

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

CLERK'S OFFICE

Prepared by: Municipal Clerk

APPROVED

For reading: February 1, 2011

Date: 2-1-11

ANCHORAGE, ALASKA
AR NO. 2011-32

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A NEW PACKAGE STORE LIQUOR LICENSE # 5002 FOR
TCCH, INC. dba WINE HOUSE AT HUFFMAN, LOCATED AT 1320 HUFFMAN PARK
DRIVE SUITE 170, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN
ACTION.**

WHEREAS, TCCH, Inc. has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a New Package Store License # 5002, to be used for Wine House at Huffman, located at 1320 Huffman Drive Suite 170 , 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 December 15, 2010 and has determined that the last day for the Assembly to file a protest is February 14, 2011 and

WHEREAS, the Assembly Meeting on February 1, 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 **not** received;
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:

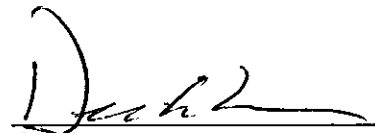
Section 1. The Anchorage Assembly hereby enters its PROTEST for a new Package Store Liquor License # 5002 until these conditions are met:

- Successful completion of the Conditional Use Permit under AMC 21.50.160 is confirmed by the Municipal Clerk.
- Approval from Anchorage Fire Department is received and confirmed by 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 Package Store Liquor License # 5002 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 1st 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

December 15, 2010

Municipality of Anchorage, Old Seward/Oceanview Community Council

Attn: Amanda Moser, Berni Bradley, President

VIA EMAIL: moserak@muni.org; MuniLicenses@muni.org; berni@acsalaska.net

Re: **Wine House at Huffman – License #5002**

☐ Transfer of Ownership

☐ Name Change

☐ Restaurant Designation Permit

☐ Transfer of Location

☒ New Application

Old License # (if changed):

We have received the enclosed liquor license application 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 have 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 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

/s/ Leighanne D. Atwood

Leighanne D. Atwood

Business Registration Examiner

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: December 15, 2010

Application Type: ☒ **NEW**

☐ **TRANSFER**

☐ Ownership

☐ Location

☐ Name Change

Governing Body: **Municipality of Anchorage**

Community Councils: Old Seward/Oceanview Community Council

License #: **5002**

License Type: **Package Store**

D.B.A.*: **Wine House at Huffman**

Licensee/Applicant: **TCCH, Inc.**

Physical Location: **1320 Huffman Park Drive, Suite 170
Anchorage, AK 99515**

Mail Address: **3318 Checkmate Drive, Anchorage, AK 99508**

Telephone #: **(907) 349-7646** Fax: **(907) 349-7046**

EIN: **37-1450005**

Corp/LLC Agent:	Address	Phone	Date and State of Limited Partnership/Corpo ration	Good standing?
TCCH, Inc.	3318 Checkmate Drive Anchorage, AK 99508	(907) 349- 7646	12/02/02	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 (%)
Talbot Chang	02/22/62	3318 Checkmate Drive Anchorage, AK 99508	907-247-8423	President / 50%
Yoon J. Chang	09/21/65	3318 Checkmate Drive Anchorage, AK 99508	907-247-8423	Secretary / 50%

If **transfer** application, current license information:

License #:

Current D.B.A.:

Current Licensee:

Current Location:

Additional comments:

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Sincerely,

/s/ Leighanne D. Atwood
Leighanne D. Atwood
Business Registration Examiner

Content ID: 009813**Type:** AR_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW PACKAGE STORE LIQUOR LICENSE # 5002

Title: FOR TCCH, INC. dba WINE HOUSE AT HUFFMAN, LOCATED AT 1320 HUFFMAN PARK DRIVE SUITE 170, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**Author:** moserak**Initiating Dept:** Muni_Clk**Date Prepared:** 1/20/11 4:17 PM**Assembly Meeting Date:** 2/1/11

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	1/20/11 4:20 PM	Exit	Amanda Moser	Public	009813
AllOtherARWorkflow	1/20/11 4:20 PM	Checkin	Amanda Moser	Public	009813