

CLERK'S OFFICE
AMENDED AND APPROVED

Date: 6-22-10

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading June 22, 2010

Anchorage, Alaska
AR 2010-177

1 A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY
2 APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A
3 PACKAGE STORE USE AND LICENSE NUMBER 4948 IN THE B-2C
4 (CENTRAL BUSINESS DISTRICT PERIPHERY) DISTRICT FOR SKYCAP
5 INTERNATIONAL, LLC, DBA ALASKA WINE & SPIRITS PACKAGE STORE;
6 LOCATED AT 410 "K" STREET, LOT 1A, BLOCK 37, L STREET SLIDE
7 REPLAT; GENERALLY LOCATED ON THE WEST SIDE OF "K" STREET
8 BETWEEN WEST 4TH AVENUE AND WEST 5TH AVENUES.

9
10 (Downtown Community Council) (Case 2010-066)

11
12 **THE ANCHORAGE ASSEMBLY RESOLVES:**

13
14 **Section 1.** A conditional use permit and License Number 4948 for an Alcoholic
15 Beverages Conditional Use in the B-2C District for a Package Store Use per
16 AMC 21.40.170 D.14, for Skycap International, LLC, dba Alaska Wine & Spirits
17 Package Store, located at 410 "K" Street, Lot 1A, Block 37, L Street Slide Replat;
18 generally located on the west side of 410 "K" Street between West 4th Avenue
19 and West 5th Avenue, and generally meets the applicable provisions of AMC
20 21.50.020 and AMC 21.50.160.

21
22 **Section 2.** This conditional use is approved subject to the following conditions:

- 23
24 1. A Notice of Zoning Action shall be filed with the District Recorder's Office
25 within 120 days of the Assembly's approval of an Alcoholic Beverages Final
26 Conditional Use for a Package Store Use in the B-2C District.
27
28 2. All uses shall conform to the plans and narrative submitted with this
29 conditional use application, including the building plans except as modified
30 by this approval.
31
32 3. This conditional use approval is for an Alcoholic Beverages Conditional
33 Use and License Number 4948 in the B-2C District for a Package Store Use per
34 AMC 21.40.170 D.14 of approximately 625 square feet gross leasable area
35 located in the structure at 410 K Street, Lot 1A, Block 37, L Street Slide Replat.
36
37 4. The on-premise sale of alcoholic beverages will be seven days a week as
38 permitted per the Alaska Alcoholic Beverage Control Board requirements.
39

1 5. Upon demand, the applicant shall demonstrate compliance with a "Liquor
2 Server Awareness Training Program," approved by the State of Alaska
3 Alcoholic Beverage Control Board, such as or similar to, the program for
4 "Techniques in Alcohol Management" (T.A.M.).
5

6 6. The use of the property, by any person for the permitted purposes, shall
7 comply with all current and future Federal, State and local laws and regulations,
8 including but not limited to, laws and regulations pertaining to the sale,
9 dispensing, service and consumption of alcoholic beverages. The owner of the
10 property, the licensee under the Alcoholic Beverage Control license and their
11 officers, agents and employees, shall not knowingly permit or negligently fail to
12 prevent the occurrence of illegal activity on the property.
13

14 **7. RESTRICTIONS ON PRODUCTS SOLD:**

15
16 **a. No cheap wines, such as White Port, in any size. No fortified wines
17 less than \$10.00 a bottle.**

18
19 **b. No six packs of beer less than \$6.00.**

20
21 **c. No liquor products less than 750 milliliters. Any products where the
22 750 milliliter size has a shelf price of \$10.00 or less shall not be
23 stocked.**

24
25 **d. Licensee shall place a sticker or other identifying mark on all
26 products sold as individual containers.**

27
28 **8. STAFFING REQUIRED:**

29
30 **a. TAMS or equivalent training shall be provided to all store personnel
31 before hiring.**

32
33 **9. ADVERTISING RESTRICTIONS:**

34
35 **a. No price or beer signs in the windows. No low price newspaper
36 advertising.**

37
38 **10. COMMUNITY REVIEW REQUIREMENTS:**

39
40 **a. Semi-annual review of operations by the Downtown Community
41 Council, if desired by the Downtown Community Council.**

42
43 **b. Video tapes of customers viewable on request by the Downtown
44 Community Council held for a period of five days.**

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46 **11[7]. A copy of the conditions imposed by the Assembly in connection with this
47 conditional use approval shall be maintained on the premises and at a location
48 visible to the public.**


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Section 3. Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification or revocation.

Section 4. This resolution shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 22nd day of June, 2010.

ATTEST:


Chair


Municipal Clerk

(Planning Case Number 2010-066)
(Tax Identification Number 001-033-21)



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 360-2010

Meeting Date: June 22, 2010

From: MAYOR

Subject: ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A PACKAGE STORE USE AND LICENSE NUMBER 4948 IN THE B-2C (CENTRAL BUSINESS DISTRICT PERIPHERY) DISTRICT FOR SKYCAP INTERNATIONAL, LLC, DBA ALASKA WINE & SPIRITS PACKAGE STORE; LOCATED AT 410 "K" STREET, LOT 1A, BLOCK 37, L STREET SLIDE REPLAT; GENERALLY LOCATED ON THE WEST SIDE OF "K" STREET BETWEEN WEST 4TH AVENUE AND WEST 5TH AVENUE.

1 Skycap International, LLC has made application for a new conditional use permit
2 for an Alcoholic Beverages Package Store use in the B-2C District, per AMC
3 21.40.170 D.14, for Package Store License Number 4948, dba Alaska Wine &
4 Spirits, located 410 "K" Street, Lot 1A, Block 37, L Street Slide Replat.

5
6 The applicant operates a FedEx® shipping store and is the only authorized
7 FedEx® licensee in the downtown area to ship Alaskan wine and spirits to the
8 lower 48. The applicant is seeking the subject conditional use to offer tourists the
9 sale and shipping of Alaskan wine and spirits in addition to Alaskan food and
10 seafood specialty products. The business is located at 410 "K" Street, in a 625
11 square foot retail lease space, across the street from the Captain Cook Hotel,
12 located at street level in the Captain Cook Parking Garage. The property is zoned
13 B-2C: in the B-2C District the use of alcoholic beverage sales is permitted only
14 through the conditional use process. Off-street parking is not required in the B-2C
15 District.

16
17 There are no known churches or schools within 200 feet of the petition site,
18 according to Municipal records.

19
20 There are eleven (11) beverage dispensary licenses, three (3) restaurant beer and
21 wine licenses, one (1) package store license, and one (1) brewpub license within a

1 1,000-foot radius of the petition site. Approving this Package Store Conditional
2 Use will add the second package store license within a 1,000-foot radius.

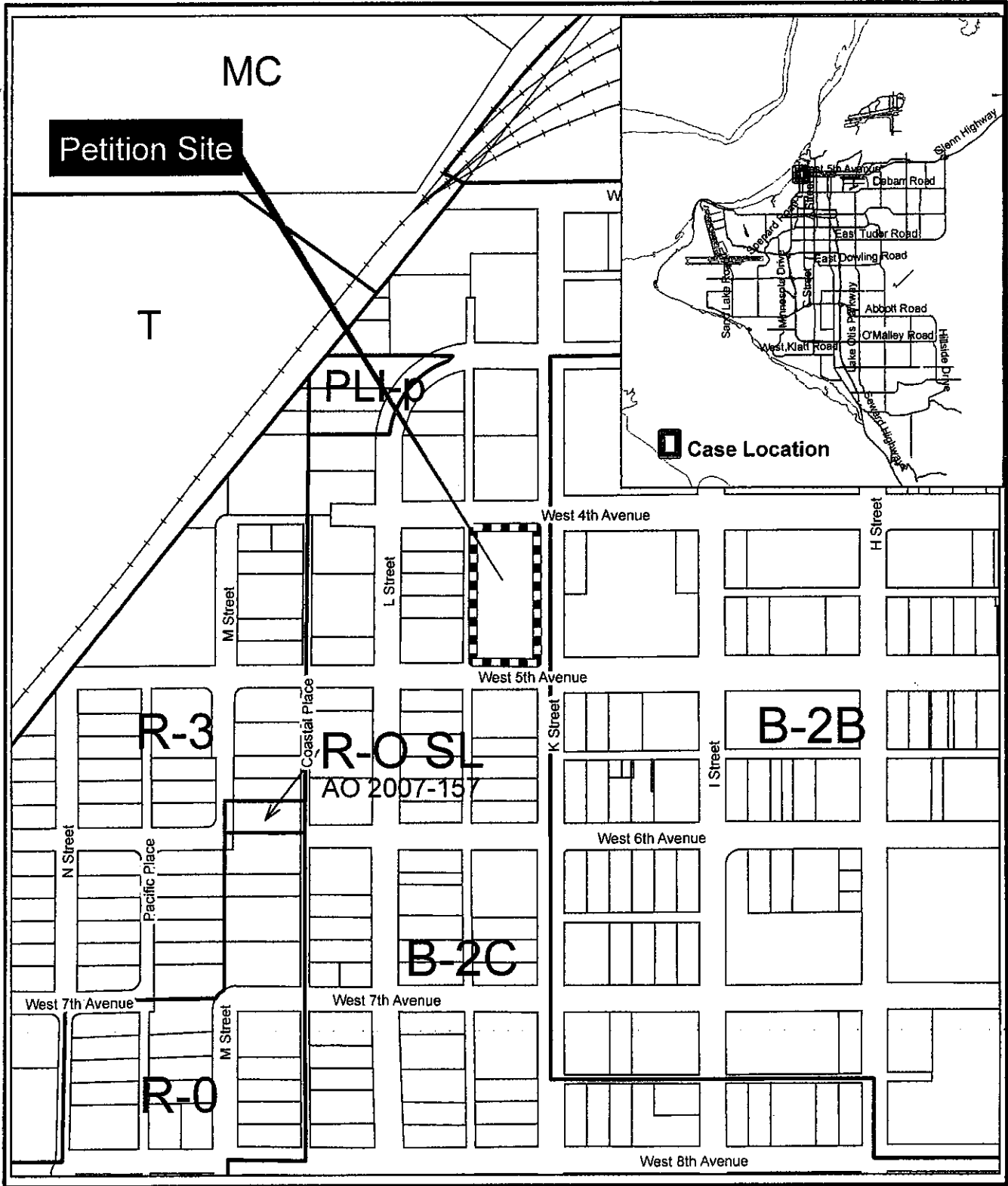
3
4 Daily operating hours are 10:00 AM to 6:00 PM.

5
6 The Anchorage Police Department reports that there were no incident calls
7 occurring within the last two years at this location. Treasury reports there are no
8 delinquent Personal Property Taxes, or Real Property Taxes owing at this time.

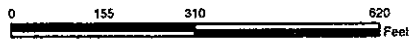
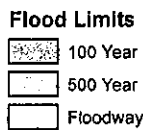
9
10 **THIS CONDITIONAL USE FOR A PACKAGE STORE USE AND LICENSE**
11 **NUMBER 4948 IN THE B-2C DISTRICT, GENERALLY MEETS THE**
12 **APPLICABLE PROVISIONS OF AMC TITLES 10 AND 21, AND ALASKA**
13 **STATUTE 04.11.150.**

14
15 Prepared by: Angela C. Chambers, Zoning Administrator,
16 Planning Department
17 Approved by: Jerry T. Weaver Jr, Director, Planning Department
18 Concur: Greg Jones, Executive Director, Office of Community
19 Planning & Development
20 Concur: Dennis A. Wheeler, Municipal Attorney
21 Concur: George J. Vakalis, Municipal Manager
22 Respectfully submitted: Daniel A. Sullivan, Mayor

2010-066



Municipality of Anchorage
 Planning Department
 Date: April 23, 2010



**PLANNING DEPARTMENT
STAFF ANALYSIS
CONDITIONAL USE – ALCOHOLIC BEVERAGE SALES**

DATE: June 22, 2010

CASE NO.: 2010-066

APPLICANT: Skycap International, LLC
Dba Alaska Wine & Spirits Package Store

REPRESENTATIVE: Gary Hovanec

REQUEST: A Conditional Use for Alcoholic Beverages in the B-2C (Central Business District Periphery) District for a Package Store License #4948, per AMC 21.40.170 D.14.

LOCATION: L Street Slide Replat, Block 37, Lot 1A

STREET ADDRESS: 410 "K" Street

COMMUNITY COUNCIL: Downtown

TAX PARCEL: 001-033-21/ Grid SW 1229

ATTACHMENTS

1. Location Map
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

RECOMMENDATION SUMMARY:

Skycap International, LLC, dba Alaska Wine & Spirits, is applying for a conditional use for a new package store license number 4948 and use at 410 "K" Street. The site is in an existing retail/Captain Cook parking garage structure located on the west side of "K" Street between West 4th Avenue and West 5th Avenues.

This conditional use generally meets the required standards of AMC Title 10 and Title 21.

SITE:

Acres: 43,651 SF
Vegetation: Street landscaping
Zoning: B-2C (Central Business District Periphery)
Topography: Level
Existing Use: Commercial
Soils: Public Sewer & Water

COMPREHENSIVE PLAN

Classification: Redevelopment/Mixed Use; Major Employment Center
(Anchorage 2020)
Commercial (1982 Anchorage Bowl Comprehensive Plan)
Density: N/A

SURROUNDING AREA

| | NORTH | EAST | SOUTH | WEST |
|-----------|------------------------|-----------------|------------|------------|
| Zoning: | B-2C | B-2B | B-2C | B-2C |
| Land Use: | Office, Court House | Captain Cook | Commercial | Commercial |

SITE DESCRIPTION AND PROPOSAL:

Alaska Wine & Spirits is intended to operate a retail package store for the convenience of tourists, and sell and ship Alaska brand products such as Alaska vodka, Homer wines, Alaskan smoked fish and seafood products. This is a request for a package store license conditional use for a 625 square foot street level retail lease area), located in the Captain Cook Parking Garage (7,554 square feet) at 410 "K" Street. The petition site is a 43,651 square foot developed lot.

Daily operating hours are proposed to be from 10:00 AM to 6:00 PM.

All employees will be trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program. There will be no happy hours, games or contests that include consumption of alcoholic beverages, and no solicitation or encouragement of alcoholic beverage consumption. Sales to persons who are inebriated or underage are prohibited.

PUBLIC COMMENTS:

One hundred seventy-five (175) public hearing notices (PHNs) were mailed. At the time this report was written five (5) PHN was returned in support of the proposed package store and one (1) opposed. The Downtown Community

Council provided a letter approving Mr. Hovanec's conditional use for a Package Store to sell and ship alcoholic beverages from 410 K Street.

FINDINGS

A. Furthers the goals and policies of the Comprehensive Development Plan and conforms to the Comprehensive Development Plan in the manner required by Chapter 21.05.

This subject location is depicted on the Land Use Policy Map of the *Anchorage 2020 Comprehensive Plan* as being within the Downtown Major Employment Center and Redevelopment/Mixed-Use Area

The *Anchorage 2020 Comprehensive Plan* does not specifically address the sale of alcoholic beverages in the community. A strategy of the adopted *Anchorage 2020 Plan*, however, calls for the development of locational standards and criteria for retail sales/service of alcoholic beverages. To date this has not been done.

The *Anchorage 2020 Plan* (ref. P.40) contains a generalized community vision that advocates "an active learning community with abundant cultural amenities." Several goals of the *Anchorage 2020 Plan* do address related issues such as recreational and economic opportunities. The sale of alcoholic beverages is part of the social, recreational and economic environment of the community. The Downtown area is the heart of the cultural and entertainment focal point in the downtown area, as well as enhancing the hospitality and tourism industry in Anchorage. Another of the *Plan's* stated economic development goals are "Business Support and Development: a quality of life and a financial climate that encourages businesses to start up, expand or relocate in Anchorage (p. 41).

Downtown Anchorage, as an employment center, is well defined and compact, and has attained a medium- to high-density office employment of 50 to 75 employees per acre. Mixing supportive retail uses, such as restaurants, branch banks, and shopping, with office development is an important major employment center feature. Workers are within walking distance of these retail uses. The applicant is expanding the existing privately-owned FedEx shipping store by offering Alaskan products, including wine and spirits, mainly to tourists staying in downtown hotels or cruise ship visitors.

B. Conforms to the standards for that use in this title and regulations promulgated under this title.

This standard is met.

Except for the alcoholic beverages conditional use standards established in AMC 21.50.160, the Assembly has not adopted specific zoning regulations for alcoholic beverage sales. The B-2C Central Business District Periphery zoning regulations allows alcoholic beverage sales through the conditional use permit process: AMC 21.40.170 D.14.

This is an existing developed retail/commercial site and area. The proposed conditional use will not change the structure or retail lease size.

C. Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district.

This standard is met.

The petition property is within an area designated as Redevelopment/Mixed Use; Major Employment Center in *Anchorage 2020*: a commercial area that is expected to remain in that land use category for the foreseeable future. See discussion above regarding *Anchorage 2020* discussion. Land to the north, south and east are zoned B-2C, and to the east is B-2B land. The petition site is located on street level of the Captain Cook Parking Garage and is on the west side of "K" Street across from the Captain Cook Hotel. Staff site and area visits have indicated that there appear to be no churches, day care or schools within 200 feet of the site property line. The nearest residential zoning is located west of Coastal Place (west of "L" Street).

AMC 21.50.160.B asks that a list of all alcohol licenses located within a minimum of 1,000 feet of the proposed conditional use be provided. There are a total of 16 (sixteen) licenses within 1,000 feet of the proposed conditional use site. There are 11 (eleven) beverage dispensary (including 2 tourism) licenses, 3 (three) restaurant licenses, and 1 (one) package store license and 1 (one) brewpub license.

| Name | Address | License Number | Type of License |
|-------------------|------------------------------|----------------|--------------------------------|
| Simon & Seafort's | 420 "L" Street | 1050 | Beverage Dispensary |
| The Corsair | 944 W 5 th Avenue | 742 | Beverage Dispensary Tourism |
| Crow's Nest | 928 W 4 th Avenue | 290 | Beverage Dispensary |
| Fletcher's | 928 W 4 th Avenue | 2290 | Beverage Dispensary |
| The Quarterdeck | 928 W 4 th Avenue | 932 | Beverage Dispensary |
| Whale's Tale | 928 W 4 th Avenue | 1224 | Beverage Dispensary |

| | | | |
|------------------------------|-------------------------------|------|--------------------------------|
| Anchorage Marriott Hotel | 820 W 7 th Avenue | 3945 | Beverage Dispensary Tourism |
| The Anchor | 712 W 4 th Avenue | 3607 | Beverage Dispensary |
| Pioneer Bar | 739 W 4 th Avenue | 866 | Beverage Dispensary |
| Gaslight Lounge | 721 W 4 th Avenue | 437 | Beverage Dispensary |
| Snow Goose Restaurant & Brew | 717 W 3 rd Avenue | 4058 | Beverage Dispensary |
| Snow City Café | 1034 W 4 th Avenue | 3831 | Restaurant/Eating Place |
| Café 817 | 817 W 6 th Avenue | 4449 | Restaurant/Eating Place |
| Yamaya Restaurant | 825 W 6 th Avenue | 3728 | Restaurant/Eating Place |
| Downtown Wine & Spirits | 930 W 5 th Avenue | 3322 | Package Store |
| Snow Goose Restaurant & Brew | 717 W 3 rd Avenue | 4059 | Brewpub |

This request will make a total of 2 (two) Package Store licenses within 1,000 feet.

Alaska Statute 04.11.410, Restriction of location near churches and schools, restricts beverage dispensary and package store licenses from being located in a building the public entrance of which is within 200-feet of the public entrance of a church building, or from being located within 200-feet of school grounds. There appear to be no church buildings or school grounds within 200 feet of the petition site.

D. Will not have a permanent negative impact on the items listed below substantially greater than that anticipated from permitted development:

1. Pedestrian and vehicular traffic circulation and safety.

This standard is met.

This is an existing developed retail/commercial site. On-site parking is not required in the B-2C zoning district. The lease space for the subject business is located in the same building as the Captain Cook Parking Garage. Pedestrian facilities are in existence within the adjacent West 4th Avenue and West 5th Avenue and "K" Street right-of-way.

2. The demand for and availability of public services and facilities.

This standard is met.

The addition of the package store license will not impact public services. Electrical, water and sewer, natural gas are available on site. Road infrastructure and public transit is already in place. The petition site is within ARDSA, Police and Fire service areas. This is an existing developed retail/commercial site and area.

3. Noise, air, water, or other forms of environmental pollution.

This standard is met.

As a land use, a Package Store conditional use and license will not cause or contribute to any environmental pollution. This is an existing developed retail/commercial site and area.

4. The maintenance of compatible and efficient development patterns and land use intensities.

This standard is met.

The zoning, land use and the general area land use will not change as a result of this license. This is an existing developed retail area and commercial area. The intensity of this proposed use appears to be no greater than general traffic generated in the area from the adjacent commercial, retail and related uses.

Standards Chapter 10.50 Alcoholic Beverages

In the exercise of its powers and under AS 04.11.480 and 15 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.**

See table and narrative under Findings, Item C for other alcohol licenses within 1,000 feet of this application.

This conditional use for a package store license will not adversely impact the immediate area or surrounding uses. See narrative under Findings, Item D.

Staff site/area visits and agency comments indicate that there are no schools or churches within 1,000-feet of the petition site. There are a total of sixteen (16) licenses in the vicinity, with one being a package store licenses.

- 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.**

This standard is met.

The applicant states that all employees involved with serving alcohol will be involved in the dispensing of alcoholic beverages and 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.**

This standard is not applicable.

- 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.

This standard appears to be met.

The application is for a package store which will be a specialty shipping store for Alaskan wine and spirits, Alaskan food and seafood products. The applicant is the only authorized FedEx® licensee authorized to ship wine to the lower 48 in the downtown area. The store will provide the proper packaging according to FedEx® requirements. Alcohol will not be consumed on site. There will be no happy hours, games or contests that include consumption of alcoholic beverages, and no solicitation or encouragement of alcoholic beverage consumption. Sales to persons who are inebriated or underage are prohibited. The application states that an owner or manager will be present at all times during operating hours. All employees will be T.A.M. certified and the facility will maintain well lit areas immediately outside the store, and will continue management oversight at all times.

The Anchorage Police Department reports there were no incidents occurring within the last two years on this site.

- 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 Treasury Division found no outstanding taxes from this applicant or property.

- 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 Department of Health and Human Services had not provided comments at the time this report was written.

- 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:

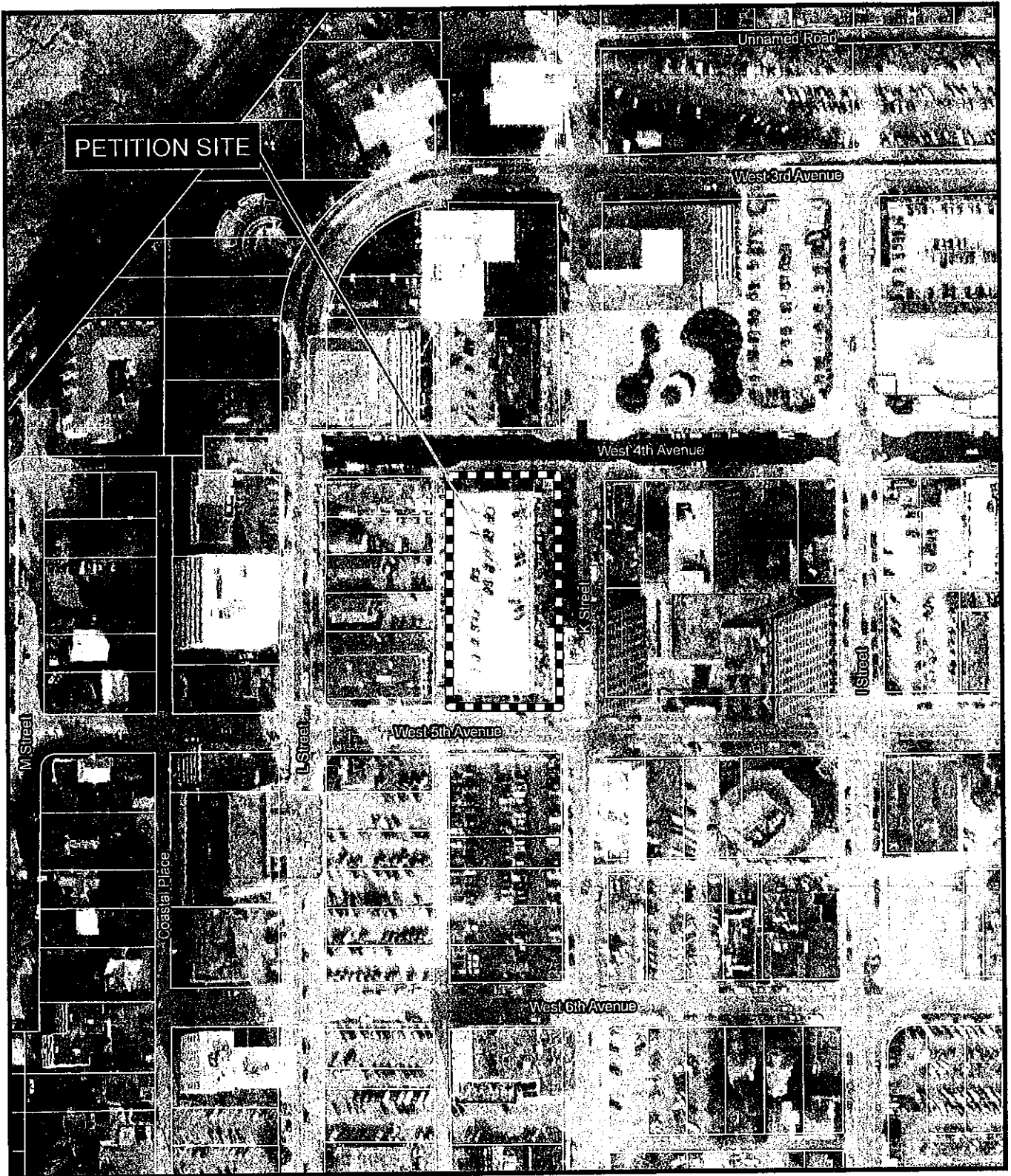
This application for a conditional use for alcoholic beverages in the B-3 District to allow a package store use and license per AMC 21.40.170 D.14 for Lot 1A, Block 37, L Street Slide Replat, meets the required standards of AMC Title 10 and Title 21.

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 District Records Office within 120 days of the Assembly's approval of the conditional use for a package store use on Lot 1A, Block 37, L Street Slide Replat.

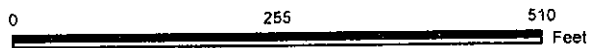
2. All uses shall conform to the plans and narrative submitted with this conditional use application.
3. This conditional use approval is for an Alcoholic Beverages Conditional Use and License Number 4948 in the B-2C District for a Package Store Use per AMC 21.40.170 D.14 for approximately 625 square feet of gross leasable area located in the structure at 410 K Street, Lot 1A, Block 37, L Street Slide Replat.
4. On-premise sale of alcohol beverages will be seven days a week as permitted per the Alaska Alcoholic Beverage Control Board requirements.
5. 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 conditional use approval shall be maintained on the premise at a location visible to the public.

2010-066



Municipality of Anchorage
Planning Department

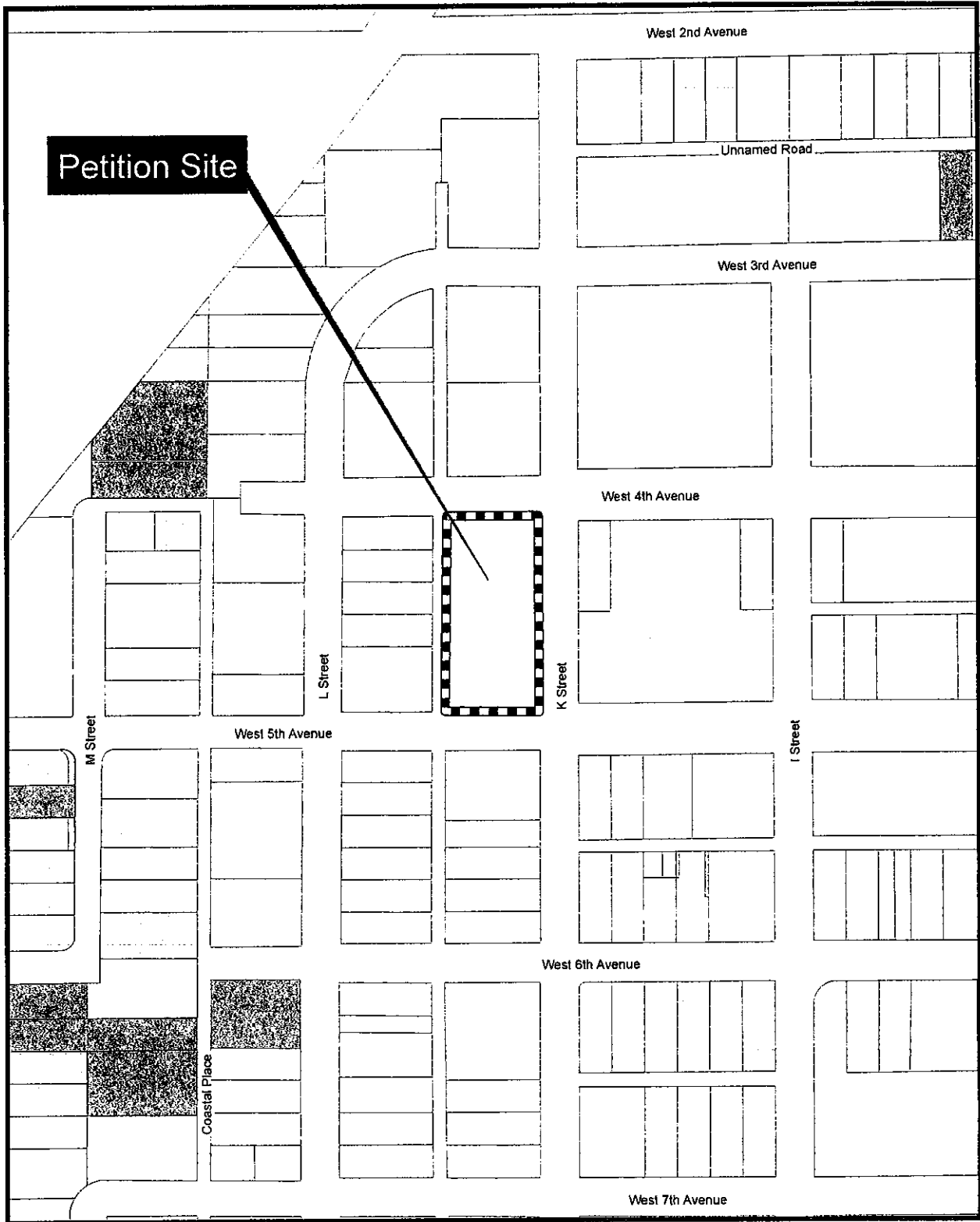
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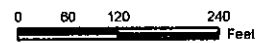
2010-066



Municipality of Anchorage
Planning Department

Date: April 22, 2010

-  Mobile Home Park
-  Multi-Family
-  Single Family



Alcohol Existing License List Report

Case Number: 2010-066 Description: 1000'

| Parcel Business Name | Parcel Owner Name Applicant Name | Parcel Owner Address Business Address | City | State | Zip | Lic. Zone | Lic. Type |
|---|---|--|----------------------|-----------|-------|-----------|--------------------------|
| 00103247000 Simon & Seafort's | L STREET INVESTMENTS RUI One, Inc. | 2525 BLUEBERRY RD STE 204 420 L St | ANCHORAGE 1050 | AK B2C | 99503 | B2C | Beverage Dispensary |
| 00103311000 Snow City Café | MICHAEL NAFLA A IRREVOC TRUST Let it Snow, LLC | 1010 BEECH LN 1034 W 4th Ave | ANCHORAGE 3831 | AK B2C | 99501 | B2C | Restaurant/Eating Place |
| 00103403000 Cafe' 817 | NOVOSAD MARK S Muffin Man & Co., Inc. | 817 W 6TH AVE 817 W 6th Ave | ANCHORAGE 4449 | AK B2B | 99501 | B2B | Restaurant/Eating Place |
| 00103404000 Yamaya Restaurant | YAMADA MASAHIDE & KAZUKO Yamada, Masahide & Kazuko | 4100 NORTH STAR ST 825 W 6th Ave | ANCHORAGE 3728 | AK B2B | 99504 | B2B | Restaurant/Eating Place |
| 00103421000 The Corsair | RPS LLC Corsair, Inc. | 3000 C-ST STE 301 944 W 5th Ave | ANCHORAGE 742 | AK B2B | 99503 | B2B | Beverage Dispensary Tour |
| 00103464000 Downtown Wine & Spirits | ALASKA LABORERS BLDG CORP Liquore Stores North USA, Inc. | 2501 COMMERCIAL DR 930 W 5th Ave | ANCHORAGE 3322 | AK B2B | 99501 | B2B | Package Store |
| 00103466000 Crow's Nest | HICKEL INVESTMENT CO Hickel Investment Co. | PO BOX 101700 928 W 4th Ave | ANCHORAGE 290 | AK B2B | 99510 | B2B | Beverage Dispensary |
| 00103466000 Fletcher's | HICKEL INVESTMENT CO Hickel Investment Co. | PO BOX 101700 928 W 4th Ave | ANCHORAGE 2290 | AK B2B | 99510 | B2B | Beverage Dispensary |
| 00103466000 Quarterdeck, The | HICKEL INVESTMENT CO Hickel Investment Co. | PO BOX 101700 928 W 4th Ave | ANCHORAGE 932 | AK B2B | 99510 | B2B | Beverage Dispensary |
| 00103466000 Whale's Tale | HICKEL INVESTMENT CO Hickel Investment Co. | PO BOX 101700 928 W 4th Ave | ANCHORAGE 1224 | AK B2B | 99510 | B2B | Beverage Dispensary |
| 00105455000 Anchorage Marriott Hotel | COLUMBIA PROPERTIES Columbia Properties Anchorage | 740 CENTRE VIEW BLVD 820 W 7th Ave | CRESTVIEW HI 3945 | KY B2B | 41017 | B2B | Beverage Dispensary Tour |
| 00210526000 The Anchor | GRAHAM PROPERTIES LLC The Anchor LLC | 3780 LINCOLN ELLSWORTH CT # 712 W 4th Ave | ANCHORAGE 3607 | AK B2B | 99517 | B2B | Beverage Dispensary |
| 00210617000 Pioneer Bar | OLDTIMERS INC Old Timers, Inc. | 739 W 4TH AVE 739 W 4th Ave | ANCHORAGE 866 | AK B2B | 99501 | B2B | Beverage Dispensary |

Report Date: 04/23/2010

| Parcel Business Name | Parcel Owner Name Applicant Name | Parcel Owner Address Business Address | | City Lic. Number | State Lic. Zone | | Zip Lic. Type |
|---|---|--|--|---------------------|--------------------|------------------------------|------------------|
| | | | | | | | |
| 00210626000 Gaslight Lounge | MAC'S INC Gaslight Lounge, Inc. | 3111 DENALI ST STE 201 721 W 4th Ave | | ANCHORAGE 437 | AK B2B | 99503 Beverage Dispensary | |
| 00210750000 Snow Goose Restaurant & Brew | BREWERY CAPITAL INC Snow Goose Restaurant, LLC | 3401 DENALI STREET #202 717 W 3rd Ave | | ANCHORAGE 4058 | AK B2C | 99503 Beverage Dispensary | |
| 00210750000 Snow Goose Restaurant & Brew | BREWERY CAPITAL INC Snow Goose Restaurant, LLC | 3401 DENALI STREET #202 717 W 3rd Ave | | ANCHORAGE 4059 | AK B2C | 99503 Brewpub | |

Alcohol Church and School List Report

Case Number: 2010-066 Description: 200'

| Parcel | Parcel Owner Name | Parcel Site Address | Description |
|--------|-------------------|---------------------|-------------|
|--------|-------------------|---------------------|-------------|

**DEPARTMENTAL
COMMENTS**

Reviewing Agency Comment Summary

Case No.: 2010-066

| Agency | Comments Included in Packet | No Comments and/or Objections | No Response |
|-----------------------------------|--------------------------------|----------------------------------|-------------|
| Air Pollution Control | | | |
| Alaska DEC | | | |
| Alaska Division of Parks | | | |
| Alaska DOT/PF | | | |
| Anchorage Police Department | | | |
| AWWU | | | |
| DHHS Environmental | | | |
| DHHS Social Services | | | |
| Community Council | | | |
| Fire Prevention | | | |
| Flood Hazard | | | |
| ML&P | | | |
| On-Site Water & Wastewater | | | |
| Parks and Recreation | | | |
| Project Mgt & Engineering | | | |
| Right of Way | | | |
| School District | | | |
| Transit | | | |
| Treasury | | | |
| Traffic & Transportation Planning | | | |
| Watershed Management Services | | | |

Municipality of Anchorage
Treasury Division
Memorandum

RECEIVED

APR 29 2010

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

Date: April 28, 2010
To: Patty Long
Gloria Stewart
Planning Dept.
From: Diana Flavin, Revenue Officer
Subject: Liquor License Conditional Use Comments

Request for conditional use permit 2010-066 for Skycap International LLC located at 410 K St,
Anchorage, AK..

I find no outstanding taxes on this account and have no reason to protest it.

2010-066

POLICE DEPARTMENT CHECK LIST
FOR INVESTIGATION OF LICENSED LIQUOR ESTABLISHMENTS

1. Criminal History in Local Police Files? YES NO UNK
 {Circle which applies}

2. Incidents occurring within two years prior to the date of the liquor license application.

| Type of Incident | Number of Incidents |
|------------------|---------------------|
| None | |

| | |
|---------------------------|----------------------|
| OLD BUSINESS NAME | OLD LOCATION |
| Alaska Wine & Spirit | 410 "K" Street |
| BUSINESS NAME | LOCATION |
| Skycap International, LLC | None |
| NAME OF APPLICANT (S) | CURRENT LICENSEE (S) |

- Package Store
- New Business
- Restaurant Eating Place
- Corporate Stock Transfer Only
- Transfer of Location

RECEIVED
 APR 30 2010
 MUNICIPALITY OF ANCHORAGE
 PLATTING DIVISION

THIS INFORMATION IS PROVIDED FOR EVALUATION BY THE ASSEMBLY IN CONSIDERATION OF APPLICATIONS FOR LICENSING.

04.27.10
 DATE


 for CHIEF OF POLICE



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

DATE: May 24, 2010
TO: Angela Chambers, Acting Division Manager, Zoning and Platting
Division
THRU: Leland R. Coop, Associate Traffic Engineer *LC*
FROM: Mada Angell, Assistant Traffic Engineer
SUBJECT: Traffic Engineering Comments for June 22, 2010 Assembly

RECEIVED

MAY 26 2010

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

10-066

L Street Replat (Slide); Conditional Use to sell alcohol; Alaska Wine & Spirits; K Street

Traffic Engineering has no objection; no parking is required to be provided in the Central Business District.

E-MAILED



Municipality of Anchorage
Project Management & Engineering Department



Comments to Miscellaneous Zoning Applications

DATE: May 25, 2010
TO: Angela Chambers – Manager, Zoning and Platting
FROM: Sharen Walsh, P.E., Private Development Plan Review Engineer
SUBJECT: Comments for Assembly Public Hearing date: June 22, 2010

Case No. 2010-066– A request for concept/final approval of a conditional use to permit an alcoholic beverage package store

PM&E has no objection to this conditional use, however, we question if truck traffic (liquor deliveries) will increase to the extent that it will impact traffic in the one-way portion of "K" Street. This should be resolved with Traffic Engineering.

DOWNTOWN COMMUNITY COUNCIL
C/O PAUL J. NANGLE, PRESIDENT
101 CHRISTENSEN DRIVE
ANCHORAGE, ALASKA 99501
(907) 274-8866 FAX: 279-1794

January 12, 2010

Municipal Assembly
Municipal Clerk's Office
P.O. Box 196650
Anchorage, Alaska 99519-6650

Re: Conditional Use Permit
Gary Hovanec

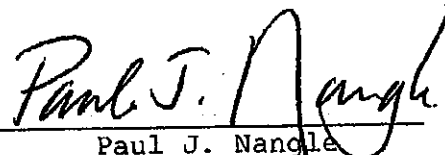
To Whom It May Concern:

The Downtown Community Council, at their last regular meeting, approved Mr. Hovanec's request to sell and ship alcoholic beverages from his location at 410 "K" Street.

Very truly yours,

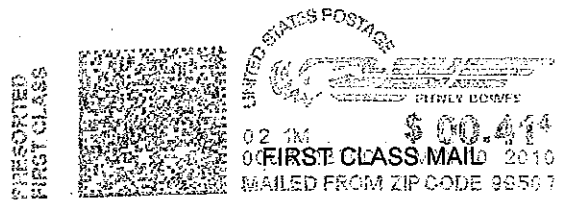
DOWNTOWN COMMUNITY COUNCIL

By:



Paul J. Nangle
President

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7942



Paul Nangle
Downtown Community
Council
101 Christenson Dr
Anchorage, AK 99501

RECEIVED

MAY 17 2010

Municipality of Anchorage
Zoning Division

**ASSEMBLY
NOTICE OF PUBLIC HEARING - - Tuesday, June 22, 2010**

Planning Dept Case Number: ^{99501#2101} 2010-066 

The Assembly of the Municipality of Anchorage will hold a public hearing on a petition proposing a conditional use at its regular meeting of Tuesday, June 22, 2010. The meeting begins at 6:00 p.m. in the Assembly Chambers of the Z. J. Loussac Library, 3600 Denali Street. The petition is for the following:

CASE: 2010-066
PETITIONER: Skycap International LLC
REQUEST: Assembly conditional use for an alcoholic beverage package store
TOTAL AREA: 1.000 acres
SITE ADDRESS: 410 K ST
CURRENT ZONE: B-2C Central business district-periphery
COM COUNCIL(S): 1---Downtown

LEGAL/DETAILS: An alcoholic beverage conditional use for a package store (Alaska Wine & Spirits); L Street Slide Replat, Block 37, Lot 1A. Generally located at 410 K Street

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call: 343-7942; FAX 343-7927. Case Information may be viewed at www.muni.org by selecting Departments/Planning/Zoning and Platting Cases.

Name: NANGLE + NANGLE
Address: 101 Christenson Drive
Legal Description: lot 3A Block 6
Comments: no objections to alcoholic beverage package
store tied to shipping products to
tourist.

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7942



001-052-34-024
HAGE JAMES A
711 GAFFNEY RD #101
FAIRBANKS, AK 99701

RECEIVED

MAY 17 2010

Municipality of Anchorage
Zoning Division

**ASSEMBLY
NOTICE OF PUBLIC HEARING - - Tuesday, June 22, 2010**

Planning Dept Case Number: 2010-066

The Assembly of the Municipality of Anchorage will hold a public hearing on a petition proposing a conditional use at its regular meeting of Tuesday, June 22, 2010. The meeting begins at 6:00 p.m. in the Assembly Chambers of the Z. J. Loussac Library, 3600 Denali Street. The petition is for the following:

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COM COUNCIL(S): 1---Downtown

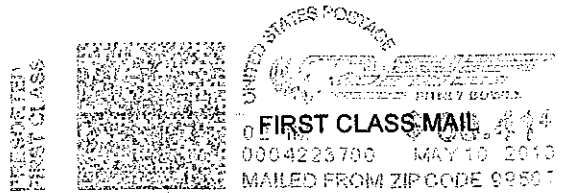
LEGAL/DETAILS: An alcoholic beverage conditional use for a package store (Alaska Wine & Spirits); L Street Slide Replat, Block 37, Lot 1A. Generally located at 410 K Street

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If you would like to comment on the petition this form may be used for _____ . Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call: 343-7942; FAX 343-7927. Case information may be viewed at www.muni.org by selecting Departments/Planning/Zoning and Platting Cases.

Name: Jim Hage Property owned: _____
Mail Address: 711 Gaffney Rd FBlk Ak 99701 - Unit #306
Legal Description: Unit 306 Knik Arms 1106 6th Ave
Comments: I support the conditional use permit And Ak _____

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7942



001-052-34-033
FLYNN HEATHER A
836 M STREET #307
ANCHORAGE, AK 99501

RECEIVED

MAY 21 2010

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

**ASSEMBLY
NOTICE OF PUBLIC HEARING - - Tuesday, June 22, 2010**

Planning Dept Case Number ~~99501-3-2010-0663~~ **2010-066**

The Assembly of the Municipality of Anchorage will hold a public hearing on a petition proposing a conditional use at its regular meeting of Tuesday, June 22, 2010. The meeting begins at 6:00 p.m. in the Assembly Chambers of the Z. J. Loussac Library, 3600 Denali Street. The petition is for the following:

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COM COUNCIL(S): 1---Downtown

LEGAL/DETAILS: An alcoholic beverage conditional use for a package store (Alaska Wine & Spirits); L Street Slide Replat, Block 37, Lot 1A. Generally located at 410 K Street

LLC
Skycap International, Gary Hovanec 248-7950 petitioner rep.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call: 343-7942; FAX 343-7927. Case information may be viewed at www.muni.org by selecting Departments/Planning/Zoning and Platting Cases.

Name: Heather Flynn
Address: 836 M St, # 307, Anchorage, AK 99501
Legal Description: re: Knik Arms # 405
Comments: I spoke with Mr. Hovanec and am satisfied that he will run a responsible business.

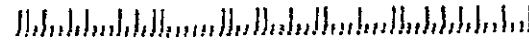
Heather Flynn

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7942

FIRST CLASS MAIL

001-032-48-020
HICKEY PATRICK M
PMB 788
645 G ST
ANCHORAGE, AK 99501

**ASSEMBLY
NOTICE OF PUBLIC HEARING - - Tuesday, June 22, 2010**

Planning Dept Case Number: ^{99501 34371 6889} ~~2010-066~~ 

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COM COUNCIL(S): 1--Downtown

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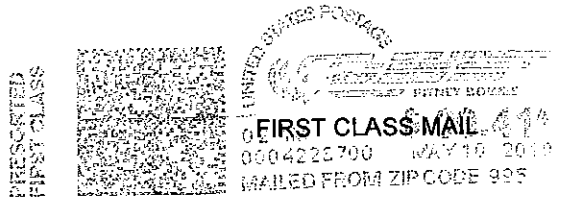
FAX

Name: Patrick M. Hickey
Address: 333 M St. #406 Anchorage
Eldcherry Park Condom
Legal Description: _____
Comments: _____

OK by me. [Signature]

05-26-1

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7942



001-032-46-011
ZIEMLAK THADDEUS & DOROTHY E
510 L ST #804
ANCHORAGE, AK 99501

RECEIVED

MAY 19 2010

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

ASSEMBLY NOTICE OF PUBLIC HEARING - - Tuesday, June 22, 2010

Planning Dept Case Number ~~2010-066~~ ²⁰¹⁰⁻⁰⁶⁶ ~~2010-066~~

The Assembly of the Municipality of Anchorage will hold a public hearing on a petition proposing a conditional use at its regular meeting of Tuesday, June 22, 2010. The meeting begins at 6:00 p.m. in the Assembly Chambers of the Z. J. Loussac Library, 3600 Denali Street. The petition is for the following:

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Name: Thaddeus and Dorothy E Ziemlak

Address: 510 L St Apt 804

Legal Description: 001-032-46-011

Comments: We are against the alcoholic beverage store wanting to locate at 410 K st across from the Capt Cook 5th K st entrance. There was a Brown Org liquor store on 5th Ave. between L and K st across from the Captain Cook Hotel 5th Ave. entrance, We don't need two only a block apart.

Thaddeus Dorothy Ziemlak

3

APPLICATION

Gary L. Hovanec, P.L.S.
SkyCap International LLC / Alaska Wine and Spirits
P.O. Box 240886
Anchorage, AK 99524
(907) 360-2133
(907) 222-7643 fax

Rec'd 4/21/10

DEVELOPMENT DESCRIPTION
Alaska Wine and Spirits

RE: 410 "K" Street, Anchorage, Alaska 99501
Legal: "L" Street Replat (Slide) Blk 37 Lt 1A, also known as the Captain Cook Garage Mall

In applying for a conditional use permit under Title 21 of the Anchorage Municipal Code, I want to operate a retail package store at 410 "K" Street for the convenience of tourists and sell Alaska brand products.

The above-referenced location has been a privately-owned FedEx shipping store since 2004. FedEx licensees are now permitted to ship wine to consumers in Canada and the lower 48 state under a law signed by President George W. Bush in 2007. Prior to this change in law, wine could only be shipped from FedEx licensee to licensee. Beer and spirits can only be shipped in-state to consumers in damp areas.

As a business which serves the cruise industry, many passengers buy wine on board or in a duty free shop. They also buy Alaskan smoked fish and seafood products or souvenirs and ship them home.

The store will provide the proper packaging, as FedEx requires, and FedEx will authorize us as shipper, provided we are a state licensed package store.

There will be no drinking on the premises.

We hope to sell Alaska vodka, Homer wines and high bush cranberry wines to tourists and Alaskans alike. Because the economy has slowed and airlines are charging for baggage, this business will provide tourists with an alternate shipping method for wines sold in the store.

We are a member of CHARR, and our employees and the owner/manager will be taking TAM classes before operations begin. The business will check all customer ID's.

Our hours of operation will be 10:00 a.m. to 3:00 p.m. during the winter months and 10:00 a.m. to 8:00 p.m. during the tourist season. We may have to adjust these hours as the business requires.

Sincerely,



Gary L. Hovanec, Member-Manager
SkyCap International LLC
Alaska Wine & Spirits

1 R 11

Application for Conditional Use Permit for Retail Sale of Alcoholic Beverages

Please fill in the information asked for below.

| PETITIONER* | PETITIONER REPRESENTATIVE (IF ANY) |
|--|--|
| Name (last name first) SKYCAP INTERNATIONAL LLC | Name (last name first) HOVANEC, GARY |
| Mailing Address PO BOX 240886 | Mailing Address PO BOX 240886 |
| ANCHORAGE, AK 99524 | ANCHORAGE, AK 99524 |
| Contact Phone: Day: 248-7590 Night: 360-2133 | Contact Phone: Day: 360-2133 Night: 360-2133 |
| FAX: 248-5221 | FAX: 248-5221 |
| E-mail: SKYCAPINTL@GCI.NET | E-mail: GARY1996@AOL.COM |

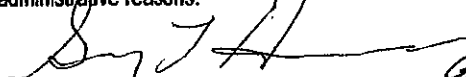
*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

| PROPERTY INFORMATION | | |
|---|---------------------------|-----------------------|
| Property Tax #(000-000-00-000): 001-033-21-000 | | |
| Site Street Address: 410 "K" ST. | | |
| Property Owner (if not the Petitioner): MCKINLEY PROPERTIES | | |
| Current legal description: (use additional sheet in necessary) "L" STREET REPLAT (SLOVE) BLK 37 LT 1A | | |
| Zoning: B2C | Acreeage: 43651 SF | Grid # SW 1229 |

625 SF
~~650 SF~~
~~x 1,509 SF~~
~~# 900.00~~
 1000.00
 1987.50

| ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED | | |
|---|---|--|
| <input type="checkbox"/> Beverage Dispensary | <input type="checkbox"/> Private Club | <input type="checkbox"/> Restaurant, exempt |
| <input type="checkbox"/> Beverage Dispensary-Tourism | <input type="checkbox"/> Public Convenience | <input type="checkbox"/> Theater |
| <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Recreational | <input type="checkbox"/> Other (Please explain): |
| <input checked="" type="checkbox"/> Package Store | <input type="checkbox"/> Restaurant | |
| Is the proposed license: <input checked="" type="checkbox"/> New <input type="checkbox"/> Transfer of location: ABC license number: | | |
| Transfer license location: | | |
| Transfer licensed premises doing business as: | | |

I hereby certify that (I am)(I have been authorized to act for) owner of the property described above and that I petition for a retail sale of alcoholic beverages conditional use permit in conformance with Title 21 of the Anchorage Municipal, Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department, Municipal Clerk, or the Assembly for administrative reasons.

1/26/10 |  | **GARY HOVANEC**

Date

Signature (Agents must provide written proof of authorization)

Accepted by:



Poster & Affidavit:

yes-1

Fee:

#1937.50

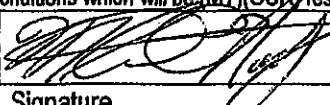
Case Number

2010-066

CUP-AB (Rev. 05/09)*Front

PROPERTY OWNER AUTHORIZATION* (if petitioner is not property owner)

(I)(WE) hereby grant permission to and acknowledge that person shown as the petitioner on this application is applying for a conditional use permit for the retail sales of alcoholic beverages on a property under (MY)(OUR) ownership and that as part of the conditional use permit process the Assembly may apply conditions which will be (MY)(OUR) responsibility to satisfy.

1/5/10  REGIONAL VICE PRESIDENT
DIAMOND PARADIO

Date Signature

*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

FACILITY OPERATIONAL INFORMATION

What is the proposed or existing business name (Provide both if name is changing):
SKYCAP INTERNATIONAL LEGAL ALASKA WINE & SPIRITS

What is the gross leaseable floor space in square feet?
625 SF

What is the facility occupant capacity?
6

What is the number of fixed seats (booth and non movable seats)?
NONE

What is the number non-fixed seats (movable chairs, stools, etc.)?
3

What will be the normal business hours of operation?
10 AM - 6 PM

What will be the business hours that alcoholic beverages will be sold or dispensed?
10 AM - 6 PM

What do you estimate the ratio of food sales to alcohol beverage sales will be?
80 % Alcoholic beverage sales
20 % Food sales NO EATING ON PREMISES

Type of entertainment proposed: (Mark all that apply)
 Recorded music Live music Floor shows Patron dancing Sporting events Other None

Do you propose entertainment or environmental conditions in the facility that will meet the definition of "indecent material" or "adult entertainment" as set forth by AMC 8.50.020 Minors-Disseminating indecent material? Yes No

Do you propose conditions in the facility that fall under AMC 10.40.050 Adult oriented establishment? Yes No

DISTANCE FROM CHURCHES, DAY CARE, AND SCHOOLS

Locate and provide the names and address of all churches, day care, and public or private schools within 200 feet of the site property lines

| Name | Address |
|------|---------|
| NONE | |
| | |
| | |
| | |

| COMPREHENSIVE PLAN INFORMATION | | | |
|--|---|---|---|
| Anchorage 2020 Urban/Rural Services: <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural | | | |
| Anchorage 2020 West Anchorage Planning Area: <input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside | | | |
| Anchorage 2020 Major Urban Elements: Site is within or abuts: | | | |
| <input checked="" type="checkbox"/> Major Employment Center | <input type="checkbox"/> Redevelopment/Mixed Use Area | <input checked="" type="checkbox"/> Town Center | |
| <input type="checkbox"/> Neighborhood Commercial Center | <input type="checkbox"/> Industrial Center | | |
| <input type="checkbox"/> Transit - Supportive Development Corridor | | | |
| Eagle River-Chugiak-Peters Creek Land Use Classification: | | | |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Industrial | <input type="checkbox"/> Parks/opens space | <input type="checkbox"/> Public Land Institutions |
| <input type="checkbox"/> Marginal land | <input type="checkbox"/> Alpine/Slope Affected | <input type="checkbox"/> Special Study | |
| <input type="checkbox"/> Residential at _____ dwelling units per acre | | | |
| Girdwood- Turnagain Arm | | | |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Industrial | <input type="checkbox"/> Parks/opens space | <input type="checkbox"/> Public Land Institutions |
| <input type="checkbox"/> Marginal land | <input type="checkbox"/> Alpine/Slope Affected | <input type="checkbox"/> Special Study | |
| <input type="checkbox"/> Residential at _____ dwelling units per acre | | | |

| ENVIRONMENTAL INFORMATION (All or portion site affected) | | | | |
|--|--|------------------------------------|-----------------------------------|---|
| Wetland Classification: | <input checked="" type="checkbox"/> None | <input type="checkbox"/> "C" | <input type="checkbox"/> "B" | <input type="checkbox"/> "A" |
| Avalanche Zone: | <input checked="" type="checkbox"/> None | <input type="checkbox"/> Blue Zone | <input type="checkbox"/> Red Zone | |
| Floodplain: | <input checked="" type="checkbox"/> None | <input type="checkbox"/> 100 year | <input type="checkbox"/> 500 year | |
| Seismic Zone (Harding/Lawson): | <input checked="" type="checkbox"/> "1" | <input type="checkbox"/> "2" | <input type="checkbox"/> "3" | <input type="checkbox"/> "4" <input type="checkbox"/> "5" |

| RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion site) | |
|---|--|
| <input type="checkbox"/> Rezoning - Case Number: | |
| <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat - Case Number(s): | |
| <input type="checkbox"/> Conditional Use - Case Number(s): | |
| <input type="checkbox"/> Zoning variance - Case Number(s): | |
| <input type="checkbox"/> Land Use Enforcement Action for | |
| <input type="checkbox"/> Building or Land Use Permit for | |
| <input type="checkbox"/> Wetland permit: <input type="checkbox"/> Army Corp of Engineers <input type="checkbox"/> Municipality of Anchorage | |

| DOCUMENTATION | |
|---------------|---|
| Required: | <input checked="" type="checkbox"/> Original signed application <input type="checkbox"/> Copy of Building Permit application for new construction or change of use, if applicable <input checked="" type="checkbox"/> Copy of approved parking and landscape plan from Land Use Review <input checked="" type="checkbox"/> 12 copies of site plan to scale depicting: building footprints; parking areas; vehicle and pedestrian circulation; lighting; landscaping; signage; and licensed premises location. <input checked="" type="checkbox"/> 12 copies of building plans to scale depicting: floor plans indicating the location of sales and service areas; building elevations (photographs are acceptable). <input checked="" type="checkbox"/> 12 copies of photographs of premises from each street frontage that include and show relationship to adjacent structures and the premises visible street address number. <input checked="" type="checkbox"/> 12 copies of narrative: explaining the project; construction, operation schedule, and open for business target date. <input checked="" type="checkbox"/> 12 copies of a zoning map showing the proposed location. <input checked="" type="checkbox"/> 12 copies of completed Alcoholic Beverage Control Board liquor license application form including all drawings and attachments, if filed with ABC Board. |
| Optional: | <input type="checkbox"/> Traffic impact analysis <input type="checkbox"/> Economic impact analysis <input type="checkbox"/> Noise impact analysis |

PACKAGE STORES

Provide the projected percentage of alcoholic product inventory in the store where the retail unit price is:

| | |
|------|----------------------|
| 5 % | less than \$5.00 |
| 5 % | \$5.00 to \$10.00 |
| 80 % | \$10.00 to \$25.00 |
| 10 % | greater than \$25.00 |

CONDITIONAL USE STANDARDS

The Assembly may only approve the conditional use if it finds that all of the following 4 standards are satisfied. Each standard must have a response in as much detail as it takes to explain how your project satisfies the standard. The burden of proof rests with you. Use additional paper if needed.

1 Explain how the proposed conditional use furthers the goals and policies of the comprehensive development plan and conforms to the comprehensive development plan in the manner required by AMC 21.05.

THE CONDITIONAL USE REQUESTED MEETS THE ANCHORAGE DOWNTOWN COMPREHENSIVE PLAN DATED DEC. 11, 2007 (ADNO. 2007-113) THIS PACKAGE STORE USE WILL MAINLY SERVE THE TOURIST INDUSTRY SINCE WE ARE THE ONLY FEDEX SHIPPING IN THE DOWNTOWN AREA. TOURISTS OR LOCALS CAN NOW SHIP WINE FROM LICENSEE TO CONSUMER

2 Explain how the proposed conditional use conforms to the standards for that use in this title and regulations promulgated under this title.

THIS AREA WILL SUPPORT A CONDITIONAL USE AS IT IS A COMMERCIAL AREA, BEING WE WOULD SERVICE ALL HOTELS IN THE DOWNTOWN AREA ALLOWING TOURISTS TO SHIP ALASKAN PRODUCTS HOME THAT THEY DO NOT WANT TO TAKE ON OTHER TRANSPORTATION.

3 Explain how the proposed conditional use will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district.

THIS PACKAGE STORE IS LOCATED IN A B2C DISTRICT, WHICH IS FULLY DEVELOPED AND CATERED TO TOURISTS WHO WANT TO BUY OUR ALASKAN SAUSAGE PRODUCTS AND ALSO SHIP THEM WITH US VIA FEDEX.

(4)

Explain how the proposed conditional use will not have a permanent negative impact on the items listed below substantially greater than that anticipated from permitted development:

1. Pedestrian and vehicular traffic circulation and safety.
THIS LOCATION, HAS WIDE PUBLIC SIDEWALK, ON A ONE-WAY STREET PUBLIC SEWER & WATER, NO ENVIRONMENTAL PROBLEMS, SITE CONFORMS WITH DOWNTOWN DEVELOPMENT
2. The demand for and availability of public services and facilities.
SITE HAS ALL PUBLIC SERVICES AND OFF STREET PARKING.
3. Noise, air, water or other forms of environmental pollution.
NO ENVIRONMENTAL PROBLEMS,
4. The maintenance of compatible and efficient development patterns and land use intensities.
THIS DOWNTOWN AREA IS FULLY DEVELOPED, AS COMMERCIAL AS DESCRIBED IN THE COMPREHENSIVE PLAN OF LAND USE CLASSIFICATION UNDER TITLE 21.05.050.

STANDARDS CHAPTER 10.50 ALCOHOLIC BEVERAGES

In the exercise of its powers and under AS 04.11.480 and 15 AAC 104.145 to protest issue, renewal and transfer of 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.

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.

How many active liquor licenses are located on the same property as your proposed license? 0

Within 1,000 feet of your site are how many active liquor licenses? 4

How would you rate this area's license concentration on a scale of 1 to 5 with 5 = high PACKAGE STORE = 1
DISPENSARY = 4

How many active liquor licenses are within the boundaries of the local community council?
DOWNTOWN HAS 75 BEVERAGE DISPENSARY LICENSES AND 3 PACKAGE STORES
THE 75 INCLUDES BEER & WINE RESTAURANT LICENSES
In your opinion, is this quantity of licenses a negative impact on the local community? NO

THIS STORE SERVES THE DOWNTOWN TOURIST BUSINESSES AND PROMOTES THE SALE OF ALASKA WINE & S.P. RSTB, NO ALASKAN VODKA & ALASKAN MADE BEER, NO DRINKING ON SITE AND NO LOITERING,

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.

How many employees in direct contact with alcohol will be trained in accordance with the Alcoholic Beverage Control Board's Liquor Server Awareness Training Program? *TWO*

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.

- Yes No Happy hours?
- Yes No Games or contests that include consumption of alcoholic beverages?
- Yes No Patron access and assistance to public transportation?
- Yes No Notice of penalties for driving while intoxicated posted or will be posted?
- Yes No Non-alcoholic drinks available to patrons?
- Yes No Solicitation or encouragement of alcoholic beverage consumption?

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 premises. 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.

What are the proposed precautions to maintain order and prevent unlawful conduct at the licensed premises?

5
inside facility:
THIS IS A SMALL FACILITY (625 SQUARE FT) IN A STRIP STORE DESIGN WITH DIAMOND PARKING OFFICES ON ONE SIDE AND ONE EMPLOYEE OVERSEEING ANY UNLAWFUL CONDUCT.

outside facility:
THIS SITE AT 410th ST. IS LOCATED ON A ONE WAY STREET SO TRAFFIC IS MINIMAL, PARKING METERS ARE LOCATED ON EASTSIDE OF thK ST. AND THE POLICE PATROL OFTEN, SO WE SEE NO PROBLEM OUTSIDE (NO LOITERING)

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

- Yes No *Are real estate and business property taxes current?*
 Yes No *Are there any other debts owed to the Municipality of Anchorage?*

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.

- Yes No *As the applicant and operator can you comply? If no explain*

Alcoholic Beverage Control Board
5848 E Tudor Rd
Anchorage, AK 99507

New Liquor License

PAGE 1 OF 2
(907) 269-0350
Fax: (907) 272-9412
www.dps.state.ak.us/abc

This application is for:

- Seasonal - Two 6-month periods in each year of the biennial period beginning _____ and ending _____
Mo/Day Mo/Day
- Full 2-year period

| SECTION A. LICENSE INFORMATION. Must be completed for all types of applications. | | | FEE'S |
|---|--|--|--|
| License Year: 2010-11 | License Type: PACKAGE STORE | Statute Reference | License Fee: \$1500 |
| Office Use Only License #: #4949 | | Sec. 04.11.150 | Filing Fee: \$100.00 |
| Local Governing Body: (City, Borough or Unorganized) ANCHORAGE | Community Council Name(s) & Mailing Address: DOWNTOWN | | Fingerprint: 54.25 (\$54.25 per person) |
| Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): SKYCAP INTERNATIONAL LLC | Doing Business As (Business Name): THE WINE & SPIRITS ALASKA WINE & SPIRITS | Business Telephone Number: 907-248-7590 | Total Submitted: \$ \$1454.25 |
| Mailing Address: PO. BOX 240886 | Street Address or Location of Premise: 410 "K" ST. ANCHORAGE, AK 99501 | Fax Number: 907- | Email Address: SKYCAPINTL@GCI.NET |
| City, State, Zip: ANCHORAGE, AK 99524 | | | |

SECTION B. PREMISES TO BE LICENSED. Must be completed.

| | | |
|---|---|---|
| Closest school grounds 200' + | Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. | <input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable |
| Closest church: 200' + | Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. | |
| Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building | | <input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached |

SECTION C. Individual, corporate officer, limited liability organization member, manager or partner background.

Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

| Name | Name of Business | Type of License | Business Street Address | State |
|------|------------------|-----------------|-------------------------|-------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes No If Yes, attach written explanation.

Office use only

| | |
|---------------|----------------------|
| Date Approved | Director's Signature |
|---------------|----------------------|

Liquor License

orig

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

| | | | |
|--|-------------------|--|------------------------------|
| Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership) SKYCAP INTERNATIONAL LLC | | Telephone Number 907-248-7590 | Fax Number 907-248-5221 |
| Corporate Mailing Address: PO BOX 240886 | City ANCHORAGE | State AK | Zip Code 99524 |
| Name, Mailing Address and Telephone Number of Registered Agent GARY HOVANEK (907) 248-7590 PO BOX 240886 ANCHORAGE, AK 99524 | | Date of Incorporation OR Certification with DCED JAN 26, 2007 | State of Incorporation AK |

Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? Yes No If no, attach written explanation.
 Your entity **must** be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

| Name | Title | % | Home Address & Telephone Number | Work Telephone Number | Date of Birth |
|--------------|-----------|-----|---------------------------------|-----------------------|---------------|
| GARY HOVANEK | PRESIDENT | 100 | 13801 MAINSAIL (907) 279-6866 | (907) 248-7590 | |
| | | | | | |
| | | | | | |
| | | | | | |

NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

| | | | |
|---|--|---|--|
| Name: Address: Home Phone: Work Phone: | Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: | Name: Address: Home Phone: Work Phone: | Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: |
| Name: Address: Home Phone: Work Phone: | Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: | Name: Address: Home Phone: Work Phone: | Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: |

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

| | |
|--|---|
| Signature of Licensee(s) | |
| Signature <i>[Signature]</i> | Signature |
| Name & Title (Please Print) GARY L. HOVANEK, PRESIDENT | Name & Title (Please Print) |
| Subscribed and sworn to before me this 13 day of October, 2009 | Subscribed and sworn to before me this |
| Notary Public in and for the State of Alaska <i>[Signature]</i> | Notary Public in and for the State of Alaska Danica Clausen My Commission Expires Dec. 25, 2011 |
| My commission expires: Dec 25 2011 | My commission expires: |

40

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, counters, bars, coolers, stages, etc.

DBA: SKYCAP INTERNATIONAL LLC (THE LICKER STORE)

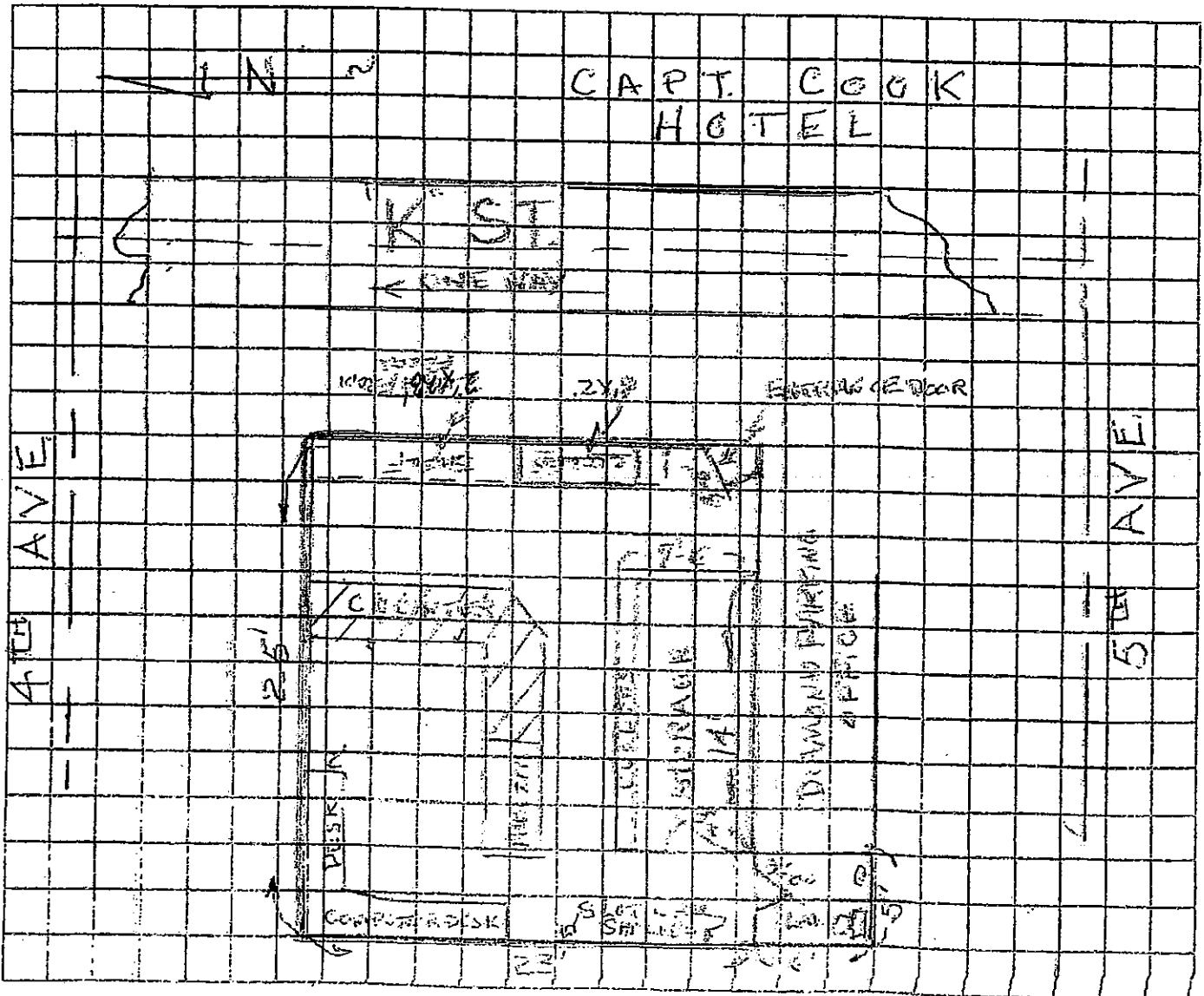
PREMISES LOCATION: 410 "K" ST.

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: $\frac{1}{8}'' = 1'$ 1 SQ. = 4 FT. SCALE B: _____ 1 SQ. = 1 FT.

Length and width of premises in feet: $25' \times 23'$ PLUS LAJ. $6' \times 5'$
 $575' + 30' = 605'$

Celling for use to be designated for sale, service, storage and consumption of alcoholic beverages is not
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD

AFFIDAVIT IN CONNECTION WITH POSTING LIQUOR LICENSE APPLICATION
Title 4, Alaska Statutes: 04.11.260, 04.11.310, & 13 AAC 104.125

POSTING AFFIDAVIT

I, the undersigned, being first duly sworn on oath, depose and say that:

1. a. Posting of application for a new PACKAGE STORE liquor license
for SKYCAP INTERNATIONAL, LLC
located at 410th ST. ANCHORAGE, AK 99501
(address and/or location)

OR

b. Posting of application for transfer of a _____ liquor license
currently issued to _____ whose business name (d/b/a)
is _____ located at _____
(address and/or location)

2. Has been completed by me for the following 10 FULL day period:

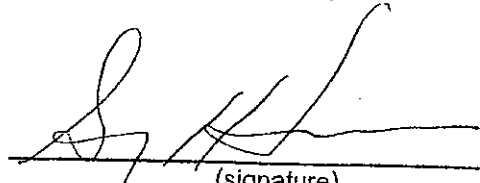
OCT, 15, 2009 to OCT 25, 2009

*** Prior to the filing of said application, a true copy of the application was posted at the following described locations: (name and address of location)

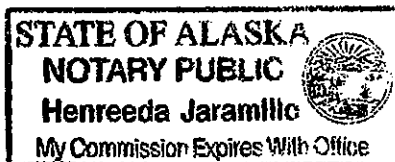
- a. Location of premises to be licensed 410th ST.
b. Other conspicuous location in the area HUFFMAN CARS STORE

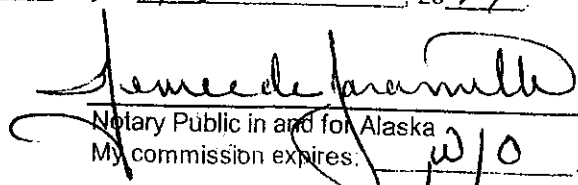
3. I believe that with the approval of this application, population would not at one time exceed in the aggregate of one license of the type requested for population as provided by law. AS 04.11.400 (check one)

- a. () a radius of five (5) miles of the proposed location.
b. (✓) an incorporated city, organized borough or unified municipality.
c. () does not apply (application filed under AS 04.11.400(d)(e)(g) or transfer of license holder or location within an incorporated city or unified municipality or organized borough).
d. () established village.
e. () lodge license.


(signature)

SUBSCRIBED and SWORN to me this 4th day of NOVEMBER, 2009




Notary Public in and for Alaska
My commission expires 12/10



DIAMOND PARKING SERVICE

Office: 412 K Street Anchorage, AK 99501 • Phone: (907) 274-1223
 • Fax: (907) 274-1224
 Home Office: 605 First Ave, Suite 600 Seattle, WA 98104-2224 • (800) 340-PARK or (206) 284-3100
 • Fax: (206) 285-5598

SECOND AMENDMENT

To lease DATED THIS 1st DAY OF September, 2009 by and between McKinley Properties, Inc. dba Diamond Parking Services as lessor and SkyCap International, as Tenant for the premises described as 410 K Street, Anchorage, Alaska.

RECITALS

WHEREAS Lessor and Tenant did enter into a Lease dated May 7, 2004 and,

WHEREAS, Lessor and Tenant desire to Amend the Lease and

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, Lessor and Tenant do agree as follows:

Section 3 TERM - ~~Shall be for a term of 12 months, beginning on 09/01/2009, and ending on 08/31/2010.~~

Section 4 RENT - ~~Shall be \$1,200.00 per month, payable in advance on the 15th day of each month.~~

Section 10 COMMON AREA CHARGES – Shall be payable monthly as follows:

~~Shall be \$100.00 per month, payable in advance on the 15th day of each month.~~

Except as hereby amended all other terms and conditions of the original lease will remain the same.

IN WITNESS WHEREOF, the parties hereto have executed the Second Amendment to Lease as of the date first written above.

LESSOR – McKinley Properties

By: [Signature]

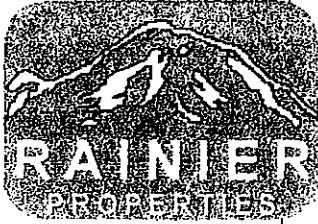
Its: REGIONAL U.P.

TENANT

By: [Signature] GARY HOVANEC

Its: SKYCAP LLC CEO

COMMERCIAL LEASE



Home Office
3161 Elliott Avenue
Seattle, WA 98121
Phone: (206) 284-7368
Fax: (206) 298-9404

or
West & Wheeler
Real Estate Services Inc.
Since 1888

Local Owner Representative:
Diamond Parking Services
Address: 412 K Street
City/State/Zip: Anchorage, Alaska 99501
Phone 907 274 1223 Fax 907 274 1224

Property #: 55-5080
Account #: 55-5080
Property Name: Captain Cook Mall
City: Anchorage, Alaska
Owner: Renn Company
Monthly Rental \$ 625.00
Common Area Charge \$302.50
Monthly Tax Recapture \$ -0-
Security Deposit \$ 1000.00
Key Deposit (\$15.00 per key): \$ 0
Prepared by: Mike Neely
Date: May 6, 2004

THIS LEASE, dated this 6th day of May, 2004 between Renn Company, hereinafter called Lessor, and Sky Cap International, hereinafter called Tenant.

WITNESSETH:

1. PREMISES. Tenant leases from Lessor and Lessor leases to Tenant the space, herein referred to as the "Premises" situated in the Municipality of Anchorage, State of Alaska, described as follows:
Lot 1A, Block 37, of Original Townsite of Anchorage, according to plat #6730 located in Anchorage Recording District, Third Judicial District, State of Alaska

Post Office Address: 410 K Street, Anchorage, Alaska 99501

2. BUSINESS PURPOSE. The Premises shall be used by Tenant during regular business hours for the purposes of Federal Express Parcel Drop Station and Shipping and Packaging Services.

and for no other purpose without the prior written consent of Lessor.

3. TERM. The term of this lease shall be for 2 years and 0 months, commencing on the 7th day of May, 2004, and ending on the 30th day of April, 2006.

A.H. @ S.O.

4. RENT. Tenant agrees to pay to Lessor at office designated by Lessor as rental for the Premises payable in advance on the first day of each calendar month of the lease term or any period prior or subsequent thereto while Tenant is in possession of the Premises the following minimum monthly rent of:
\$625.00 SIX HUNDRED TWENTY FIVE DOLLARS

the parties are merged in this Lease and any other such written agreement(s) made concurrently herewith, which alone fully and completely express the agreement of the parties and which are entered into after full investigation, neither party relying upon any statement or representation not embodied in this Lease or any other such written agreement(s) made concurrently herewith. The submission of this document for examination and negotiation does not constitute an offer to lease, or a reservation of, or option for, the Premises, and Tenant shall have no right to the Premises hereunder until the execution and delivery hereof by both Lessor and Tenant.

- X. Amendment or Modification: This Lease may be amended, and the provisions hereof may be waived or modified, only by instruments in writing executed by Lessor and Tenant.
- Y. Titles and Headings: The titles of the sections contained within the Lease are for convenience only and shall not be considered in construing the Lease.
- Z. Severability: If any provision of this Lease is held to be illegal, invalid, or unenforceable, (a) that provision will be fully severable, and this Lease will be construed and enforced as if the illegal, invalid, or unenforceable provision had never been part of this Lease; (b) the remaining provisions of this Lease will remain in full force and will not be affected by the illegal, invalid, or unenforceable provision or by its severance from this Lease; and (c) in the place of the illegal, invalid, or unenforceable provision, there will be added automatically to this Lease, a legal, valid, and enforceable provision this is as similar to the illegal, invalid, or unenforceable provision as possible.
- AA. Number and Gender: Words used herein, regardless of the number and gender specifically used, shall be deemed and construed to include any other number, singular or plural, and any other gender as the context requires.
- BB. Further Assurances: Each party hereto agrees to perform any further acts and to execute and deliver any further documents that may be reasonably necessary to carry out the provisions of this Lease.
- CC. Copies: This Lease shall be executed in two copies, either of which may be considered and used as an original.

IN WITNESS WHEREOF, the Lessor and Tenant have executed this Addendum effective May 7, 2004, the date the Lease commences.

LESSOR:

Renn Company

Date: 5/19/04

By: [Signature]
Its: President

TENANT:

SkyCap International

Date: _____

By: [Signature]
Its: Gary L. Hovanec
President and Owner

Initials: [Signature] and [Signature]

.....

.....

.....

.....

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Shipping**
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vineyard.



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- Ⓜ FedEx Wine Shipping
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 - ▶ Growing Your Business
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Related Links

<http://www.fedex.com/international/wineship/index.html>

12/7/2009

4

POSTING

AFFIDAVIT



RECEIVED

JUN 03 2010

PLANNING DEPARTMENT

AFFIDAVIT OF POSTING

Case Number: 2010-066

I, GARY HOVANEC, hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for CONDITIONAL USE PERMIT. The notice was posted on APRIL 21, 2010 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 21ST day of APRIL, 2010.

Signature

LEGAL DESCRIPTION

Tract or Lot 71A

Block 37

Subdivision "L" STREET REPLAT (SLIDE)

5

**HISTORICAL
INFORMATION**

PARCEL INFORMATION

OWNER
 MCKINLEY PROPERTIES INC
 605 1ST AVE STE 600
 SEATTLE WA 98104 2224
 Deed 2005 0063692
 CHANGES: Deed Date Sep 07, 2005
 Name Date Oct 03, 2005
 Address Date Jun 19, 2007

PARCEL
 Parcel ID 001-033-21-000
 Status # 01
 Renumbr ID 000-000-00-00000
 Site Addr 400 K ST
 Comm Concl DOWNTOWN
 Comments

TAX INFO
 2010 Tax 82,293.81 Balance 82,293.81 District 001

LEGAL
 L STREET SLIDE REPLAT
 BLK 37 LT 1A
 Unit SQFT 43,651
 Plat 670030
 Zone B2C Grid SW1229

| HISTORY | Year | Building | Land | Total |
|--------------|------|-----------|-----------|-----------|
| Assmt Final | 2008 | 2,878,300 | 2,400,900 | 5,279,200 |
| Assmt Final | 2009 | 2,796,600 | 2,531,800 | 5,328,400 |
| Assmt Final | 2010 | 2,714,800 | 2,706,400 | 5,421,200 |
| Exemptions | | | | 0 |
| State Credit | | | | 0 |
| Tax Final | | | | 5,421,200 |

| PROPERTY INFO | | |
|---------------|------------|---------------------|
| # | Type | Land Use |
| 01 | COMMERCIAL | PARKING GARAGE/DECK |

| SALES DATA | | | | | |
|------------|------|-----------|--------|-------------|--|
| Mon | Year | Price | Source | Type | |
| 03 | 1997 | 3,375,000 | DEED/T | LAND & BLDG | |
| 03 | 1990 | 4,308,351 | PERSON | LAND & BLDG | |

LAND & COMMON PARCEL INFORMATION

APPRAISAL INFORMATION

Legal L STREET SLIDE REPLAT
BLK 37 LT 1A

Parcel 001-033-21-000 # 01 of 01

Owner MCKINLEY PROPERTIES INC

Site Addr 400 K ST

605 1ST AVE STE 600
SEATTLE WA 98104

LAND INFORMATION

Land Use PARKING GARAGE/DECK
Class COMMERCIAL
Living Units 000
Community Council 006 DOWNTOWN
Entry: Year/Quality 07 1987 INTERIOR
05 201C
Access Quality GOOD
Access Type
Leasehold (Y=Leasehold)
Drainage GOOD
Front Traffic HIGH
Street PAVED CURB & GUTTER
Topography EVEN LEVEL
Utilities PUBLIC WATER PUBLIC SEWER
Wellsite N
Wet Land

CONDOMINIUM INFORMATION

Common Area 0
Undivided Interest 0.00

COMMERCIAL INVENTORY

APPRAISAL INFORMATION

Legal L STREET SLIDE REPLAT
BLK 37 LT 1A

Parcel 001-033-21-000 # 01 of 01

01

Owner MCKINLEY PROPERTIES INC

Site Addr 400 K ST
Prop Info # PARKING GARAGE/DECK

605 1ST AVE STE 600
SEATTLE WA 98104

BUILDING INFORMATION

Structure Type PARKING GARAGE
Building SQFT 7,554
Year Built 1977
Grade C

Effective Year Built 1977

Property Information # 01
Building Number 01
Identical Units 01
Number of Units 000

INTERIOR DATA

| Floor | Level | Partitions | Heat System | Air Conditioner | Plumbing | Physical Condition | Functional |
|-------|-------|------------|---------------|-----------------|----------|--------------------|------------|
| B1 | B2 | NORMAL | ELECTRIC HEAT | NONE | ADEQUATE | FAIR | POOR |
| 01 | 01 | NORMAL | NONE | NONE | ADEQUATE | FAIR | FAIR |
| 02 | 03 | NORMAL | NONE | NONE | ADEQUATE | FAIR | FAIR |
| 04 | 04 | NORMAL | NONE | NONE | ADEQUATE | FAIR | FAIR |
| 01 | 01 | NORMAL | ELECTRIC HEAT | NONE | ADEQUATE | FAIR | FAIR |

EXTERIOR DATA

| Floor | Level | Size | Perim | Use Type | Hgt | Wall Type | Const Type |
|-------|-------|--------|-------|--------------------|-----|-------------------|----------------|
| B1 | B2 | 36,000 | 840 | PARKING GARAGE | 08 | CONC LOAD BEARING | FIREPROOF |
| 01 | 01 | 31,200 | 760 | PARKING GARAGE | 08 | NONE | FIREPROOF |
| 02 | 03 | 31,200 | 760 | PARKING GARAGE | 08 | NONE | FIREPROOF |
| 04 | 04 | 31,200 | 760 | PARKING UPPER DECK | 00 | NONE | FIREPROOF |
| 01 | 01 | 7,554 | 390 | RETAIL | 11 | GLASS & MASONRY | FIRE RESISTANT |

BUILDING OTHER FEATURES - ATTACHED IMPROVEMENTS

| Type | Qty | Size1 | Size2 |
|-------------------|-----|--------|-------|
| CANOPY- ROOF/SLAB | 01 | 2,836 | 1 |
| SPRINKLER WET | 02 | 36,000 | 1 |

OTHER BUILDINGS AND YARD IMPROVEMENTS

| Type | Size/Amt | Units | Yr/Built | Condition | Funct/Utility |
|-------------------|----------|-------|----------|-----------|---------------|
| PAVING ASPHALT PK | 961 | 01 | 1977 | NORMAL | NORMAL |

BUILDING PERMIT INFORMATION

APPRAISAL INFORMATION

Legal L STREET SLIDE REPLAT
BLK 37 LT 1A

Parcel 001-033-21-000 # 01 of 01

01

Owner MCKINLEY PROPERTIES INC

Prop Info # PARKING GARAGE/DECK
Site Addr 400 K ST

605 1ST AVE STE 600
SEATTLE WA 98104

BUILDING PERMITS

Permit # 01 5528
04 4094
05 5485

Class Type C

Class Use OFFICE

Date Jun 04, 2001

Address 434 K ST

Cond Occ/Occ 00000000 | 00000000

Certification

Contract Type GENERAL CONTRACTOR

Name ALASKA STANDARD ROOFING

E-mail Cell 227-3641

Phone (907) 344-0405

Fax (907) 349-2065

Address P.O. BOX 111976

City/State/Zip ANCHORAGE AK 99511-1976

Project RE-ROOF

Sewer / Water PUBLIC | PUBLIC

Work Type RE-ROOF

Work re-roof portion of roof over the 424 k street address-
Description (2000 sq ft)

CASES

2010-066

Case Number 2010-066

of Parcels 1

Hearing Date Thursday, April 22, 2010

PERMIT COMMENT

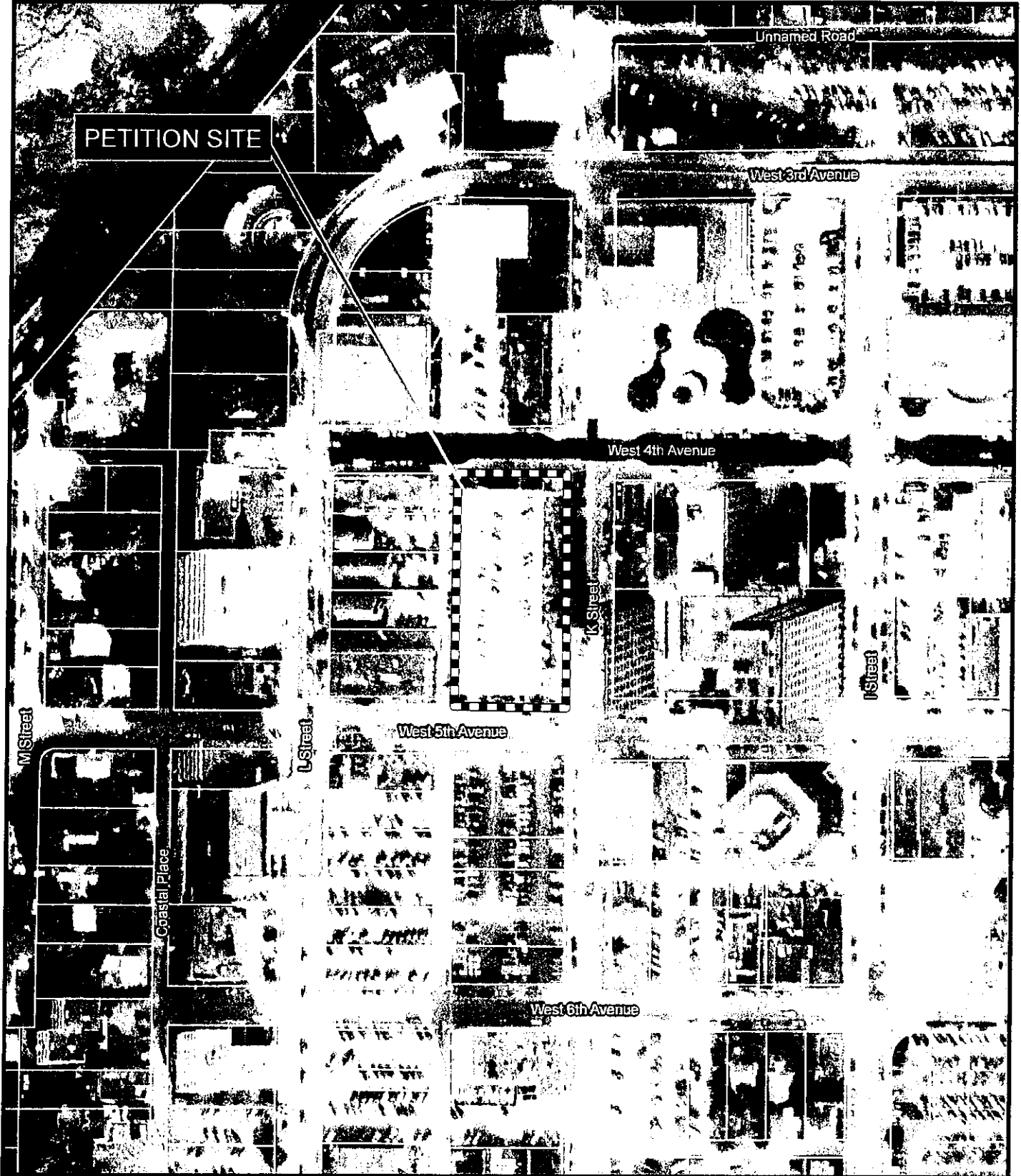
OWNER HISTORY

| | | | |
|---|-----------------------|------------|--|
| APPRAISAL INFORMATION | Parcel 001-033-21-000 | # 01 of 01 | # 01 |
| Legal L STREET SLIDE REPLAT BLK 37 LT 1A | | | |
| Property Info # Descr PARKING GARAGE/DECK | Site Adress 400 K ST | | |

| | |
|---|---|
| <p>Current 09/07/05 MCKINLEY PROPERTIES INC</p> <p>605 1ST AVE STE 600 SEATTLE WA 98104 2224</p> | <p>3rd 1115 0000 06/19/84 HICKEL INV CO P O BOX 101700</p> <p>ANCHORAGE AK 99510</p> |
| <p>Prev 2012 0000 03/23/90 RENN COMPANY INC DBA DIAMOND PARKING SERVICE</p> <p>3161 ELLIOTT AVE SEATTLE WA 98121</p> | <p>4th 0000 0000 //</p> <p align="right">00000</p> |
| <p>2nd 2012 0000 04/06/90 RENN COMPANY INC THE D/B/A DIMOND PARKING SVR</p> <p>118 EAST 6TH AVE ANCHORAGE AK 99501</p> | <p>5th 0000 0000 //</p> <p align="right">00000</p> |

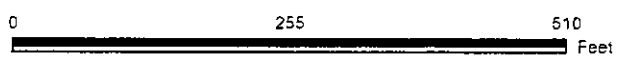
2010-066

Ref. AR 2010-177



Municipality of Anchorage
Planning Department

April 22, 2010



ORTHOPHOTO 2007 USGS 1FT



