ANCHORAGE, ALASKA
AR No. 2022–80(S)

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY REGARDING THE
STATE OF ALASKA APPLICATIONS FOR THE TRANSFER OF OWNERSHIP AND
LOCATION OF BEVERAGE DISPENSARY LIQUOR LICENSE, #4531 FOR LED
ULTRA LOUNGE AND GRILL, LLC DBA TRI GRILL AND BEVERAGE DISPENSARY
LIQUOR LICENSE, #4551 FOR LED ULTRA LOUNGE AND GRILL, LLC DBA LED
ULTRA LOUNGE & GRILL LOCATED AT 420 W 3RD AVENUE, ANCHORAGE, AK
99501; AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

(Downtown Community Council)

WHEREAS, LED Ultra Lounge & Grill, LLC has made an application with the Alaska
Alcohol and Marijuana Control Office (AMCO), for consideration by the Alcoholic Beverage
Control (ABC) Board, and has paid the required fee for the transfer of ownership and
location of beverage dispensary LL#4531 to be used for Tri Grill; and beverage
dispensary LL#4551, to be used for LED Ultra Lounge & Grill, located at 420 W 3rd
Avenue, Anchorage, Alaska, 99501; and

WHEREAS, Anchorage Municipal Code (AMC) 2.30.120F. requires the Assembly to act
on state liquor license applications by resolution and does not require introduction of the
resolution and it is automatically set for public hearing; and

WHEREAS, the Municipal Clerk’s Office prepared and submitted AR No. 2022–80,
regarding the transfer of ownership and location application for public hearing before the
Anchorage Assembly at the regular Assembly meeting of March 15, 2022. The public
hearing notice posting as required by Anchorage Municipal Charter Section 10.01(b) and
AMC 2.30.060 has been satisfied and is on the Municipal Webpage for Current Public
Notices; and

WHEREAS, on February 24, 2022, the Municipality of Anchorage received an application
for Administrative Permit for an Unlicensed Nightclub from LED Ultra Lounge (sic) & Grill
LLC, Alaska business license # 2104038; and

WHEREAS, on March 7, 2022, the permit application was denied by the Municipality as
the proposed nightclub does not meet the separation distance to a school; and

WHEREAS, on March 7, 2022, the Clerk’s Office received a letter from Anchorage School
District, through Assembly Vice-Chair Constant, opposing the transfer of LL#4531 and
LL#4551 citing non-compliance with Alaska Statue 04.11.410; and

WHEREAS, on March 9, 2022, the Downtown Community Council has scheduled a
special meeting to discuss and deliberate a proposed Council Resolution opposing the
transfer of LL#4531 and LL#4551, with supporting documentation including numerous
WHEREAS, the Assembly must enter any protest to AMCO within 60 days following receipt of the application; and

WHEREAS, the Anchorage Municipal Clerk received a copy of the applications on January 19, 2022 and has determined that the last day for the Assembly to file a protest is March 20, 2022; and

WHEREAS, Anchorage Municipal Code (AMC) 2.30.120 and 3 AAC 304.145(d) require the Assembly to hold a public hearing to provide the applicant an opportunity to defend their application prior to exercising or waiving the right to protest; and

WHEREAS, although Assembly Resolution AR 2022-80 set the public hearing on the protest for March 15, 2022, this resolution – AR 2022-80(S) - sets the public hearing on the protest of the transfer of ownership and location of LL#4531 and LL#4551, for March 18, 2022 at a special Assembly meeting; and

WHEREAS, the public hearing notice posting as required by AMC 2.30.060 has been satisfied and is on the Municipal Webpage for Current Public Notices; and

WHEREAS, notice of the proposed resolution and public hearing has been given to the applicant and the Downtown Community Council ten days in advance as required by AMC 2.30.120F. and AS 04.21.010(d); and

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

1. Any ABC Board violations and/or incidents on file that would lead to an ABC Board violation are attached; and
2. There are no taxes owing to the Municipality of Anchorage; and
3. Conditional Use Permit required by AMC 21.50.160 has not been approved; and
4. Certifications from the Anchorage Health Department, the Anchorage Fire Department and Building Safety Official have been received; and

WHEREAS, the Assembly has provided the liquor licensee the opportunity to defend the renewal application, has considered the testimony and evidence relevant to this liquor license, and has considered the options of either protesting or waiving protest and requesting the ABC Board impose conditions;

NOW, THEREFORE, the Anchorage Assembly resolves:

Section 1. The Anchorage Assembly finds the applicant and the Downtown Community Council were given notice and a public hearing was properly held March 15, 2022 and continued to a special meeting held on March 18, 2022 for purposes stated
herein with relevant evidence presented as indicated in the public records maintained by the Municipal Clerk.

Section 2. Per Anchorage Municipal Code section 2.30.125, in the exercise of its powers and under AS 04.11.480 and 3 AAC 304.145 to protest issue, renewal and transfer of alcoholic beverage licenses within the municipality, the assembly shall consider whether the proposed license meets the factors and standards set forth in that section, and those potentially relevant, pending the public hearing, to the transfer application for license #4531 and for license #4551 are listed below.

A. After review of the application and all relevant information, the Assembly finds that (only check items that apply):

- Concentration and land use. The transfer of location or issuance of the requested license will negatively impact the community through an increase in the concentration of uses involving the sale or service of alcoholic beverages within the area affected and will not conform to the separate standards of section 21.05.020.
- Training. The applicant cannot demonstrate prospective or continued compliance with a liquor server awareness training program approved by the state alcoholic beverage control board, such as or similar to the program for techniques in alcohol management (T.A.M.). Until such plan is approved, training by a licensee’s employees in the T.A.M. shall constitute compliance with this section. (This subsection is effective December 1, 1985.)
- Operations procedures. The applicant cannot demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in section 10.50.035.
- Public safety. The operator cannot demonstrate the ability to maintain order and prevent unlawful conduct in licensed premises. For purposes of this section and section 10.50.035 the term "licensed premises" shall include any adjacent area under the control or management of the licensee.
- Payment of taxes and debts. Pursuant to AS 4.11.330, the applicant is delinquent in payment of taxes owed to the municipality for the payment of any debts or taxes, including any estimated taxes for the current year arising from the conduct of the licensed business.
- Public health. The operator has engaged in a pattern of practices injurious to public health or safety, such as providing alcohol to minors or intoxicated persons, committing serious violations of state law relevant to public health or safety, or other actions within the knowledge and control of the operator which place the public health or safety at risk. The assembly has considered criminal convictions, credible proof of illegal activity even if not prosecuted, police reports, testimony presented before the assembly, written comments submitted prior to or during the public hearing, and other evidence deemed to be reliable and relevant to the purpose of this subsection and this resolution.
1. The Anchorage School District has provided for the review of the Assembly a letter opposing the transfer of these licenses due to the proximity of the proposed location being within the 200 foot separation from a protected use, as defined in Alaska Statute 04.11.410, the Step Up academic program for disadvantaged students which is operated by the School District. Issuance of this license would be in violation of Alaska Statute 04.11.410. Letter is attached as exhibit A.

2. The Municipality of Anchorage has provided for the review of the Assembly a letter denying the permit application as the proposed unlicensed nightclub did not meet the 300 foot separation distance to a school as required under AMC 21.05.050D.8.c. Letter is attached as exhibit B.

3. The Downtown Community Council, as of March 4, has provided for the Assembly to review an unsigned draft of a Council Resolution opposing the transfer of these licenses due to numerous concerns as outlined in exhibit B. It is anticipated that after the special meeting of the Downtown Community Council, on March 9, 2022, the Council will provide for the Assembly review a signed Council Resolution regarding the transfer of these licenses as outlined by exhibit C.

Section 3. Per AMC subsection 2.30.120F., in the exercise of its rights under AS 04.11.480(c), based on the evidence and information provided, and based on the findings in Section 2, the Assembly respectfully requests that the Alcoholic Beverage Control Board deny the transfer of beverage dispensary liquor license #4531 and #4551.

Section 4. The Municipal Clerk shall provide a copy of this Assembly Resolution to AMCO as proof that the Anchorage Assembly, as the local governing body, has stated its protest of the transfer of beverage dispensary liquor license, #4531 and beverage dispensary liquor license #4551.

PASSED AND APPROVED by the Anchorage Assembly this _______ day of ______________, 2022.

______________________
Chair

ATTEST:

______________________
Municipal Clerk