

CLERK'S OFFICE

APPROVED

Date: 11-23-10

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

Prepared by: Municipal Clerk
For reading: November 23, 2010

**ANCHORAGE, ALASKA
AR NO. 2010-338**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A NEW BREWERY LIQUOR LICENSE # 5015 FOR KING
STREET BREWING LLC dba KING STREET BREWING COMPANY, LOCATED AT 7924
KING STREET, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN
ACTION.**

WHEREAS, King Street Brewing LLC has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a Transfer of Ownership of a Brewery Liquor License # 5015 to be used for King Street Brewing Company, located at 7924 King Street, 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 October 7, 2010 and has determined that the last day for the Assembly to file a protest is December 6, 2010 and

WHEREAS, the Assembly Meeting on November 23, 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. Conditional Use Permit required by AMC 21.50.160; has been approved;
4. Approval from the Anchorage Fire Department **has not been** received;
5. Approvals from the Municipal Health & Human Services and Building Safety Departments **have not 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;
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4 NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:
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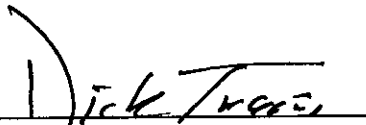
6 Section 1. The Anchorage Assembly hereby enters its PROTEST for a new
7 Brewery Liquor License # 5015 until these conditions are met:
8

- 9
- 10 • Approval from the Anchorage Fire Department is received and confirmed by the Municipal Clerk.
 - 11 • Approval from the Municipal Health and Human Services and Building Safety Departments are received and confirmed by the Municipal Clerk.
 - 12
 - 13
 - 14

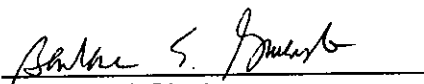
15 Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic
16 Beverage Control Board as proof that the Anchorage Assembly, as the
17 local governing body, has stated its protest in order to allow the Director
18 of the Alcoholic Beverage Control Board to hold processing of Brewery
19 Liquor License # 5015 under local protest, until receipt by the Director of
20 confirmation from the Municipal Clerk that the conditions in Section 1
21 have been met, and this protest is lifted as authorized by this Assembly
22 Resolution.
23

24 Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon
25 Municipal Clerk confirmation that all conditions in Section 1 have been
26 met, to provide written notification to the Alcoholic Beverage Control
27 Board that this protest by the Anchorage Assembly is lifted, without
28 further action by the Assembly.
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30 PASSED AND APPROVED by the Anchorage Assembly this 23rd day of
31 November, 2010.
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35 Ghair
36

37 ATTEST:
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39 
40 Municipal Clerk
41



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A Masters, Commissioner

October 7, 2010

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

Re: King Street Brewing Company-- License # 5015

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

New Liquor License

PAGE 1 OF 2

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

(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: 2011	License Type: Brewery	Statute Reference Sec. 04.11.130 _____	License Fee: \$1,000.00
<div style="display: flex; justify-content: space-between;"> <div> <i>(Office Use Only)</i> License #: 5015 </div> <div> Community Council Name(s) & Mailing Address: Anchorage Assembly 632 W. 6th Ave, Suite 250 Anchorage, AK 99501 </div> </div>			Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) Municipality of Anchorage		Fingerprint: <i>(\$54.25 per person)</i> \$108.50	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): King Street Brewing LLC		Doing Business As (Business Name): King Street Brewing Company	Business Telephone Number: (907) 244-5246
Mailing Address: 7924 King Street		Email Address: <u>dana@kingstreetbrewing.com</u>	
City, State, Zip: Anchorage, AK 99518		Total Submitted: \$1,208.50	

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

Closest school grounds Campbell Elementary (4,700 ft)	<i>Distance measured under:</i> <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 checked="" type="checkbox"/> Not applicable
Closest church: Wesleyan Church (3,168 ft)	<i>Distance measured under:</i> <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		

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.

<i>Office use only</i> 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) King Street Brewing LLC		Telephone Number (907) 244-5246	Fax Number None
Corporate Mailing Address: 7924 King Street	City Anchorage	State Alaska	Zip Code 99519
Name, Mailing Address and Telephone Number of Registered Agent Dana Walukiewicz 2421 Spindrift Circle Anchorage, Alaska 99515		Date of Incorporation OR Certification with DCED 8/29/2010	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 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
Dana Walukiewicz	Owner	50	2421 Spindrift Circle Anchorage, AK 99515	(907) 244-5246	6/26/1973
Shane Kingry	Owner	50	1520 Cache Drive Anchorage, AK 99507	(907) 223-2298	4/19/1973

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

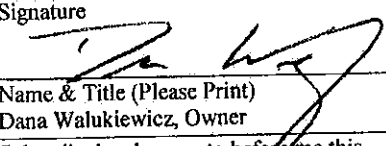
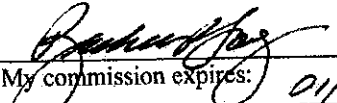
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

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

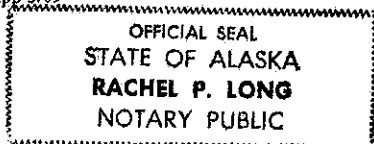
Declaration

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

Signature of Licensee(s)

Signature 	Signature
Name & Title (Please Print) Dana Walukiewicz, Owner	Name & Title (Please Print)
Subscribed and sworn to before me this <u>22</u> day of <u>September</u> , <u>2010</u> .	Subscribed and sworn to before me this _____ day of _____, 2010.
Notary Public in and for the State of Alaska 	Notary Public in and for the State of Alaska
My commission expires: <u>01/18/2014</u>	My commission expires:

New License App 3/09



Content ID: 009617**Type:** AR_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW BREWERY LIQUOR LICENSE # 5015 FOR

Title: KING STREET BREWING LLC dba KING STREET BREWING COMPANY, LOCATED AT 7924 KING STREET, 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:** 11/12/10 10:49 AM**Assembly Meeting Date:** 11/23/10

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	11/12/10 10:53 AM	Exit	Amanda Moser	Public	009617
AllOtherARWorkflow	11/12/10 10:53 AM	Checkin	Amanda Moser	Public	009617