CLERK'S OFFICE

APPROVED

5-24-11

Submitted by: ASSEMBLY CHAIR OSSIANDER,

VICE-CHAIR HALL, AND ASSEMBLY

PUBLIC SAFETY

COMMITTEE CHAIR HONEMAN

Prepared by: Municipal Clerk For reading: May 24, 2011

ANCHORAGE, ALASKA AR NO. 2011–146

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW RESTAURANT/EATING PLACE LIQUOR LICENSE #5050 AND RESTAURANT DESIGNATION PERMIT FOR BIPONH MORISATH LUCE dba PHO LENA EAST, LOCATED AT 360 BONIFACE PKWY B11, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION.

WHEREAS, Biponh Morisath Luce 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 #5050 and Restaurant Designation Permit, to be used for Pho Lena East, located at 360 Boniface Pkwy B11, 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 April 11, 2011 and has determined that the last day for the Assembly to file a protest is June 10, 2011 and

WHEREAS, the Assembly Meeting on May 24, 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;
- Approvals from Municipal Health & Human Services and Anchorage Fire Departments have been received;
- 4. Administrative Site Plan Review, required by AMC 21.50.500, has not been completed;
- 5. Approval from Building Safety has 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 #5050 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 Building Safety is confirmed by the Municipal Clerk.

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- 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 a Restaurant/Eating Place Liquor License #5050 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 $\frac{24^{13}}{2011}$ day of $\frac{100}{2011}$,

ATTEST:

Baller S Branst
Municipal Clerk



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A Masters, Commissioner

April 8, 2011

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

Re: Pho Lena East – License # 5050 – 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

New Liquor License

PAGE 1 OF 2 (907) 269-0350

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

This application is for:

cultise was only

L Date Approved

Pax: (907) 272-9412 www.dps.state.ak.us/abc

C) Seasonal - Two 6-month periods in Full 2-year period	each year of the biennia	l period beginning Mo/l		Day #1593		
SECTION A. LICENSE INFORMATION	Must be completed	for all types of applicati	ons.	FEES		
License Year: License		25 - 11	Statute Reference			
201			Son Od II i in	Piling Pont #100.00		
Coffice Use Only) 5090 RESTA	URANT EATEN	is place	Sec. 04.11.10	O Filing Fee: \$100.00		
Local Governing Body (City, Borough or Unorganized)	Commu	nity Council Name(s) &	Mailing Address:	Fingerprint:		
ANCHORAGE				Total		
Name of Applicant	1.			\$ 808.50		
(Corp/LLC/LP/LLP/Individual/Partnership):	MA					
BIPONH MORISATH LUCE		Susiness As (Business Na	Business Telephone Number:			
	PHO	LENA EAST	(907) 279-9777			
			Fax Number:			
Mailing Address: 4021 EGGTH AUE	Street A	ddress or Location of Pr	emise:	Email Address:		
4021 666111 AUG	360	BONIFACE PKWY, BII BUBLUESE HOTH				
City, State, Zip:				com		
ANCHORAGE, AK 99507						
SECTION B. PREMISES TO BE LICEN	SED. Must be comple					
Closest school grounds WONDER PARIC AS 04.11	easured under: .410 OR		TER than 50 miles from			
ELEMENTHRY SCHOOL DIOCALOR			borough, or unified mu han 50 miles from the l			
	asured under:	city, borough, or unific		,		
CHURCH Local ord		Not applicable				
Premises to be licensed is:				· · · · · · · · · · · · · · · · · · ·		
☐ Proposed building		☐ Plans submitted to Fire Marshall (required for new & proposed buildings) ☐ Diagram of premises attached				
Existing facility New building		Diagram of premises attached				
		_				
SECTION C. Individual, corporate offi						
Does any individual, corporate officer, direct or indirect interest in any other alcoholic bev	erage business license	d in Alaska or any other		n this application have any direct		
Yes No If Yes, complete the follow			70 1 01 1 1 1	1		
Name Name of Busin	ress Type	01 License	Business Street Addre	ess State		
			And the second s			
			or them is the speciment of the second secon	- Mer ferhildragen had as assume a series of security security their periodicities (see), as assume consistency		
Has any individual, corporate officer, directo a felony, a violation of AS 04, or been convidual.						
☐ Yes 🖶 No If Yes, attach written explan:	ation.			•		

Director's Signature

New License App 3/09

Liquor License

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

Corporations, LLCs, LLPs	and LPs mus	t be re	gistered with	the Dep	t. of Community a	nd Econo	mic Deve	elopment.	
Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership)				Telephone Number Fax		Fax Numb	ax Number		
orporate Mailing Address: City			<i>;</i>		State		Zip Code	Code	
Name, Mailing Address and Telephone Number of Registered Agent			Agent		Date of Incorporation OR Certification with DCED		State of li	ate of Incorporation	
s the Entity in compliance with the rej Your entity <i>must</i> be in compliance wit						If no, attacl	h written ex	planation.	
Entity Members (Must include Pr	esident, Secret	ary, Tro	easurer, Vice-I	President,	Manager and Sharel	older/Men	nber with	at least 10%)	
Name Title						elephone nber	Date of Birth		
NOTE: On a separate sheet prov Individual Licensees/Affiliates (T Name: BIPONH MORISATH & Address: 4021 E66TH AVE	he ABC Board d	efines an			significant other of a lic		Affiliate m	ust be listed.)	
ANCHORAGE, AK 99507 Iome Phone: 244-1447 Vork Phone: 279-9777		Date of Birth: Home		Phone:		Date	Date of Birth:		
Name: WILLIAM J. LUCE: Address: 4021 ELGTH AVE ANCHORAGE, AK 99507	TIE.	Applicant Affiliate Address					Applicant □ Affiliate □		
Home Phone: 244-1446 Vork Phone: רור - 3847		Date of	of Birth: 3 /1979	Home Work I	Phone: NA			of Birth:	
Declaration						_			
I declare under penalty of perjury that and belief it is true, correct and complete I hereby certify that there have been a certifies on behalf of the organized entity I further certify that I have read and ar than the licensee(s) has any direct or inditional interest and a lagree to provide all information required.	, and this application changes in office of the condition	ion is not ers or sto that a mis tle 4 of th rest in the	in violation of an ekholders that hav representation of the Alaska statutes ticensed business	y security in we not been a fact is cause and its regular.	terest or other contracted eported to the Alcoholic I for rejection of this appli lations, and that in accord	obligations. Beverage Concation or revo	itrol Board.	The undersigned y license issued.	
ignature of Licensee(s)					_/)/// _				
ignature Bliczsal Why	_0			nature	UK 1	Z			
ame & Title (Please Print) PONH MORTSATH LUC	E (OWN	ER)	ພ≃	دراستنه	(Please Print) ロ る、いこと 311	(sp	ر عدره)	
ubscribed and sworn to before me this	s	Williams.	Sul	bscribed ar	february	his 20//		MILL MEL	
Notary Public in and for the State of	of Alaska	ON HE	\$ 989	tary Publi	c in and for the State			and the same of th	
08 /04/2014		NO	TARY	E8/0	4 /20/4 —			NOTARY PUBLIC	
AY COMMINISSION CXPHES.	***	Call	ia it i¥P≇	-CH1111192	топ схрпса,		= 4.	LODIN	

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.

ADDRESS: 360 BONTFACE PRWY, B Hours of Operation: to Have police ever been called to your premises by you or anyone	da ⁿ darah disaran kermanya darah d
ADDRESS: 360 BONTFACE PKWY, B Hours of Operation: to	
The second secon	Telephone # (007) and 9777
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). HOURS OF OPERATION: MONDAY. FR:	
3. Duties of employment: MANAGE, SCHEDULS	SUNDAY 12:00 p.M. TO 9:00 p.M.
4. Are video games available to the public on your premises?	CUSTOMER SERVICE,
	<u> </u>
5. Do you provide entertainment: [] Yes [X No If yes, de	scribe.
6. How is food served? X Table Service Buffet Serv	O. A. C.
	
7 Is the owner, manager, or assistant manager always present during	ng business hours? X Yes [] No
*** A MENU AND A DETAILED LICENSED PREMISES DIAGR	AM 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	
Applicant(s) signature	
Applicands) signature	Application approved (13 AAC 104.725(e)
	1 /
	Governing Body Official
Subscribed and sworn to before me this 26 kg day of February 2011	
26 kg day of February 2011	Governing Body Official Date:
Notary Public in and for Alaska	
Notary Public in and for Alaska	Date:
Notary Public in and for Alaska	
Notary Public in and for Alaska	Date:
Notary Public in and for Alaska	Director, ABC Board
Notary Public in and for Alaska	Date: Director, ABC Board

	APPETL	CERS
A1.	Lao Style Beef Jerky	
-	nte 177 - Collater	\$7.95
A2.	Eggrolls (4 rolls, cut in half)	
•	Deep fried rolls filled with pork, carrots, cello	phane noones
		r tauce.
A2(a)	11_	
A3.	The Land Dalle (4 rolls, cut in hall)	
	- A 1 11 CH. J. wish welled chicken	breast, sprimp, bermicent
	noodles, green onions, cilantro, romaine letti	ice, frien growing pork remos
	t en C	no sauce.
A3(a)	. Vegetarian Fresh Rolls w/ Tofu (4 F	(olls)
A4.	Clinton on Dock Satav	
	Grilled marinated chicken on skewers served	l with peanut sauce and
	cucumber and somato	0/00
A5.	Kao Chi Ba Te	
1	A Vietnamese sandwich with a French flair	Pork pate, nam, pork way
	10 1blac corned	on a naturite.
A6.	BBQ Chicken Wing (Lao Style)	\$7.95
A7.	1 - DDO Chicken Wing w/ Papays	a Salad.
	Marinated chicken in Thai her hs served w	ith spicy papaya suuta.
1	Served with rice.	\$13.95
A8.	Batter Shrimp (7)	
ı	Deep fried shrimp served with sweet chili s	, \$6.95
A9.	Deep Fried Tofu	,
A10	. Fried Meatballs (Lao Style)	
	Pork, beef, or seafood meathall with cilant	ro ana tettute.
	Served with sweet chili sauce.	\$8.95
A11	Served with sweet that saute. Lao Papaya or Cucumber Salad.	1 delling in our house sauce.
	Shredded green papaya with tomatoes and	\$7.95
A12	2. Potstickers (Vegetable & Pork)	
	Served with sweet chili sauce.	
A1:	3. Lao Style Stuffed Chicken Wing.	
: A14	4. Roast Duck - Half (Lao Style)	
	With bone in.	\$7.95
A1	5. Shrimp Eggroll	• • • • • •
	Deep fried salmon cakes, served with swe	\$7.95
Al	6. Thai Fish Cake	
	Deep fried salmon cakes, served with swe	\$7.95
	7. Hot and Sour Party Wings	
A1	8. Lao Pork Buns	
Al	9. Lena Platter Your choice of any appetizers from A1-A	18. You may pick up to 4 items.
	Served with chili dipping sauce or peans	it sauce.
· •		
	YYINT LI SIN	ECIALS \$9,95
		PM • All lunch specials served with house
	Available Mon - Fri 11:00 AN to 5:00	hoice of rice, salad, or eggroll
ì		Soup Of The Day:
	B. Green Curry Chicken	Mon: #46 Lao Kao Peak Sen
1:	D. Yellow Curry Chicken	Mon: #46 Lao Nao Feak Sen Tue: #55 Tom Khar
	E. Red Curry Chicken F. Beef Broccoli	Wed: #56 Lao Enoki Mushroom Soup
	G. Garlic Chicken Vegetables	Thu: #57 Lao Watermélon Soup
1 1	H. Chow Mein Noodles w/ Chicken,	Frl: #58 Lao Pumpkin and Coconur Soup
	Beef or Pork	
	I. Pad Thai with Beef, Chicken, or Pork	and the second s
		·
	and the second s	

ļ	CURRYDISHES
59.	Kaeng Karie
	Beef, Pork, Chicken or Tofu with Yellow Curry paste, potatoes and onions.
60.	Kaeng Kiew Warn \$9.95 Duck: \$10.95 Seafood: \$11.95
	Beef, Pork, Chicken or Tofu with green curry paste, bamboo
	shoots, Thai eggplant and basil.
61.	Kaeng Masman \$9.95 Duck: \$10.95 Seafood: \$11.95 Beef, Pork, Chicken or Tofu with curry paste, potatives and peanuts.
62.	Kaeng Panang Kai \$9.95 Duck: \$10.95 Seafood: \$11.95 Beef, Pork, Chicken or Tofu with curry paste, lime leaf and chillies.
63.	Kaeng Ped \$9.95 Duck: \$10.95 Seafood: \$11.95
0,00	Beef, Pork, Chicken or Tofu with Red curry, bamboo shoots, Thai egg plant and basil
	2-5, 2 5 m, Santon of Toja with the curry, burnote shoots, That egg pain and basit
	JEMA PAD STIKE IN 1918 1918 Served with Jasmine Rice or Sticky Rice
64.	
U T.	Pad Beiow Wean \$8.95 Duck: \$10.95 Seafood: \$11.95 Thai sweet and sour dish with Beef, Pork, Chicken or Tofu,
	cucumber, onion, pineapple and carrots.
65.	Pad Ka Pao \$8.95 Duck: \$9.95 Seafood: \$10.95
٠,٠	Beef, Pork, Chicken or Tofu with Green curry paste, bamboo
	shoots, Thai eggplant and basil.
66.	Broccoli \$8.95 Duck: \$9.95 Seafood: \$10.95
	Thai sweet and sour dish with Beef, Pork, Chicken or Tofu,
	cucumber, onion, pineapple and carross.
67.	Pad Ka Teim \$8.95 Duck: \$9.95 Seafood: \$10.95
	Beef, Pork, Chicken or Tofu with pan fried garlic and mixed vegetables.
68.	Pad King
	Beef, Pork, Chicken or Tofu Stir fried with vegetables, fresh ginger and mushrooms.
69 .	Rama
	Beef. Pork, Chicken or Tofu served over spinach with peanut sauce dressing.
70.	Lao Purple Egg Plant
	Beef, Pork, Chicken or Tofu stir fried with onions, bell peppers and basil leaves.
71.	Pad Vegetables \$8.95 Duck: \$9.95 Seafood: \$10.95
	Beef, Pork, Chicken or Tofu Stir fried with mixed vegetables.
72.	Pad Ka Pao Moo Korb
	Stir fry crispy pork with onions, bell peppers and basil.
73.	Pad Phet
	Beef, Pork, Chicken or Tofu stir fried in red curry paste with
	bamboo shoots, Thai eggplant, green beans, mushrooms & basil
4	Lao Cashew\$10.95 Seafood: \$12.95
	Chicken, Beef or Pork with chopped green onions and bell peppers.
'5 .	Lao Special Lemon Grass Short Ribs
	Served wl steamed mixed vegetables and house sauce.
6.	Lao Broccoli
	Beef, Chicken, Pork, Crispy Pork, Duck or Tofu Stir fried with
	bell peppers, tomatoes, mushrooms and green onions.
8.	Lao Pork Sausage
	Served steamed vegetables with spicy house sauce.
9.	Lao Roast Duck
	Served and stagmed marginally and spice house and

79.

80.

Served w/ steamed vegetables w/ spicy house sauce.

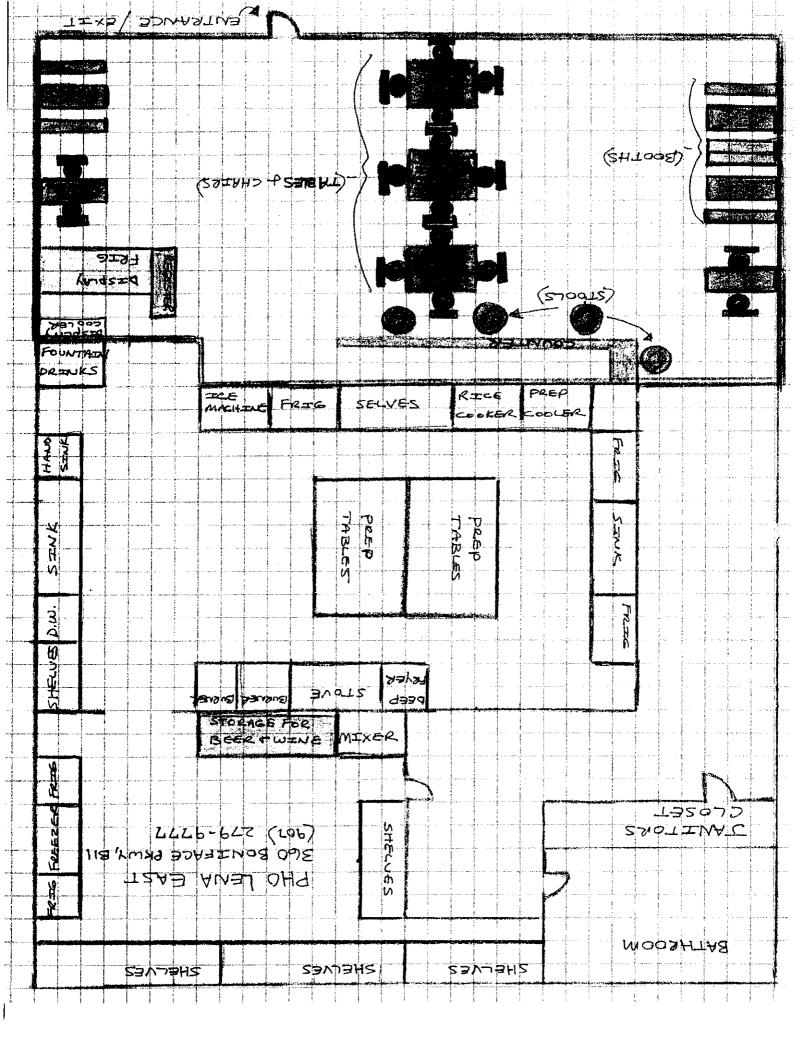
vegetables and spicy house sauce.

Grilled marinated beef brisket served with steamed mixed

	LENA VEGETARIAN
97.	Cauliflower & Green Beans
98.	Lao Long Bean with Fresh Ginger
99.	bamboo shoots, in yellow curry sauce. Seafood 12 Red Curry with 5 Assorted Mushrooms
100.	5 kinds of mushrooms, bamboo, long beans, basil leaves, and pumpkin. Lao Red Sour Cutry New Item
101.	With bamboo, green beans, mushroom, basil in coconut milk. Lao Yellow Curry Pumpkin
102.	Potato, carrots, long Beans, and onions. Lao Green Curry Pumpkin
103.	Spicy Basil Noodles
104.	Lao Vegetarian Pappardelle
105.	straw mushroom, onion, green pea and homemade flat rice noodles. Lao Tom Yum Vegetable Gyoza
10).	with 5 types of mushroom, coconut milk, lime juice, lemon grass, lime leaves, and cilantro.
: }	VILTNANTSE ENTREE
115.	Banh Xeo
	Vietnamese crepe with shrimp, pork, bean sprouts, green onion, cilantro, and lettuce. Served with sweet chili sauce.
A	ROUNSIES CO
117. 118.	Steamed Jasmine Rice
119.	Fried Rice \$8.95 Seafood: \$10 Served with onions, green onions, tomatoes, cucumbers, lime,
120.	and your choice of Chicken, Beef, Pork or Tofu Curry Fried Rice
	Onion, ginger, mushrooms, green beans, and your choice of Chicken, Beef, Pork or Tofu
	PARTY TRAYS
	Buffet trays of your choice! (24 hour notice and advanced payment required.)
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Content ID: 010223

Type: AR_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS PROTEST REGARDING A NEW RESTAURANT/EATING PLACE LIQUOR LICENSE #5050 AND RESTAURANT DESIGNATION PERMIT FOR BIPONH

Title: MORISATH LUCE dba PHO LENA EAST, LOCATED AT 360 BONIFACE PKWY B11, AND AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION. Assembly Chair Ossiander, Vice-Chair Hall, and Assembly Public Safety Chair

Honeman.

Author: moserak Initiating Muni_Clk
Dept:

Date 5/13/11 9:10 AM **Prepared:**

Assembly

Meeting 5/24/11

Date:

Workflow Name	Action Date	<u>Action</u>	<u>User</u>	Security Group	Content ID
Clerk_Admin_SubWorkflow	5/13/11 9:16 AM	Exit	Amanda Moser	Public	010223
AllOtherARWorkflow	5/13/11 9:16 AM	Checkin	Amanda Moser	Public	010223