serve the varied needs of the Museum public, GA LLC shall, with the exception of any AMA-sponsored event in which advance notification has been given, have the exclusive right to provide the food, beverages and personnel to serve the public in the Museum building for such periods as the Museum is open to the public or to private parties at other times. GA LLC acknowledges and agrees that the Museum's hours of operations are dependent upon operating and budgetary considerations and are subject to change from the hours currently in place. Changes in operating hours will be communicated with sufficient notice to allow GA LLC to accommodate the changes in their operations.

- b) Catered events may be scheduled to occur at any time when the Museum is closed to the public. Atrium set-up may not commence before 4:00 pm. Events will conclude by 1:00 am unless prior written approval has been granted by the Museum Director or designee. Catered events during hours when the Museum is open to the public require prior written approval by the Museum Director or designee.
- c) GA LLC shall accommodate a maximum of six (6) self catered, non-profit events at the Museum per calendar year for organizations other than AMA. AMA will not schedule any self catered, nonprofit event without consulting with GA LLC as to proposed dates, except as provided in Sections IV.A and IV.H and AMA may not schedule a self catered, nonprofit event for a Friday or Saturday without the express written consent of GA LLC. GA LLC will be given the right of first refusal for nonprofit organizations desiring food and/or beverage service in the Museum. If GA LLC declines, then the organization can provide its own self catered food and drink, subject to appropriate arrangements with GA LLC. Organizations granted this exemption must provide proof of insurance naming GA LLC as a named insured and will indemnify and hold harmless GA LLC for any actions arising from such events..
- d) The AMA and GA LLC each will cooperate to promote the maximum use of the Museum while avoiding any scheduling conflicts. The Master Events Calendar will be maintained by the Facilities Use Coordinator and will show all events taking place in the Museum (e.g., exhibitions, lectures, special programs) and catered events to be held in the Museum. The Facilities Use Coordinator will refer all potential catered events to GA LLC. All catering arrangements will be the responsibility of GA LLC. In performing this service, GA LLC will coordinate with the Facilities Use Coordinator on a daily basis, as necessary, to notify the Facilities Use Coordinator of catered events scheduled or cancelled. Every effort will be made by AMA to notify GA LLC of any cancellations of previously scheduled events in the Museum of which due notice has been given to AMA. No liability shall devolve upon AMA for its failure to provide such notice of cancellation of Museum events. No liability shall devolve upon GA LLC for its failure to provide the Facilities Use Coordinator notice of cancellation of catered events. It will be the joint responsibility of the Caterer and the Facility Use Coordinator to inform Museum Security about all events.
- e) GA LLC shall be held strictly accountable for furnishing adequate and sufficient service for any catered event scheduled for the Museum for the complete duration of such event.

XXIII. SEVERABILITY

Any provision of this contract decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of this contract.

XXIV. CHANGE IN LAW

Should any law, regulation or order be enacted, or should the enforcement of any existing law, regulation or order change such that the operation of the Café and/or the use of the facilities for catering as described in the Agreement shall be prohibited or materially curtailed, either party shall have the option to terminate this contract after giving the other party no less than sixty (60) days notice of the proposed termination. This provision shall include the situation wherein the new law, regulation or order requires alteration of the facility or the curtailment of services such that continuation of this agreement is no longer commercially reasonable.

XXV. FORCE MAJEURE

If the performance of any part of this Agreement by AMA or GA LLC is prevented, hindered or delayed by reason of any cause or causes beyond the control of that party and which cannot be overcome by due diligence, including, but not limited to, such caused as natural disaster, war or acts of terrorism, labor disputes, failure by the Municipality of Anchorage to appropriate or otherwise provide sufficient funds to the Museum, or other act of God, the party affected shall be excused from such performance to the extent that it is necessarily prevented, hindered or delayed during the continuance of any such happening or event, and this Agreement shall be suspended so long as and to the extent that any such cause prevents or delays its performance.

ANCHORAGE MUSEUM ASSOCIATION

By: Jenna Pepas Henry Date: 4/2/09

GOURMET ASSOCIATES, L.L.C.

By: Jacob Homan Date: 4/3/09

Alaska Corporations, Business and Professional Licensing

Search

- ✓ By Entity Name
- ✓ By AK Entity #
- ✓ By Officer Name
- ✓ By Registered Agent
- ✓ Verify
- ✓ Verify Certification
- ✓ Biennial Report
- ✓ File Online
- ✓ Initial Biennial Report
- ✓ LLC
- ✓ File Online
- ✓ Business Corporation
- ✓ File Online
- ✓ Online Orders
- ✓ Register for Online
- ✓ Orders
- ✓ Order Good Standing
- ✓ Name Registration
- ✓ Register a Business
- ✓ Name Online
- ✓ Renew a Business Name

Date: 5/3/2009

Filed Documents

(Click above to view filed documents that are available.)

Entity Name History

Name	Name Type
GOURMET ASSOCIATES, LLC	Legal

Limited Liability Company Information

AK Entity #:	67850D
Status:	Active - Good Standing
Entity Effective Date:	09/20/1999
Primary NAICS Code:	
Home State:	AK
Principal Office Address:	627 W 3RD AVE ANCHORAGE AK 99501
Expiration Date:	Perpetual
Last Biennial Report Filed Date:	12/12/2008
Last Biennial Report Filed:	2009

Registered Agent

Agent Name:	JACK HOWARD AMON
Office Address:	627 W 3RD AVE ANCHORAGE AK 99501
Mailing Address:	
Principal Office Address:	627 W 3RD AVE ANCHORAGE AK 99501

Organizers

Name:	Jack Amon
Address:	700 Dogwood St Anchorage AK 99501
Title:	Member
Owner Pct:	45
Name:	Jack Amon
Address:	700 Dogwood St Anchorage AK 99501
Title:	Manager
Owner Pct:	45

Officers & Directors

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: Marx Bros Catering

PREMISES LOCATION: Muse at the Anchorage Museum of History and Art at the Rasmussen Center
121 W. 7th Ave. Anchorage, AK

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

SCALE A: _____ 1 SQ. = 1 FT.

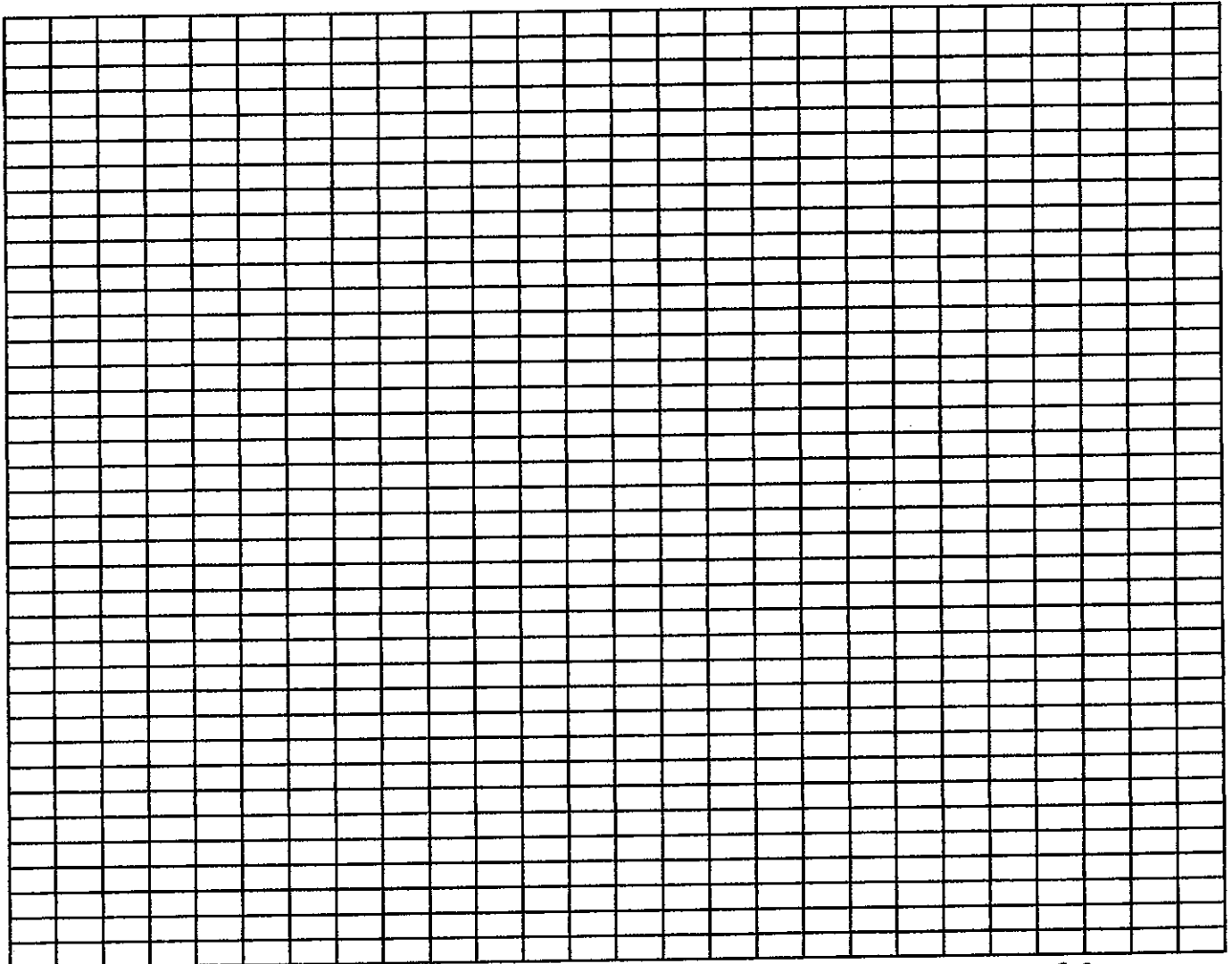
SCALE B:

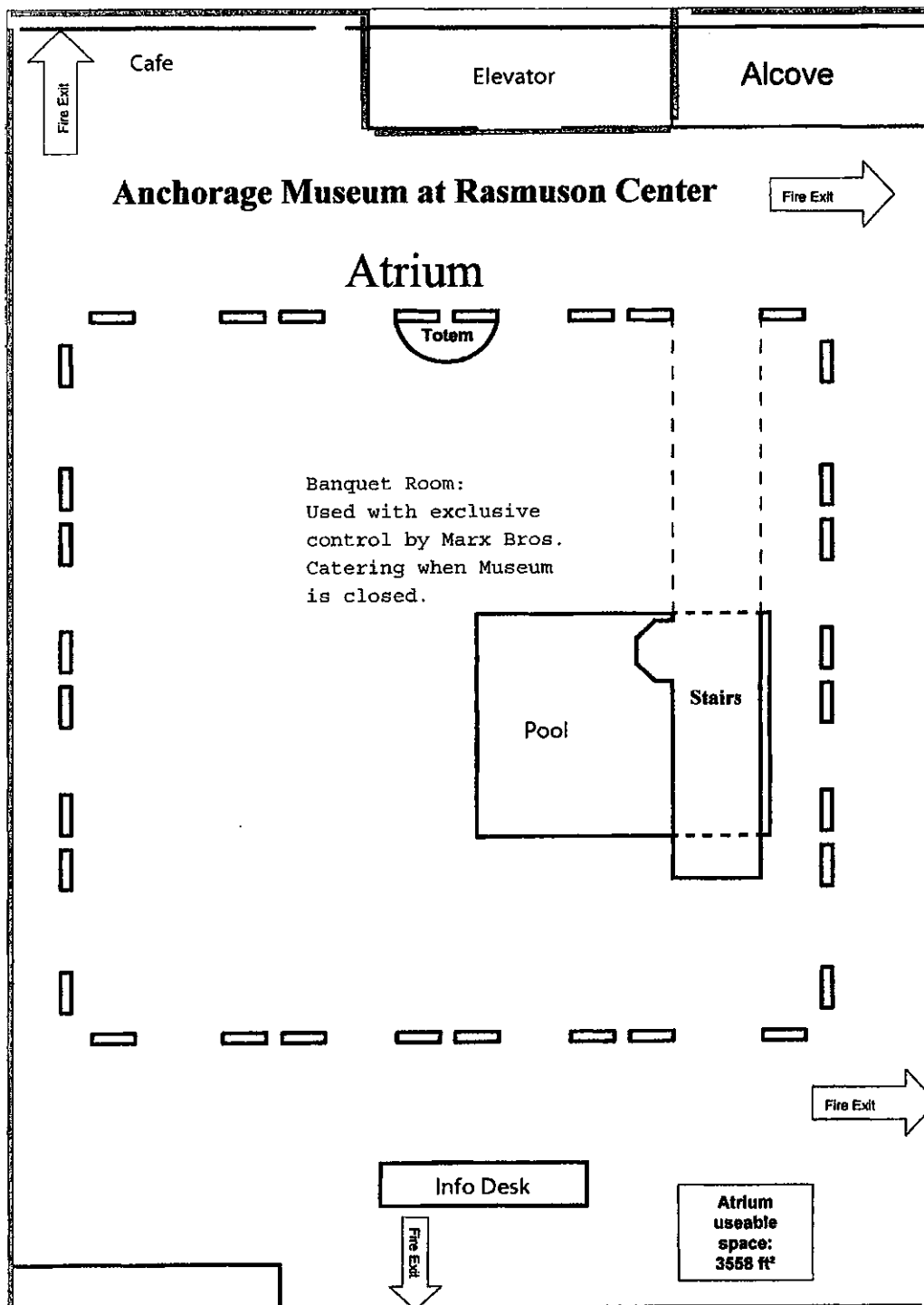
Length and width of premises in feet: **See attached floor plan**

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.

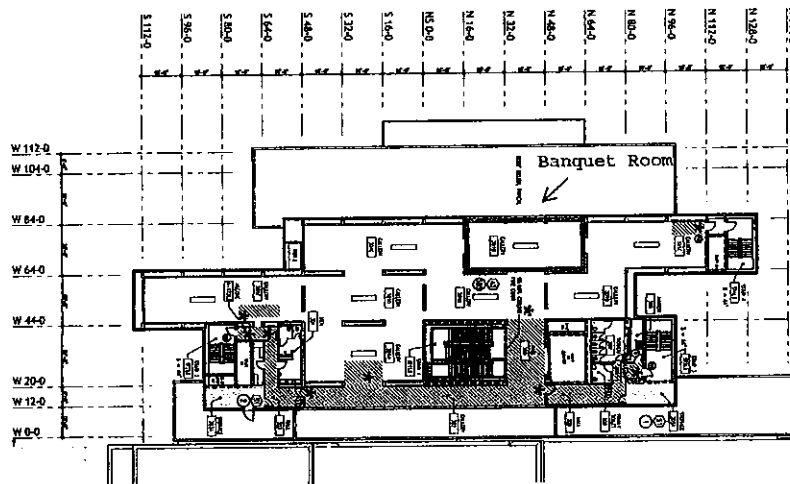
**See attached
floor plan.**







3 CODE PLAN LEVEL 03 EQUIPMENT PLATFORM
3/1/87 4:17 PM



1 CODE PLAN LEVEL 03
1/16" = 1'-0"

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

**Liquor License
Transfer
Application
Notice**

Motherlode, LLC located at no premises is applying for transfer of a Beverage Dispensary AS 04.11.090 liquor license to Gourmet Associates, LLC, d/b/a Marx Bros Catering located Anchorage Museum of History and Art, Rasmussen Center, 121 W. 7th Ave, Anchorage AK 99501.

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

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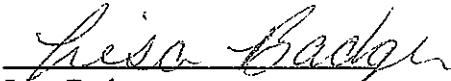
Interested persons should submit written comment to their local governing body, the applicant and to the Alcoholic Beverage Control Board at 5848 E. Tudor Rd., Anchorage, AK 99507.

**Liquor License
Transfer
Application
Notice**

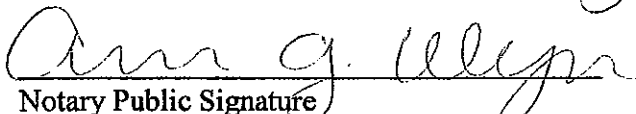
Motherlode, LLC located at no premises is applying for transfer of a Beverage Dispensary AS 04.11.090 liquor license to Gourmet Associates, LLC, d/b/a Marx Bros Catering located Anchorage Museum of History and Art, Rasmussen Center, 121 W. 7th Ave, Anchorage AK 99501.

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

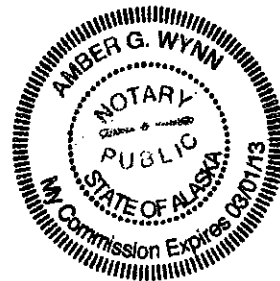
I, Lisa Badger, advertising representative for Anchorage Publishing, Co., verify that the liquor license transfer application notice for, Motherlode, LLC appeared in the April 16, 2009, April 23, 2009 and April 30, 2009 Issues of the Anchorage Press Newspaper.


Lisa Badger

Subscribed and sworn to me in the Municipality of Anchorage, in the state Alaska, on this 1st day of may, 2009


Notary Public Signature

3/1/2013
Commission Expires



STATE OF ALASKA
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: Gourmet Associates LLC		DBA: Marx Bros Catering
EIN or SSN: 92-0169098	Location: Muse at the Anchorage Museum of History and Art, Rasmussen Center, 121 W. 7 th Ave., Anchorage, AK 99501	
List each owner, shareholder, member in the boxes below:		
Jack Amon	Richard V. Hale	
Kenneth Brown	Leonard Hyde	
John Rubini		

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
JL Properties	813 D. Street, Ste. 200 Anchorage, AK 99501	\$300,000.00	Operating Capital

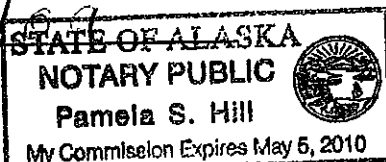
Under the penalties of perjury, I declare that I have examined this application, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of Applicant/Transferee

Subscribed and sworn to before me this

4th Day of May 20 09
Pamela S. Hill 66
Notary Public in and for the State of Alaska
My commission expires May 5, 2010

Date



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: Gourmet Associates LLC

D/B/A: Marx Bros Catering

ADDRESS: Muse at the Anchorage Museum of History and Art, Rasmussen Center, 121 W. 7th Avenue, Anchorage, AK 99501

1. Hours of Operation: 11:00 a.m. to 10:00 p.m. Telephone # 907-278-2133
2. Have police ever been called to your premises by you or anyone else for any reason: ☐ Yes ☐ No ☒ No
If yes, date(s) and explanation(s).

3. Duties of employment: _____

4. Are video games available to the public on your premises? _____

5. Do you provide entertainment: ☐ Yes ☒ No Live Music

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 ☐ No

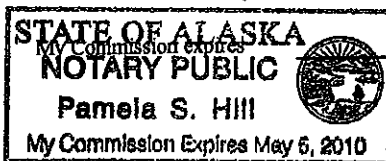
*** A MENU AND A DETAILED LICENSED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

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

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.

Jack
Applicant(s) signature

Subscribed and sworn to before me this May day of 2009
Pamela S. Hill
Notary Public in and for Alaska



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

Date: _____

Director, ABC Board

Date: _____

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

* Describe how food is served on back of form.

**STATE OF ALASKA
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:

1. a. Posting of application for a new _____ liquor license
for _____
located at _____
(address and/or location)

OR

- b. Posting of application for transfer of a _____ Beverage Dispensary Liquor License
currently issued to ___ Motherlode LLC whose business name (d/b/a)
is _____ no premises located at no premises
(address and/or location)

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

____ April 15, 2009 to April 26, 2009

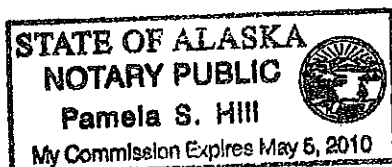
*** Prior to the filing of said application, a true copy of the application was posted at the following described locations: (name and address of location)

- a. Location of premises to be licensed _____ 121 W. 7th Avenue, Anchorage, AK
b. Other conspicuous location in the area _____ Downtown Post Office, 3rd and C, Anchorage, AK

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. (X) 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 4th day of May, 2009.



(signature)

Pamela S. Hill
Notary Public in and for Alaska
My commission expires: May 5, 2010



Property Appraisal

Municipality of Anchorage, Alaska

[Services Directory](#) | [Departments](#) | [Mayor](#) | [Assembly](#) | [About Anchorage](#)

[Find](#)

You are here : [Home](#) > [Departments](#) > [Finance](#) > [Property Appraisal](#) > [New Search](#) > Results

[<Back](#)

[Taxes](#)

[Next Building](#)

Public Inquiry Parcel Details

Show Parcel on Map

PARCEL: 002-111-65-000 01/02 Commercial Cultural Facility 04/23/09

MOA

MUSEUM

PO Box 196650

Anchorage

AK 99519

Site 625 C St

ORIGINAL

BLK 73A LT 1

Lot Size: 198,218

Zone : B2B

Tax Dist: 001

Grid : SW1330

GRW: PIWC

---Date Changed---

Owner : 08/22/06

Address: 08/22/06

Hra # :

----Deed Changed----

Stateid: 0000 0000000

Date : 00/00/00

Plat : 040003

REF #: 05/07/04 002-111-56-000

ASSESSMENT HISTORY

	---Land---	--Building--	---Total---	
Appraised Val 2007:	0	0	0	
Appraised Val 2008:	0	0	0	--Exemption--
Appraised Val 2009:	0	0	0	-----Type-----
Exempt Value 2009:	0	0	0	Municipal
State Credit 2009:			0	
Resid Credit 2009:			0	
Taxable Value 2009:			0	

Liv Units: 000 Common Area:

Leasehold: Insp Dt: /

10/08 Exterior

07/08 Desk Edit

BUILDING DATA

Name: ANCHORAGE MUSEUM

Bldg Use : Cultural Facilities

Bldg Area: 72,304 Eff Yr: 1980 Ident

Grade : Very Good # Units: 001 Units: 1

INTERIOR FEATURES

Floor Level	Size Area:	Use Type:	Wall Hgt	Wall Material:	Constrct Type:	Heat Type:	Air Phys Con Cond:	Funct Utilt
B1/B1	54,928	Parking	Ga 13	Conc Load B	Fire Resist	Hot Air	0 Normal	Normal
01/01	37,519	Theater	50	Brick Venee	Fire Resist	Hot Air	1 Normal	Normal
01/01	19,496	Theater	16	Brick Venee	Fire Resist	Hot Air	1 Normal	Normal
M1/M1	15,289	Multi-Use	12	None		Hot Air	1 Normal	Normal

BUILDING OTHER FEATURES-ATTACHED IMPROVEMENTS

69

Qty:	Structure Code:	Size1:	Size2:	Qty:	Structure Code:	Size1:	Size2:
1	Sprinkler Wet	72,304	1				
1	Ventilation -In	72,304	1				

[Feedback E-mail: vwfipa@muni.org](mailto:vwfipa@muni.org)

[Contact Us](#) | [Disclaimer](#) | [Privacy Statement](#) | [\(c\) 2002 MOA IT e-Gov](#)

POSTING AFFIDAVIT



RECEIVED

JUN 04 2009

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

AFFIDAVIT OF POSTING

CASE NUMBER: _____

I, Jack Amor 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 Gourmet Associates LLC. The notice was posted on 5/26/2009 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 26th day of May, 2009

Signature Jack Amor

LEGAL DESCRIPTION

Tract or Lot 1

Block 73A

Subdivision Original Townsite of Anchorage

HISTORICAL INFORMATION

CLERK'S OFFICE

APPROVED

Date: 6-13-00

Submitted by: Chairman of the Assembly at the
Request of the Mayor
Prepared by: Community Planning and
Development
For reading: JUNE 13, 2000

Anchorage, Alaska
AR 2000- 152

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING A
CONDITIONAL USE FOR SALES OF ALCOHOLIC BEVERAGES (RESTAURANT AND
EATING PLACE LIQUOR LICENSE) LOCATED ON ANCHORAGE ORIGINAL TOWNSITE,
BLOCK 74 GENERALLY LOCATED BETWEEN WEST 6TH AND WEST 7TH AVENUE AND
WEST OF A STREET

(Marx Brothers Café Catering, d.b.a. Marx Brothers Café Catering)(Case 2000-105)

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The conditional use permit for restaurant and eating place liquor license located on
Anchorage Original Townsite, Block 74 is approved subject to the following conditions:

1. A notice of Zoning Action shall be filed with the District Records Office within 120 days
of the Alcoholic Beverage Control Board's approval of the license.
2. All construction and uses shall conform with the plans and narrative submitted.
3. 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.

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

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

PASSED AND APPROVED by the Anchorage Assembly this 13th day of
June, 2000.

ATTEST:

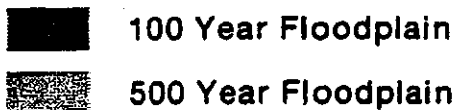
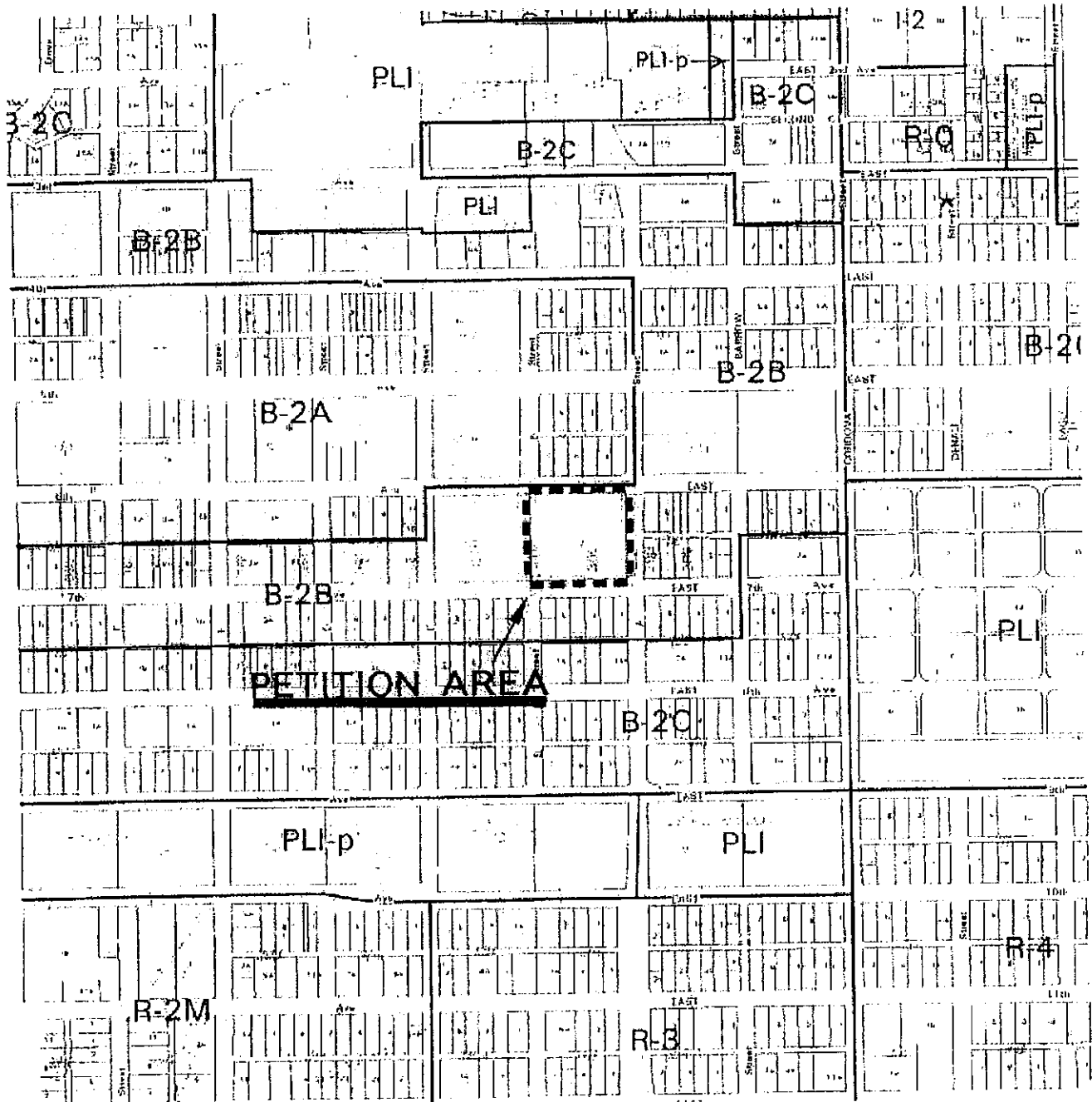
Tay Van Hemmergen
Chairman

Lizanne Ferguson
Municipal Clerk

(2000-105)
(002-111-56)

AM 577-2000

00-105
CONDITIONAL USE
LIQUOR



LIQUOR LICENSE BROWSE

LICENSE INFORMATION

List 3964 3968 3971 3972 3973 3977 3978 3985 3991 3996 4003 4008	License Number	4008	Action Type	Renewal	Action Date	04/15/2008
	Approval Date	04/15/2008	Protest Date	05/16/2008	License Document	AM 242-2008
	Restaurant Date	06/15/2000	License Status	Valid/Active	Status Date	04/29/2009
	Soc. Sec. Num.	920-16-9098	Fed. EIN Num.		ABC App. Date	04/18/2008
	License Type	Restaurant/Eating Place			License Years	08-09
	Comment	AM 224-2002 app 2/26/02 AM 210-2006 app renew 3/28/06 AM 242-2008 Renewal Approved 4/15/08				
	Tax ID	002-111-65-000	Tax ID Verified	No		

BUSINESS INFORMATION

Name	Marx Bros. Cafe at the Museum		
Address	121 W. 7th Ave		
	Anchorage, AK 99501		
Phone 1	(907) 22-9-3273	Phone 2	()
Community Councils	Downtown	Primary	

APPLICANT INFORMATION

Name	Gourmet Asso., LLC
Address	627 West 3rd Avenue
	Anchorage, AK 99501

CONDITION DOCUMENTS

Document Num.	Condition Type	Request Date	Approval Date
AR 2000-152	Land Use Conditions		
Comment			

OWNER INFORMATION

Owner Name	Address	City	State	Zip
Amon, Jack	627 West 3rd Avenue	Anchorage	AK	99501
Hale, Richard V	627 West 3rd Avenue	Anchorage	AK	99501

PARCEL INFORMATION

OWNER

MOA
MUSEUM

PO BOX 196650
ANCHORAGE AK 99515 6650

Deed 0000 0000000

CHANGES: Deed Date Jan 01, 1984
Name Date Aug 22, 2006
Address Date Aug 22, 2006

PARCEL

Parcel ID 002-111-65-000
Status
Renumber ID 000-000-00-00000
Site Addr 625 C ST
Comm Concl DOWNTOWN
Comments 002-111-56.57 NOW 002-111-65
(04-3)

01
02

TAX INFO

2009 Tax 0.00 Balance 0.00 District 001

LEGAL

ORIGINAL
BLK 73A LT 1

Unit SQFT 198,218
Plat 040003
Zone B2B Grid SW1330

HISTORY

	Year	Building	Land	Total
Assmt Final	2007	0	0	0
Assmt Final	2008	0	0	0
Assmt Final	2009	0	0	0
Exemptions	MUNICIPAL			0
State Credit				0
Tax Final				0

PROPERTY INFO

#	Type	Land Use
01	COMMERCIAL	CULTURAL FACILITY
02	COMMERCIAL	CULTURAL FACILITY

SALES DATA

Mon	Year	Price	Source	Type

APPRAISAL INFORMATION

01
02

AK 99519 6650

Cross Reference (XRef) Type Legend

Econ. Link	Replait	Uncouple
E = Old to New	R = Old to New	U = Old to New
I = New to Old	F = New to Old	Q = New to Old
Renumber	Combine	Lease
N = New to Old	C = New to Old	L = GIS to Lease
X = Old to New	P = Old to New	M = Lease to GIS

Get "Type" explanation
Bring up this form focused on the related parcel

Case Number 2009-076 # of Parcels 1 Hearing Date 04/10/2009

Case Type	Amending a conditional use for a restaurant serving alcohol
Legal	An amendment to an alcoholic beverage conditional use for a restaurant/eating place for Marx Brothers Cafe Catering, Original Townsite Subdivision, Block 73A, Lot 1, generally located between West 6th Avenue and West 7th Avenue and on the west side of "A" Street

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

Permit Number DET030181
Project
Work Desc non conforming determination
Use DETERMINATIONS

011666
012594
012811

Action No. 2005-122		
Action Date 11/07/2005		
Resolution 2005-066	Status APR	Ruling Approved
	Type CU	Conditional Uses

4008

Business	Marx Bros. Café at the Museum	Applicants Name	Gourmet Asso., LLC
Address	121 W 7th Ave Anchorage, AK 99501	Conditions	AR 2000-152
License Type	Restaurant/Eating Place		
Status	Valid/Active		

PARCEL INFORMATION

APPRAISAL INFORMATION

Legal ORIGINAL
BLK 73A LT 1

Parcel 002-111-65-000
Owner MOA
MUSEUM

01
02

Descr CULTURAL FACILITY
Site Addr 625 C ST

PO BOX 196650
ANCHORAGE

AK 99519 6650

RELATED CAMA PARCELS

Related Parcel(s)	XRef Type	Leased Parcels	Cross Reference (XRef) Type Legend			Get "Type" explanation Bring up this form focused on the related parcel
			Econ. Link E = Old to New I = New to Old Renumber N = New to Old X = Old to New	Replat R = Old to New F = New to Old Combine C = New to Old P = Old to New	Uncouple U = Old to New Q = New to Old Lease L = GIS to Lease M = Lease to GIS	
002-111-156000	C					
002-111-157000	C					

REZONE

Case Number 2009-096 # of Parcels 1 Hearing Date 05/14/2009
Case Type Assembly conditional use for an alcoholic beverage dispensary use
Legal An alcoholic conditional use to allow for a beverage dispensary. The Muse Restaurant located in the Municipality of Anchorage Museum. Original Townsite, Block 73A, Lot 1.

PLAT

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

PERMITS

Permit Number DET030181
Project
Work Desc non conforming determination
Use DETERMINATIONS

BZAP

Action No. 2005-122
Action Date 11/07/2005
Resolution 2005-066
Status APR
Type CU
Ruling Approved
Conditional Uses

ALCOHOL LICENSE

Business Marx Bros. Café at the Museum
Address 121 W 7th Ave
Anchorage, AK 99501
License Type Restaurant/Eating Place
Status Valid/Active
Applicants Name Gourmet Asso., LLC
Conditions AR 2000-152



Municipality of Anchorage

Office of the Municipal Clerk - Division of Business Licensing

632 West Sixth Avenue Anchorage, Alaska 99501 Suite 250

Phone: 343-4316 Fax: 249-7916

Mailing Address: P.O.Box 196650 Anchorage, AK 99519-6650

Sent:

Due: Jun 12, 2009

Business License Review

Municipal Planning Department Review

To: Mary Autor
Sonya Walker

Licensing Clerk: Duke, Jacqueline C.

License: **Beverage Dispensary**

4923

Transfer of Location/Own

Current Licensee:

Owner: **Motherlode LLC**

DBA:

New Applicant:

Owner: **Gourmet Associates, LLC**

DBA: **Marx Bros Catering**

Address: **No Premise**

Address: **121 W 7th Avenue**

City/State:

City/State: **Anchorage Ak ,99501**

Parcel ID: 00211165000

Community Councils: Downtown

Please review the attached application(s) and determine whether the proposed activity complies with AMC 21.50.160 Conditional use standards uses involving sale of alcoholic beverages.

There is a Conditional Use Permit at this location. AR #:

Approved: _____ Date: _____

No Conditional Use Permit in place at this location. The applicant has been notified.

Denied: _____ Date: _____

Comments:

Please review the attached application(s) and determine whether the proposed activity complies with all applicable Land Use regulations that pertain to new and transferred liquor license establishments.

Reason for
Denial/
Conditions:

Approved _____ Date: _____

Denied: _____ Date: _____

80

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: May 11, 2009

Application Type: NEW _____

☒ TRANSFER
☒ Ownership
☒ Location
☒ Name Change

Governing Body: Municipality of Anchorage
 Community Councils: Downtown Community Council

License #: 4923
 License Type: Beverage Dispensary
 D.B.A.*: Marx Bros Catering
 Licensee/Applicant: Gourmet Associates, LLC
 Physical Location: Anchorage Museum - 121 W 7th Ave.
 Anchorage

Mail Address: 627 W 3rd Ave., Anchorage, AK 99501
 Telephone #: 907-278-2133 Fax: 907-258-6279
 EIN: 92-0169098

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corporation	Good standing?
Jack Amon	627 W 3 rd Ave. Anchorage, AK 99501	907-278-2133	9/20/99 AK	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Jack Amon	10/21/52	700 Dogwood Street Anchorage, AK	907-229-3273	35%
Richard V. Hale	8/14/47	1009 L Street Anchorage, AK 99501	907-278-3133	35%
Kenneth Brown	10/16/52	2341 Belmont Drive Anchorage, AK		10%
Leonard B. Hyde	12/13/56	10102 Point Resolution Anchorage, AK 99518	907-279-8068	10%
Jonathan B. Rubjol	3/3/55	2655 Marston Drive Anchorage, AK 99517	907-277-8825	10%

If transfer application, current license information:

License #: 1949
 Current D.B.A.: North Slope Restaurant & Saloon
 Current Licensee: Motherlode LLC
 Current Location: No Premise

Additional comments: Restaurant Designation Permit must be signed and returned to the ABC Board if/when approved.

Page 2

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

Sincerely,

/s/ Christine C. Lambert
Christine C. Lambert
Business Registration Examiner

Alcoholic Beverage Control Board
5848 E. Taylor Rd.
Anchorage, AK 99507

Transfer Liquor License

PAGE 1 OF 2

(907) 269-0350

Fax: (907) 272-9412

www.dps.state.ak.us/abc

5223

This application is for:

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

☒ Full 2-year period

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

License Year: 2009	License Type: Beverage Dispensary	Statute Reference Sec. 04.11.090	FEES
License # 1914 4923			License Fee: Spaid Filing Fee: \$100.00 Fingerprint: (\$54.25 per person)x5
Local Governing Body: (City, Borough or Unorganized) City of Anchorage	Community Council Name(s) & Mailing Address: Downtown Community Council 101 Christensen Dr. Anchorage, AK 99501		Total Submitted: \$371.25
Name of Applicant (Corp./LLC/PLLP, Individual/Partnership): Gourmet Associates LLC	Doing Business As (Business Name): Marx Bros Catering	Business Telephone Number: 907-278-2133 Fax Number: 907-258-6279	
Mailing Address: 637 W. 7th Ave. City, State, Zip: Anchorage, AK 99501	Street Address or Location of Premise: Anchorage Museum of History and Art at the Rasmussen Center, 121 W. 7th Ave. Anchorage, AK 99501	Email Address: jamon@gei.net	

SECTION B - TRANSFER INFORMATION.

☒ Regular Transfer

☐ Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.350(4)(b) in 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:

Motherlode LLC
7532 Gray Wolf Circle
Anchorage, AK 99507

Business Name (dba) **BEFORE** transfer:

No premises

Street Address or Location **BEFORE** transfer:

No premises

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

Closest school grounds: Denali Elementary 952 Cordova Street (approx 7 blocks)	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Not applicable
Closest church: Russian Orthodox Museum 600 A. Street (approx 1 block)	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input type="checkbox"/> Existing facility <input checked="" type="checkbox"/> New building (New Addition to Museum)	<input checked="" type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

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
Gourmet Associates LLC	Marx Bros Restaurant	Beer and Wine	637 3rd Avenue Anchorage, AK 99501	Alaska
Gourmet Associates LLC	Marx Bros Catering	Beer and Wine	121 W. 7th Ave. Museum of History & Art At the Rasmussen Center Anchorage, AK 99501	Alaska

Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?
☐ Yes ☒ No If Yes, attach written explanation.

Office Use Only

Date Approved

Director's Signature

Transfer App 109

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Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage AK 99507
PH: 907 269-0350 - FX: 907 272-9412

Liquor License

PAGE 2 of 3
Licensee Information
www.dps.state.ak.us/abc

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): Courtney Associates LLC		Telephone Number: 907-278-2133	Fax Number: 907-258-6279
Corporate Mailing Address: 637 W. 3rd Avenue	City: Anchorage	State: AK	Zip Code: 99501
Name, Mailing Address and Telephone Number of Registered Agent: Jack Amon - 700 Dogwood Street, Anchorage, AK		Date of Incorporation OR Certification w/ DCFD: 09/20/1999	State of Incorporation: 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 entity *must* be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Phone	Date of Birth
Jack Amon	Member	35	700 Dogwood St., Anchorage, AK - 907-258-3463	907-229-3273	
Richard V. Hale	Member	35	1009 L St., Anchorage, AK 99501 - 907-272-7774	907-278-2133	
Kenneth Brown	Member	10	2341 Belmont Dr., Anch., AK 99517 - 907-258-5272	Retired	
Leonard B. Hyde	Member	10	10102 Point Resolution, Anch., AK 99518 - 907-248-7297	907-279-8068	
Jonathan B. Rubini	Member	10	2655 Marston Drive, Anch. AK 99517 - 907-277-8825	907-277-8825	

NOTE: On a separate sheet provide information on ownership 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, Four Individuals as listed above Address: As listed above Home Phone: As listed above Work Phone: As listed above	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Margie Brown Address: 2341 Belmont Drive Anchorage AK 99517 Home Phone: 907-258-5272 Work Phone: Retired	Applicant <input type="checkbox"/> Affiliate <input checked="" type="checkbox"/>
Name: Nicki Shinnery Address: 1009 L Street, Anchorage, AK 99501 Home Phone: 907-272-7774 Work Phone: 907-440-6017	Applicant <input type="checkbox"/> Affiliate <input checked="" type="checkbox"/>	Name: Suzanne LaPierre Address: 2655 Marston Dr. Anchorage, AK 99517 Home Phone: 907-277-8825 Work Phone: n/a	Applicant <input type="checkbox"/> Affiliate <input checked="" type="checkbox"/>
Name: Sandra T. Hyde Address: 10102 Point Resolution Anchorage, AK 99518 Home Phone: 907-248-7297 Work Phone: n/a	Affiliate <input checked="" type="checkbox"/>		

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 Current Licensee(s) Signature: <i>Michael E. Merrill</i>	Signature of Transferee(s) Signature: <i>Jack Amon</i>
Name & Title (Please Print) Michael E. Merrill, Member	Name & Title (Please Print) Jack Amon, Member
Subscribed and sworn to before me this 14 day of April, 2009.	Subscribed and sworn to before me this 14 day of April, 2009.
Notary Public in and for the State of Alaska <i>[Signature]</i>	Notary Public in and for the State of Alaska <i>Pamela S. Hill</i>
My commission expires: 9.8.12	My commission expires: May 5, 2010

Transfer App 3/09

STATE OF ALASKA NOTARY PUBLIC
Jessie R. Foster
My Commission Expires 9.8.12

STATE OF ALASKA NOTARY PUBLIC
Pamela S. Hill
My Commission Expires May 5, 2010

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/dining 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: Gourmet Associates LLC

D/O/A: Mark Bros Catering

ADDRESS: Muse at the Anchorage Museum of History and Art, Rasmussen Center, 121 W. 7th Avenue, Anchorage, AK 99501

1. Hours of Operation: 11:00 a.m. to 10:00 p.m. Telephone # 907-278-2133
2. Have police ever been called to your premises by you or anyone else for any reason: ☐ Yes ☐ No ☒ No
If yes, date(s) and explanation(s).

3. Duties of employment: _____

4. Are video games available to the public on your premises? _____

5. Do you provide entertainment: ☐ Yes ☒ No Live Music

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 ☐ 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 104.795)

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.

Applicant(s) signature

Subscribed and sworn to before me this

day of

May 2009

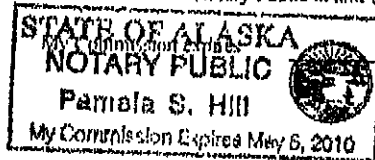
Notary Public in and for Alaska

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

Date: _____

Director, ABC Board

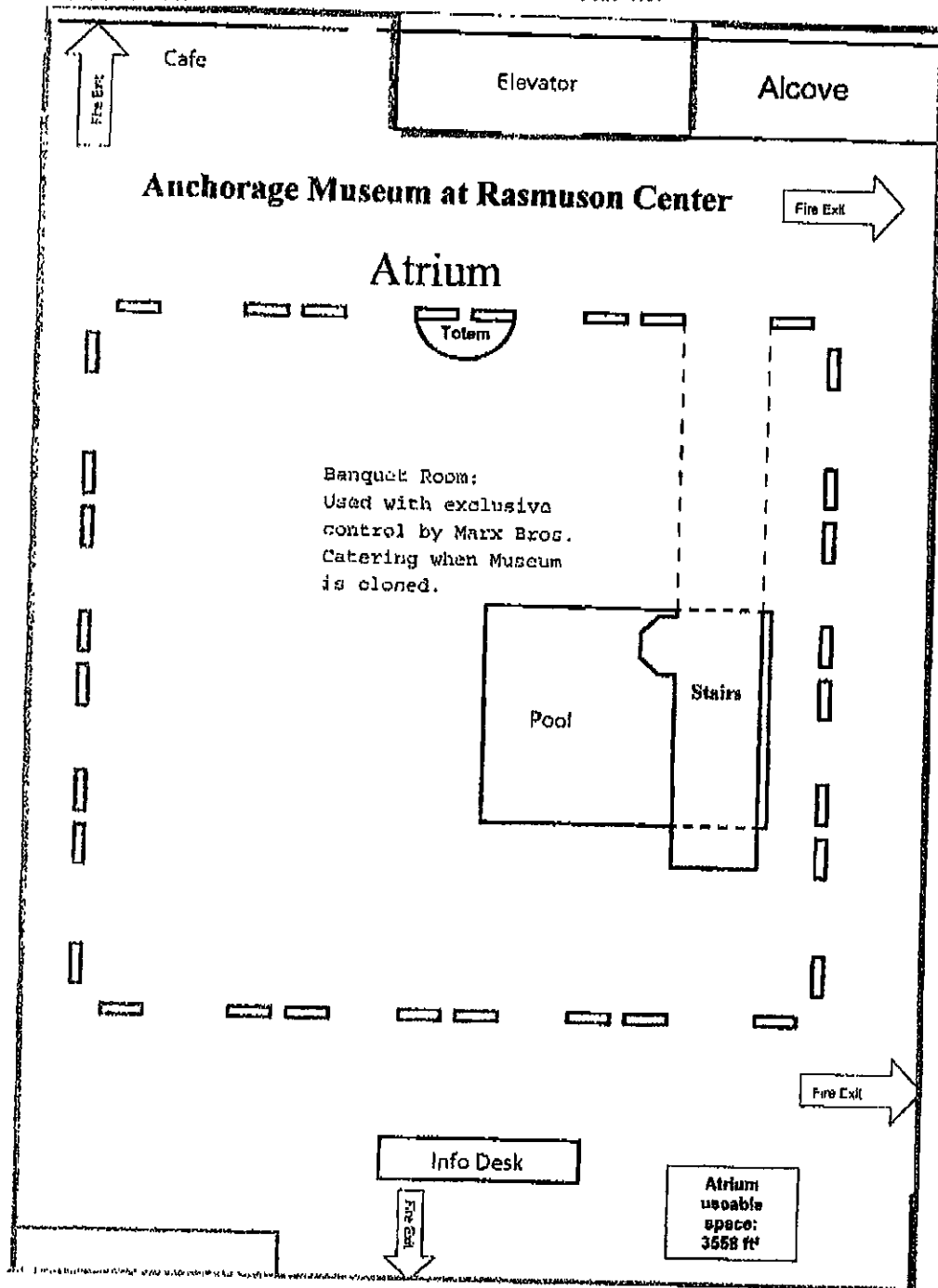
Date: _____

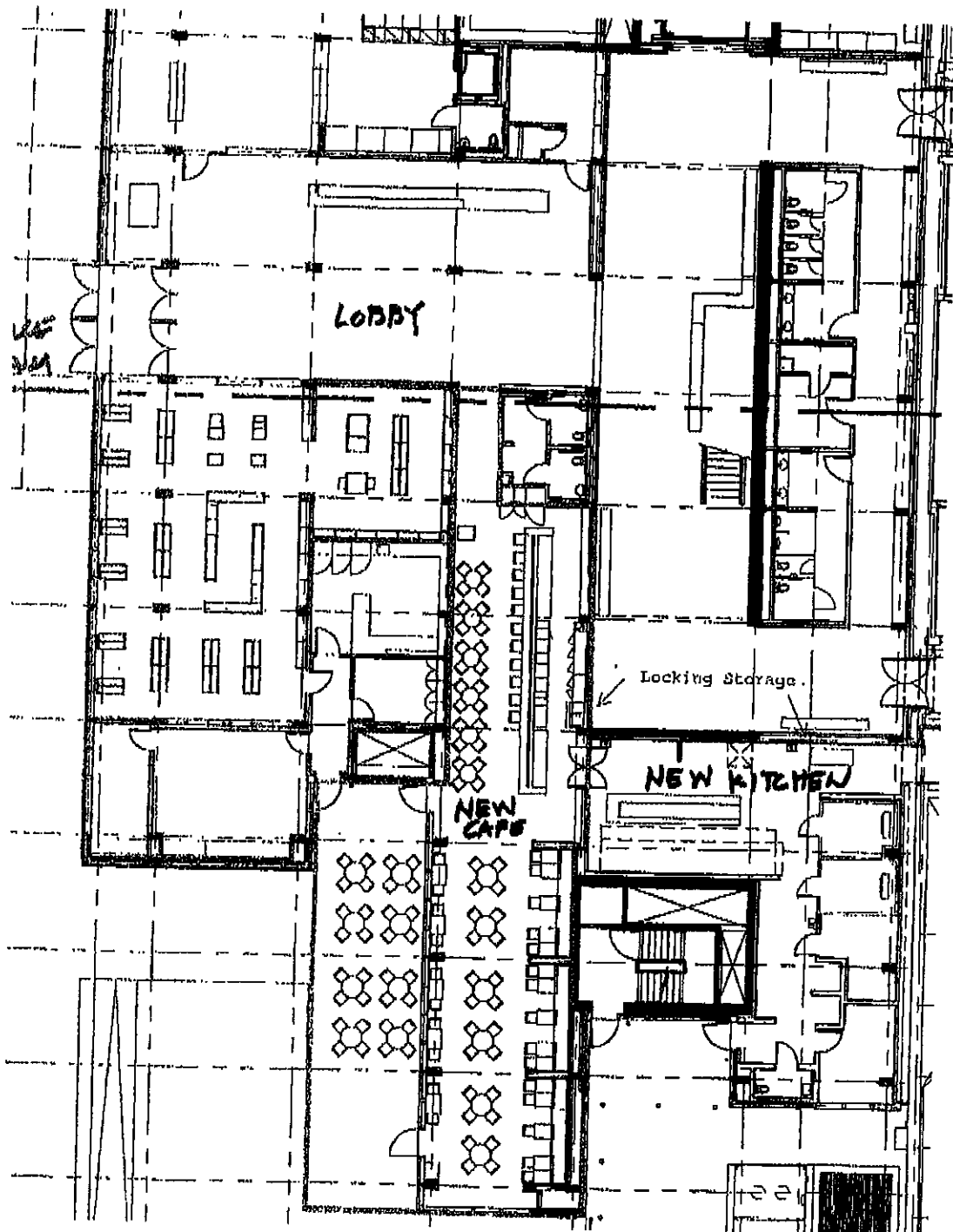


May 5, 2010

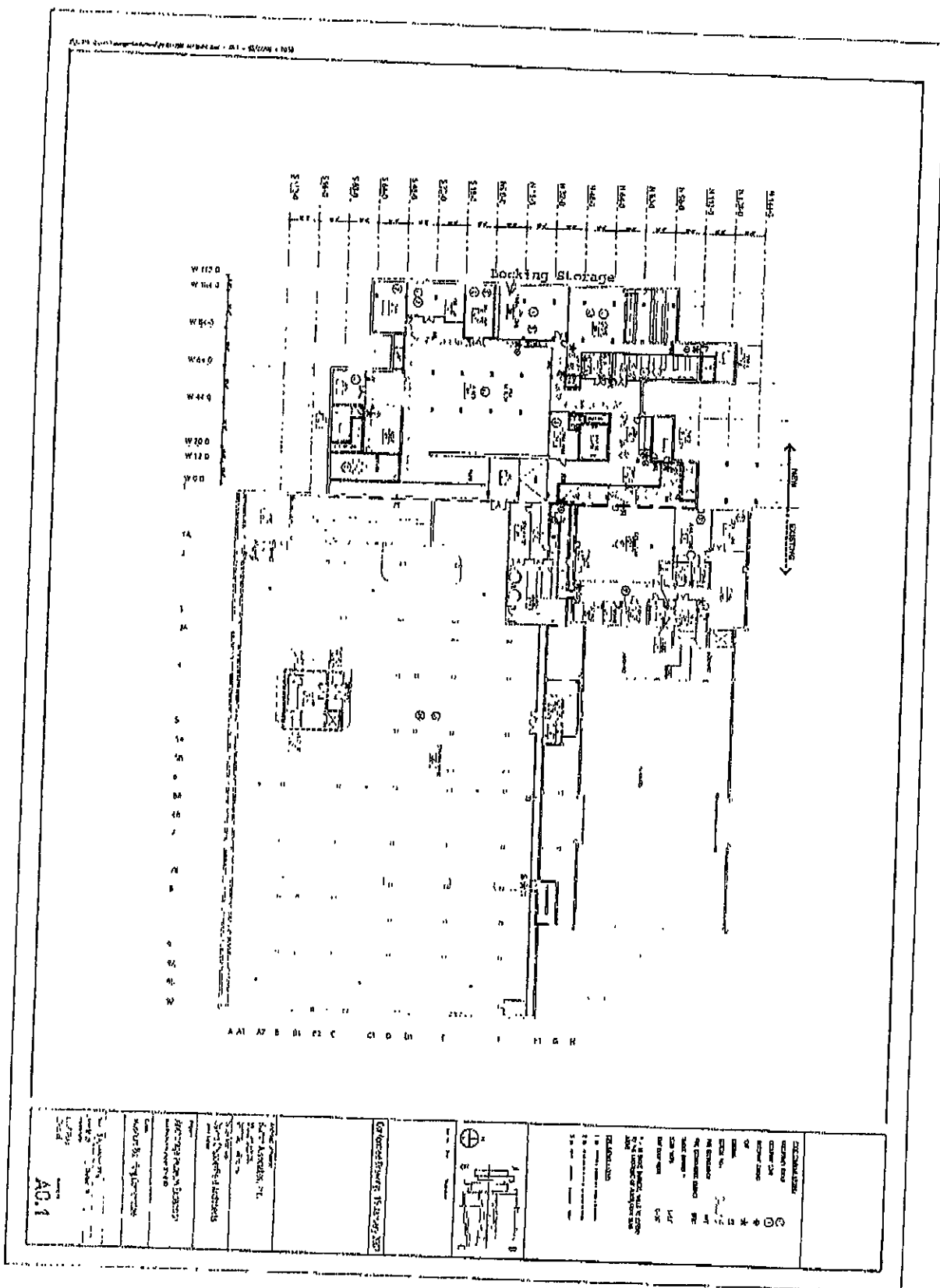
NOTE: AS 04.16.049(c) requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the employee who is under 19 years of age. Persons 19 and 20 years of age are not required to have the consent or exemption.

* Describe how food is served on back of form.





Liquor Service & Storage Areas
outlined in red



muse

LUNCH

SOUPS

Ask your server about our fresh soups of the day.

3.75 cup 4.75 bowl

SALADS & APPETIZERS

Add grilled chicken to any salad 2.00 half, 3.00 whole

VAN'S FAMOUS CAESAR SALAD 5.50 half, 10.50 whole
Add chicken or salmon lox 6.75 half, 13.25 whole

CITRUS SALAD 6.00 half, 11.75 whole
Seasonal citrus and fresh baby greens, tossed with a house vinaigrette and topped with chevre

GARDEN SALAD 5.50 half, 10.50 whole
Mixed greens, grape tomatoes, red onion with English cucumber and house vinaigrette

SALAD NICOISE 6.50 half, 12.75 whole
Potatoes, long green beans, hard boiled eggs and fresh peppers

QUICHE D'JOUR 7.75
Fresh quiche served with a side of garden salad

GREEN GARLIC DIP 7.75
A creamy blend of spinach, garlic and cream cheese; baked and served with pita chips.

SANDWICHES & ENTREES

All of our sandwiches are served with a complimentary side of the day.

TURKEY, AVOCADO & BACON 6.25 half, 11.75 whole
Oven roasted turkey breast, hickory smoked bacon, fresh avocados, lettuce, tomato, onion and house mayonnaise

MARX BROS. BLT 6.25 half, 11.75 whole
Herb aioli, lettuce, tomatoes, Apple wood smoked bacon, salmon lox, served on rye bread

LAVENDER ROAST BEEF 6.25 half, 11.75 whole
Thinly sliced roast beef, tomatoes, red onion, Provolone, sprouts, spring mix greens, with a lavender aioli served on baguette

HAM & CHEESE half 6.25, 11.75 whole
Sliced ham, tomatoes, Provolone and honey mustard, served on Sourdough with pesto butter

BAKED PENNE PASTA 12.25
House marinara and penne pasta mixed with Ricotta, topped with Provolone and served with garlic points

For parties of 5 or more, 18% gratuity will be added.



OPERATED BY The Marx Bros.
CHEF DE CUISINE Jonah Cotter
LINE CHEF Matt Johnson
LINE CHEF Brandon Miracle

Content ID: 007839**Type:** AR_AllOther - All Other Resolutions

Title: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A BEVERAGE DISPENSARY USE AND LICENSE IN THE B-2B (CENTRAL BUSINESS DISTRICT-INTERMEDIATE) DISTRICT FOR GOURMET ASSOCIATES LLC, DBA MARX BROTHERS CATERING; LOCATED WITHIN THE ANCHORAGE MUSEUM AT RASMUSON CENTER, 121 WEST 7TH AVENUE, WITHIN AOT, BLOCK 73A, LOT 1; GENERALLY LOCATED NORTH OF WEST 7TH AVENUE BETWEEN A AND C STREETS.

Author: weaverjt**Initiating Dept:** Planning

Description: A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A BEVERAGE DISPENSARY USE AND LICENSE IN THE B-2B (CENTRAL BUSINESS DISTRICT-INTERMEDIATE) DISTRICT

Date Prepared: 6/10/09 2:50 PM**Director Name:** Tom Nelson**Assembly Meeting Date:** 6/23/09**Public Hearing Date:** 6/23/09

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	6/12/09 9:40 AM	Exit	Joy Maglaqui	Public	007839
MuniMgrCoord_SubWorkflow	6/12/09 9:40 AM	Approve	Joy Maglaqui	Public	007839
MuniManager_SubWorkflow	6/11/09 8:08 PM	Approve	Michael Abbott	Public	007839
CFO_SubWorkflow	6/11/09 3:33 PM	Approve	Sharon Weddleton	Public	007839
ECD_SubWorkflow	6/10/09 4:18 PM	Approve	Tawny Klebesadel	Public	007839
Planning_SubWorkflow	6/10/09 4:04 PM	Approve	Jerry Weaver Jr.	Public	007839
AllOtherARWorkflow	6/10/09 4:04 PM	Checkin	Jerry Weaver Jr.	Public	007839
ECD_SubWorkflow	6/10/09 3:09 PM	Reject	Tawny Klebesadel	Public	007839
Planning_SubWorkflow	6/10/09 2:57 PM	Approve	Jerry Weaver Jr.	Public	007839
AllOtherARWorkflow	6/10/09 2:54 PM	Checkin	Jerry Weaver Jr.	Public	007839

NEW PUBLIC HEARINGS