

Submitted by: ASSEMBLY CHAIR OSSIANDER,
VICE-CHAIR HALL AND ASSEMBLY
PUBLIC SAFETY
COMMITTEE CHAIR HONEMAN

Prepared by: Municipal Clerk
For reading: October 11, 2011

CLERK'S OFFICE

APPROVED

Date:

10-11-11

**ANCHORAGE, ALASKA
AR NO. 2011-273**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A TRANSFER OF OWNERSHIP OF A RESTAURANT/EATING
PLACE LIQUOR LICENSE #1691 AND RESTAURANT DESIGNATION PERMIT FOR
SUSHI GARDEN, INC. dba SILK, LOCATED AT 500 E. BENSON BLVD #114, AND
AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

WHEREAS, Sushi Garden, Inc. has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a Transfer of Ownership of a Restaurant/Eating Place Liquor License #1691 and Restaurant Designation Permit, to be used for Silk, located at 500 E. Benson Blvd # 114, 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 August 22, 2011 and has determined that the last day for the Assembly to file a protest is October 21, 2011 and

WHEREAS, the Assembly Meeting on October 11, 2011 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 that would lead to an ABC Board violation;
2. No taxes owing to the Municipality of Anchorage;
3. Anchorage Fire Department approval **has not** been received;
4. Conditional Use Permit required by AMC 21.50.160; **has** been approved;
5. Approvals from the Municipal Health & Human Services and Building Safety Departments **have been received**; and

WHEREAS, protest by the Assembly is in order pending 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 Transfer of Ownership of a Restaurant/Eating Place Liquor License #1691 and Restaurant Designation Permit until these conditions are met:

- Approval from the Anchorage Fire Department is received and confirmed by the Municipal Clerk.

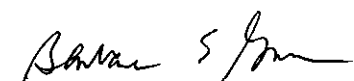
Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic Beverage Control Board as proof that the Anchorage Assembly, as the local governing body, has stated its protest in order to allow the Director of the Alcoholic Beverage Control Board to hold processing of Restaurant/Eating Place Liquor License #1691 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 11th day of October, 2011.


Chair

ATTEST:


Municipal Clerk



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A. Masters, Commissioner

August 19, 2011

Municipality of Anchorage
Attn: City Clerk
VIA EMAIL: MuniLicenses@muni.org

Sushi Garden, Inc D/B/A Silk -- License #1691

☐ New Application ☒ Transfer of Ownership ☐ Transfer of Location
☒ Restaurant Designation Permit ☒ DBA Name Change

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. 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.

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

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 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(c) must be approved by the governing body.

Sincerely,

SHIRLEY A. GIFFORD
Director

/s/ Sarah D. Oates

Sarah D. Oates
Business Registration Examiner
sarah.oates@alaska.gov
(907)269-0356

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: August 19, 2011

Application Type: **NEW**_____

 X **TRANSFER**

 X Ownership

 Location

 X Name Change

Governing Body: **Municipality of Anchorage**

Community Councils: Midtown

License #: 1691

License Type: Restaurant / Eating Place

D.B.A.: Silk

Licensee/Applicant: Sushi Garden, Inc.

Physical Location: 500 E Benson Blvd #114, Anchorage, AK 99503

Mail Address: 15612 Bridge View Dr, Anchorage, AK 99516

Telephone #: 907-274-5236

EIN: 46-0466860

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Sushi Garden, Inc.	15612 Bridge View Dr Anchorage, AK 99516	907-242-5114	01/22/2001 Alaska	Yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Young Hyon Kim / President Director	01/07/1940	15612 Bridge View Dr Anchorage, AK 99516	907-242-5114	100%
Cha H Kim / Secretary Treasurer	05/17/1975	15612 Bridge View Dr Anchorage, AK 99516	907-242-5118	0%

If transfer application, current license information:

License #: 1691

Current D.B.A.: Peking Palace

Current Licensee: John S. Lee

Current Location: 15612 Bridge View Dr, Anchorage, AK 99516

Additional comments: Restaurant Designation Permit Application attached.

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Sincerely,

SHIRLEY A. GIFFORD
Director

/s/ Sarah D. Oates
Sarah D. Oates
Business Registration Examiner
sarah.oates@alaska.gov
(907)269-0356

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

Transfer Liquor License

PAGE 1 OF 2

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

7714

This application is for:

☐ Seasonal - Two 6-month periods in each year of the biennial period beginning _____ and ending _____
☒ Full 2-year period Mo/Day Mo/Day

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications.			FEES	
License Year: <u>2011/2012</u>	License Type: <u>RESTAURANT/EATING PLACE</u>	Statute Reference: <u>Sec. 04.11.100</u>	License Fee: \$	
License #: <u>1671</u>			Filing Fee: \$100.00	
Local Governing Body: (City, Borough or Unorganized) <u>ANCHORAGE</u>		Community Council Name(s) & Mailing Address: <u>Midtown Community Council</u>		Fingerprint: <u>108.50</u> (\$54.25 per person) <u>ROP 50.-</u>
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>SUSHI GARDEN, INC</u>		Doing Business As (Business Name): <u>SILK</u>		Total Submitted: \$ <u>258.50</u>
Mailing Address: <u>15612 Bridgeview Dr</u>		Street Address or Location of Premise: <u>500 E Benson Blvd #114</u>		Business Telephone Number: <u>(907) 274-5236</u>
City, State, Zip: <u>ANCHORAGE AK 99516</u>		Email Address: <u>50/shin1029@aol.com</u>		Fax Number:
SECTION B - TRANSFER INFORMATION.				
<input checked="" type="checkbox"/> Regular Transfer		Name and Mailing Address of CURRENT Licensee: <u>JOHN S LEE</u> <u>500 E Benson Blvd ANCHORAGE AK 99503</u>		
<input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application (15 AAC 104.107). Real or personal property conveyed with this transfer must be described. Provide security interest documents.		Business Name (dba) BEFORE transfer: <u>PEKING PALACE</u>		
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.		Street Address or Location BEFORE transfer: <u>500 E Benson Blvd ANCHORAGE AK 99503</u>		
SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.				
Closest school grounds: <u>5 miles</u>	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.		
Closest church: <u>2 miles</u>	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.		
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input checked="" type="checkbox"/> Not applicable		
Premises submitted to Fire Marshall (required for new & proposed buildings)		<input checked="" type="checkbox"/> Diagram of premises attached		
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?				
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, complete the following. Attach additional sheets if necessary.				
Name	Name of Business	Type of License	Business Street Address	State
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?				
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, attach written explanation.				

Office use only

Date Approved

Director's Signature

Liquor License

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): SUSHI GARDEN, INC	Telephone Number: (907) 242-5114	Fax Number:
Corporate Mailing Address: 15612 Bridgview Dr	City: ANCHORAGE	State: AK
	Zip Code: 99516	
Name, Mailing Address and Telephone Number of Registered Agent: YOUNG HYON KIM 15612 Bridgview Dr ANCHORAGE AK 99516	Date of Incorporation OR Certification with DCED: 1/22/2002	State of Incorporation: ALASKA
Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If no, attach written explanation. Your entity <i>must</i> 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%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
YOUNG HYON KIM	President	100%	15612 Bridgview Dr ANCHORAGE AK 99516	242-5114	1/7/1940
CHA H KIM	Secretary	0	Same	242-5118	5/17/1975
	Treasurer				

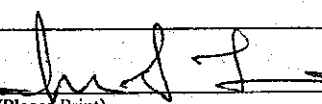
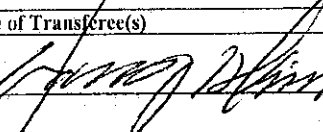
NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

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, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers 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 further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, 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 Current Licensee(s) Signature  Name & Title (Please Print) JOHN S. LEE Subscribed and sworn to before me this 6/27 day of June , 2013 Notary Public YOUA YANG State of Alaska My Commission Expires July 4, 2013	Signature of Transferee(s) Signature  Name & Title (Please Print) YOUNG H. KIM Subscribed and sworn to before me this 06-27-11 day of June , 2011 Notary Public YOUA YANG State of Alaska My Commission Expires July 4, 2013
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STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT - AS 04.16.049 & 15 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 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).

This application is for designation of premises where: (please mark appropriate items).

- 1 ☒ Under AS 04.16.010(c) Bona fide restaurant/eating place.
2 ☒ Persons between 16 & 21 may dine unaccompanied.
3 ☒ Persons under 16 may dine accompanied by a person 21 years or older.
4 ☒ Persons between 16 and 19 years may be employed. (See note below).

LICENSEE:

Sushi Garden, Inc

D/B/A:

Silk

ADDRESS:

500 E Benson Blvd. #114

1. Hours of Operation: 11:00 AM to 11:00 PM Telephone # 274-5230
2. Have police ever been called to your premises by you or anyone else for any reason: ☐ Yes ☒ No
If yes, date(s) and explanation(s).

3. Duties of employment: hostess, dishwasher, bus tables

4. Are video games available to the public on your premises? No

5. Do you provide entertainment: ☐ Yes ☒ No If yes, describe.

6. How is food served? ☒ Table Service ☐ Buffet Service ☐ Counter Service ☐ Other*

7. Is the owner, manager, or assistant manager always present during business hours? ☒ Yes ☐ No

*** A MENU AND A DETAILED LICENSED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

This permit remains in effect until the liquor license is transferred OR at the discretion of the Alcoholic Beverage Control Board. (13 AAC 104.795)

I certify that I have read AS 04.16.049, AS 04.16.060, 13 AAC 104.715-795 and have instructed my employees about provisions contained therein.

[Signature]
Applicant(s) signature

Subscribed and sworn to before me this

15 day of August 2011

[Signature]
Notary Public in and for Alaska

My Commission expires

W/O

STATE OF ALASKA
NOTARY PUBLIC
Tanderloin Mikell



My Commission Expires With Office

Application approved (13 AAC 104.725(e))
Governing Body Official

Date: _____

Director, ABC Board

Date: _____

NOTE: AS 04.16.049 requires that written parental consent and an exemption by the Department of Labor must be provided to the licensee by the employee who is under 19 years of age. 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

INSTRUCTIONS: Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, games, counters, bars, coolers, stages, etc.

DBA: SILK

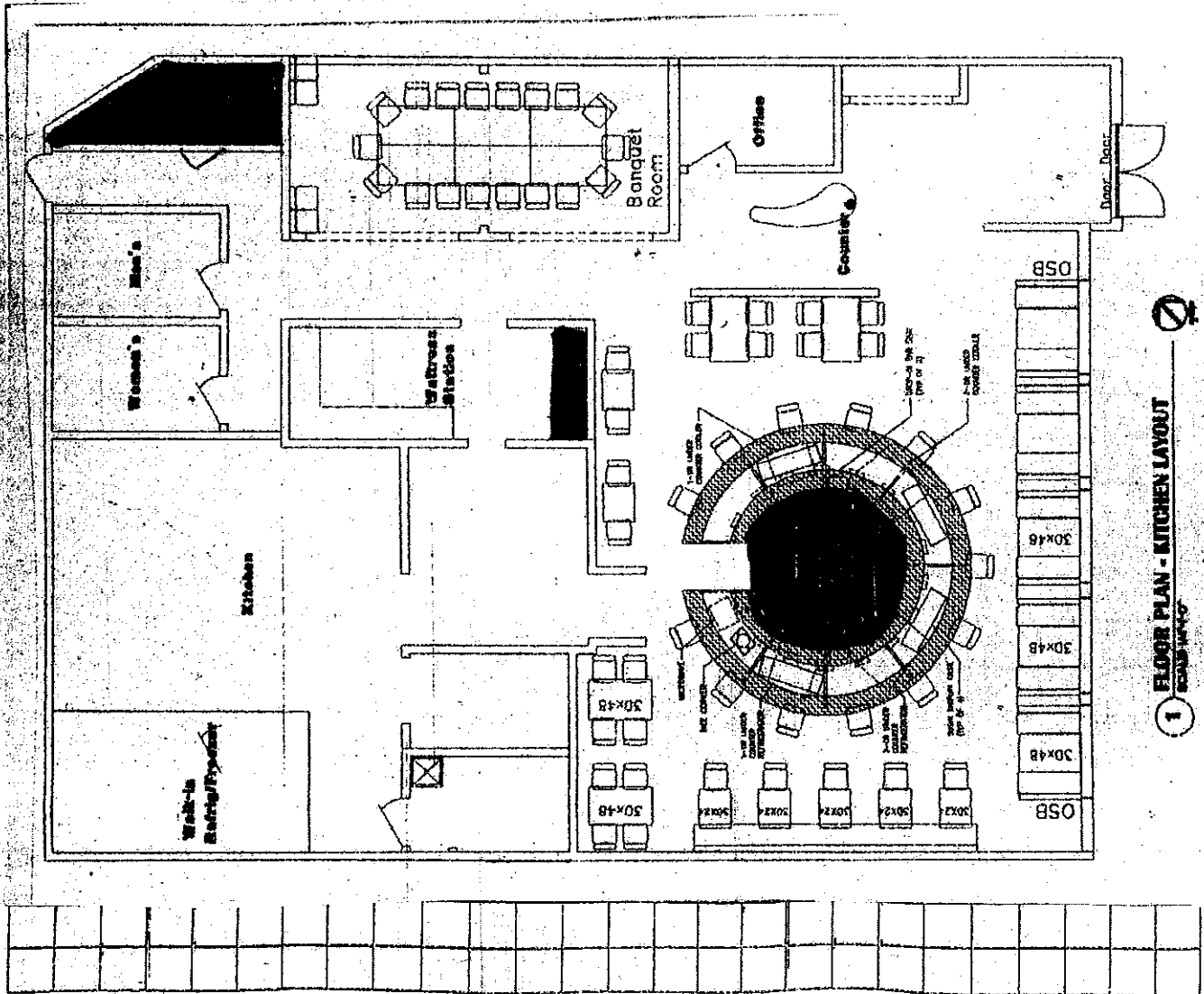
PREMISES LOCATION: 500 E Benson BLVD ANCHORAGE AK
99503

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: _____ 1 SQ. = 4 FT. SCALE B: _____ 1 SQ. = 1 FT.

Length and width of premises in feet:

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.
DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.



ENTRÉE

AMERICAN

SERVED WITH SALAD, SOUP & RICE (STEAKS ARE CUT BY OUR CHEF)

MONGOLIAN BEEF 16
SWEET + SOUR BEEF 16
SESAME CHICKEN 12
SALMON CHIKIRAKI 17
GRILLED SALMON FILLET
VEGETARIAN SPECIAL 16
GRILLED VEGETABLE
KANG PONGE 61 16

1/2 NEW YORK STEAK (7 oz) 17
NEW YORK STEAK (14 oz) 21
GRAND CHAIR 40
LOBSTER TAIL (3-5 oz) 40
BAKED HALIBUT 25
TAKIMAP TEMPURA, NEW YORK STEAK (7 oz) 40
KANG CHAI, NEW YORK STEAK (7 oz) 40
BULL DOG STEAK, NEW YORK STEAK (7 oz) 40

ENTRÉE ARRANGEMENTS

SERVED WITH SALAD, SOUP & RICE

BEEF CHOW MEIN, CHICKEN TERIYAKI, SHRIMP TEMPURA & EGG ROLL 40
TAKIMAP & SHRIMP TEMPURA 23 R
CHICKEN TERIYAKI, SHRIMP & VEGETABLE TEMPURA 20
STEAK TERIYAKI (7 oz), SHRIMP & VEGETABLE TEMPURA 23

GROUP DINNERS

MINIMUM OF 2 OR MORE PERSONS. SERVED WITH SALAD, SOUP & RICE

A STEAK TERIYAKI, BEEF CHOW MEIN, TAKIMAP + VEGETABLE TEMPURA, EGG ROLL 23 PER PERSON
B SUSHIMAKI, CHICKEN TERIYAKI, SHRIMP + VEGETABLE TEMPURA, CHOW 24 PER PERSON
C STEAK TERIYAKI, CHICKEN TERIYAKI, SHRIMP + VEGETABLE TEMPURA, CHOW 26 PER PERSON

TEMPURA

KATSU TERIYAKI

SHRIMP + VEGETABLE 22 CHICKEN 16 STEAK 25 BEEF 23
HALIBUT + VEGETABLE 22 PORK 16 SALMON 17 CHICKEN 16
SEAFOOD + VEGETABLE 22

FRIED RICE

SERVED WITH SALAD & SOUP

CHICKEN 16 SEAFOOD 18
BEEF 16 KIMCHI 15
PORK 16 HOUSE 18
SHRIMP 16 (CHICKEN, BEEF & SHRIMP)

NOODLE

KOREAN

WATERY UDON 16
CHICKEN UDON 16
SHRIMP UDON 16
TEMPURA UDON 16
WATERY 16
CHICKEN UDON 16
WATERY VEGETABLE 16
CHAMPONG 16
TAKIMAP 20
PORK THER 16
KOREAN NOODLE 20
UDON, CHICKEN & VEGETABLE 16

SIDE DISH

SALAD 3
CHICKEN 5
SOUP SMALL 3
SOUP LARGE 5
KIMCHI 5
RICE 3

children's plates (for children 12 years old and under) served with salad + soup
Serving + Rice 15 children's plates + French fries 15

15% GRATUITY AUTOMATICALLY ADDED FOR 8 PEOPLE OR MORE. PLEASE CHARGE ADDITIONAL 3