

CLERK'S OFFICE
APPROVED

Date: 8-17-10

Submitted by: ASSEMBLY CHAIR TRAINI,
VICE CHAIR FLYNN, AND ASSEMBLY
PUBLIC SAFETY
COMMITTEE CHAIR HONEMAN

Prepared by: Municipal Clerk
For reading: August 17, 2010

**ANCHORAGE, ALASKA
AR NO. 2010-241**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A NEW RESTAURANT EATING PLACE LIQUOR LICENSE
#5000 AND RESTAURANT DESIGNATION PERMIT FOR HUGO J. GIMENEZ dba THE
GRAPE LEAF, LOCATED AT 302 W. FIREWEED, AND AUTHORIZING THE MUNICIPAL
CLERK TO TAKE CERTAIN ACTION.**

WHEREAS, Hugo J. Gimenez has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a new Restaurant/Eating Place Liquor License # 5000 and Restaurant Designation Permit, to be used for The Grape Leaf, located at 302 W. Fireweed, Anchorage, Alaska; and

WHEREAS, the Assembly must enter any protest to the ABC Board within 60 days following receipt of the application; and

WHEREAS, the Anchorage Municipal Clerk received a copy of this application on June 21, 2010 and has determined that the last day for the Assembly to file a protest is August 20, 2010 and

WHEREAS, the Assembly Meeting on August 17, 2010 is the last scheduled regular meeting of the Anchorage Assembly prior to the expiration of the protest period; and

WHEREAS, the Municipal Clerk reports the following status concerning this location:

1. No ABC Board violations and/or incidents that would lead to an ABC Board violation;
2. No taxes owing to the Municipality of Anchorage;
3. Anchorage Fire Department approval was received;
4. Administrative site plan review, required by AMC 21.50.500, **has not been completed;**
5. Approvals from the Municipal Health & Human Services and Building Safety Departments have been received; and

1 WHEREAS, protest by the Assembly is in order pending Municipal Clerk confirmation
2 that outstanding items required for this location have been completed;
3

4 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:
5


6 Section 1. The Anchorage Assembly hereby enters its PROTEST for a new
7 Restaurant Eating Place Liquor License #5000 and Restaurant
8 Designation Permit until these conditions are met:
9

- 10 • Successful completion of the administrative site plan review under
11 AMC 21.50.500 is confirmed by the Municipal Clerk.
12


13 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic
14 Beverage Control Board as proof that the Anchorage Assembly, as the
15 local governing body, has stated its protest in order to allow the Director
16 of the Alcoholic Beverage Control Board to hold processing of
17 Restaurant Eating Place Liquor License #5000 and Restaurant
18 Designation Permit under local protest, until receipt by the Director of
19 confirmation from the Municipal Clerk that the conditions in Section 1
20 have been met, and this protest is lifted as authorized by this Assembly
21 Resolution.
22

23 Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon
24 Municipal Clerk confirmation that all conditions in Section 1 have been
25 met, to provide written notification to the Alcoholic Beverage Control
26 Board that this protest by the Anchorage Assembly is lifted, without
27 further action by the Assembly.
28

29 PASSED AND APPROVED by the Anchorage Assembly this 17th day of
30 August, 2010.
31

32 
33 Chair
34

35 ATTEST:

36 
37
38 Municipal Clerk
39

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

New Liquor License

PAGE 1 OF 2

(907) 269-0350

Fax: (907) 272-9412

www.dps.state.ak.us/abc

This application is for:

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

#6474

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.			FEES	
License Year:	License Type: RESTAURANT EATING PLACE	Statute Reference Sec. 04.11.100	License Fee: \$	
(Office Use Only) License #: 5000			Filing Fee: \$100.00	
Local Governing Body: (City, Borough or Unorganized) Anchorage	Community Council Name(s) & Mailing Address: North Star Rogers Park		Fingerprint: (\$54.25 per person)	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): HUGO J GIMENEZ	Doing Business As (Business Name): THE GRABBE LEAF		Total Submitted: \$ \$804.25	
	Business Telephone Number: 907 444 8062		Fax Number:	
Mailing Address: 2503 E 10th St	Street Address or Location of Premise: 302 W FIREWHEEL		Email Address: CHRISTOPHER@HOTMAIL.COM	
City, State, Zip: Anchorage AK 99503	ANCHORAGE			

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

Closest school grounds 1/4 mile	Distance measured under: <input 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: 1 mile	Distance measured under: <input type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached

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

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

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

Name	Name of Business	Type of License	Business Street Address	State

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

☐ Yes ☒ No If Yes, attach written explanation.

Office use only

Date Approved

Director's Signature

Liquor License

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.			
Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership)		Telephone Number	Fax Number
Corporate Mailing Address:	City	State	Zip Code
Name, Mailing Address and Telephone Number of Registered Agent		Date of Incorporation OR Certification with DCED	State of Incorporation
Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input type="checkbox"/> Yes <input type="checkbox"/> 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 Telephone Number	Date of Birth
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: <u>HUGO J GIMENEZ</u>	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/>	Name: <u> </u>	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Address: <u>2503 FIDE ST</u>	Date of Birth: <u>01-27-45</u>	Address: <u> </u>	Date of Birth: <u> </u>
Home Phone: <u>907 444 8062</u>	Work Phone: <u>272 8238</u>	Home Phone: <u> </u>	Work Phone: <u> </u>
Name: <u> </u>	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: <u> </u>	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Address: <u> </u>	Date of Birth: <u> </u>	Address: <u> </u>	Date of Birth: <u> </u>
Home Phone: <u> </u>	Work Phone: <u> </u>	Home Phone: <u> </u>	Work Phone: <u> </u>

Declaration
<ul style="list-style-type: none">I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s)	
Signature <u>[Signature]</u>	Signature <u> </u>
Name & Title (Please Print) <u>HUGO J GIMENEZ</u>	Name & Title (Please Print) <u> </u>
Subscribed and sworn to before me this <u>17</u> day of <u>May</u> , 2010.	Subscribed and sworn to before me this <u> </u> day of <u> </u> , 2010.
Notary Public in and for the State of Alaska <u>[Signature]</u>	Notary Public in and for the State of Alaska <u> </u>
My commission expires <u>W/O</u>	My commission expires: <u> </u>
New License App 3/09	

STATE OF ALASKA
NOTARY PUBLIC
Henreeda Jaramillo
My Commission Expires With Office

STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 13 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 age 16 to 20 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:

HUGO J GIMENEZ
ALASKA BUSINESS LICENSE NO 934586

D/B/A:

THE GRAPE LEAF

ADDRESS:

302 W FIREWEED Ln

1. Hours of Operation: 11 AM to 10 PM Telephone # 907 278 8238
2. Have police ever been called to your premises by you or anyone else for any reason: ☐ Yes ☒ No
If yes, date(s) and explanation(s).

3. Duties of employment:

BUS TABLE DISTURBANCES

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

none

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

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

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

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

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

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

Subscribed and sworn to before me this
17 day of June 2010

Date:

Notary Public in and for Alaska

My Commission expires

Director, ABC Board

STATE OF ALASKA
NOTARY PUBLIC
Henreeda Jaramillo

Date:

NOTE

My Commission Expires With Office
AS 04.16.049 of 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

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A Masters, Commissioner

June 21, 2010

Municipality of Anchorage
Barbara Gruenstein
P.O. Box 196650
Anchorage, Alaska 99519

Re: The Grape Leaf – License # 5000 - Restaurant Designation Permit Application enclosed.

We have received the enclosed application for a new liquor license within the Municipality of Anchorage. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

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.

Alcoholic Beverage Control Board

5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

Content ID: 009293**Type:** AR_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW RESTAURANT EATING PLACE LIQUOR LICENSE # 5000 AND RESTAURANT DESIGNATION PERMIT FOR HUGO J.

Title: GIMEMEZ dba THE GRAPE LEAF, LOCATED AT 302 W. FIREWEED, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.
ASSEMBLY CHAIR TRAINI, VICE CHAIR FLYNN, AND ASSEMBLY PUBLIC SAFETY COMMITTEE CHAIR HONEMAN

Author: moserak**Initiating Dept:** Muni_Clk**Date Prepared:** 8/10/10 9:15 AM

Assembly Meeting Date: 8/17/10

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	8/10/10 9:20 AM	Exit	Amanda Moser	Public	009293
AllOtherARWorkflow	8/10/10 9:20 AM	Checkin	Amanda Moser	Public	009293