

**PLANNING DEPARTMENT
STAFF ANALYSIS
ALCOHOL SPECIAL LAND USE PERMIT**

DATE: July 13, 2021

CASE NO.: 2021-0074

APPLICANT: Alyeska Resort Operations Limited Partnership, dba Two Trees Bistro

REQUEST: An alcohol special land use permit for duplicate tourism beverage dispensary use with license #5953, in the gRST-2 (Girdwood New Base Resort) District per AMC 21.09.050B.1.a *Girdwood Uses Involving the Retail Sale of Alcoholic Beverages* and AMC 21.03.040D. *Approval Criteria*.

LOCATION: Alyeska Prince Addition Tract A Fragment Lots 10 & 11 (Plat 2008-126)

STREET ADDRESS: 268 Tram Circle, Girdwood, AK

COMMUNITY COUNCIL: Girdwood Board of Supervisors

TAX PARCEL: 075-041-48, 075-041-49

ATTACHMENTS:

1. Maps
2. Application
3. Agency and Public Comments
4. Posting Affidavit

RECOMMENDATION SUMMARY:

This alcohol special land use permit generally meets the required standards of AMC 10.50, AMC 21.03.040, AMC 21.03.080D., *Approval Criteria*.

SITE:

Size: ±3.17 acres (3,155 square feet for Two Trees Bistro within the Alyeska Nordic Day Spa facility of 19,325 square foot)

Zoning: New Base Resort (gRST-2)

Existing Use: Vacant portion of Hotel/Resort

Utilities: Public water and wastewater

COMPREHENSIVE PLAN

Classification: "Resort" per the 1995 *Girdwood Area Plan*

SURROUNDING AREA

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	New Base Resort (gRST-2)	New Base Resort (gRST-2)	New Base Resort (gRST-2)	New Base Resort (gRST-2)

SITE DESCRIPTION AND PROPOSAL

The Alyeska Nordic Day Spa will be a 19,325 square foot facility, with 16,170 square feet for the spa and 3,155 square feet for the Two Trees Bistro restaurant. This facility will be operated as part of and in partnership with the Alyeska Resort. A Development Master Plan for the Alyeska Nordic Day Spa as required by AMC 21.09.030.F. was approved by the Planning and Zoning Commission in 2020 (case 2020-0018).

In accordance with AMC 21.09.050B.1.a., uses involving the retail sale of alcoholic beverages is subject to AMC 21.03.040, Special Land Use Permit for Alcohol, regardless of the status in Table 21.09-2: Girdwood Table of Allowed Uses. The use must follow permitting and operation requirements for alcoholic beverages in accordance with AMC 10.50 and AMC 21.03.040.

This is a request for an alcohol special land use permit for a new duplicate tourism beverage dispensary use for license number 5953 with the State of Alaska Alcoholic Beverage Control Board. A beverage dispensary license allows for the sale of alcoholic beverages for consumption on the licensed premises only. A duplicate license is required, “if there is a regularly maintained fixed bar in a separate room from which alcohol is served or sold to members of the public.”¹

On-premise sale of alcoholic beverages may be seven days a week as permitted per AMC 10.50.010 and Alaska Alcoholic Beverage Control Board requirements. Servers of alcoholic beverages will be trained in accordance with the Alcoholic Beverage Control Board’s Liquor Server Awareness Training Program.

Within 1,000 feet of this application, there are three other beverage dispensary – tour licenses, all part of amenities offered at the Alyeska Resort. A list of alcohol licenses within 1,000-feet of the petition site is attached. There are no schools or churches within 200 feet of the petition site.

COMMENTS

A total of 63 public hearing notices were mailed on June 21, 2021. At the time of writing, no public comments have been received by the Planning Department. The Girdwood Board of Supervisors did not provide comment. Reviewing agencies provided comments of non-objection. On May 26, 2021, the Alaska State Fire Marshal’s Office requested a verification of a Fire and Life Safety Plan Review Certificate or a Plan Review for the Two Trees Bistro restaurant. A subsequent email was provided to the Planning Department on June 30, 2021, noting the issue has been resolved. The Alaska State Fire Marshal’s Office approves of fire safety and has no objection to the issuance of the special Land Use Permit for Alcohol.

¹ <https://www.commerce.alaska.gov/web/amco/AlcoholicBeverageFAQs.aspx>

APPROVAL CRITERIA

The planning and zoning commission may approve a conditional use application if, in the judgment of the commission, all of the following criteria have been met in all material matters:

- 1. The proposed use is consistent with the comprehensive plan and all applicable provisions of this title and applicable state and federal regulations;**

The standard is met.

The subject property is identified as “Resort” the *Anchorage 1995 Girdwood Area Plan*. The use will provide additional amenities for the Alyeska Resort. The proposed alcohol special land use permit to allow a duplicate tourism beverage dispensary use at the Two Trees Bistro restaurant within the Alyeska Nordic Day Spa, a new amenity at the Alyeska Resort, is consistent with the comprehensive plan designation. The propose use is consistent with Title 21 and state and federal regulations.

- 2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located, including any district-specific standards set forth in chapter 21.04;**

The standard is met.

The intent of the gRST-2 District is to maintain and expand upon the current development for alpine skiing and tourism. The proposed use is consistent with the purpose of AMC 21.09.040E.2.b *GRST-2 (New Base Resort) District*. The Alyeska Nordic Day Spa (inclusive of the Two Trees Bistro) has followed the gRST-2 District regulations to obtain an approved Development Master Plan as required by AMC 21.09.030F within the gRST-2 District.

- 3. The proposed use is consistent with any applicable use-specific standards set forth in chapter 21.05;**

The standard is met.

In accordance with AMC 21.09.050B.1.a., uses involving the retail sale of alcoholic beverages is subject to AMC 21.03.040, Special Land Use Permit for Alcohol. The proposed use is consistent with standards.

- 4. The site size, dimensions, shape, location, and topography are adequate for the needs of the proposed use and any mitigation needed to address potential impacts;**

The standard is met.

There are no mapped wetlands within the project area. A Development Master Plan was approved for the Alyeska Nordic Day Spa by the Planning and Zoning Commission in 2020. No mitigation is needed to address impacts.

- 5. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;**

The standard is met.

The proposed tourism beverage dispensary use will not alter the character of the surrounding area or the gRST-2 District. Surrounding property is also associated with the Alyeska Resort. The use will not be adjacent to or near residentially zoned parcels.

- 6. The proposed use is compatible with uses allowed on adjacent properties, in terms of its scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);**

The standard is met.

The petition site is surrounded by other resort uses. The proposed Two Trees Bistro restaurant within the Alyeska Nordic Day Spa will not produce external impacts greater than other permitted uses in the gRST-2 District. The facility design and materials used will ensure that this facility is in keeping with the desired natural aesthetic of the Girdwood community. The application materials state that existing vegetation will be maintained to the greatest extent possible and that areas of disturbance will be revegetated with native species.

- 7. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent feasible;**

The standard is met.

No negative impacts from the proposed use are anticipated. The petition site is centrally located within the GRST-2 district and is not adjacent to, nor near to any residentially zoned parcels.

- 8. The proposed use is appropriately located with respect to the transportation system, including but not limited to existing and/or planned street designations and improvements, street capacity, access to collectors or arterials, connectivity, off-site parking impacts, transit availability, impacts on pedestrian, bicycle, and transit circulation, and safety for all modes; and**

The standard is met.

The petitioner included an approved parking plan with their application. The petition site takes access via Arlberg Avenue which is classified as a "Class I

Collector” in the *2014 Official Streets and Highways Plan* and is intended to serve between 2,000-10,000 daily vehicle trips. There is also a separated pedestrian pathway which runs parallel to Arlberg Avenue. The proposed use is appropriately located with respect to the transportation system.

9. The proposed use is appropriately located with respect to existing and/or planned water supply, fire and police protection, wastewater disposal, storm water disposal, and similar facilities and services.

The standard is met.

All utilities are in place to serve this use as well as future development. Anchorage Water and Wastewater Utility (AWWU) provided comments of non-objection for the proposed use. Police service is provided by the Whittier Police Department, and Fire/EMS response is provided by the Girdwood Volunteer Fire Department.

Standards Chapter 10.50 Alcoholic Beverages

In the exercise of its powers and under AS 04.11.480 and 13 AAC 104.145 to protest issue, renewal and transfer or alcoholic beverage licenses within the Municipality of Anchorage, the Assembly shall consider whether the proposed license meets each and every factor and standard set forth below:

A. Concentration and land use. Whether transfer of location or issue 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 conform to the separate standards of AMC 21.50.020.

This standard is met.

There are three other beverage dispensary – tour licenses located within 1,000 feet of the petition site, all part of amenities offered at the Alyeska Resort. The proposed duplicate beverage dispensary – tour license will not negatively impact the community.

B. Training. If application is made for issue, renewal or transfer of a beverage dispensary license, restaurant or eating place license, or package store license, whether the applicant can demonstrate prospective or continued compliance with a Liquor "Server Awareness Training Program" approved by the State of Alaska 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 ordinance.

The standard is met.

The applicant states that all servers involved in the sale of alcoholic beverages will be trained in accordance with the T.A.M. training and hold the appropriate certificates.

- C. Operations procedures. If application is made for issue, renewal or transfer of a license, whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in Section 10.50.035 of this code.**

The standard is met.

AMC 10.50.035 sets forth that persons seeking the issue or transfer of a license shall comply with restrictions regarding happy hours, games or contests involving the consumption of alcohol, public transportation, notice of penalties, availability of nonalcoholic drinks, compliance determination with techniques in alcohol management (T.A.M.), solicitation of purchase of alcoholic beverages for consumption by employees, and warning signs. The petitioner has stipulated in their application that they will abide by requirements of AMC 10.50.035.

- D. Public safety. When application is made for the renewal or transfer of location or transfer of ownership of a beverage dispensary license restaurant or eating place license, or package store license, the Assembly shall consider whether the operator can demonstrate the ability to maintain order and prevent unlawful conduct in a licensed premise. In determining the operator's demonstrated ability to maintain order and prevent unlawful conduct, the Assembly may consider police reports, testimony presented before the Assembly, written comments submitted prior to or during the public hearing, or other evidence deemed to be reliable and relevant to the purpose of this subsection. For purposes of this section and Section 10.50.035 "licensed premises" shall include any adjacent area under the control or management of the licensee.**

The standard is met.

No unlawful conduct is attributed to the alcohol license at this location. This is a new application. The applicant included a serving security plan with their application.

- E. Payment of taxes and debts. When application is made for renewal of a license the assembly shall consider, pursuant to AS 4.11.330, whether the applicant is delinquent in payment of taxes owed to the Municipality. When application is made for transfer of ownership of a license the Assembly shall consider, pursuant to AS 4.11.360, whether the municipality has received either payment or adequate security, for the payment of any debts or taxes, including any estimated taxes for the current year, arising from the conduct of the licensed business. Adequate security for the payment of debts and taxes may be in the form of: 1) escrowed funds sufficient to pay the debts and taxes claimed and any**

escrow fees; 2) actual payment of debts and taxes claimed; or, 3) a guarantee agreement in accordance AMC 10.50.030. Any guarantee agreement shall be in writing, signed by the transferor, transferee and Municipality.

The standard is met.

There are no outstanding business personal property taxes owing, according to the Treasury Division. This is not a request for transfer of ownership.

- F. Public health. If application is made for the renewal or transfer of location or transfer of ownership of a license, the Assembly shall consider whether 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. In determining if a pattern of practices injurious to public health or safety exists, the Assembly may consider 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, or other evidence deemed to be reliable and relevant to the purpose of this subsection.**

The standard is met.

The Department of Health and Human Services has not reported a pattern of practices injurious to public health or safety.

- G. Municipality of Anchorage Alcoholic Beverage Licensee Compliance Form. In order to determine whether applicants seeking issue, renewal or transfer of alcoholic beverage licenses have complied with the provisions of this chapter, applicants shall, at the request of the Assembly, submit to the municipal clerk such information as is required on a municipal form prepared by the municipal clerk known as the Municipality of Anchorage Alcoholic Beverage Licensee Compliance Form. Upon request, operators shall also provide the municipal clerk with certificates from all current employees demonstrating that those employees have successfully completed a "Liquor Service Awareness Training Program" such as the program for techniques in alcohol management (T.A.M.) as approved by the State of Alaska Alcoholic Beverage Control Board.**

This form was not requested of this applicant.

RECOMMENDATION:

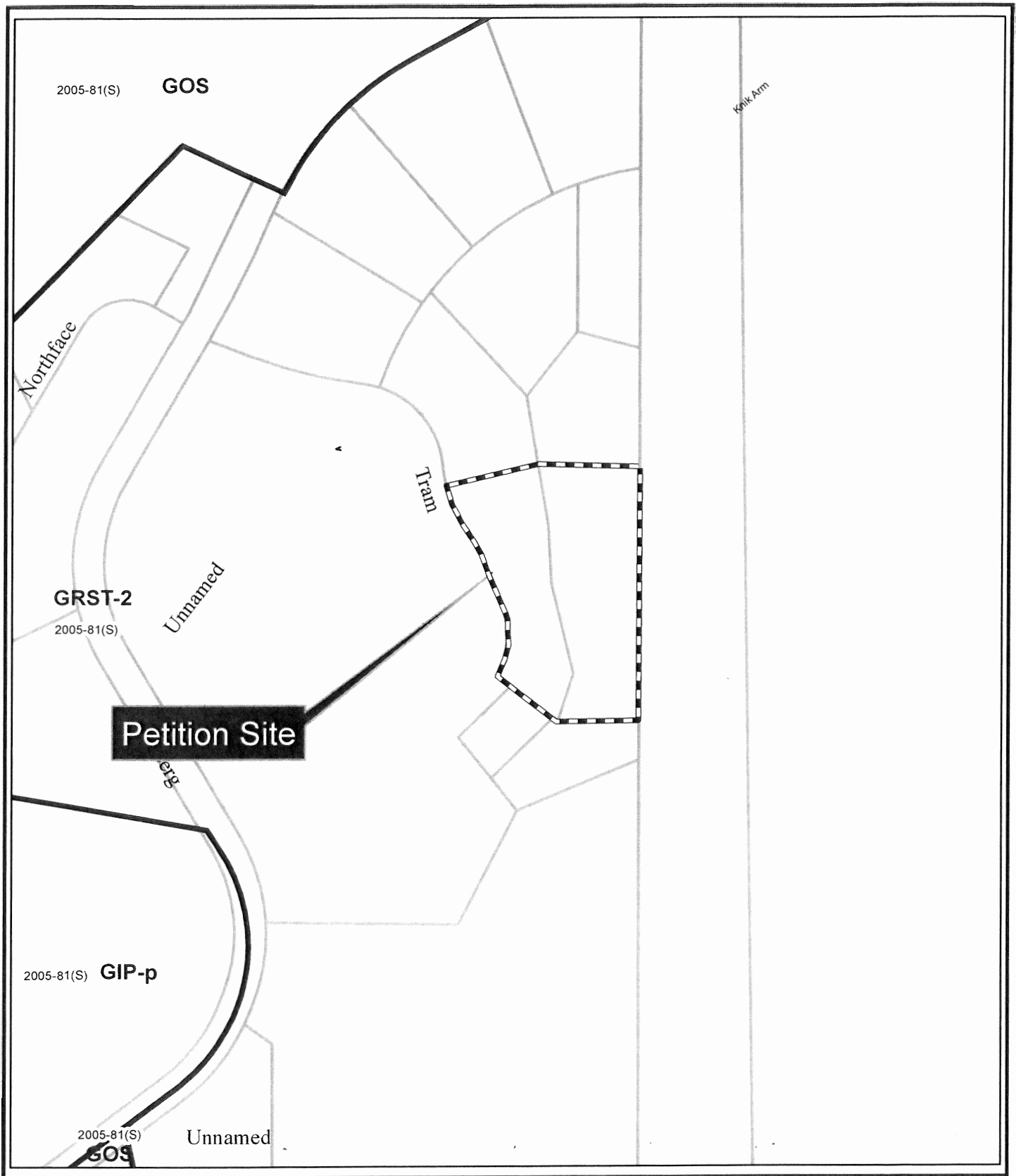
This application for an alcohol special land use permit for duplicate tourism beverage dispensary use with license number 5953, in the gRST-2 (Girdwood New Base Resort) District, generally meets the required standards of AMC Title 10 and Title 21.

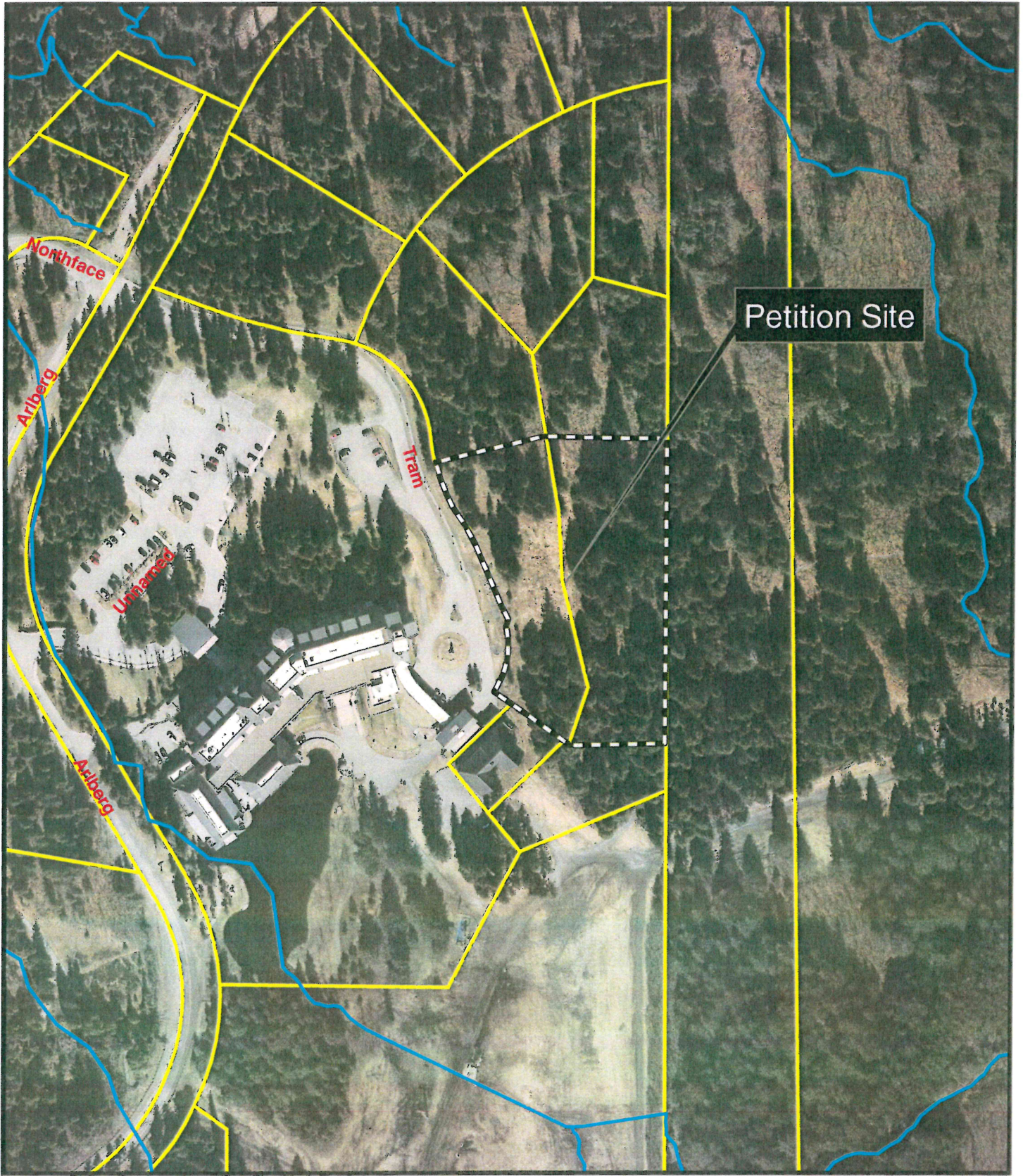
If, after a public hearing on the matter, the Anchorage Assembly finds that the required standards have been met, staff recommends the following conditions of approval:

1. A notice of zoning action shall be filed with the State of Alaska Recorder's Office within 120 days of the Assembly's approval for this alcohol special land use permit.
2. All uses shall conform to the plans and narrative submitted with this alcohol special land use permit application, except that the licensee may change the hours of operation listed on the application in accordance with all applicable laws without having to modify the alcohol special land use permit.
3. This alcohol special land use permit approval is for a duplicate tourism beverage dispensary use with license number 5953, in the gRST-2 (Girdwood New Base Resort) District, in accordance with AMC 10.50, AMC 21.09.050B.1.a., AMC 21.03.040, and AMC 21.03.080D.; for approximately 3,155 square feet of gross floor area (2,888 square foot of leasable space) within lots containing ± 3.17 acres; located at 268 Tram Circle in Girdwood; Alyeska Prince Addition Tract A Fragment Lots 10 & 11 (Plat 2008-126).
4. On-premise sale of alcoholic beverages may be seven days a week as permitted by AMC 10.50.010 and Alaska Alcoholic Beverage Control Board requirements.
5. Servers will be trained in accordance with the Alcoholic Beverage Control Board's "Liquor Server Awareness Training Program," in accordance with Alaska Statute 04.21.025. Upon demand, the applicant shall demonstrate compliance with a liquor "Server Awareness Training Program" approved by the State of Alaska Alcoholic Beverage Control Board, such as or similar to, the program for "Techniques in Alcohol Management (T.A.M.)."
6. The use of the property by any person for the permitted purposes shall comply with all current and future federal, state and local laws and regulations including but not limited to laws and regulations pertaining to the sale, dispensing, service and consumption of alcoholic beverages and the storage, preparation, sale, service and consumption of food. The owner of the property, the licensee under the Alcoholic Beverage Control license and their officers, agents and employees shall not knowingly permit or negligently fail to prevent the occurrence of illegal activity on the property.

7. A copy of the conditions imposed by the Assembly in connection with this alcohol special land use permit approval shall be maintained on the premise at a location visible to the public.

MAPS





2021-0074 alcohol church + school map
distance = 200'

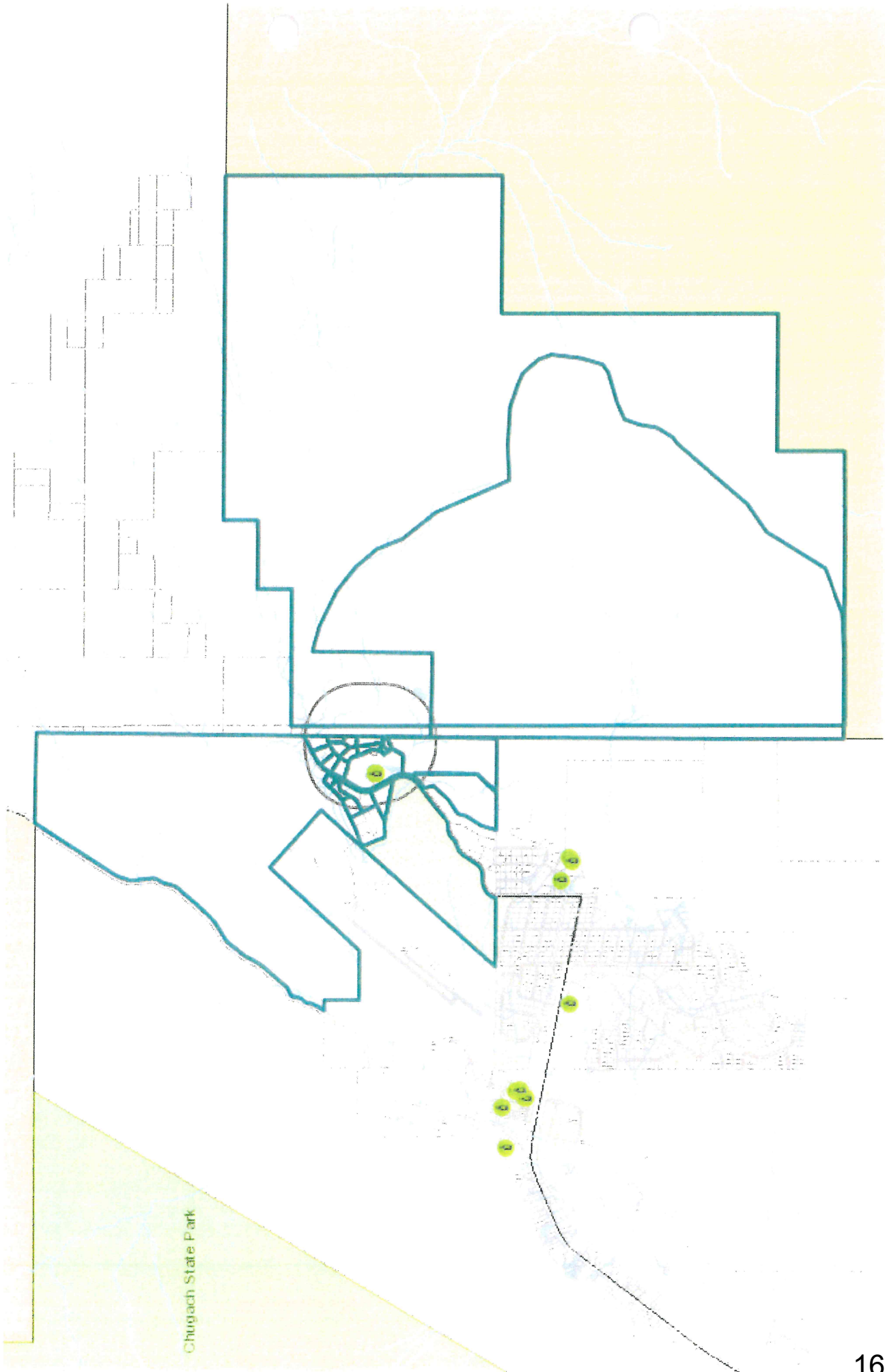
2021-0074

Alcohol Church and School List Report				Page: 1
Date : 05/26/2021	Parcel Number	Parcel Owner Name	Parcel Site Address	Description

Date : 05/26/2021 **Alcohol Existing License List Report** Page: 1

Parcel Number	Parcel Owner Name	Parcel Owner Address	City	State	Zip	Classification
Business Name	Applicant	Business Address	ABC License Number	Lic. Zone		
07504145000	ALYESKA RESORT HOTEL LIMITED PARTNERSHIP 9820-100TH AVE, GRANDE PRAIRIE	ALBERTA T8V 08T	CANADA			00000
Sakura Asian Bistro	Alyeska Resort Management Comp	1000 Arlberg Avenue	5210			Beverage Dispensary Tour
07504145000	ALYESKA RESORT HOTEL LIMITED PARTNERSHIP 9820-100TH AVE, GRANDE PRAIRIE	ALBERTA T8V 08T	CANADA			00000
The Pond Cafe	Alyeska Resort Management Comp	1000 ARLBERG AVE, GIRDWOOD, AK 99587	5211	GRST2		Beverage Dispensary Tour
07504145000	ALYESKA RESORT HOTEL LIMITED PARTNERSHIP 9820-100TH AVE, GRANDE PRAIRIE	ALBERTA T8V 08T	CANADA			00000
Bore Tide Deli	Alyeska Resort Operations Limited Partnership, dba Two Trees Bistro	1000 ARLBERG AVE, GIRDWOOD, AK 99587	5466	GRST2		Beverage Dispensary Dup
07504145000	ALYESKA RESORT HOTEL LIMITED PARTNERSHIP 9820-100TH AVE, GRANDE PRAIRIE	ALBERTA T8V 08T	CANADA			00000
TwoTrees Bistro	Alyeska Resort Operations Limited Partnership, dba Two Trees Bistro	1000 ARLBERG AVE, GIRDWOOD, AK 99587	5953	GRST2		Beverage Dispensary Tour

Anchorage



2021-0074 Alcohol existing licenses
Distance = 1000'

