

See AO 2010-68(5)

Submitted by: VICE CHAIR FLYNN
Reviewed by: Assembly Counsel
For reading: September 28, 2010

**ANCHORAGE, ALASKA
AO NO. 2010-68**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
ANCHORAGE MUNICIPAL CODE CHAPTER 10.50 BY ADDING A NEW SECTION
ON AREA CONDITIONS FOR LAND USE BY LICENSED PREMISES.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code chapter 10.50 is hereby amended by adding a new section to read as follows:

10.50.040 Area conditions for land use by licensed premises.

These area conditions apply to uses involving the sale of alcoholic beverages and shall supplement all other conditions and restrictions authorized by the Assembly for the use within boundaries of the area specified. A copy of the conditions imposed by the Assembly in connection with the alcohol use approval shall be maintained on the premises in a location visible to the public.

A. *Downtown Community Council District:* Use permit conditions for a package store authorized under state license to sell alcoholic beverages within the boundaries of the Downtown Community Council District are as follows:

1. RESTRICTIONS ON PRODUCTS SOLD:

- a. No cheap wines, such as White Port, in any size. No fortified wines less than \$10.00 a bottle.
- b. No six-packs of beer less than \$6.00.
- c. No liquor products less than 750 milliliters. Any products where the 750 milliliter size has a shelf price of \$10.00 or less shall not be stocked.
- d. Licensee shall place a sticker or other identifying mark on all products sold as individual containers.



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 517-2010

Meeting Date: September 28, 2010

1 **From: ASSEMBLY VICE CHAIR FLYNN**
2 **Subject: AO 2010-68 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL**
3 **ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER**
4 **10.50 BY ADDING A NEW SECTION ON AREA CONDITIONS FOR LAND**
5 **USE BY LICENSED PREMISES.**
6

7 Years ago, there were quite a few package (liquor) stores in the downtown area. Over
8 time, partly due to economics and partly due to neighborhood pressure, every package
9 store in downtown and in South Addition (the neighborhood south of the Park Strip)
10 closed except for a small shop in the lobby of the Captain Cook Hotel.

11
12 When that shop lost its lease and wanted to re-open in a storefront across Fifth Avenue,
13 one of my Assembly predecessors, Charles Wohlforth, oversaw a community
14 discussion that resulted in a series of conditions necessary for approval and issuance of
15 the new conditional use permit (CUP). These conditions have worked well for about 15
16 years, and more recently, three other package stores sought CUPs. In each case the
17 Assembly adopted the same standards, which are enumerated in this proposed
18 ordinance.

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20 The difficulty with continuing in this ad hoc approach is that it requires the Assembly to
21 identify each package store license application for the downtown area, and then take
22 formal action to append the requirements to each CUP application. This means there is
23 risk that a downtown application could be missed and create an unfair business
24 environment.

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26 Given that the standards have worked well for each of these establishments (operators
27 of the Fifth Avenue store previously testified these conditions helped them prove alcohol
28 found in possession of homeless inebriates did not come from their store), it makes
29 sense to codify these conditions so they will be automatically and efficiently applied to
30 all package stores operating within the Downtown Community Council boundaries, thus
31 ensuring all stores are treated equally. Further, this gives other potential downtown
32 package store owners a clear understanding of expected business practices prior to
33 their investing capital in such an endeavor.

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35 Respectfully submitted:

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38 Patrick Flynn, Assembly Member, Section 1