A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY APPROVING AN ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS) DISTRICT FOR A BEVERAGE DISPENSARY TOURISM USE AND LICENSE PER AMC 21.40.180 D.8, FOR DENALI LODGING LLC, DBA DENALI HOTEL SUITES, DBA EMBASSY SUITES HOTEL - ANCHORAGE, ALASKA; LOCATED AT 600 EAST BENSON BOULEVARD, WITHIN TRACT A, HIGHLINE SUBDIVISION, ADDITION #1; GENERALLY LOCATED ON THE SOUTH SIDE OF BENSON BOULEVARD BETWEEN NEW SEWARD HIGHWAY AND DENALI STREET.

(Midtown Community Council) (Case 2008-030)

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. This conditional use approval is for an Alcoholic Beverages Conditional Use in the B-3 District for a Beverage Dispensary Tourism Use and license per AMC 21.40.180 D.8, for Denali Lodging, LLC, dba Denali Hotel Suites, LLC, dba Embassy Suites Hotel - Anchorage, Alaska; located within Tract A, Highline Subdivision, Addition #1; generally meets the applicable provisions of AMC 21.50.020 and AMC 21.50.160.

Section 2. The conditional use for an Alcoholic Beverages Conditional Use for a Beverage Dispensary Tourism Use is for a 169-guest room hotel which includes a 102-chair restaurant and a 33-chair lounge/bar.

Section 3. The 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 of a final conditional use approval for a Beverage Dispensary Tourism Use in the B-3 District, and compliance with the other conditions set forth herein.

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 in the B-3 District for a Beverage Dispensary Tourism Use per AMC 21.40.180.D.8, for
Embassy Suites Hotel - Anchorage, Alaska. The hotel has 169-guest rooms and a 102-chair restaurant and a 33-chair lounge/bar.

4. The on-premise sale of alcohol beverages will be seven days a week as permitted per the Alaska Alcoholic Beverage Control Board requirements. Alcoholic beverage sales will constitute approximately ten (10) percent to the ratio of ninety (90) percent food sales.

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.

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

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

PASSED AND APPROVED by the Anchorage Assembly this __________ day of ______________ 2008.

ATTEST: Chair

______________________________
Municipal Clerk
(Planning Case Number 2008-030)
(Tax Identification Number 009-043-36)
PLANNING DEPARTMENT
STAFF ANALYSIS
CONDITIONAL USE – ALCOHOLIC BEVERAGE SALES

DATE: February 26, 2008

CASE NO.: 2008-030

APPLICANT: Denali Lodging, LLC
dba Embassy Suites Hotel

REPRESENTATIVE: Navin C. Dimond

REQUEST: Conditional Use for an Alcoholic Beverages Conditional Use in the B-3 District for a Beverage Dispensary Tourism Use and License per AMC 21.40.180.D.8

LOCATION: Tract A, Highline Subdivision Addition 1; generally located on the south side of Benson Boulevard between New Seward Highway and Denali Street.

STREET ADDRESS: 600 E. Benson Boulevard

COMMUNITY COUNCIL: Mid-Town

TAX PARCEL: 009-043-36

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

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

SITE:
Acres: 134,989 SF /3.1 acres
Vegetation: Arterial Landscaping along Benson Boulevard
Zoning: B-3
Topography: Generally Level
Existing Use: Hotel
Planning Staff Analysis
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Soils: Public Sewer & Water

COMPREHENSIVE PLAN – Anchorage 2020
Classification: Major Employment Mid-town Center, Redevelopment/Mixed-Use Area
Density: N/A

SURROUNDING AREA

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<td>Town and Country Shopping</td>
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<td>Mall; Restaurant; Fred Meyers</td>
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<td>Shopping Mall; other commercial</td>
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SITE DESCRIPTION AND PROPOSAL:

The petition site is bounded on the west by Denali Street, Benson Boulevard on the north, East 32nd Avenue to the south and Gambell Street on the east. The New Seward Highway is one tract to the east. A new 169 room hotel is under construction on the site. It is scheduled for completion in May, 2008. The petitioner dba Embassy Suites Hotel has applied to the Alcoholic Beverages Control Board for a new beverage dispensary tourism license.

The petitioner is seeking final conditional use approval for an alcoholic beverages conditional use in the B-3 District for a Beverage Dispensary – Tourism Use per AMC 21.40.180D.8 for the Embassy Suites Hotel. The hotel will offer complimentary breakfast, complimentary Evening Manager’s Reception (which provides complimentary beer, wine and mixed drinks and Hors d’oeuvres), a full service restaurant, lobby bar and banquet/meeting facilities. The restaurant will serve lunch and dinner daily.

Alcohol will be served in the restaurant and lobby bar Monday thru Sunday during the hours 5:00 PM to 10:00 PM in the restaurant and 4:00 PM to 12:00 AM in the lobby bar. The lobby lounge has a bar with non-fixed seating for thirty-three (33). The restaurant has seating for 102. The sale of alcoholic beverages will represent 10% compared with 90% food sales. All employees that have direct contact with alcohol will be trained in accordance with the Alcoholic Beverage Control Board’s Liquor Server Awareness Training Program. Non-alcoholic beverages will be available, notices of penalties for driving intoxicated will be posted, and patrons will have access and assistance to public transportation. There will be no entertainment defined as “indecent material” or “adult entertainment,” 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. There is sufficient parking provided as evidenced by the approved building permit.

Municipal records show no schools or churches within 200 feet of the petition site.

PUBLIC COMMENTS:
Forty-seven (47) public hearing notices (PHNs) were mailed January 25, 2008. At the time this report was written, one PHN was received in favor of the conditional use.

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 Midtown 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.

Several goals of the Anchorage 2020 Plan 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. Hotel dining, night clubs, bars and restaurants which serve alcohol enhances the hospitality and tourism industry in Anchorage, and provide eating places for local residents and downtown employees. 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)."

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

This standard is met.
The B-3 Business District zoning regulations allow alcoholic beverage sales through the conditional use permit process: AMC 21.40.180 D.8. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160. Title 21 defines hotel as meaning “any building containing 20 or more guestrooms accessible only by means of an interior corridor, rented for compensation by the day or week and offered for use by the general public in conjunction with subordinate services and facilities, such as restaurants, meeting rooms and the like.”

Alaska Statute 04.11.090 provides the area designated as the licensed premises under a beverage dispensary license issued to a hotel that caters to the traveling public as a substantial part of its business may include the dining room, banquet room, guests’ rooms, and other public areas approved by the (Alcohol Beverage Control) board. Under this same state statute the number of new beverage dispensary licenses available is limited by a population methodology. Tourism licenses (beverage dispensary or restaurant eating place license), on the other hand, are approved by the Alcohol Beverage Control Board upon a showing that construction of a tourist facility will encourage tourism, and that the tourist business will constitute a substantial portion of the business of the tourist facility, per Alaska Administrative Code 13 AAC 104.325.

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 B-3 District is intended for general commercial uses, including hotels. The Mid-Town area commercial uses include restaurants, banks, retail stores, grocery stores, movie theaters, auto-related stores, department stores, hotels, etc. The Sears Mall is located on the north side of Benson Boulevard across the street from the hotel. The hotel restaurant and lobby bar is compatible with the B-3 District and existing uses in the Mid-Town area.

There are no Beverage Dispensary Tourism licenses within 1,000 feet of the petition site.

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 two (2) beverage dispensary licenses, seven (7) restaurant licenses, and two (2) package store licenses. Approving this beverage dispensary tourism license will add a third beverage dispensary license but the first tourism license within a 1,000-foot radius of the petition site.

Alaska Statute 04.11.410, Restriction of location near churches and schools, restricts beverage dispensary and package store licenses from being located, measured by the shortest pedestrian route from the outer boundaries of the school ground or the public entrance of the church. According to Municipal records, there are no known churches or schools 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.

   The B-3 District provides that all required parking be provided on site. The 169 room hotel requires one parking space per guest room, and does not calculate additional parking for the restaurant use or lounge/bar use. Including six handicap spaces, 176 parking spaces are provided. Two Type B loading berths are provided.

   The Traffic Department and the State of Alaska Department of Transportation had no comments on this request. Driveway access has been approved to Benson Boulevard and East 32nd Avenue. Public transportation is available demand for and along the Old Seward Highway.

2. **The availability of public services and facilities.**

   This standard is met.

   Electrical, water and sewer, natural gas are available on site. Road infrastructure and public transit is already in place.

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

   This standard is met.
As a land use, a beverage dispensary conditional use in a billiard parlor and license will not cause or contribute to any environmental pollution. The public parking lot is paved, which helps control air pollution.

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 conditional use permit for a beverage dispensary license. This is an existing commercial site.

**Standards Chapter 10.50 Alcoholic Beverages**

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

A. **Concentration and land use.** Whether transfer of location or issue of the requested license will negatively impact the community through an increase in the concentration of uses involving the sale or service of alcoholic beverages within the area affected and will conform to the separate standards of AMC 21.50.020.

   Approval of this conditional use will add a third beverage dispensary license within 1,000-feet.

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<tr>
<th>The Office Lounge</th>
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<th>License #806</th>
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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 in the dispensing of alcoholic beverages will be trained in accordance with the T.A.M. training and hold the appropriate certificates.

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

This standard is met.

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

The restaurant operates seven days a week. Alcohol sales will be “as permitted per ABC requirements, only during the hours allowed for the specific day of the week applicable”.

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<td>Oaken Keg Spirit Shop #1806</td>
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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.

According to the application the petitioner states that the employees will be trained and patron identification will be checked. At the time this report was written, no comments had been received from the Anchorage Police.

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

This standard is met.

There are no delinquent Personal Property Taxes, Real Property Taxes owing at this time according to the Treasury Division.

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.

No comments were received from the Department of Health and Human Services 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 an Alcoholic Beverage Dispensary Tourism Conditional Use in the B-3 District for Embassy Suites Anchorage per AMC 21.40.180.D.8, located at 600 E. Benson Blvd. This conditional use and license generally meets the required standards of AMC Title 10 and Title 21.

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

1. A notice of Zoning Action shall be filed with the District Recorder's Office within 120 days of the Assembly's approval of a final conditional use
approval for a Beverage Dispensary Tourism Use in the B-3 District and compliance with the other conditions set forth herein.

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 Beverage Dispensary Tourism Conditional Use for the Embassy Suites Hotel Anchorage, Alaska in the B-3 District per AMC 21.40.180.D.8.

4. On-premise sale of alcohol beverages will be seven days a week as permitted by ABC regulations. Alcoholic beverage sales will constitute approximately ten (10) percent to the ratio of ninety (90) percent food sales.

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.
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<th>Parcel Number</th>
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<td>00905222000</td>
<td>YORBA LLC</td>
<td>Kinley's Restaurant &amp; Bar, Inc</td>
<td>7146 CANDACE CIRCLE</td>
<td>ANCHORAGE</td>
<td>99516</td>
<td>AK</td>
<td>B3</td>
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<td>Beverage Dispensary</td>
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<tr>
<td>Kinley's Bar &amp; Grill</td>
<td></td>
<td>Kinley's Restaurant &amp; Bar, Inc</td>
<td>3220 Seward Hwy</td>
<td>4684</td>
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<td>LEE AE KYONG</td>
<td>LMK Inc.</td>
<td>2861 BELUGA BAY CIRCLE</td>
<td>ANCHORAGE</td>
<td>99507</td>
<td>AK</td>
<td>B3</td>
<td></td>
<td>Restaurant/Eating Place</td>
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<tr>
<td>Sushi &amp; Sushi</td>
<td></td>
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<td>3337 Fairbanks St</td>
<td>1866</td>
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<tr>
<td>00905282000</td>
<td>MORELAND PROPERTIES LLC</td>
<td>Fresh Ale PUBS, LLC</td>
<td>1317 W NORTHERN LIGHTS BLVD</td>
<td>ANCHORAGE</td>
<td>99503</td>
<td>AK</td>
<td>B3</td>
<td></td>
<td>Beverage Dispensary</td>
</tr>
<tr>
<td>Moose's Tooth Pub &amp; Pizzena</td>
<td></td>
<td></td>
<td>3300 Old Seward Hwy</td>
<td>3971</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Report Date: 02/11/2008
DEPARTMENTAL COMMENTS
Municipality of Anchorage
Treasury Division
Memorandum

Date: January 23 2008
To: Rich Cartier, Planning Dept.
From: Daisy VanNortwick, Revenue Officer
Subject: Liquor License Conditional Use Comments

Request: Conditional Use permit # 2008-030 Denali Lodging LLL, dba Denali Hotel Suites, dba Embassy Suites Anchorage, located at, 600 E Benson Blvd. Anchorage AK 99503

I find no outstanding taxes on this application, and see no reason for not approving it.
DATE: January 29, 2008

TO: Jerry Weaver, Platting Officer

FROM: Sharen Walsh, P.E., Private Development Plan Review Engineer

SUBJECT: Comments for hearing date: February 26, 2008

**Case No. 2008-030** - Request for a conditional use to permit: a hotel serving alcoholic beverages

*PM&E has no objection to this conditional use request.*

**Case No. 2008-031** - Request for a conditional use to permit: an alcoholic beverage dispensary use

*PM&E has no objection to this conditional use request.*
MEMORANDUM

DATE: January 15, 2008

TO: Jerry T. Weaver, Platting Supervisor, Planning Department

THRU: Leland R. Coop, Associate Traffic Engineer

FROM: Mada Angell, Assistant Traffic Engineer

SUBJECT: Traffic Engineering and Transportation Planning Comments for February 26, 2008 Assembly Public Hearing

08-030 Highline; Conditional Use to serve alcohol; Embassy Suites

If no additional parking is required as a result of this conditional use application, Traffic Engineering and Transportation Planning have no comment.

08-031 International Airport; minor amendment to conditional use to serve alcohol

Traffic Engineering and Transportation Planning have no comment.
Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

MEMORANDUM

DATE: January 8, 2008

TO: Jerry Weaver, Zoning Division Administrator, Planning Department

FROM: Paul Hatcher, Engineering Technician III, AWWU

SUBJECT: Zoning Case Comments
Planning & Zoning Commission Hearing February 26, 2008
Agency Comments due January 29, 2008

AWWW has reviewed the materials and has the following comments.

08-030 HIGH LINE #1 TR A, A request concept/final approval of a conditional use to permit: a hotel serving alcoholic beverages, Grid SW1631

1. AWWU water main line located in E 32nd Avenue currently serves property.
2. AWWU sanitary sewer line located in E 32nd Avenue currently serves property.
3. AWWU has no objection to the conditional use permit.

08-031 ADA 30271 INTL ARPT MAIN TERMINAL LEASE, A request concept/final approval of a conditional use to permit: an alcoholic beverage dispensary use, Grid SW1924

1. AWWU water and sanitary sewer currently serve this property.
2. AWWU has no objection to the conditional use permit.

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2721 or the AWWU planning section at 564-2739, or e-mail paul.hatcher@awwu.biz.
ASSEMBLY NOTICE OF PUBLIC HEARING - - Tuesday, February 26, 2008
Planning Dept Case Number: 2008-030

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, February 26, 2008. 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: 2008-030
PETITIONER: Denali Lodging, LLC
REQUEST: Assembly conditional use for a hotel serving alcoholic beverages
TOTAL AREA: 3.100 acres
SITE ADDRESS: 600 E BENSON BLVD
CURRENT ZONE: B-3 General business district
COM COUNCIL(S): 1--Midtown 2--Rogers Park

LEGAL/DETAILS: A Beverage Dispensary-Tourism Alcoholic Beverage Conditional Use for Embassy Suites Hotel. High
Line Subdivision #1, Tract A.

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 participate, if you so desire.

If you would like to comment on the petition this form may be used for
Name: Westside Development, LLC / LOTTIE MICHAEL
Address:
Legal Description:
Comments: No objection

022
APPLICATION
Application for Conditional Use
Retail Sale Alcoholic Beverages

Please fill in the information asked for below.

**PETITIONER**

<table>
<thead>
<tr>
<th>Name (last name first)</th>
<th>Name (last name first)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dimond, Navin C.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>9100 E. Penoeama Drive # 500</td>
<td></td>
</tr>
<tr>
<td>Englewood CO 80112</td>
<td></td>
</tr>
</tbody>
</table>

Contact Phone: Day: 303-785-3100 Night: 303-785-3199

E-mail: ndimond@sbcos.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 # (000-000-00-0000): 000-043-36-00013

Site Street Address: 600 E. Benson Blvd Anchorage AK 99503

Property Owner (if not the Petitioner):

**CURRENT LEGAL DESCRIPTION:** (Use additional sheet if necessary) TRACT A, HIGHLINE SUBDIVISION, ADDITION 4, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED UNDER PLAT # 70-296

Zoning: B-3 Acreage: 3.1 Grid: SW163

**ALCOHOLIC BEVERAGE CONTROL BOARD LICENSE PROPOSED**

- [ ] Beverage Dispensary
  - [ ] Private Club
  - [ ] Restaurant, exempt
- [X] Beverage Dispensary-Tourism
  - [ ] Public Convenience
  - [ ] Theater
  - [ ] Other (Please explain):
- [ ] Brew Pub
  - [ ] Recreational
  - [ ] Restaurant
- [ ] Package Store

Is the proposed license: [X] New

- [ ] 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.

Date: [Signature]

Accepted by: [Signature] Poster & Affidavit: Fee: $4000.00 Case Number: 2008-030

CUP-AB (Rev. 05/02) Front
### COMPREHENSIVE PLAN INFORMATION

- **Anchorage 2020 Urban/Rural Services:**
  - [x] Urban
  - [ ] Rural

- **Anchorage 2020 West Anchorage Planning Area:**
  - [x] Inside
  - [x] Outside

- **Anchorage 2020 Major Urban Elements:** Site is within or abuts:
  - [x] Major Employment Center
  - [ ] Redevelopment/Mixed Use Area
  - [ ] Town Center
  - [ ] Neighborhood Commercial Center
  - [ ] Industrial Center
  - [ ] Transit - Supportive Development Corridor

- **Eagle River-Chugiak-Peters Creek Land Use Classification:**
  - [ ] Commercial
  - [x] Industrial
  - [x] Parks/opens space
  - [ ] Special Study
  - [ ] Redevelopment/Mixed Use Area
  - [ ] Town Center
  - [ ] Neighborhood Commercial Center
  - [ ] Industrial Center
  - [ ] Transit - Supportive Development Corridor

- **Girdwood-Turnagain Arm:**
  - [x] Commercial
  - [ ] Industrial
  - [ ] Parks/opens space
  - [ ] Public Land Institutions
  - [ ] Redevelopment/Mixed Use Area
  - [ ] Town Center
  - [x] Neighborhood Commercial Center
  - [ ] Industrial Center
  - [ ] Transit - Supportive Development Corridor

### ENVIRONMENTAL INFORMATION (All or portion site affected)

- **Wetland Classification:**
  - [ ] None
  - [ ] "C"
  - [ ] "B"
  - [x] "A"

- **Avalanche Zone:**
  - [ ] None
  - [x] Blue Zone
  - [ ] Red Zone

- **Floodplain:**
  - [ ] None
  - [ ] 100 year
  - [ ] 500 year

- **Seismic Zone (Harding/Lawson):**
  - [ ] "4"
  - [x] "5"

### RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion site)

- [ ] Rezoning - Case Number:
- [ ] Preliminary Plat - Final Plat - Case Number(s):
- [ ] Conditional Use - Case Number(s):
- [ ] Zoning variance - Case Number(s):
- [ ] Land Use Enforcement Action for
- [ ] Building or Land Use Permit for
- [x] Wetland permit:
  - [ ] Army Corp of Engineers
  - [ ] Municipality of Anchorage

### DOCUMENTATION

- **Required:**
  - [x] Site plan to scale depicting: building footprints; parking areas; vehicle and pedestrian circulation; lighting; landscaping; signage; and licensed premises location.
  - [x] Building plans to scale depicting: floor plans indicating the location of sales and service areas; building elevations (photographs are acceptable).
  - [x] Photographs of premises from each street frontage that include and show relationship to adjacent structures and the premises visible street address number.
  - [ ] Narrative: explaining the project; construction, operation schedule, and open for business target date.
  - [x] Copy of a zoning map showing the proposed location.
  - [x] Copy of completed Alcoholic Beverage Control Board liquor license application form including all drawings and attachments, if filed with ABC Board.

- **Optional:**
  - [ ] Traffic impact analysis
  - [ ] Economic impact analysis
  - [ ] Noise impact analysis
**PROPERTY OWNER AUTHORIZATION** (if petitioner is not property owner)

(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.

<table>
<thead>
<tr>
<th>Date</th>
<th>Signature</th>
</tr>
</thead>
</table>

*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):

Embassy Suites Anchorage

What is the gross leaseable floor space in square feet?

N/A

What is the facility occupant capacity?

see attached sheet

What is the number of fixed seats (booth and non movable seats)?

see attached sheet

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

see attached sheet

What will be the normal business hours of operation?

Hotel: 24 hours, seven days a week

What will be the business hours that alcoholic beverages will be sold or dispensed?

Depending on function, noon - 1:00 am

What do you estimate the ratio of food sales to alcohol beverage sales will be?

10% Alcoholic beverage sales

90% Food sales

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 8.05.420 Minors-Disseminating indecent material or 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

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>None within 200 feet</td>
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</tbody>
</table>
PACKAGE STORES
Provide the projected percentage of alcoholic product inventory in the store where the retail unit price is:

- % less than $5.00
- % $5.00 to $10.00
- % $10.00 to $25.00
- % 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.

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.

This upscale hotel will be a travel destination for tourists & leisure travelers planning on visiting Anchorage. Tourism will be increased & jobs will be created. In addition, the Embassy Suites will meet the needs of the corporate & local businesses in the Midtown area by providing lodging, meeting, a restaurant, catering & banquet facilities. The hotel has undergone extensive planning & review in order to conform to state & municipal laws.

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

The hotel’s proposed conditional use is an integral part of the Embassy Suites Hotel Brand concept, which will bring an upscale, full-service hotel to Anchorage. The hotel will offer its guests complimentary breakfast, an evening manager’s reception (wine, beer, mixed drinks & snacks) from 5-7 pm, restaurant, lobby bar, meeting & banquet facilities.

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.

The proposed conditional use will complement the existing establishments in the surrounding neighborhood by offering its guests/patrons dining, catering & meeting facilities all under one roof as the Embassy Suites Hotel.
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. The proposed conditional use will not affect vehicular/pedestrian traffic, as the guests/patrons of the hotel will already be using the storefronts of the hotel. The proposed conditional use will enhance the level of service we can offer. Hotel ingress/egress was approved by the Dept. of Transportation & improvements have been made to Campbell Street to better facilitate vehicular/pedestrian traffic.

2. The demand for and availability of public services and facilities. The proposed use will not increase demand for public services. The hotel has been designed to meet both state & municipal requirements, including major utilities. The hotel was constructed with a life safety system designed to ensure the safety of our guests.

3. Noise, air, water or other forms of environmental pollution. The hotel will have adequate staffing & security procedures in place to ensure that excessive noise will not be a problem.

4. The maintenance of compatible and efficient development patterns and land use intensities. The hotel has undergone considerable planning & development to meet state & municipal laws & requirements. The proposed conditional use would have no effect on development patterns or land use intensities.

STANDARDS CHAPTER 10.50 ALCOHOLIC BEVERAGES

In the exercise of its powers and under AS 04.11.480 and 16 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? None

Within 1,000 feet of your site are how many active liquor licenses? 1. Moose’s Tooth 2. Amsterdam Cafe’ 3. Peeking Place 4. Office Lounge

How would you rate this area’s license concentration on a scale of 1 to 5 with 5 = high? 2.5

How many active liquor licenses are within the boundaries of the local community council? Our council is midtown but they were unable to provide this information

In your opinion, is this quantity of licenses a negative impact on the local community? No. Primarily the licensed establishments are offering wine, beer & spirits at the in eating establishments, which caters to their patrons.
Training. If an 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?

All employees in direct contact with alcohol and all senior management will be trained in the T.A.M. This will constitute approximately 30% of the 75-80 employees at the hotel. Ongoing training will take place, all training will be documented in the employee’s file.

Operations procedures. If an 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 an 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?

Inside facility: Every employee will be trained on how to manage situations with an intoxicated/ unruly patron. All servers and managers will be trained on the T.A.M. program, which is standard operating procedure for the hotel. The will specifically be trained on how to report fraud, invalid IDs and how to manage minors.

Outside facility: Parking lot monitoring will be done by managers on duty, and staff will be trained to manage unlawful conduct or disturbances. The hotel will work closely with the Anchorage Police Dept.
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.
Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development

<table>
<thead>
<tr>
<th>Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership)</th>
<th>Telephone Number</th>
<th>Fax Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denali Lodging, LLC d/b/a Denali Hotel Suites, LLC (Entity # 103253)</td>
<td>303-785-3100</td>
<td>303-785-3199</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Corporate Mailing Address:</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
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</thead>
<tbody>
<tr>
<td>9100 East Panorama Drive # 300</td>
<td>Englewood</td>
<td>CO</td>
<td>80112</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name, Mailing Address and Telephone Number of Registered Agent</th>
<th>Date of Incorporation OR Certification with DCPED</th>
<th>State of Incorporation</th>
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</thead>
<tbody>
<tr>
<td>CT Corporation System 9360 Glacier Hwy Juneau, AK 99801</td>
<td>9/1/2006</td>
<td>Colorado</td>
</tr>
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</table>

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%)**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>%</th>
<th>Home Address &amp; Telephone Number</th>
<th>Work Telephone Number</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navin Dimond (Mgr Denali Lodging, LLC)</td>
<td>Mgr</td>
<td>50%</td>
<td>184 Morgan Point Castle Rock, CO 80108 303-663-8660</td>
<td>303-785-3100</td>
<td>5-1-62</td>
</tr>
<tr>
<td>Dimond Holdings, LLC</td>
<td>Member</td>
<td>50%</td>
<td>9100 E. Panorama Drive #300 Englewood, CO 80112</td>
<td>303-785-3100</td>
<td>N/A</td>
</tr>
<tr>
<td>James P. Keeler</td>
<td>Member</td>
<td>50%</td>
<td>39074 Edgewood Lane Aberdeen, SD 57401 (605) 229-1616</td>
<td>(605) 229-0400</td>
<td>8-17-51</td>
</tr>
</tbody>
</table>

See additional Sheet for more information

**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 of a licensee. Each Affiliate must be listed.)**

<table>
<thead>
<tr>
<th>Name:</th>
<th>Applicant □</th>
<th>Affiliate □</th>
<th>Name:</th>
<th>Applicant □</th>
<th>Affiliate □</th>
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</thead>
<tbody>
<tr>
<td>Address:</td>
<td>Date of Birth:</td>
<td>Home Phone:</td>
<td>Work Phone:</td>
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<td>Home Phone:</td>
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<th>Affiliate □</th>
<th>Name:</th>
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<tr>
<td>Address:</td>
<td>Date of Birth:</td>
<td>Home Phone:</td>
<td>Work Phone:</td>
<td>Date of Birth:</td>
<td>Home Phone:</td>
</tr>
</tbody>
</table>

**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, complete, and this application is not in violation of any security interest or other contract obligations.
- I hereby certify that there have been no changes to owners 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 have read and am familiar with Title 4 of the Alaska Statutes and its regulations, and that in accordance with AS 44.11.450, 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)**

Name & Title (Please Print)  
Navin C. Dimond, Manager  
Subscribed and sworn to before me this  
27th day of November, 2007  
Notary Public in and for the State of Colorado  
My commission expires:  
New License App 11/031  
SHERI A. HANDBRINK  
Notary Public  
State of Colorado
**New Liquor License**

**SECTION A. LICENSE INFORMATION.** Must be completed for all types of applications.

<table>
<thead>
<tr>
<th>License Year:</th>
<th>License Type:</th>
<th>Statute Reference</th>
<th>License Fee:</th>
<th>Filing Fee:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>Beverage Dispensary Tourism</td>
<td>Sec. 04.11. 400d</td>
<td>$</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

**Local Governing Body:** (City, Borough or Unorganized)
- Anchorage

**Federal EIN or SSN:**
- 68-0548357

**Name of Applicant (Corp/LLC/LP/LLLP/Individual/Partnership):**
- Denali Lodging, LLC, a Colorado limited liability company d/b/a Denali Hotel Suites, LLC

**Doing Business As (Business Name):**
- Embassy Suites: Anchorage Alaska

**Business Telephone Number:**
- 907-332-7000

**Fax Number:**
- 907-332-7001

**Mailing Address:**
- 9100 E. Panorama Drive # 300
- Anchorage, AK 99503

**Premises to be licensed:**
- Proposed building
- New building

**Fees:**
- $100.00

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

<table>
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<th>Closest school grounds</th>
<th>Distance measured under:</th>
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<td>N/A</td>
<td>AS 04.11.410 OR</td>
</tr>
<tr>
<td>N/A</td>
<td>Local ordinance No.</td>
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- Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
- Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
- Not applicable

**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 □

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<thead>
<tr>
<th>Name</th>
<th>Name of Business</th>
<th>Type of License</th>
<th>Business Street Address</th>
<th>State</th>
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<tr>
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<td></td>
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</tbody>
</table>

Please see attached sheet

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 □

**Office use only**

<table>
<thead>
<tr>
<th>Date Approved</th>
<th>Director's Signature</th>
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</thead>
<tbody>
<tr>
<td>New App 11/05</td>
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</table>
Ownership Structure - Denali Lodging, LLC

James P. Koehler
SS# 503-54-3106
1415 North 4th Street
Aberdeen, SD 57401
605-229-0030

50%

Dimond Holdings, LLC
EIN # 84-1502061

Members:
Navin C. Dimond 25%
9100 E. Panorama Drive, Suite 300
Englewood, CO 80112
303-785-3100

Rita Dimond 25%
9100 E. Panorama Drive, Suite 300
Englewood, CO 80112
303-785-3100

Sonja T. Dimond 1999 Trust 25%
Navin C. Dimond, Trustee
9100 E. Panorama Drive, Suite 300
Englewood, CO 80112
303-785-3100

Ashley S. Dimond 1999 Trust 25%
Navin C. Dimond, Trustee
9100 E. Panorama Drive, Suite 300
Englewood, CO 80112
303-785-3100

033

12/19/2007
ATTACHMENT 1

Navin & Rita Dimond currently hold or has held an interest in the following liquor licensed establishments:

Stonetar Lodging, LLC
dba Courtyard by Marriott
1474 South Colorado Blvd.
Denver, CO 80222
# 41-87585
Orchard Lodging, LLC
dba The Hotel Denver Tech Center
7801 East Orchard Road
Greenwood Village, CO 80111
# 42-06023
Boyd Lake Lodging, LLC
dba Residence Inn Loveland
5450 McWhinney Blvd
Loveland, CO 80538
# 42-30044
Chapman Suites, LLC
dba Homewood Suites: Anaheim/Garden Grove
12005 Harbor Blvd
Garden Grove, CA 92840
# 70-369152
Hotel Beverage Company, LLC
dba Hilton Garden Inn: Orange County
27082 Towne Centre Drive
Lake Forest, CA 92610
# 68-419085
365 Lodging, LLC (Past Interest)
dba Homewood Suites
140 West Tudor Road
Anchorage, AK 99503
# 4354
Cherry Creek Lodging, LLC
dba Cherry Creek Hotel
600 South Colorado Blvd.
Glendale, CO 80241
# 42-50473
Grand Conjunction, LLC
dba Doubletree Grand Junction
743 Horizon Drive
Grand Junction, CO 81508
# 41-88774
Gateway RI, LLC
dba Residence Inn: Denver Airport
18490 East 40th Circle
Aurora, CO 80011
# 42-24656
Roanoke Lodging, LLC
dba Wyndham Roanoke Hotel
2801 Hershberger Road
Roanoke, VA 24017
# 40691
Garden Grove Lodging, LLC
dba Hilton Garden Inn: Anaheim/Garden Grove
11777 Harbor Blvd
Garden Grove, CA 92840
# 47-354470
Hotel Beverage Company, LLC
dba Hilton Garden Inn: Arcadia
199 North Second Avenue
Arcadia, CA 91006
47-420045
Borealis Lodging, LLC (Past Interest)
dba Hilton Garden Inn
100 West Tudor Road
Anchorage, AK 99503
# 4238

James P. Koehler currently holds an interest in the following liquor licensed establishment:
Ann Arbor Lodging, LLC
Holiday Inn
3155 Boardwalk Drive
Ann Arbor, MI 48108
Project Narrative

Denali Lodging, LLC d/b/a Denali Hotel Suites, LLC is a new 169 suite hotel, currently under construction and scheduled for completion in May of 2008. The hotel, operating as the Embassy Suites Anchorage, will offer complimentary breakfast, complimentary Evening Manager’s Reception, a full service restaurant, lobby bar and banquet/meeting facilities. This upscale hotel has been designed to appeal to business and leisure market segments offering quality service associated with the Embassy Suites name. The hot breakfast is complimentary. The Evening Manager’s Reception, also complimentary, consists of beer, wine, mixed drinks and Hors d’œuvres. We will also feature a market concept which will serve a variety of Grab-N-Go food and beverage items. The hotel will also feature a restaurant serving lunch and dinner daily.

We anticipate the market mix for this hotel to be 45% corporate, 30% leisure and 25% social, fraternal, educational and government – 90% of which will be attracted from outside the State of Alaska. The guest profile will represent corporate and leisure travelers attending business functions and/or visiting Alaska for leisure fishing, hunting, sightseeing, etc. Our promotion and marketing efforts will incorporate direct sales and advertising to corporations, internet travel companies, associations, travel agents through trade business journals, newspapers, magazines, credit card holders, convention bureau publications and travel writers designing articles to generate and encourage increased travel to Alaska and our new hotel.
December 17, 2007

Alcoholic Beverage Control Board
State of Alaska
5848 East Tudor Road
Anchorage, AK 99507

RE: Beverage Dispensary Tourism License:
Denali Lodging, LLC d/b/a Denali Hotel Suites, LLC
Trade Name: Embassy Suites-Anchorage

To Whom It May Concern:

Denali Lodging, LLC d/b/a Denali Hotel Suites, LLC is applying for a new liquor license under AS 04.11.400 (d). This new 169 suite hotel, currently under construction and scheduled for completion in May of 2008, will offer complimentary breakfast, complimentary Evening Manager’s Reception, a full service restaurant, lobby bar and banquet/meeting facilities. This upscale hotel has been designed to appeal to business and leisure market segments offering quality service associated with the Embassy Suites name. The hot breakfast is complimentary. The Evening Manager’s Reception, also complimentary, consists of beer, wine, mixed drinks and hors d’oeuvres. We will also feature a market concept which will serve a variety of Grab-N-Go food and beverage items. The hotel will also feature a restaurant serving lunch and dinner daily.

We anticipate the market mix for this hotel to be 45% corporate, 30% leisure and 25% social, fraternal, educational and government – 90% of which will be attracted from outside the State of Alaska. The guest profile will represent corporate and leisure travelers attending business functions and/or visiting Alaska for leisure fishing, hunting, sightseeing, etc. Our promotion and marketing efforts will incorporate direct sales and advertising to corporations, internet travel companies, associations, travel agents through trade business journals, newspapers, magazines, credit card holders, convention bureau publications and travel writers designing articles to generate and encourage increased travel to Alaska and our new hotel.

We feel the new liquor license requested is necessary to support the services and needs of our guests’ expectations and further meet the compliance requirements for the new license issuance as stated under AS 04.11.400 (d).

Sincerely,

Navin C. Dimond
Manager, Denali Lodging, LLC d/b/a Denali Hotel Suites, LLC
STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD

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

POSTING AFFIDAVIT

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

1. a. Posting of application for a new __Beverage Dispensary Tourism__ liquor license
   for __Denali Lodging, Alaska Denali Hotel Suites, LLC__ __Embassy Suites Hotel__ located at __600 East Benson Blvd. Anchorage AK 99503__
   (address and/or location)
   OR
   b. Posting of application for transfer of a __N/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:
   __11-27-07__ to __12-8-07__

*** 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 __600 E. Benson Blvd. Anchorage AK__

   b. Other conspicuous location in the area __USPS 3721 B Street #500 Anchorage AK__

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. (X) 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 __18th__ day of __December__ __2007__

SHERYL A. HANEBRINK
Notary Public
State of Colorado

(Notary Public in and for Alaska COLORADO)
My commission expires: __6/30/2009__

037
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Ryan Estrada

being first duly sworn on oath deposes and says that he/she is an representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

November 9, 16, 23, 2007

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Subscribed and sworn to before

Me this 13 day of December

2007

[Signature]

Notary Public

The State of Alaska
The Borough of Anchorage
Anchorage, Alaska

[Seal]
Feds' cell tracking raises privacy

SURVEILLANCE: Some judges don't trust agents

practice may expose average American to a new level of government surveillance. sprint's 911 (E911) location tracking. Sprint Nextel, for instance, boasts that its -- a Drug Enforcement Administration agent.

NATION
Maximum Occupancies & Seating Information
Embassy Suites Hotel

Maximum Occupancies:
- Complimentary: 168
- Lounge Bar: 131
- Marketplace: 41
- Boardroom: 29
- Breakout Room 1: 29
- Breakout Room 2: 24
- Meeting Room 1: 52
- Meeting Room 2: 52
- Meeting Room 3: 52

Seating:
- Complimentary: 102
- Lounge Bar: 33
- Marketplace: 16
- Boardroom: 14
- Breakout Room 1: 28
- Breakout Room 2: 28
- Meeting Room 1: 52
- Meeting Room 2: 52
- Meeting Room 3: 52
Public Inquiry Parcel Details

Show Parcel on Map

PARCEL: 009-043-36-000 01/01 Commercial Hotel/Hotel High R 12/31/07

DENALI LODGING LLC
9100 E Panorama Drive #300
Englewood CO 80112

HIGH LINE #1
TR A
Site 600 E Benson Blvd

Lot Size: 134,989
Zone : B3
Tax Dist: 063
Grid : SW1631
GRW: PIMC

---Date Changed--- ---Deed Changed---
Owner : 05/19/03 Owner: 05/19/03
Address: 05/19/03 Stateid: 2003 0642675
Date: 05/05/03 Plat: 709296

ASSESSMENT HISTORY

---Land--- ---Building--- ---Total---
Appraised Val 2005: 1,822,300 0 1,822,300
Appraised Val 2006: 1,822,300 0 1,822,300
Appraised Val 2007: 2,120,100 765,300 2,911,400
Exempt Value 2007: 0 0 0
State Credit 2007: 0
Resid Credit 2007: 0
Taxable Value 2007: 2,911,400

Liv Units: 000 Common Area: Leasehold: Insp Dt: 12/04 Land Only
11/99 Exterior
10/07 Desk Edit

BUILDING DATA

Name: EMBASSY SUITES HOTEL Bldg Area: 143,389 Eff Yr: 2007 Ident
Bldg Use: Hotel/Hotel High Ris Grade : Good Plus # Units: 179 Units: 1

INTERIOR FEATURES

Floor Level Area: Type: Wall Wall Constrc Heat Air Phys Funct
Size Use Hgt : Material: Type: Type: Con Cond: Utilt
C1/C1 8,433 Crawl Spac 04 None Wood Joist( None 0 Normal Normal
01/01 40,278 Hotel 09 Stucco Wood Joist( Hot Water 0 Normal Normal
02/02 34,350 Hotel 09 Stucco Wood Joist( Hot Water 0 Normal Normal
03/03 34,387 Hotel 09 Stucco Wood Joist( Hot Water 0 Normal Normal

http://property.muni.org/cics/cwba/gsweb
12/31/2007
Land Use Designations

Land Use Policy Areas
- Maintain Existing Neighborhood
- Residential - Low/Medium Intensity
- Residential - Medium Intensity
- Residential - City Center Intensity

- Residential Redevelopment
- Mixed Use - Low Intensity
- Mixed Use - Medium Intensity
- Mixed Use - Medium/High Intensity
- Mixed Use - High Intensity

- Commercial Corridor
- Spenard Entertainment Area
- Institutional
- Park
- Right of Way
Land Use Area Descriptions

Maintain Existing Neighborhood
- No change in density or character of the existing residential neighborhood.

Residential – low-moderate intensity
- Residential neighborhood retains its low to moderate density character but added emphasis on rehabilitation of existing structures and public improvements.

Residential – Medium Density
- Multi-family complexes and attached townhouses. New development provides design amenities such as private open space and recreation areas. Between 2 to 4 stories in height.

Residential – City Center Intensity
- Highest density residential district. Multi-family complexes. Limited commercial space is allowed within high density residential development. Development characterized by structured parking, orientation to sidewalks and connections to nearby activity centers.

Residential redevelopment
- Predominately multi-family residential in character with up to 50% commercial development allowed. Mixed uses can be either horizontal or vertical in nature. Up to 3 stories in height.

Mixed-Use Low
- Main street style mixed use development with orientation of entrances to the street with parking either to the side or rear. 2-3 stories in height.

Mixed-Use Medium
- Mixed use office, retail, and residential zone. Area north of 34th Ave. has more of a commercial emphasis while area south of 34th Ave. has more of a residential emphasis. Up to 4 stories in height.

Mixed-Use Medium/High
- Part of employment core that surrounds and connects areas of higher employment density. Primarily office with supporting retail. Up to 6 stories in height.

Mixed-Use High
- Area of the employment core with the highest employment densities. Compactness of the area is encouraged through development of parking structures. Primarily office with supporting retail. Up to 15 stories in height.

Commercial Corridor
- Automobile dependent corridor characterized by low rise, single use retail buildings or strip malls on individual sites.

Spenard Entertainment Area
- City-wide entertainment destination. Emphasis on interesting, well-lit streetscape to encourage walk trips between businesses within the district.

Institutional
- Public facilities that can either serve the adjacent neighborhood or a wider area of the community. Includes schools and libraries.

Park
- Includes neighborhood as well as community parks. Character and design of parks differs depending on function and context.

Right-of-way
- Includes all local, collector, and arterial streets within the Midtown District
GENERAL SPECIFICATIONS

FABRICATED DOUBLE FACE ALUMINUM CABINET IN MACHINE ROUTED LOGO & LETTER OPENINGS PANEL FACE & FILMED TO MATCH MATT-ENS BRILLIANT METALLIC GOLD & GOLD TOP COAT 42-251 & 42-261
PAPER SIZE OF LIGHTED CABINET: 7" X 9 3/4" ENAMEL WHITE
1/2" EXTRUDED 10" X 12" WHITE PLASTIC RECTANGLE PUSHED THROUGH ROUTED OPENING ARIA 9503-5221 GREEN VINYL COMPUTER
CUTOUT 3 1/4" FIBERGLASS MOLDED DETAILS APPLIED TO SURFACE
ROUTED COPY 1 1/2" THICK WHITE PLASTIC POCKET ROUTED AND PUSHED THROUGH ROUTED OPENINGS
NOTE: ROUTED COPY TO BE OUTLINED W/ 1/8" SURFACE 300-40 DARK BRONZE VINYL APPLIED TO GOLD BACKGROUND

SIGN FACES INTERNAL ILLUMINATED W/ 60W CO TO OUTPUT FLUORESCENT DAYLIGHT LAMPS
1/2" WIDE X 1/16" DEEP RECESS REVEAL BETWEEN CABINET & CABINET 3/16" DARK BRUSHED SATIN FINISH
FABRICATED ALUMINUM SUPPORT COVER PAINTED 100% IN. BRONZE WITH TEXTURED FINISH (SEE SAMPLE)
TOP 2 X 2 X 1/8" STEEL TUBE SUPPORT. 9" CABA, 1 X 1 HIDE CONCRETE PIER FOUNDATION DESIGN 2" BELOW GRADE.
SUPPORTS DESIGNED FOR 220/240V AC UNDERGROUND ELECTRICAL SERVICE TO SIGN BY CUSTOMER'S ELECTRICAL CONTRACTOR TO MATCH FINAL CONNECTION AS DETERMINED BY LOCAL SIGN ORGANIZERS.
POSTING AFFIDAVIT
AFFIDAVIT OF POSTING

CASE NUMBER: 2008 - 030

I, William Robinson 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. The notice was posted on 11/18/08 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 18 day of January, 2008

Signature

LEGAL DESCRIPTION

600 E. Benson Blvd.

Tract or Lot

Block

Subdivision

jw G:\CPD\Public\Forms\Other\DocAOP.DOC
HISTORICAL INFORMATION
### PARCEL INFORMATION

**APRAIVAL INFORMATION**
- Legal: HIGH LINE #1
- TR A
- Parcel: 003-043-36-008
- Owner: DENALI LODGING LLC
- Site Addr: 800 E BENSON BLVD
- Address: 9100 E PANORAMA DRIVE #300
- City: ENGLEWOOD
- State: CO
- Zip: 80112

### RELATED CAMA PARCELS

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<th>Ref</th>
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<th>Get &quot;Type&quot; explanation</th>
<th>Bring up this form focused on the related parcel</th>
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### REZONE

**Case Number**: 2008-030
**# of Parcels**: 1
**Hearing Date**: 01/02/2008
**Case Type**: Assembly conditional use for a hotel serving alcoholic beverages
**Legal**: High Line Addition #1, Tracts A & G, located within the N112 of the NE 1/4 of Section 30, T13N, R3W, S.M., Alaska

### PLAT

**Case Number**: S11268
**Grid**: SW1831
**Proposed Lots**: 1
**Existing Lots**: 2
**Action Date**: 04/21/2004
**Legal**: High Line Addition #1, Tracts A & G, located within the N112 of the NE 1/4 of Section 30, T13N, R3W, S.M., Alaska

### PERMITS

**Permit Number**: 06 5523
**Project**: EMBASSY SUITES
**Work Desc**: 149857 sq ft living / 169 units**1/30/07 elec transferred to Ironwood In c**
**Use**: R-1 RESIDENTIAL, HOTELS

### BZAP

- **Action No.**
- **Action Date**
- **Resolution**
- **Status**
- **Type**

### ALCOHOL LICENSE

- **Business Address**
- **Applicants Name**
- **License Type**
- **Status**
**OWNER**
DENALI LODGING LLC
9100 E PANORAMA DRIVE #300
ENGLEWOOD CO 80112 7207
Deed 2003 0042675
Changes: Deed Date May 05, 2003
Name Date May 19, 2003
Address Date May 19, 2003

**LEGAL**
HIGH LINE #1
TR A

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**PARCEL INFORMATION**
Parcel ID 009-043-36-000
Status
Renumber ID 000-000-00-00000
Site Addr 600 E BENSON BLVD
Comm Concl MIDTOWN
Comments ROW TAKE 13381 SF B220 P94

**TAX INFO**
2008 Tax 42,331.75 Balance 0.00 District 003

**HISTORY**

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**PROPERTY INFO**

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**SALES DATA**

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<td>Current</td>
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<td>9100 E PANORAMA DRIVE #300</td>
<td>ENGLEWOOD, CO 80112 7207</td>
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<td>2nd</td>
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<td>801 S GRAND AVENUE</td>
<td>22ND FLOOR, LOS ANGELES, CA 90017</td>
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<tr>
<td>5th</td>
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<td>3551 POST MARK DR</td>
<td>ANCHORAGE, AK 99502</td>
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MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM

No. AM 111-2008

Meeting Date: February 26, 2008

From: Mayor

Subject: ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS) DISTRICT FOR A BEVERAGE DISPENSARY TOURISM USE AND LICENSE PER AMC 21.40.180 D.8 FOR DENALI LODGING LLC, DBA DENALI HOTEL SUITES, DBA EMBASSY SUITES HOTEL - ANCHORAGE, ALASKA; LOCATED AT 600 EAST BENSON BOULEVARD, WITHIN TRACT A, HIGHLINE SUBDIVISION ADDITION #1.

Navin C. Dimond, representing Denali Lodging LLC, dba Denali Hotel Suites, dba Embassy suites Hotel - Anchorage, Alaska, has made application for a Beverage Dispensary Tourism Alcoholic Beverage Conditional Use and license in the B-3 District, located at 600 East Benson Boulevard, within Tract A, Highline Subdivision Addition #1.

This proposal is for a Beverage Dispensary Tourism Alcoholic Beverage Conditional Use for a new 169-guestroom hotel for the business and leisure traveling market. The restaurant has 102 non-fixed seating; the lounge/bar has 33 non-fixed seating. The hotel also includes four conference meeting rooms. Construction of the hotel will be completed in May of 2008. The property is zoned B-3, in which alcoholic beverage sales are permitted through the conditional use process.

The petitioner dba Embassy Suites Hotel - Anchorage, Alaska, has applied to the Alcoholic Beverages Control Board for a new Beverage Dispensary Tourism license. Tourism licenses (beverage dispensary or restaurant eating place license) are approved by the Alcohol Beverage Control Board upon a showing that construction of a tourist facility will encourage tourism, and that the tourist business will constitute a substantial portion of the business of the tourist facility.

There are no known churches or schools within 200 feet of the petition site, according to Municipal records.
There are a total of eleven (11) alcohol conditional uses and licenses within a 1,000-foot radius of the petition site: two (2) beverage dispensary licenses, seven (7) restaurant licenses, and two (2) package store licenses. Approving this beverage dispensary tourism conditional use and license will add a third beverage dispensary license, and the first tourism license within a 1,000-foot radius of the petition site.

The hotel restaurant and lounge/bar will operate seven days a week. Alcohol will be served in the restaurant during the hours of 5:00 PM to 10:00 PM and 4:00 PM to 12:00 AM in the lounge/bar. On-premise sale of alcohol beverages will be available, as permitted by the Alcohol Beverage Control Board requirements, only during the hours allowed for the specific day of the week applicable. The petitioner estimates the sale of alcoholic beverages will represent ten percent compared with ninety percent food sales. Employees involved in the sale of alcoholic beverages will be trained in accordance with the Alcoholic Beverage Control Board’s “Liquor Server Alcohol Awareness Training Program,” (TAM) and will hold the necessary certifications.

At the time this report was prepared, the Department of Health and Human Services, and the Anchorage Police Department did not provide comments. Treasury reports there are no delinquent Personal Property Taxes, or Real Property Taxes owing at this time.

THIS CONDITIONAL USE FOR A BEVERAGE DISPENSARY TOURISM USE AND LICENSE IN THE B-3 DISTRICT GENERALLY MEETS THE APPLICABLE PROVISIONS OF AMC TITLES 10 AND 21, AND ALASKA STATUTE 04.11.090.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department
Concur: Tom Nelson, Director, Planning Department
Concur: Mary Jane Michael, Executive Director, Office of Economic & Community Development
Concur: Michael K. Abbott, Municipal Manager
Respectfully submitted: Mark Begich, Mayor
Content ID: 006023
Type: AR_AllOther - All Other Resolutions
Title: ALCOHOLIC BEVERAGES CONDITIONAL USE IN THE B-3 (GENERAL BUSINESS) DISTRICT FOR A BEVERAGE DISPENSARY TOURISM USE
Description: AND LICENSE PER AMC 21.40.180 D.8 FOR DENALI LODGING LLC, DBA DENALI HOTEL SUITES, DBA EMBASSY SUITES HOTEL &c ANCHORAGE, ALASKA; LOCATED AT 60

Author: weaver
Initiating Dept: Planning
Date Prepared: 2/13/08 10:06 AM
Director Name: Tom Nelson
Assembly Meeting Date: 2/26/08
Public Hearing Date: 2/26/08

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NEW PUBLIC HEARINGS