

CLERK'S OFFICE

APPROVED

Date: 12-13-11

Submitted by: ASSEMBLY MEMBERS TRAINI,

DRUMMOND, GRAY-JACKSON

Prepared by: Assembly Counsel

For reading: December 13, 2011

ANCHORAGE, ALASKA

AR NO. 2011-355

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS TEMPORARY NON-OBJECTION TO TRANSFER OF LOCATION AND OWNERSHIP OF BEVERAGE DISPENSARY LIQUOR LICENSE #2988, WITH THE RESTAURANT DESIGNATION PERMIT, TO LITTLE ITALY RESTAURANTE AND TO ALLOW ALCOHOLIC BEVERAGE LICENSE USE TEMPORARILY AT THE LOCATION, UNTIL FINAL ACTION BY THE ASSEMBLY ON APPLICATION 2012-001 FOR CONDITIONAL USE.

WHEREAS, in October 2007, the Anchorage Municipal Assembly approved code amendments to provide for administrative site plan review and approval of restaurant or eating place alcoholic beverage license use, without formal conditional use permitting by the Assembly; and

WHEREAS, *Little Italy Restaurante*, 2300 E. 88th Street, Anchorage, Alaska 99507, is located in an I-1 light industrial use area and began serving beer and wine under a prior special zoning exception for the location, predating the 2007 code change; and

WHEREAS, a copy of AM 422-79, the special zoning exceptional issued on May 15, 1979 to a predecessor business at the same address, has been provided by the municipal licensing clerk as attached; and

WHEREAS, *Little Italy Restaurante* has made appropriate application for a transfer of location and ownership of Beverage Dispensary Liquor License #2988, with the Restaurant Designation Permit, allowing the restaurant to serve liquor for consumption on the premises; and

WHEREAS, the Municipal Clerk reports: 1) No ABC Board violations and/or incidents that would lead to an ABC Board violation; 2) No taxes owing to the Municipality; 3) Receipt of Anchorage Fire Department Approval; and timely receipt of approvals from Municipal Health & Human Services and Building Safety Departments; and

WHEREAS, issuance of the new conditional use permit (#2012-001) by the Assembly under AMC 21.50.160 is not anticipated to come before the Assembly until early 2012; and

WHEREAS, the Anchorage Municipal Clerk received a copy of this license transfer application on October 20, 2011, and has determined that the last day for the Assembly to file a protest is December 19, 2011; and

WHEREAS, the formal conditional use will not be presented to the Assembly before January 17, 2012; and

WHEREAS, the owners of *Little Italy Ristorante* wish to use Beverage Dispensary Liquor License #2988, with the Restaurant Designation Permit, immediately upon transfer, prior to public hearing before the Assembly;

NOW, THEREFORE, the Anchorage Assembly RESOLVES:

Section 1. The Anchorage Assembly hereby states its temporary non-objection to transfer of location and ownership of Beverage Dispensary Liquor License #2988, with the Restaurant Designation Permit, to F. Scott & Ernest, LLC, *DBA Little Italy Ristorante*.

Section 2. The Anchorage Assembly temporarily allows conditional use at this location by *Little Italy Ristorante*, until final action is taken by the Assembly on Application 2012-001, in recognition of the historical approval for on-premises consumption of beer and wine at this location prior to 2007, under prior alcoholic beverage license special zoning exception at this location, dating at least from 1979 under AM 422-79, as attached.

Section 3. The Anchorage Assembly hereby reserves final action on the license application until public hearing is completed on the new conditional use permit application 2012-001. This temporary non-objection shall not be used to bind the Assembly to any future action on the transfer of this liquor license, including without limitation, final action by the Assembly on the application for transfer of location and ownership of Beverage Dispensary Liquor License #2988, with the Restaurant Designation Permit, to F. Scott & Ernest, LLC, *DBA Little Italy Restaurant*, and conditional use application 2012-001.

Section 4. A copy of this resolution may be presented to the Alcoholic Beverage Control Board as proof that the Anchorage Assembly, as the local governing body, has stated its temporary non-objection to the transfer of location and ownership of Beverage Dispensary Liquor License #2988, in order to permit the Director of the Alcoholic Beverage Control Board to issue temporary approval of the license.

PASSED AND APPROVED by the Anchorage Assembly this 18th day of December, 2011.


Chair

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

NO. AM 750-2011

Meeting Date: December 13, 2011

From: ASSEMBLY MEMBER TRAINI

Subject: **AR 2011-355 — A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS TEMPORARY NON-OBJECTION TO TRANSFER OF LOCATION AND OWNERSHIP OF BEVERAGE DISPENSARY LIQUOR LICENSE #2988, WITH THE RESTAURANT DESIGNATION PERMIT, TO LITTLE ITALY RESTAURANTE AND TO ALLOW ALCOHOLIC BEVERAGE LICENSE USE TEMPORARILY AT THE LOCATION, UNTIL FINAL ACTION BY THE ASSEMBLY ON APPLICATION 2012-001 FOR CONDITIONAL USE.**

The purpose of this Assembly Resolution is to issue a temporary non-objection and allow alcoholic beverage license use temporarily, until the matter comes before the Assembly in 2012. As noted by the Municipal Clerk, the owners have successfully completed and satisfied all of the routine requirements, aside from the new conditional use permit.

Little Italy Restaurante, 2300 E. 88th Street, Anchorage, Alaska 99507, is located in an I-1 light industrial use area. *Little Italy Restaurante* has been serving beer and wine under prior permitting practice, predating the 2007 code change that now allows administrative site plan review, in lieu of formal conditional use permitting by the Assembly. The municipal licensing clerk reports that prior to 2007, the special zoning exception at this location was simply carried forward from a prior business. A copy of AM 422-79, the special zoning exception issued on May 15, 1979 to a predecessor business at the same address, has been provided by the municipal licensing clerk and attached for ease of reference.

Because of the 2007 code changes, all current restaurant or eating place alcoholic beverage license use is deemed to be under administrative site plan review, and a new conditional use permit is required. *Little Italy Restaurante* has made appropriate application for a transfer of location and ownership of Beverage Dispensary Liquor License #2988, with the Restaurant Designation Permit. The Municipal Clerk reports: 1) No ABC Board violations and/or incidents that would lead to an ABC Board violation; 2) No taxes owing to the Municipality; 3) Receipt of Anchorage Fire Department Approval; and timely receipt of approvals from Municipal Health & Human Services and Building Safety Departments. Action on the conditional use permit application is anticipated to come before the Assembly on January 17, 2012.

Approval of this temporary non-objection will allow *Little Italy Restaurante* to proceed with transfer of ownership and location of ABC Board beverage dispensary license No. 2988 at a location previously recognized for alcoholic beverage use by the Assembly, without routine delay and forbearance during the upcoming holidays.

Respectfully submitted:

Dick Traini

Assembly Member, Section 4

AR 2011-355



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 422-79

APPROVED

Date 5-15-79

Meeting Date: May 15, 1979

From: Clerk's Office
Subject: New Retail Liquor License for BROWN JUG, INC., 2300 E. 88th Ave.

The Municipality of Anchorage has received from the Alcoholic Beverage Control Board an application for a new retail liquor license as follows:

Edward O'Neill
8727 Emerald Dr.
Robert Gonze
9204 Kirkwall
Patricia Larouche
4001 James Rd.

DBA: BROWN JUG INC.
2300 E. 88th Ave.
Anchorage, Alaska 99504

The proposed establishment is located in a I-1 use district. The Alcoholic Beverage Control Board may pursuant to Alaska State Statute 04.10.230 deny a request for a liquor license application based on the disapproval of a special zoning exception, which is required by Section 21.45.170 of the Anchorage Municipal Code. Therefore, the Director of the Alcoholic Beverage Control Board has requested that the Assembly take two actions:

1. to grant or deny the special zoning exception
2. to issue an approval or disapproval of the issuance of the liquor license and waive the 30 day protest period.

There is an estimated population of 202,101 residing within the Municipality of Anchorage and there are 110 other like licenses. Notices were mailed to the 95 property owners within 500 feet of the premises on April 26, 1979 and an ad appeared in the newspaper on May 6, 1979.

The Department of Health and Environmental Protection has inspected the facility and it complies with Environmental Health Codes. The Municipal Fire Department has approved of the operation of this license. There are no taxes owing. There are no utilities owing.

The Municipal Clerk will notify the Alcoholic Beverage Control Board of the Assembly's action in this matter.

Respectfully submitted,

Lesley Newman
Liquor License Clerk

Phyllis Eileen Banks

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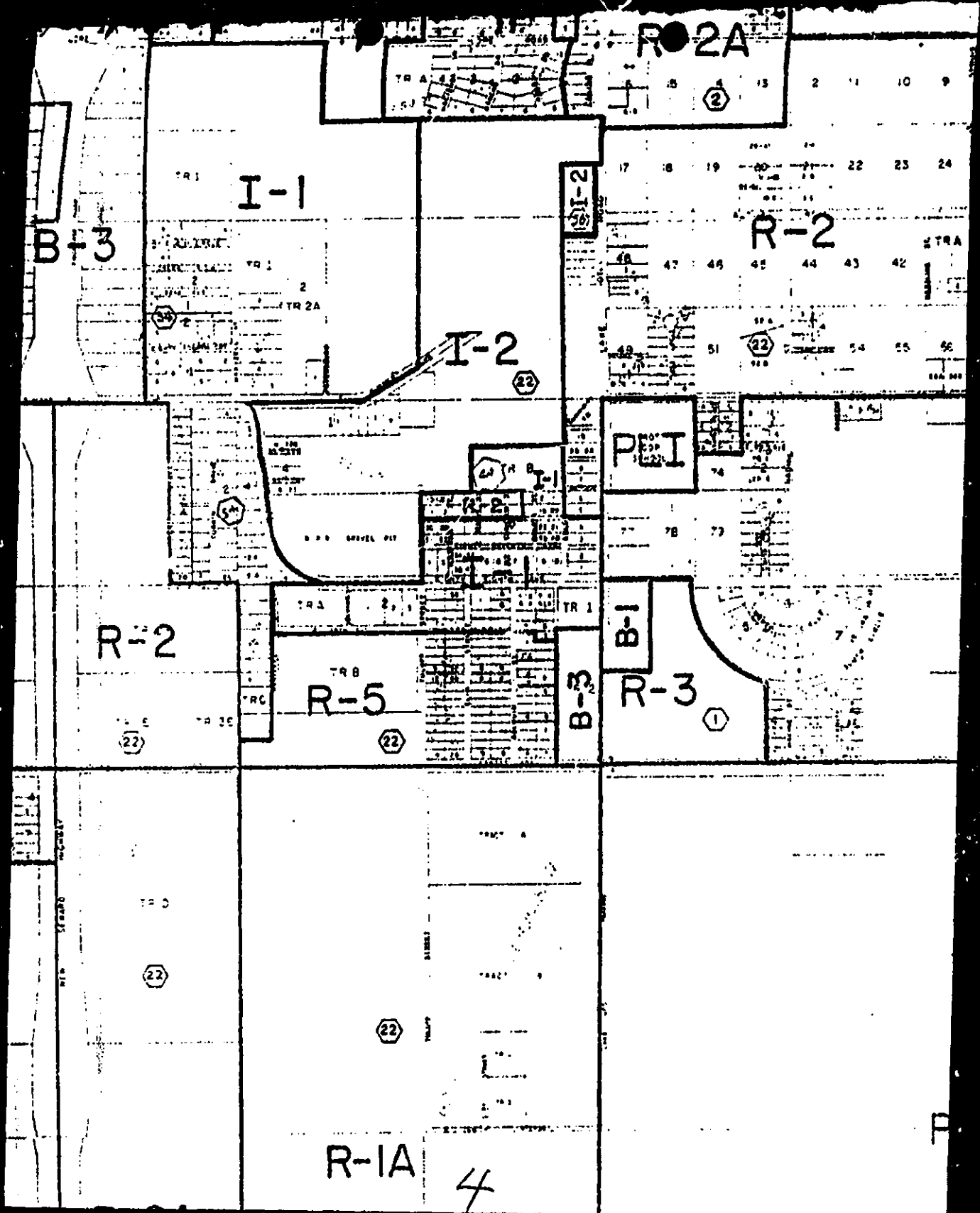
Werner Anderson
Chief of Police

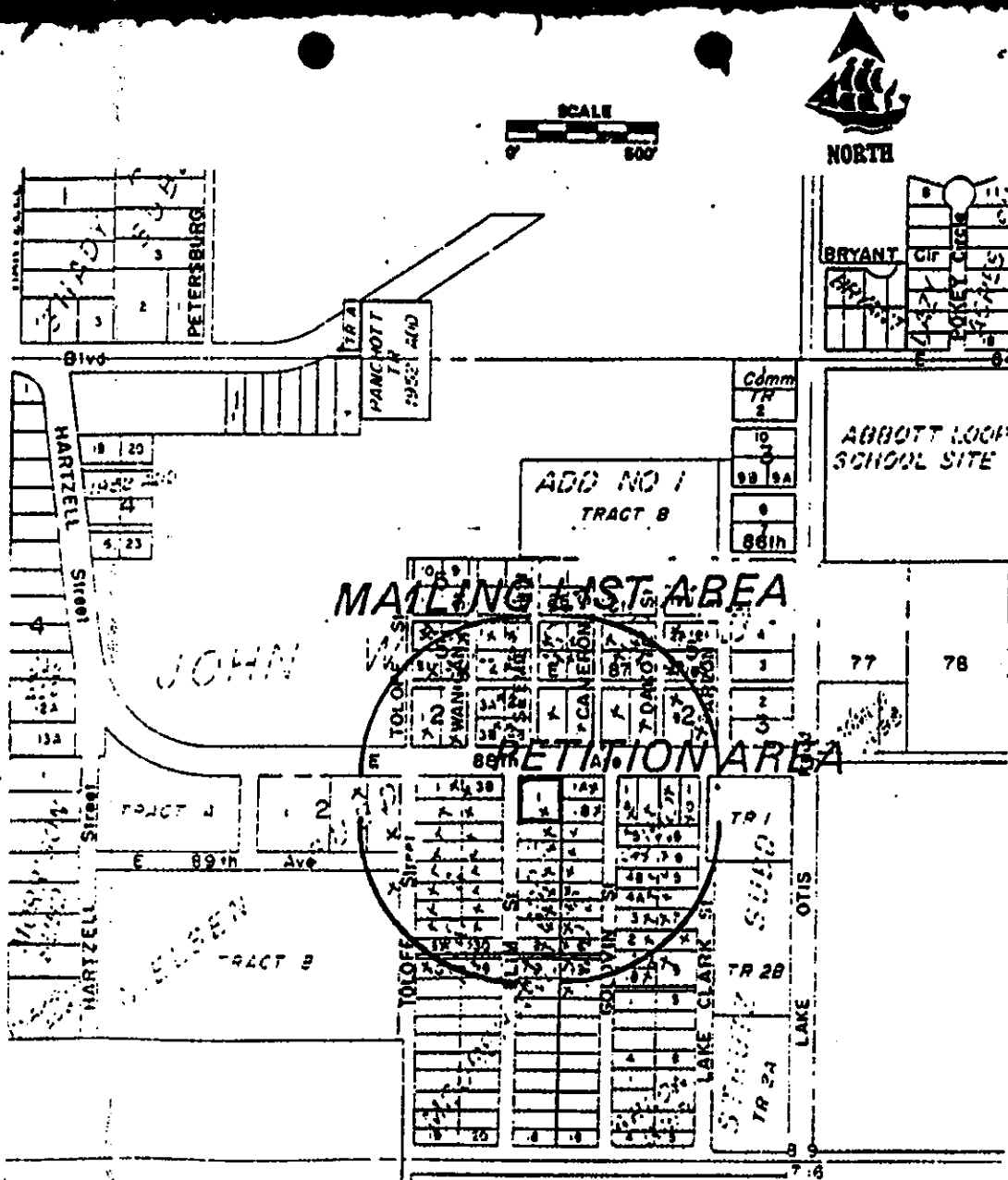
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AS:kw

bcc: Penny Herndon
Greg Shelton

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Lot 1 Moorehand Subdivision Add. #3
Brown Jug 2300 E. 8th Avenue
Zoning: I-1
Like Licenses Within Municipality: 112
Current Population Estimate Within Municipality: 202,101