

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

CLERK'S OFFICE

Prepared by: Municipal Clerk
For reading: December 13, 2011

APPROVED

Date: 12-13-11

**ANCHORAGE, ALASKA
AR NO. 2011-342**

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A NEW RESTAURANT/EATING PLACE LIQUOR LICENSE
#5107 AND RESTAURANT DESIGNATION PERMIT FOR SUSHI GARDEN, INC. dba
KOGI, LOCATED AT 800 NORTHWAY DRIVE, 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 New Restaurant/Eating Place Liquor License #5107 and Restaurant Designation Permit, to be used for KOGI, located at 800 Northway Drive, 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 October 25, 2011 and has determined that the last day for the Assembly to file a protest is December 26, 2011 and

WHEREAS, the Assembly Meeting on December 13, 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** been received;
4. Administrative site plan review, required by AMC 21.50.500, **has not been completed**; and
5. Approvals from the Municipal Health & Human Services and Building Safety Departments **have not 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 New Restaurant/Eating Place Liquor License #5107 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.
- Approval from Municipal Health and Humans Services and Building Safety Departments 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 #5107 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 13th day of December, 2011.


Chair

ATTEST:


Municipal Clerk



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor

Joseph A. Masters, Commissioner

October 21, 2011

Municipality of Anchorage

Attn: Municipal Clerk

VIA Email: munilicenses@muni.org

Sushi Garden, Inc. DBA KOGI Restaurant / Eating Place License #5107

- ☒ 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(e) 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: October 21, 2011

Application Type:

NEW 

☐ **TRANSFER**

☐ Ownership

☐ Location

☐ Name Change

Governing Body: **Municipality of Anchorage**

Community Councils: **Airport Heights Community Council**

License #: 5107

License Type: Restaurant / Eating Place

D.B.A.: KOGI

Licensee/Applicant: Sushi Garden, Inc.

Physical Location: 800 Northway Dr., Anchorage, AK 99508

Mail Address: 15612 Bridgeview Dr., Anchorage, AK 99516

Telephone #: 907-242-5118

EIN: 46-0466860

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Sushi Garden, Inc.	15612 Bridgeview Dr. Anchorage, AK 99516	907-242-5118	01/22/2002 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 H. Kim	01/07/1940	15612 Bridgeview Dr. Anchorage, AK 99516	907-242-5114	100%
Cha H. Kim	05/17/1975	15612 Bridgeview Dr. Anchorage, AK 99516	907-242-5118	0%

If transfer application, current license information:

License #:

Current D.B.A.:

Current Licensee:

Current Location:

Additional comments: Restaurant Designation Permit Application attached.

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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.

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

New Liquor License

PAGE 1 OF 2

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

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: \$ <u>600.00</u>	
(Office Use Only) License #: <u>5107</u>			Filing Fee: \$100.00	
Local Governing Body: (City, Borough or Unorganized) <u>Municipality of Anchorage</u>	Community Council Name(s) & Mailing Address: <u>Airport Heights Community Council</u> <u>2735 Kobuk Circle</u> <u>ANCHORAGE AK 99508</u>		Fingerprint: (\$54.25 per person)	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>SUSHI GARDEN, INC</u>	Doing Business As (Business Name): <u>KOGI</u>		Business Telephone Number: <u>(907) 242-5718</u>	Total Submitted: \$ <u>700.00</u>
Mailing Address: <u>15612 Bridgeview Dr</u>	Street Address or Location of Premise: <u>800 Northway Dr</u> <u>ANCHORAGE AK 99508</u>		Fax Number:	
City, State, Zip: <u>ANCHORAGE AK 99506</u>			Email Address:	
SECTION B. PREMISES TO BE LICENSED. Must be completed.				
Closest school grounds <u>0.1 mile</u>	Distance measured under: <input 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>0.3 miles</u>	Distance measured under: <input 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 checked="" type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input checked="" type="checkbox"/> Not applicable		
<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings)				
<input type="checkbox"/> Diagram of premises attached				
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?				
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, complete the following. Attach additional sheets if necessary.				
Name	Name of Business	Type of License	Business Street Address	State
	<u>SILK</u>	<u>REST/EAT</u>	<u>500 E BOESON</u>	<u>AK</u>
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 907 242-5118	Fax Number
Corporate Mailing Address: 15612 Bridgeview Dr	City ANCHORAGE	State AK
	Zip Code 99516	
Name, Mailing Address and Telephone Number of Registered Agent	Date of Incorporation OR Certification with DCED 3/1/2002	State of Incorporation AK
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 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%)

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

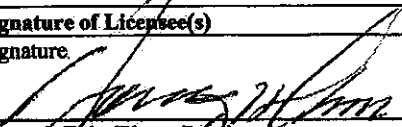
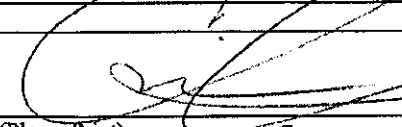


NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.

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

Name: YOUNG H KIM Address: 15612 Bridgeview Dr ANCHORAGE AK 99516 Home Phone: 907 242-5114 Work Phone: 907 242-5114	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: 1/7/1940	Name: CHA H KIM Address: 15612 Bridgeview Dr ANCHORAGE AK 99516 Home Phone: 242-5118 Work Phone: 242-5118	Applicant <input type="checkbox"/> Affiliate <input checked="" type="checkbox"/> Date of Birth: 5/17/1975
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 Licensee(s) Signature: 	Signature: 
Name & Title (Please Print) YOUNG H KIM, President	Name & Title (Please Print) CHA H KIM, Secretary
Subscribed and sworn to before me this 19 day of September , 2011	Subscribed and sworn to before me this 19 day of September , 2011
Notary Public in and for the State of Alaska 	Notary Public in and for the State of Alaska 
My commission expires: Feb. 8, 2014	My commission expires: Feb. 8, 2014

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: KOGI

ADDRESS: 800 Northway Dr Anchorage AK 99508

1. Hours of Operation: AM 11:00 to 10:00 PM Telephone # _____
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: DISHWASH BOX & AV, BUSSING

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 25th day of October, 2011

[Signature]
Notary Public in and for Alaska

My Commission expires 11/20/2013

NOTARY PUBLIC
DONG K. KANG
STATE OF ALASKA
My Commission Expires 11-20-2013

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

Date: _____

Director, ABC Board

Date: _____

NOTE: AS 04.16.049(c) 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: KOGI RESTAURANT

PREMISES LOCATION: 800 NORTHWAY DRIVE, ANCHORAGE, ALASKA 99508

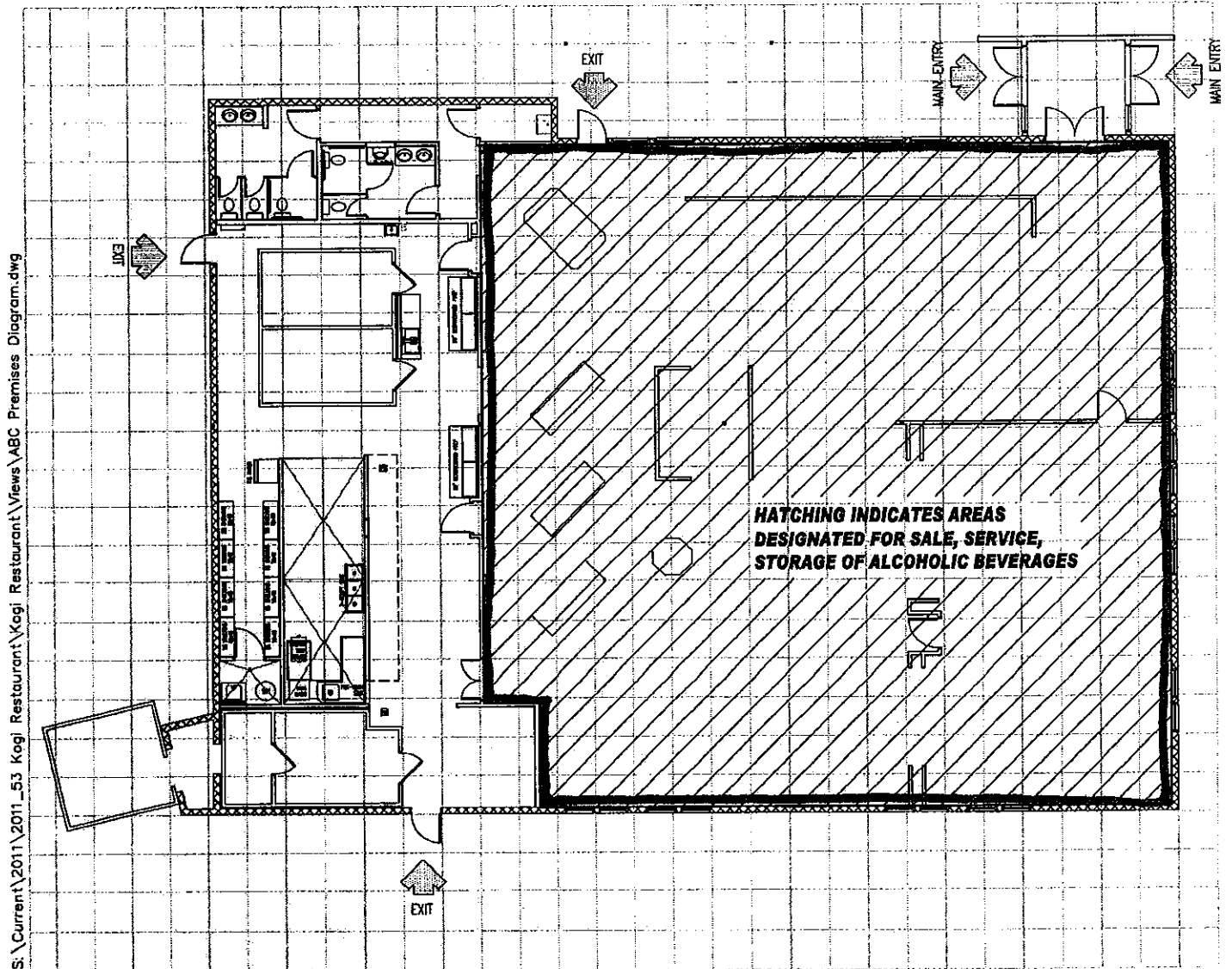
Indicate scale by \times after the appropriate statement or show length & width of premises.

SCALE A: _____ 1 Square = 1 sq. ft.

SCALE B: X 1 Square = 4 sq. ft.

Length and width of premises in feet: 100 FT WIDE (APPROX) BY 75 FT DEEP (APPROX)

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.





KOREAN BBQ

KoGiKoreanBBQ

Appetizers

Dumplings Beef/Vegetable — \$3.99
Kimbob Beef—\$5.99
Vegetable—\$4.99
Calamari — \$5.99
Vegetable Tempura—\$4.99
Spicy Chicken Wings—\$4.99
Modum Kabob — Chicken, Beef, or Shrimp

House Salad — \$1.99
Spicy Tofu—\$4.99
Tofu Kimchi—\$5.99
Edamame—\$3.00
Soft-Shell Crab—\$5.99
Age Tofu—\$3.99
Seaweed Salad — \$4.50

Lunch Specials

Kalbi Box—\$7.99
Chicken Teriyaki Box—\$7.99
Shrimp Tempura Box—\$7.99
Spicy Chicken Box—\$6.99
Grilled Salmon Box—\$7.99
Donkatsu Box—\$6.99

Beef Katsu Box—\$7.99
Cod Katsu Box—\$7.99
Bulgogi Box—\$7.99
Spicy Pork Box—\$6.99
Beef Teriyaki—\$7.99
Spicy Tofu—\$6.99

Korean BBQ Dishes

Kalbi: Beef Ribs Marinated with Special Korean BBQ House Sauce—\$15.99
Bulgogi: Sliced Tender Beef Marinated with special Korean BBQ House Sauce—\$14.99
Spicy Pork Bulgogi: Sliced Pork Marinated in Spicy Korean BBQ Sauce—\$12.99
Samgyup Sal: Sliced Tender Pork Collar Without Belng Marinated—\$12.99
Spicy Chicken Bulgogi: Chicken Chunks Marinated with Spicy Special Sauce—\$11.99
Spicy Squid Bulgogi: Jumbo Squid Marinated with Spicy Special Sauce—\$12.99

Eel: Freshwater Eel with Teriyaki Sauce—\$13.99
Chicken Teriyaki: Chicken Breast with Teriyaki Sauce—\$11.99
Beef Teriyaki: New York Beef Steak with Teriyaki Sauce—\$13.99
Grilled Salmon: Grilled Salmon Marinated with Teriyaki Sauce—\$12.99
Shrimp & Scallop: Grilled Shrimp and Scallops with Teriyaki Sauce—\$13.99

Korean BBQ Combinations

Choose from one of our three delicious Korean BBQ combinations. Our first combination is a wonderful mix of kalbi, spicy pork, and spicy chicken. The second combination is scrumptious bulgogi, spicy pork, and salmon. Finally, the third combination is kalbi, spicy chicken, and shrimp and scallops. Remember, you may request to change any item in a combination to any BBQ dish that you would prefer.

Soups