

MAXIMUM CUPANCY LOAD 98

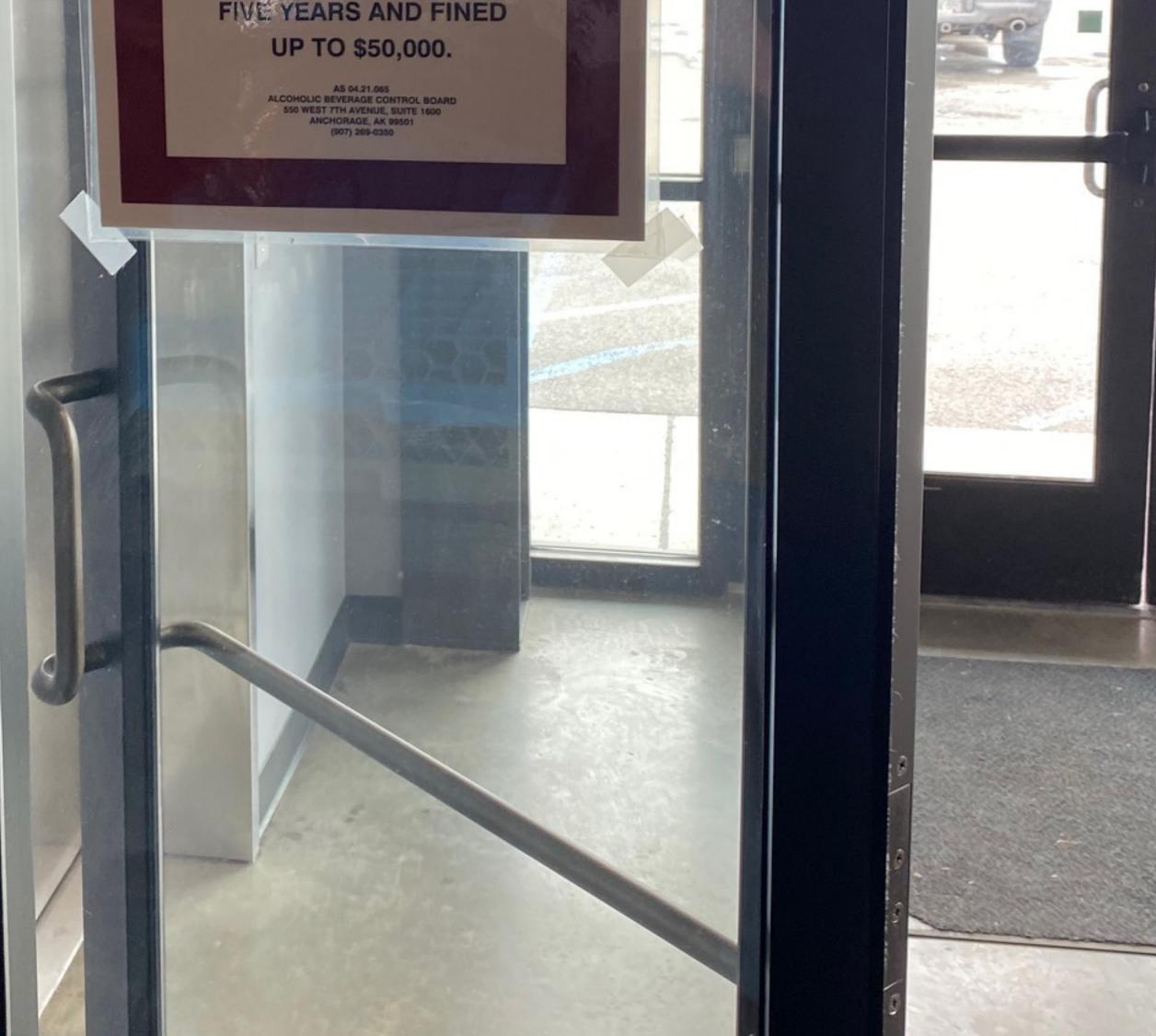
## ARNING:

nking alcoholic verages such as beer, wine, ne coolers, and listilled spirits moking cigarettes ing pregnancy can use birth defects.



A PERSON WHO PROVIDES ALCOHOLIC BENERAGES TO A PERSON UNDER 21 YEARS OF AGE, IF CONVICTED UNDER AS 04, 16.051, COULD BE IMPRISONED FOR UP TO

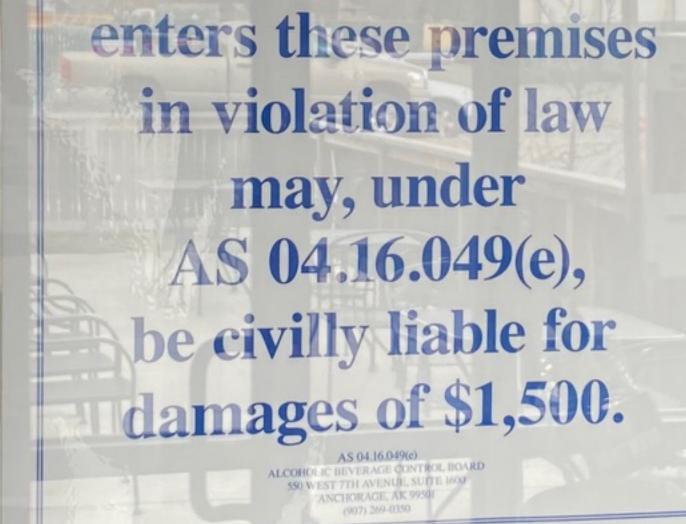
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WARNING: An unaccompanied person under 21 years of age who

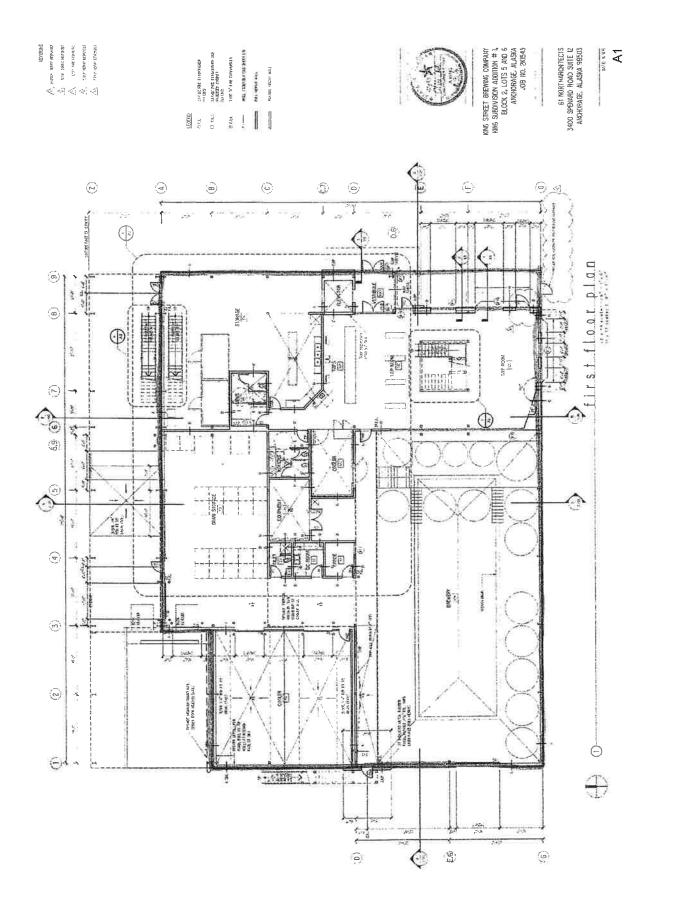


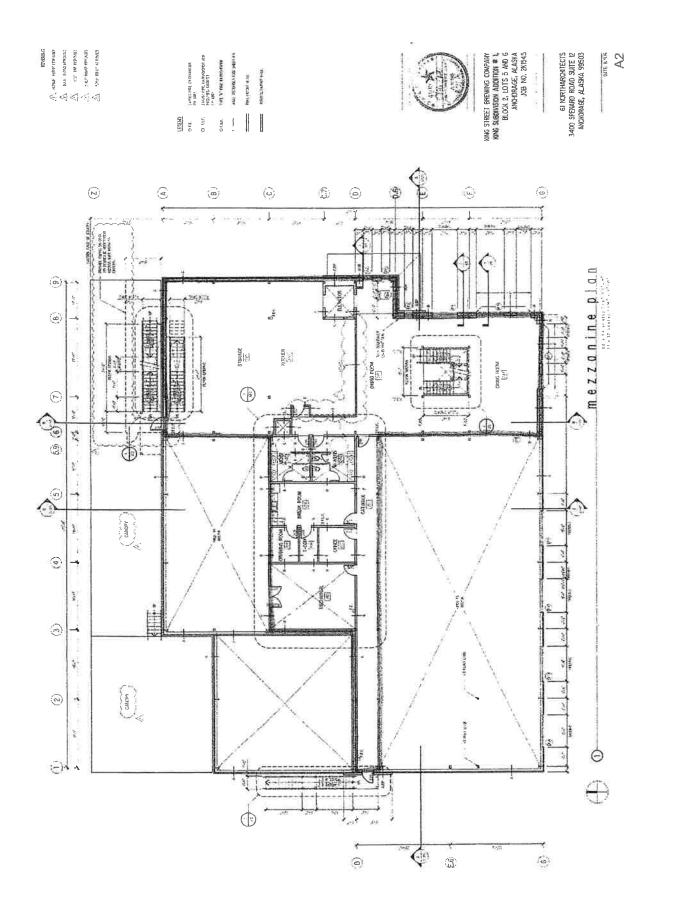


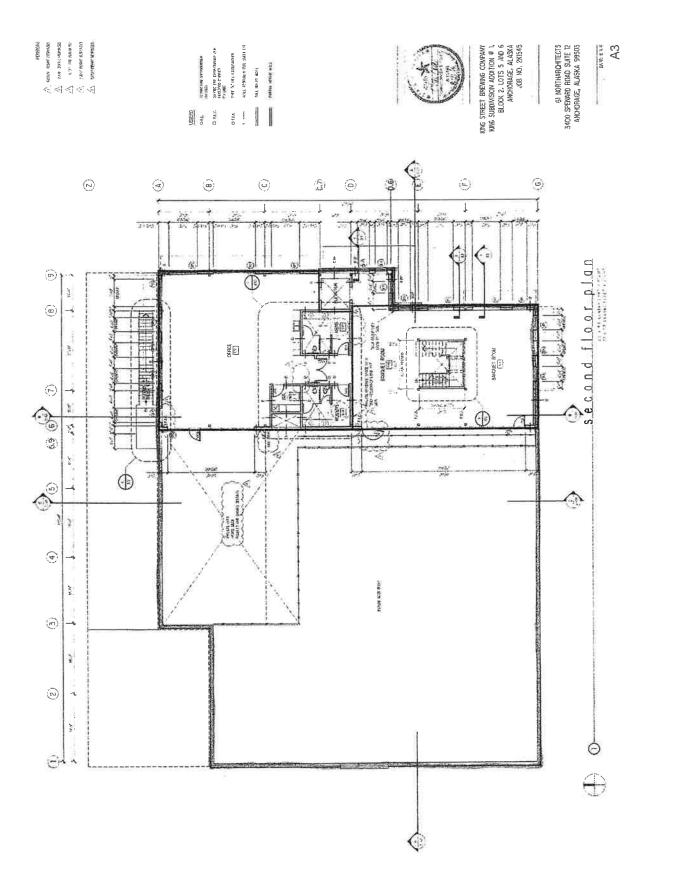
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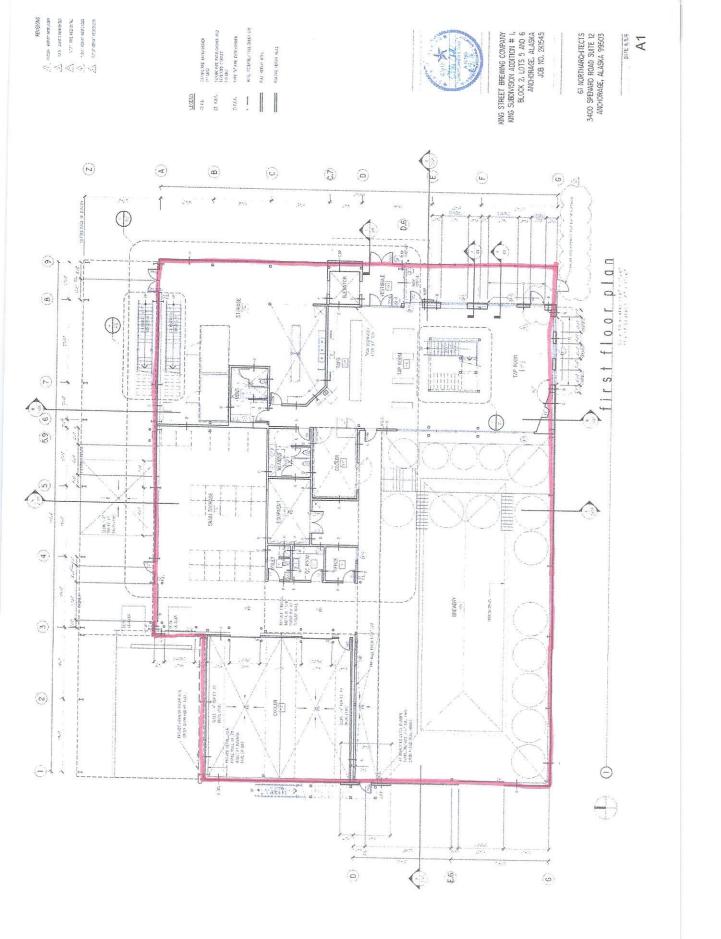


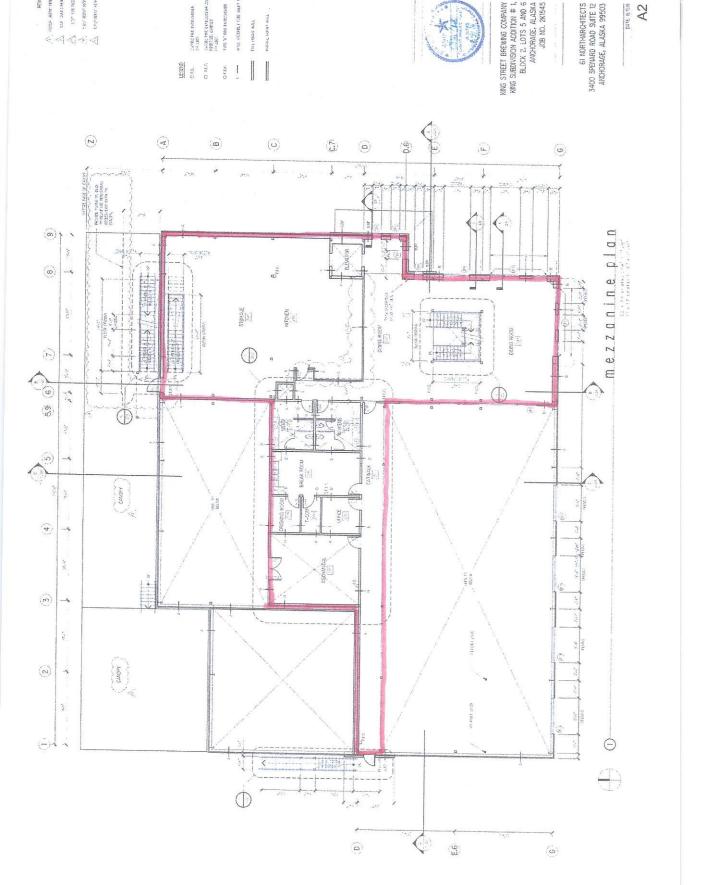


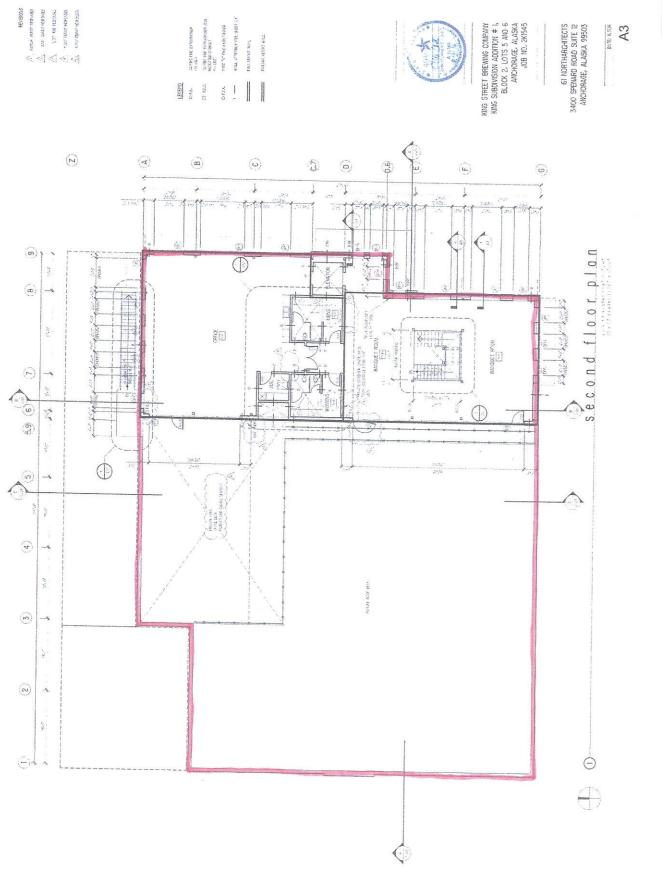












From:	Dana Walukiewicz
To:	Wilson, Joan M (CED)
Cc:	Rukes, Jeffrey B (CED); Bankowski, Joe (CED); Johnson, Steven M (CED); Sawyer, Jane Preston (CED); Shane
	<u>Kingry</u>
Subject:	Re: Overlapping Package Store and Restaurant or Eating Places.
Date:	Thursday, May 2, 2024 1:18:22 PM

## **CAUTION:** This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Joan,

If I understand correctly you are offering the following options: 1) surrender the package store license until the next Board meeting, 2) restrict the hours of options to after 9pm, or 3) restrict access to the package store premises to unaccompanied minors. Given that we have waited 8+ months for the license (and paid significant fees both to AMCO and the Muni to operate the license), option 1 or 2 is not economically viable for us. However I think you will find we are already complying with option 3. We have not removed our restricted access signage from our store front (see attached). We have also not advertised the fact that unaccompanied minors can be on premise for purposes of eating. We have only advertised that we are open later (after 9pm) for dining, but have slowed implementation of later hours due to availability of staffing. Although we do hope to open later by the end of May.

While I appreciate your concerns, I believe they are mitigated by practical steps we have taken and observance of patronage activity. Minors that enter the premises come with families for the purposes of dining, generally immediately head to the second floor as the kitchen is located there (our package store premises is only a sliver on the first floor). Having said that, we do not check the identification of minors and ensure they are with their parent or legal guardian, but if we do identify that a minor has come unaccompanied for the purposes of dining, we would direct them upstairs. This would be an extremely rare case as in the last 18 months we have been operating the kitchen, I can't think of a single instance in which we have had an unaccompanied minor, although we have been asked the question in advance for purposes of events.

Regarding the layout of our package store premise, we do currently limit the store to the front serving counter (for purposes of POS), the reach-in cooler and a sliver of access to the cooler and to the front door for entrance/egress purposes. All stored alcohol is either kept behind the front counter or in the reach-in cooler. We have moved all of our Non-alcoholic drinks (i.e. Coke, etc.) to the second floor to minimize any need for children to even be in the area of the cooler. I welcome you and the inspectors to come visit and review the layout and I am sure you will find that this is not a typical package store layout/setup/display where bottles/cans of alcoholic products are available on shelves within easy access/grab by anybody. Furthermore, the sole alcoholic beverage cooler is in direct plain sight of our tap room attendants standing at the front counter and therefore would see any minor (unaccompanied or otherwise) attempt access to the cooler.

However, I am a bit at odds with your request to restrict access to the first floor bathrooms by (unaccompanied) minors. While again I stress it would be a rare circumstance, I could envision a situation where parents took their kids and their kids' friends to dine at our location. In this case, I would understand that the kids' friends would technically be unaccompanied as they are not with their parents or legal guardians. While 99% of the time, I would expect this group to dine on the second floor (which would be fully in compliance with the law), there could be the rare instance that they might choose to dine on the first floor (also compliant as that area has been designated in the REPL's premise diagram). Given we offer bottomless sodas, direct access to the bathrooms is necessary. My experience is that when the children under 10 need to go, they need to go immediately, so in the hopes of avoiding an accident I don't think it wise to have to escort them upstairs to an alternative bathroom, nor is really feasible for our tap room attendants to have to determine which minors are accompanied and which are unaccompanied as they head to the bathroom. Given that access to alcohol is very well controlled and easily monitored, the potential situation would be extremely rare, I really feel the restriction is unnecessary. I also feel that this is contrary to AMCO's proposed position on allowing minors access through licensed areas for purposes of egress as in the case of the large resort endorsement....this would pretty much be the same situation.

I would welcome a second visit by you or your staff to review the "package store premise" and layout as I'm sure you will find that the risk to the public and access by minors to alcohol is extremely limited.

Regards, Dana

On Wed, May 1, 2024 at 2:16 PM Wilson, Joan M (CED) <<u>joan.wilson@alaska.gov</u>> wrote:

Dana,

I have been looking at our regulations permitting overlapping package stores and restaurant and eating places and comparing them to obligations under AS 04.16.049(a) governing restrictions of unaccompanied minors to licensed premises. Since AS 04.16.049 does not contemplate these overlapping premises, I do believe we need to bring the package store license back to the Board to determine, as permitted under 3 AAC 305.660(f), whether it should implement controlled access conditions for unaccompanied minors. I believe they should.

I am prepared to write a letter to the King Street Package Store license requesting the board to limit the size of the licensed premises for this license and to restrict access by unaccompanied minors to portions of the 1<sup>st</sup> floor overlapping premises. Although this is still open to interpretation, I would still permit access by unaccompanied minors through the front door but I would request to limit the package store license to the coolers and a portion of the point-of-sale counter. I would also request that unaccompanied minors not be permitted to walk through the package store to access the 1<sup>st</sup> floor bathroom. Another possibility that would expand access the entirety of the day is to limit the restrictions on the amounts of sale for off-premises consumption at play during the vast majority of your hours of operation.

Before I write such a letter, would you prefer to surrender the temporary package store license until the next board meeting and have this issue come back to the Board for its initial interpretation.

Either choice is acceptable for me.

Jeff and I can also come back out to your premises to discuss options. Whatever is decided for your license will most definitely be precedent for other REPL's contemplating the same arrangement.

Respectfully,

Joan M. Wilson

Director

Alaska Alcohol & Marijuana Control Office

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