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49 50 Submitted by: ASSEMBLY CHAIR FLYNN,

VICE CHAIR GUTIERREZ, AND ASSEMBLY PUBLIC SAFETY COMMITTEE CO-CHAIR CLAMAN

Prepared by: Municipal Clerk
For reading: January 12, 2010

CLERK'S OFFICE

APPROVED

1-12-10

ANCHORAGE, ALASKA AR NO. 2010–1

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW RESTAURANT EATING PLACE LIQUOR LICENSE #4949 AND RESTAURANT DESIGNATION PERMIT FOR LENA P MORISATH & ACE P SIHAKHOTH, DBA:PHO LENA, LOCATED AT 2904 SPENARD RD, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

WHEREAS, Lena P Morisath and Ace P Sihakhoth has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a New Restaurant Eating Place Liquor License #4949 and Restaurant Designation Permit, to be used for Pho Lena, located at 2904 Spenard Rd, Anchorage, Alaska; and

WHEREAS, the Assembly must enter any protest to the ABC Board within 60 days following receipt of the application; and

WHEREAS, the Anchorage Municipal Clerk received a copy of this application on November 16, 2009 and has determined that the last day for the Assembly to file a protest is January 14, 2010; and

WHEREAS, the Assembly Meeting on January 12, 2010 is the last scheduled regular meeting of the Anchorage Assembly prior to the expiration of the protest period; and

WHEREAS, the Municipal Clerk reports the following status concerning this location:

- 1. No ABC Board violations and/or incidents are on file that would lead to an ABC Board violation;
- 2. No taxes are owing to the Municipality of Anchorage;
- 3. Building Safety approval was received on November 16, 2009;
- 4. Administrative site plan review, required by AMC 21.50.500, has not been completed;
- 5. Approvals from the Anchorage Fire and Health & Human Services Departments have not been received; and

WHEREAS, protest by the Assembly is in order until Municipal Clerk confirmation that outstanding items required for this location have been completed;

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

- Section 1. The Anchorage Assembly hereby enters its **PROTEST** for a new Restaurant Eating Place Liquor License #4949 and Restaurant Designation Permit until these conditions are met:
 - Successful completion of the Administrative Site Plan Review under AMC 21.50.500 is confirmed by the Municipal Clerk.
 - Approvals from the Anchorage Fire and Health & Human Services Department are received and confirmed by the Municipal Clerk.
- A copy of this Assembly Resolution may be presented to the Alcoholic Beverage Control Board as proof that the Anchorage Assembly, as the local governing body, has stated its protest in order to allow the Director of the Alcoholic Beverage Control Board to hold processing of Restaurant Eating Place Liquor License #4949 and Restaurant Designation Permit under local protest, until receipt by the Director of confirmation from the Municipal Clerk that the conditions in Section 1 have been met, and this protest is lifted as authorized by this Assembly Resolution.
- Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon Municipal Clerk confirmation that all conditions in Section 1 have been met, to provide written notification to the Alcoholic Beverage Control Board that this protest by the Anchorage Assembly is lifted, without further action by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 12 day of January 2010.

ATTEST:

Municipal Clerk



State of Alaska Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A Masters, Commissioner

November 12, 2009

Municipality of Anchorage Barbara Gruenstein P.O. Box 196650 Anchorage, Alaska 99519

Re: Pho Lena - License # 4949- Restaurant Designation Permit Application enclosed.

We have received the enclosed application for a new liquor license within the Municipality of Anchorage. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21,080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 15 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 15 AAC 104.335(a)(3), AS 04.11.090(e), and 15 AAC 104.660(e) must be approved by the governing body.

Alcoholic Beverage Control Board 5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

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

New Liquor License

PAGE 1 OF 2

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

This application is for:

Full 2-year period	ith periods in each year of	the bienni	ial period		D/Day	nd ending Mo/I	Day =	#5532
SECTION A. LICENSE INFO	RMATION. Must be	completed	d for all	types of applica	tions.			FEES
License Year:	License Type:					Statute Referen	ce	License Fee: \$ 600
2009	RESTAURA	NT 1	OR.	EATTNG		Sec OATL + 0	^	Piling Page \$100.00
forfice Use Only) License #: 4949	PLACE LI	CEN				Sec. 04.11. 10		Filing Fee: \$100.00
Local Governing Body: (City, Bost Unorganized)	ough or	Commu	inity Co	ouncil Name(s) &	& Mailin	ig Address:		Fingerprint: (\$54.25 per person)
ANCHORAGE		5	pe	nard				Total Submitted: \$
Name of Applicant (Corp/LLC/LP/LLP/Individual/Pa	rtnership):							
LENA MORE	CSATH	Doing E	3usines:	s As (Business N	lame):			s Telephone Number:
ACE P SEH	AKHOTH	P	40	LENA			Fax Nur	mber: 5 AME
Mailing Address:		Street A	ddress	or Location of P	remise:		Email A	ddress:
1620 Moss C	REEK AUE	29	04	Spen	12b	RL.	AST	HAKHOTHO
ANCHORAGE, AK	99507						HOTN	MATC. COM
SECTION B. PREMISES TO B	E LICENSED. Must	be comple						
NORTHGRN LIGHTS	Distance measured under SAS 04.11.410 Local ordinance No.	r: OR	in	corporated city,	borough	an 50 miles from a, or unified mun miles from the b	icipality.	
Closest church:	Distance measured under	OR .	city, t	borough, or unif ot applicable			CONTO EL CO	ovali incorporates
Premises to be licensed is:	in Local Ordinarios 140.	***	 					
Proposed building			O PI	ans submitted to	Fire Ma	arshall (required	for new &	k proposed buildings)
Existing facility New building			JEC 171	iagram of premi	ses attac	ned		
SECTION C. Individual, corpo	rate officer, limited	liabilit	y orga	nization mem	ber, ma	nager or part	ner baci	kground.
Does any individual, corporate offi or indirect interest in any other alco	cer, director, imited lia pholic beverage busines	bility org	anizatio d in Ala	on member, man iska or any othe	ager or p	partner named in	this appli	ication have any direct
Name Name	the following. Attach a e of Business		I sheets of Lice		Duning	ss Street Addre	ss Sta	
N/A	C Of Business	1,7,000	OI Dice	nise	Dusine	ss Sireel Addir	35 313	I (¢

Has any individual, corporate office a felony, a violation of AS 04, or be	er, director, limited liab een convicted as a licer	oility organisce or ma	nization anager o	n member, mana of licensed prem	iger or p	artner named in nother state of th	this applicate the second seco	cation been convicted of aws of that state?
☐ Yes 🛣 No If Yes, attach writt	en explanation.							
			_ _			-		

Director's Signature

Date Approved

Alcoholic Beverage Control Board 5848 E Tudor Rd Anchorage AK 99507 PH: 907 269-0350 - FX: 907 272-9412

Liquor License

PAGE 2 of 2 Licensee Information www.dps.state.ak.us/abc

Corporations, LLCs, LLPs a	nd LPs mus	st be r	egistered w	ith the Dept	i. of Community a	nd Econon	nic Dev	elopment.
Name of Entity (Corporation/LLC/LLP					Telephone Number		Fax Num	
Corporate Mailing Address:		Ci	ty		State	1	Zip Code	
Name, Mailing Address and Telephone	Number of Re	gistered	l Agent	•	Date of Incorporation Certification with DC		State of l	ncorporation
Is the Entity in compliance with the repr Your entity must be in compliance with	orting requiren Title 10 of the	ents of Alaska	Title 10 of the Statutes to b	e Alaska Statu e a valid liquor	tes? Yes No	If no, attach	written e	kplanation.
Entity Members (Must include Pre	sident, Secre	tary, T	reasurer, Vic	e-President,	Manager and Shareh	older/Meml	ber with	at least 10%)
N/A Name	Title	%	Home	Address & Te	lephone Number	Work Tel		Date of Birth
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NOTE: On a separate sheet provi	de informati	on on	ownership e	ther organic	ed entities that are	shareholde	ers of th	e licensee.
Individual Licensees/Affiliates (Th								
Name: LENA 10 MORESA	TH		icant 🖪	Name:	difficult office of a no	alsec. Estat /		icant []
Address: 2704 Spenals	RD,	Affil	iate 🛘	Address	:			ate 🗓
Home Phone: 644-8436		1 4	of Birth:	Home P Work P			Date	of Birth:
Work Phone: 277-7777 Name: ACC P. ST H	AKHOTH		icant	Name:			Appli	cant 🗆
Address: 2904 spenne	D Rb,	Affil	iate 🏻					
Home Phone: 644-8436 Date of Birth:				Home Phone:			Date	of Birth:
Work Phone: 277-9777	<u> </u>	7/	3/70	Work P	hone: N/A		1	
Declaration I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge								
and belief it is true, correct and complete, a	and this applicati	ion is no	t in violation of	any security int	crest or other contracted c	bligations.		
 I hereby certify that there have been no certifies on behalf of the organized entity, 	changes in offici	ers or sto	ckholders that	have not been re	ported to the Alcoholic B	everage Contro	ol Board.	The undersigned
 I further certify that I have read and am than the licenses(s) has any direct or indire 	familiar with Tit	ile 4 of ti	he Alaska statu	tes and its regula	tions, and that in accorda	nce with AS 04	4.11.450, 1	no person other
I agree to provide all information require	ed by the Alcoho	olic Beve	e needsed businerage Control B	icss. loard in support :	of this application.			
Signature of Licenste(s)		*			0			
Signature			S	Signature	P)
Name & Title (Please Print)				Vame & Title (Please Print)	<u> </u>		
Subscribed and sworn to before me this		AER!	<i>y</i> .	Subscribed on	sworn to before me the	Marin Sir	manthini.	<i>t</i> .
14" day of october 20	Mr. Ile	NE PA	WALL THE	14 day of	October.	LIS WITHHIMAN	PHA	NHIII.
Notary Public in and for the State of	Blasica 20	Anz			in and for the State		TAR	
Senn Jawhen	NO SUB	LIC	SS	Sun	4 Suephi	Jan Jan	BLIC	773 MRHIN
My commission expires: 03/3//	50	N.A.	15/1/2	Ty commissi	hexpires: 03/3	PANS	OF N.Y	COLINE
New License App 3/09	New License App 3/09 Indian Explanation Indian Explanation Indian Explanation Indian I							

STATE OF ALASKA ALCOHOLIC BEVERAGE CONTROL BOARD

APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 13 AAC 104.715-794

FEE: \$50.00

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and	
and persons under the age of 19 for employment. If for employment, please state in detail, how the person will be employed, duties, etc.	
(13 AAC 104.745).	
and declarate the second secon	

This application is for designation of premises where: (please mark a 1	21 years or older.
LICENSEE: LENA P. MOLISATH . /-	AGE P. SIHAKHOTH
D/B/A: PHO LENA	
ADDRESS: 2904 SPENARD RD. 1. Hours of Operation: MODA.M. to 10:00p.M. 2. Have police ever been called to your premises by you or anyone else If yes, date(s) and explanation(s).	Telephone # 277 - 977 7
3. Duties of employment: Cook, ccenu,	SGRVE, MANAGE, + STOCK
4. Are video games available to the public on your premises?	No
5. Do you provide entertainment: [] Yes [X No If yes, describ	oc.
6. How is food served?	siness hours? Yes [] No
This permit remains in effect until the liquor license is transferred OR at the company of the c	
Subscribed and sworn to before me this day of	Governing Body Official Date:
Notary Public in and for Alaska My Commission expires	
NOTE: STATE OF ALASKA NOTARY PUBLIC Henreeda Jaramillo My Commission Forest May Printen parental consent and an experimental consent and a	Director, ABC Board Date: Exemption by the Department of Labor must be provided Persons 19 and 20 years of age are not required to have

the consent or exemption.

Describe how food is served on back of form.

STATE OF ALASKA ALCOHOL BEVERAGE CONTROL BOARD

Licensed Premises Diagram

DBA: PHO LE	NA		
PREMISES LOCATION:	2904	SPENARD	RD,
Indicate scale by x after appropri		ength and width of premises.	_1 SQ. = 1 FT.

DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.

FRONT DOOR

Pho Lena 2004 Spanned Rd. Anchouge, AK

(907) 277-9777

HOURS

Monday - Friday Soturday & Sunday 11:00 am to 10:00 pm 12:00 pm to 10:00 pm

36	SEAFOOD SPECIAL	36
~ ~	JEAT OUD STEUML	

BACKER LATE

Served	with i	asmine o	r Sticky	rice.
	· · · · · · · · · · · · · · · · · · ·		· concry	,,,,,,,

	Served with Jasmine or Sticky rice.
	. Pad Pig King Kung
#82	Pad Po Tak
#83	Su Shi Kung
#84	Pad Kung Kra Pow 🕻
#85	Shrimp with mint leaves and basil. Kung Pad Ka Tiem
#86	Stir fried shrimp with garlic and vegetables. Stir Fried Shrimp with Oyster Sauce and Vegetables.
#87	
#00	
	Stir Fried Scallops
#89	Poh-Tag Hot and sour soup with lemon grass, shrimp, squid, crab and fish.
#90.	Su Shi Pa Stir fry curry with coconut milk over tilapia.
#91 .	Pa Neung (Steamed Black Cod) Steamed with ginger, green onion and soy sauce.
#92.	Mok (Steamed Catfish, Chicken, or Bamboo Shoots in Banana Leaves) &
#93.	Catfish with lime leaves, lemongrass, green onion and house sauce, wrapped in banana leaves and steamed. Pa Tod Korb (Deep Fried Fish) served with house sauce.
	Whole Tilapia 13.95 Catfish Steak 13.95 Whole Golden Pomfret 15.95 Served with Jeaw-Maek-Laen (house) sauce. Poo Pad Pong Karie
#94.	Poo Pad Pong Karie
	Pad Ka Pow Stir fry Green-Shell Mussels wish basil, onions and green peppers. Pa Lard Pik (Deep Fried Fish)
,	Choice of fish. Deep fried and sauteed with bell peppers, onions, and garlic pepper sauce.
	Black Cod Fillet 19.95 Whole Golden Pomfret 15.95
	-
	Served with Jasmine or Sticky rice.
#97.	Pad Thai Vegetable and Tofu
#98.	Kaeng Karie
#99.	Kaeng Kiew Warn Pak Mixed vegetables in green curry paste with tofu and Thai egg plant. 8.95
#100.	Kaeng Ped Pak
#101.	Mixed vegetables in red curry with tofu and Thai egg plant. Phanaeng Pak
#102	Curry with tofu and mushrooms.
#102.	Rainbow Vegetables
	Spicy Mint Noodles Fried noodles with broccoli and basil.
#104.	Pad-Zee-Ew
#105.	Baby Bok Choy

	₩ SALAD DISHES ₩	
S 17	7. Cold Noodle Salad (Chicken, Beef, or Pork)	10.95
	Egg roll, vermicelli noodle, mix vegetables and served with chilli sauce.	
S18	Chicken Salad	10.95
C10	Mixed with vegetables and egg with house dressing. Yum Vun Sen (10.05
317	Bean threads noodle salad with chicken, onion and chili.	10.95
S20	. Yum Nua or Kai	10.95
020	Grilled beef or Chicken with mixed vegetables and spicy garlic lime dressing.	10.75
S21	. Nem Kao (Fried Rice Salad)	1975
	Sour pork with skin, cocoanut, curry paste, and peanut. Served with fresh vegetables.	
S22	. Nem Nuong Salad (Phan Kao Pourn - Lao) Chichen, Beef Coper.)	10
522	Pork meatball, shrimp, rice paper, fresh vegetables, vermicelli noodles. Served with bean or chilli sauce.	7h
323.	. Lemongrass Shrimp Salad 🐧 🐧	
S24		.9.95
	Your choice of park, beef or chicken with lime mint juice dressing. Served with rice. 12.25 With Shrimp	
	Mild Medium Spicey	
	ℜ RICE DISHES ℜ	
#25.	. Steamed Jasmine Rice	2.00
#26.	Sweet Rice	3.00
#27.	Fried Rice	.8.95
	Served with your choice of vegetable, beef, chicken, pork or roast pork.	- -
#28.	Served with your choice of shrimp or squid.	10.95
	→ PHO (SOUPS) →	
	Soups are served with a plate of fresh cilantro, Thai basil, green onions, jalapenos,	
	bean sprouts, lime wedges and lettuce. Delicately flavored beef and chicken rice stick noodle soup.	:
#29	Pho' Beef brisket and Beef Meatball	12.05
	Pho' Tripe Tender and Beef Meatball	
	Pho' Scafood and Meat Combination Superbowl:	
	Pho' Kai (Chicken)	12.95
	Pho' BBQ Pork	12.95
	Broccoli and Napa cabbage.	14.05
#.22.	Pho' Talay	14.95
	DI I T. I	
#36.	Pho' Tendon	13.95
#36. #37.	Tendons and beef meatball. Pho' Roast Duck	
#36. #37. #38.	Tendons and beef meatball.	13.95

Sliced top sirloin marinated in house sauce and air dried.	2.00 2.00 1.50 2.50 2.50
A1. Lao Style Beef Jerky 7.95 Sliced top sirloin marinated in house sauce and air dried.	A8. Batter Shrimp (7)
Sliced top sirloin marinated in house sauce and air dried.	Deep fried shrimp served with sweet chili sauce. A9. Deep Fried Tofu 6.95 10. Fried Meatballs (Lao Style) 7.95
Deep fried rolls filled with pork, carrots, cellophane noodles and cabbage. Served with sweet chili dipping sauce. A2 (a). Vegetarian Egg Roll (4 Rolls) 6.95 A3. Fresh Spring Rolls (4 rolls) 6.95 Our fresh rolls are filled with grilled chicken breast, shrimp, vermicelli noodles, green onions, cilantro, romaine lettuce, fried ground pork rinds and Thai mint. Served with sweet chili dipping sauce. Vegetarian Spring Rolls with Tofu (4 rolls) . 6.95 A4. Chicken or Beef Satay 7.95 Grilled marinated chicken on skewers served with peanut sauce, cucumber and tomato. A5. Kao Chi Ba Te 4.95 A Vietnamese sandwich with a French flair. Pork pate, ham, pork loaf, cilantro and assorted fresh vegetables served on a baguette. A6. BBQ Chicken Wing (Lao Style) 7.95 A7. BBQ Chicken Wing w/ Papaya Salad .11.95 Marinated chicken in Thai herbs served with spicy papaya salad. A7 (a). Papaya Salad w/ Stew Chicken	with cilantro and lettuce. Served with sweet chili sauce. 11. Papaya or Cucumber Salad (7.95 Shredded green papaya with tomatos and chillies in our house sauce. 12. Potstickers (Vegetable & Pork) 7.95 Served with sweet chilli sauce. 13. Stuffed Chicken Wing 8.95 44. Roast Duck or 13.95 45. Shrimp Eggroll 7.95 Deep fried rolls filled with shrimp. Served with sweet chili dipping sauce. 15. Thai Fish Cake 7.95 Deep fried salmon cakes, served with sweet chili sauce. 16. Thai Fish Cake 8.95 Sticky rice, pork and mung bean wrapped in banana leaves and steamed. 17. Pork Buns 3.50 each Homemade steamed bun with pork, mushrooms, egg, cheese and sausage.



℁ SPECIAL LUNCHES 澪

Monday to Friday 11:00am to 3:00 pm All lunch specials served with House Soup, rice, salad or one Egg Roll... 8.95



A. Teriyaki Chicken with Vegetables
B. Green Curry Chicken
C. Sesame Chicken
D. Yellow Curry Chicken

E. Red Curry Chicken F. Beef Broccoli G. Garlic Chicken with Vegetables H. Sandwich (A5) **Content ID: 008567**

Type: AR AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW RESTAURANT EATING PLACE LIQUOR LICENSE #4949 AND RESTAURANT DESIGNATION TITLE: PERMIT FOR LENA P MORISATH & ACE P SIHAKHOTH, DBA:PHO LENA, LOCATED AT 2904 SPENARD RD, AND AUTHORIZING THE

MUNICIPAL CLERK TO TAKE CERTAIN ACTION. ASSEMBLY CHAIR FLYNN, VICE CHAIR GUTIERREZ, AND ASSEMBLY PUBLIC SAFETY COMMITTEE

CO-CHAIR CLAMAN

Author: delongmm

Initiating Muni_Clk
Dept:

Date 12/31/09 10:16 AM **Prepared:**

Assembly Meeting 1/12/10

Date:

Workflow Name	Action Date	Action	<u>User</u>	Security Group	Content ID
Clerk_Admin_SubWorkflow	12/31/09 10:16 AM	Exit	Michelle M. DeLong	Public	008567
AllOtherARWorkflow	12/31/09 10:16 AM	3	Michelle M. DeLong	Public	008567