

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

Prepared by: Municipal Clerk
For reading: February 15, 2011

CLERK'S OFFICE

APPROVED

Date: 2-15-11
ANCHORAGE, ALASKA
AR NO. 2011-48

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A NEW BREWERY LIQUOR LICENSE #5031 FOR
ANCHORAGE BREWING LLC dba ANCHORAGE BREWING COMPANY, LOCATED AT
717 W. 3RD AVE, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN
ACTION.**

WHEREAS, Anchorage Brewing Company LLC has made an application with the
Alcoholic Beverage Control (ABC) Board and has paid the required fee for a New Brewery
Liquor License #5031, to be used for Anchorage Brewing Company, located at 717 W 3rd
Ave, 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
January 6, 2011 and has determined that the last day for the Assembly to file a protest is
March 7, 2011 and

WHEREAS, the Assembly Meeting on February 15, 2011 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 on **January 18, 2011**;
4. Conditional Use Permit required by AMC 21.50.160; **has not** been approved;
5. Approvals from the Municipal Health & Human Services and Building Safety Departments **have been received**; and

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

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

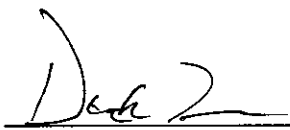
Section 1. The Anchorage Assembly hereby enters its PROTEST for a New Brewery Liquor License #5031 until these conditions are met:

- Successful completion of the Conditional Use Permit under AMC 21.50.160 is confirmed by the Municipal Clerk.

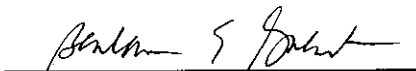
Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic Beverage Control Board as proof that the Anchorage Assembly, as the local governing body, has stated its protest in order to allow the Director of the Alcoholic Beverage Control Board to hold processing of Brewery Liquor License #5031 under local protest, until receipt by the Director of confirmation from the Municipal Clerk that the conditions in Section 1 have been met, and this protest is lifted as authorized by this Assembly Resolution.

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

PASSED AND APPROVED by the Anchorage Assembly this 15th day of February, 2011.


Chair

ATTEST:


Municipal Clerk



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A Masters, Commissioner

January 6, 2011

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

Re: Anchorage Brewing Company – License # 5031

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

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 _____
Mo/Day Mo/Day
- ☐ Full 2-year period

#7402
#7403
#7404

SECTION A. LICENSE INFORMATION. Must be completed for all types of applications.			FEES
License Year: 2011	License Type: Brewery License	Statute Reference	License Fee: \$1000
(Office Use Only) License #: 5031		Sec. 04.11. 130	Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) Anchorage	Community Council Name(s) & Mailing Address: Paul Nangle : 101 Christenson Dr. Anchorage, AK 99501(Pres.) Deidre Cronin : 609 F ST. Anchoage, AK 99501 (Vice Pres.)		Fingerprint: (\$54.25 per person)
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Anchorage Brewing LLC	Craig Cook (Treasurer)		Total Submitted: \$ 1100
	Doing Business As (Business Name): Anchorage Brewing Company	Business Telephone Number: 907-360-5104	Fax Number:
Mailing Address: 1601 Bannister Drive	Street Address or Location of Premise: 717 W 3 rd AVE Anchorage, AK 99501	Email Address: anchoragebrewing@gmail.com	
City, State, Zip: Anchorage, AK 99508			

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

Closest school grounds Denali Montessori Elementary School 1 mile	Distance measured under: X 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. X Not applicable
Closest church: The Holy Mass Cathedral 830 feet	Distance measured under: X AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	
Premises to be licensed is: <input type="checkbox"/> Proposed building X Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) X 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 X 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 X 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) Anchorage Brewing LLC		Telephone Number 907-360-5104	Fax Number
Corporate Mailing Address: 1601 Bannister Drive	City Anchorage	State Alaska	Zip Code 99508
Name, Mailing Address and Telephone Number of Registered Agent Gabriel J. Fletcher 1601 Bannister Drive Anchorage, AK 99508		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 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
Gabriel J. Fletcher	Mng. Member	70	1601 Bannister Drive Anchorage, AK 99508	907-360-5104	5/7/1976
Jacenda J. Fletcher	Member	70	1601 Bannister Drive Anchorage, AK 99508	907-360-5104	1/18/1981
Stephen Marshall	Member	30	P.O. Box 243323 Anchorage, AK 99524	907-529-0110	3/22/1954
Sharon L. Marshall	Member	30	P.O. Box 243323 Anchorage, AK 99524	907-529-0110	5/29/59

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

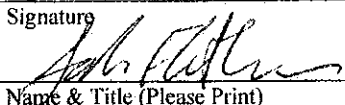
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

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

Declaration

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

Signature of Licensee(s)

Signature 	Signature
Name & Title (Please Print) Gabriel J. Fletcher	Name & Title (Please Print)
Subscribed and sworn to before me this 6 th day of January, 2011.	Subscribed and sworn to before me this 6th day of January, 2011.

Content ID: 009878**Type:** AR_AllOther - All Other Resolutions

A Resolution of the Anchorage Municipal Assembly stating its Protest regarding a New Brewery Liquor License #5031 for Anchorage Brewing LLC dba Anchorage

Title: Brewing Company, located at 717 W. 3rd Ave, and authorizing the Municipal Clerk to take certain action, Assembly Chair Traini, Assembly Vice-Chair Flynn and Assembly Public Safety Committee Chair Honeman.

Author: moserak**Initiating Dept:** Muni_Clk**Date Prepared:** 2/4/11 11:09 AM**Assembly Meeting Date:** 2/15/11

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	2/4/11 11:23 AM	Exit	Amanda Moser	Public	009878
AllOtherARWorkflow	2/4/11 11:23 AM	Checkin	Amanda Moser	Public	009878