

**A RESOLUTION TO GRANT THE TRANSFER OF LED LOUNGE LIQUOR LICENSE TO THE NEW PROPOSED LOCATION, THIS RESOLUTION SUPERSEDES ALL OTHER**

**420 WEST 3RD AVE**

Reason for the resolution:

Based on the last two years of reasonable and similar operating experiences of 90% of the bars and nightclubs from the downtown area and compared to LED.

WHEREAS, all bars must renew their liquor license every two years in order to continue the sale of alcohol on the premise.

WHEREAS, the business owners, property owners and residents of the downtown area have the right to protest an alcohol license renewal to continue the sales of alcohol on the premise.

WHEREAS, the business owners, property owners and residents of the downtown area have the right to protest an alcohol license transfer to a new address.

WHEREAS, in the past 8+ years no one that owns a business, owns property or that lives in the downtown area to include the opposing group has protested the renewal of an alcohol license and or the continuance to operate their business except for the protest against LED Ultra Lounge & Grill, Brown Bag, Play House and the Rumrunners Bar and no others regardless of the same reasons used to protest the 4 licenses.

WHEREAS, LED Since Robert Newman owner of the Historic Hotel sold Rumrunners Bar to brown persons, the overwhelming majority and disproportionately alcohol licenses that were protested have been owned by either a black or brown person of color.

WHEREAS, in the past 8+ years no one that owns a business, owns property or that lives in the downtown area to include the opposing group has protested a bar liquor license for transfer to a new location, EXCEPT for the protest against LED transfer to the new location on 3<sup>rd</sup> & E Street.

WHEREAS, most downtown bars have had firearms discharged in close proximity of the bars within the last 2 years without a protest from a business owner, property owner or resident from the downtown area to include the opposing group.

WHEREAS, there have been stabbings near the premises of the downtown bars without any protest of alcohol license renewal or transfer from this group or from the downtown city council. NONE of these events have happened within close proximity of LED's previous location.

WHEREAS, there has been the death of one or more people from the results of patrons fighting within close proximity of the outside doors of one or more of the downtown bars without a protest of an alcohol license renewal or transfer of license to a new address from the business owners, property owners or downtown resident.

WHEREAS, there have been people shot inside the premise of one or more of the downtown bars without a protest for an alcohol renewal or transfer of license to a new location from the business owners, property owners or a resident to the downtown area to include the opposing group.

WHEREAS, there has been a high number of fights inside the premise from the downtown bars without a protest of an alcohol license renewal or transfer of license to a new location from business owners, property owners or resident to the downtown area to include the opposing group.

WHEREAS, there has been a notice of violation issued to one or more of the downtown bars from AMCO without a protest of an alcohol license renewal or transfer of license to a new location from the business owners, property owners or residents of the downtown area to include the opposing group.

WHEREAS, there's not enough parking to accommodate most of the downtown night bars causing less parking for hotel guest and tourist. Having this problem also causes traffic jams throughout the night leading into the early morning. There hasn't been a protest of an alcohol license renewal or transfer of license to a new location from a business owner, property owner or a resident from the downtown area.

WHEREAS, there is loud and noisy music coming from cars as they drive up and down the downtown roads from midnight until the early part of the morning without a protest from a business owner, property owner or a resident of the downtown area,

WHEREAS, Alcohol containers and litter near the approximate area of the downtown bars with a protest from a business owner, property owner or a resident of the downtown area.

WHEREAS, one or more of the night bars from the downtown area has received summons to pay fines for breaking the Muni COVID19 restrictions (no summons to LED).

WHEREAS, I have always tried to worked with the neighbors to resolved problem both prior to and before an issued had arrived.

WHEREAS, Likely there are less police calls to the previous location then most night bars with 1/3 of the size of LED. November 2020 Chris Constant in an email stated that there were 12 calls to that location that year (see Attached).

WHEREAS, ADN reported there were less APD calls in 2019 to the previous location of LED (see attached).

WHEREAS, all APD calls to the previous address are not necessarily involving an issue with LED (see attached letter from APD spoke person).

WHEREAS, the Downtown Coalition of Concerned Citizens (DCCC) is group within the members of the DTCC.

WHEREAS, the DCCC recently increased their membership and band together for the March 2, 2022 DTCC Meeting, only to attend the DTCC March 9, 2022 meeting to stacked to votes against LED's alcohol license transfer.

WHEREAS, March 2, 2022 DTCC Chair person stated that meeting of 68 attendants was the most she has seen. 28 attendants were the most prior to that meeting.

WHEREAS, there will be both photos and clips of videos to support my reason to grant the license transfer at the next meeting.

#### **RESPONSE TO OPPOSED:**

LED has provided for the improvement of the downtown community for the past 7 years.

Prior to owning an alcohol license in the past 7 years I have been close to the both Captain Cook Hotel and the Marriott with no complaints from them to me. I have reached out to both the general manager Steve from the Hilton Hotel and Mary and Buzz who share the building behind the new location to address their concern. One of their concerns where the sound level was a problem from Roberson, the previous owner. So, I had Mammoth Music to set up the sound so that if additional sound proofing was needed, they could let me know. After they heard the sound level, they were pleased that it didn't affect them at all. I also spoke twice with manager I believe Terri to do the same for the Historic Hotel however they failed both times to meet with me. The owner Robert previously operated a night bar downstairs of his hotel for years. Later open up Rumrunners on the opposite corner of his hotel on 4<sup>th</sup> Ave and E Street. He now has a problem with someone else other then himself doing the same. Instead of meeting to work with me to share his experiences so that it would be good for all. He instead decided to just protest.

There are several businesses that are in close proximity to the condo and Turnagin Arms. I strongly agree with maintaining a safe and conducive environment for the residents of downtown Anchorage.

The paid parking lot is a first come first served and should not be subject to rely on any one business. Also, there are a couple of large lots adjacent for overflow surrounding the block. Although there may be more than the 2013 neighbor in the past several years, please see attached exhibit (1a).

I agree with being a responsible bar owner and good neighbor just like the Matanuska Brew Pub and Broken Blender.

I agree with keeping residents, tourists and employees safe as they retrieve their vehicles late at night. I plan to continue managing the parking lot during our business hours, to include bar

break hours. Please see exhibit (2a). Also, it appears the lot is used at 10% after 6 pm and 8 am approximately 8 months of the year. It is not fair for the opposed group to limit their income. The discharge of firearms of a citywide problem that not only occurs in the bar business, it exists in major hotels and residential neighborhoods. When it happens near our location I will immediately notify APD and should not be chastised for it if the few incidents mentioned have been false and corrected by the assembly, APD and the ADN please see exhibit (3a). Based on reasonable and similar operating experiences or reasons to oppose transfer are no different than the shootings at the Venue Bar, a death at another bar location in the downtown location. Every two years these local bars have to renew their alcohol license. In the past 4 years this group who are opposing my transfer has not opposed any other bar renewal regardless of the actions that took place.

Bottles have been left outside by both customers and the homeless population. I personally manage the cleaning of the parking and street parking, including the neighbors' areas. Please see exhibit (4a).

If there was litter happening it was kept under the radar and could have been done by anyone to include nonoperating hours of LED.

See exhibit (5a).

LED had an alleyway in the previous location where the homeless frequented the area. I can't say that a person would not urinate in public in my area, but I can assure it was not often. In the past license renewal this issue was brought to light and it was found not to be abnormal. Most of the calls to APD were from myself or Susan R. who lived in the small yellow house as part of the nearby parking lot. If I see APD is needed and I call, I should not be chastised for it. It is part of my duties as a good operator to call APD when it comes the safety for all regardless if they are a customer or not. For an example there was a young lady that was assaulted by a man in a building near LED's previous location. I found this lady running away from a nearby building. I escorted her into LED for her safety and then called the police. I should not have to pay a price because APD came provide assistance to lady.

It was mentioned at the last meeting that I have shot someone while I was drunk. Although, the allegation is pending I will not speak much regarding it, however I will say that I was not drunk when I shot the person that broke into our building and tried to attack me. My BAC was .05. If I was guilty of this allegation then AMCO would not have allow me to have an alcohol license. In the future, I would appreciate if I have not been found guilty of a crime, please don't bring it to my attention. As I will do the same.

It was also mentioned at the last meeting that there several shootings near my previous location. Of the few, one of the shootings was from a person that came from another bar on 4<sup>th</sup> Ave then enter a nearby parking lot from LED's previous location with an assault weapon and shot near 20 rounds in the air. This person told an APD officer that he was never inside LED premise that day. For more information I can refer you to APD. There was also another shooting reported by booth APD and ADN that happen several years ago on New Year Eve were as a teenager shot a person a block up the road from LED's previous location. Booth APD and Christopher Constant apologize that the shooting was not at LED as it was reported.

It was mentioned at the last meeting that I have kept my door open for business at 4am. This not true! In the future if you can provide the proper documentation to support your allegation it would save everyone time listening to me telling the group that it didn't happen.

Amber, the wife or girl friend of the owner of the Avenue Bar located on 4<sup>th</sup> Ave has protest and stated her issue why they are protesting my transfer. I am hoping that this group hold that bar to the same standards when it come time to renew their alcohol license.

In the last 7 years of operating a night to my knowledge I only recall two neighbors that have complained of my existence at the previous location. Both of which protested my license prior to moving into the that location and every time of renewal I had to go to they were there. At least for my renewal they were the only ones to protest against the renewal that I remember.