

Submitted by: ASSEMBLY VICE CHAIR FLYNN
Prepared by: Assembly Counsel
For reading December 7, 2010

**Anchorage, Alaska
AR 2010-357(S)**

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE FOR A PACKAGE STORE USE AND LICENSE NUMBER 2614 IN THE B-1A (LOCAL AND NEIGHBORHOOD BUSINESS) DISTRICT, FOR TESORO NORTHSTORE COMPANY, DBA 2GO TESORO; LOCATED AT 500 HOLLYWOOD DRIVE, ON EAST GOVERNMENT HILL SUBDIVISION OF THE ALASKA RAILROAD, BLOCK 6, LOT 1A; GENERALLY LOCATED ON THE SOUTHEAST CORNER OF EAST LOOP ROAD AND HOLLYWOOD DRIVE.

(Government Hill Community Council) (Case 2010-140)

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. A conditional use permit for an Alcoholic Beverages Conditional Use in the B-1A District for a new Beverage Package Store Use and License Number 2614 per AMC 21.40.140 D.9, for Tesoro Northstore Company, dba 2Go Tesoro; located at 500 Hollywood Drive, on East Government Hill Subdivision of the Alaska Railroad, Block 6, Lot 1A. The facility is generally located on the southeast corner of East Loop Road and Hollywood Drive, and generally meets the applicable provisions of AMC 21.50.020 and AMC 21.50.160.

Section 2. Based on the information in the Government Hill Community Council (GHCC) Resolution dated November 18, 2010, detailing the neighborhood's historical and ongoing experience related to package store land use, the Assembly finds the conditions and restrictions contained herein are necessary and relevant to protecting adjacent and neighborhood properties and maintaining area health and safety. The GHCC Resolution dated November 18, 2010 shall be included in the conditional use record.

Section 3[2]. This conditional use is approved subject to the following conditions:

1. A Notice of Zoning Action shall be filed with the District Recorder's Office within 120 days of the Assembly's approval for this new Package Store use and license in the B-1A District.
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 2614 in the B-1A District for a Package Store Use per AMC

1 21.40.140 D.9 for approximately 607 square feet of gross leasable area located
2 in the structure at 500 Hollywood Drive, East Government Hill Subdivision of the
3 Alaska Railroad, Block 6, Lot 1A.

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6 4. On-premise sale of alcohol beverages will be seven days a week as permitted
7 per the Alaska Alcoholic Beverage Control Board requirements.
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9 5. All employees will be trained in accordance with the Alcoholic Beverage Control
10 Board's "Liquor Server Awareness Training Program."
11 "Techniques in Alcohol Management (T.A.M.) or equivalent training shall be
12 provided to all store personnel within seven calendar days of hiring.

13
14 [UPON DEMAND, THE APPLICANT SHALL DEMONSTRATE COMPLIANCE
15 WITH A LIQUOR "SERVER AWARENESS TRAINING PROGRAM APPROVED
16 BY THE STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL BOARD,
17 SUCH AS OR SIMILAR TO, THE PROGRAM FOR "TECHNIQUES IN
18 ALCOHOL MANAGEMENT (T.A.M.)."]
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- 20 6. The use of the property by any person for the permitted purposes shall comply
21 with all current and future Federal, State and local laws and regulations including
22 but not limited to laws and regulations pertaining to the sale, dispensing, service
23 and consumption of alcoholic beverages and the storage, preparation, sale,
24 service and consumption of food. The owner of the property, the licensee under
25 the Alcoholic Beverage Control license and their officers, agents and employees
26 shall not knowingly permit or negligently fail to prevent the occurrence of illegal
27 activity on the property.
28

29 7. These restrictions shall apply to SALES:

- 30
31 • No cheap wines, such as White Port, in any size. No fortified wines less than
32 \$10.00 a bottle.
33
34 • No six packs of beer less than \$6.00.
35
36 • No liquor products less than 750 milliliters. Any products where the 750 milliliter
37 size has a shelf price of \$10.00 or less shall not be stocked.
38
39 • Licensee shall place a sticker or other identifying mark on all products sold as
40 individual containers;
41
42 • Licensee shall not sell alcohol after midnight.
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44 8. These restrictions shall apply to ADVERTISING:
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- No promotional price signs in the windows (restriction does not apply to neon signage).

- No low price newspaper advertising.

9. These requirements shall apply related to COMMUNITY REVIEW:

- Semi-annual review of operations by the Government Hill Community Council, if desired by the Government Hill Community Council.

- Video tapes/electronic security recordings of purchases/customers shall be viewable on request by the Government Hill Community Council through Municipal authorities, and shall be held on location for a period of five days.


10. Licensee shall require all customers to show a valid, official state identification card, passport or military identification card as a condition of selling any alcoholic beverage to that customer.

11 [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.

Section 4[3]. Failure to comply with the conditions of this conditional use permit shall constitute grounds for its modification or revocation.


Section 5[4]. This resolution shall become effective immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 7th day of December 2010.



 Chair

ATTEST:



 Municipal Clerk

FINAL RESOLUTION
OF THE GOVERNMENT HILL COMMUNITY COUNCIL
REGARDING ASSEMBLY CASE NO. 2010-140

NOVEMBER 18, 2010

WHEREAS, community members have become increasingly concerned over the past year with a noticeable increase in the number of chronic inebriates drinking and camping in our neighborhood; and

WHEREAS these chronic inebriates negatively affect our neighborhood by congregating, littering and defecating in the greenbelt, parks and public spaces; and

WHEREAS these chronic inebriates pose a danger to themselves and a hazard to bike riders and pedestrians on the single sidewalk accessing our neighborhood; and

WHEREAS, community members have reason to believe that these chronic inebriates, few of whom previously travelled to our neighborhood, come here to purchase and do purchase alcohol in our neighborhood, and

WHEREAS, the Government Hill Community Council historically has worked closely with its business-owner members who sell alcohol to ensure the safety and continued vitality of the neighborhood; and

WHEREAS, the GHCC at its September meeting hosted a presentation by Mr. James H. Sturley of the Tesoro Northstore Company, which is seeking a package store liquor license for its business at 500 Hollywood Drive in the Government Hill neighborhood; and

WHEREAS, many GHCC members at that meeting indicated their general approval of Conditional Use Permit restrictions established for alcohol retailers in the Downtown area, and their hope that those restrictions would be accepted by Tesoro for its store in the neighborhood; and

WHEREAS, Mr. Sturley indicated at the September GHCC meeting that he was familiar with the Downtown restrictions and that those restrictions most likely would not be inconsistent with Tesoro's business model and its desire to be a good neighbor; and

WHEREAS, also in attendance (by invitation) at the September GHCC meeting was Ben Chaney, manager of The Liquor Store located at 867 East Loop Road, which is the only other package store in the immediate neighborhood; and

WHEREAS, many GHCC members indicated their agreement with the notion of a level playing field for all package stores in the vicinity; and

WHEREAS, the GHCC will ask the Assembly to include the same restrictions in The Liquor Store's Conditional Use Permit when it next comes up for review or sooner if The Liquor Store is agreeable; and

WHEREAS, the Downtown restrictions have apparently worked well for each of the establishments to which they currently are applied, including particularly the operators of the Fifth Avenue store who have testified that these conditions helped trace alcohol-related problems to the source of purchase;

THEREFORE NOW BE IT RESOLVED that the Government Hill Community Council does not oppose the package license application of Tesoro Northstore Company for its retail store at 500 Hollywood Drive, *provided that* the following restrictions are included in the Conditional Use Permit:

RESTRICTIONS ON SALES:

1. No cheap wines, such as White Port, in any size. No fortified wines less than \$10.00 a bottle.
2. No six packs of beer less than \$6.00.
3. 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.
4. Licensee shall place a sticker or other identifying mark on all products sold as individual containers;
5. Licensee shall not sell alcohol after midnight.

STAFFING REQUIRED:

1. TAMS or equivalent training shall be provided to all store personnel within seven calendar days of hiring.

ADVERTISING RESTRICTIONS:

1. No promotional price signs in the windows (neon excluded). No low price newspaper advertising.

COMMUNITY REVIEW REQUIREMENTS:

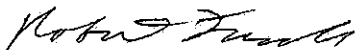
1. Semi-annual review of operations by the Government Hill Community Council, if desired by the Government Hill Community Council.
2. Video tapes of customers viewable on request, through Municipal authorities, by the Government Hill Community Council held for a period of five days.

OTHER CONDITIONS:

1. A copy of the conditions imposed by the Assembly in connection with this conditional use approval shall be maintained on the premises and at a location visible to the public.
2. Licensee shall require all customers to show a valid, official state identification card, passport or military identification card as a condition of selling any alcoholic beverage to that customer.

This resolution is ADOPTED THIS 18th DAY OF NOVEMBER, 2010.

Signed,



ROBERT FRENCH, GHCC PRESIDENT