



MEMORANDUM

TO: Robert Klein, Chair and
Members of the Board

FROM: Cynthia Franklin
Director, ABC Board

DATE: October 18th 2016

RE: Baba Pizza & Sub #5501

This is an application for a new restaurant/eating place license in the City of Bethel. The application was approved with delegation by the board at its meeting on July 20, 2016 pending multiple approvals and waivers.

The City of Bethel (Bethel) has now issued a timely protest because their Conditional Use Permit has not yet been approved per municipal code and the proposed premises is not yet in compliance with Alaska's Fire and Life Safety Regulations. Details are as follows:

Date Notification sent to Bethel:	June 21, 2016
Date Protest received:	August 12, 2016
Basis for Protest:	Conditional Use Permit not yet issued per Bethel City Code 5.08.060. Applicant has not complied with Alaska Fire and Life Safety Regulations.
3 AAC 304.145(d) met?	Yes, matter was on agenda for public hearing at Bethel City Council meeting held August 9, 2016.
Recommendation:	Continue delegation to await a lift protest letter from City of Bethel; director to bring matter back to board if Bethel persists in protest or applicant fails to comply with fire and life regulations.

Introduced by: Council Member Albertson
Date: August 9, 2016
Action: Passed
Vote: 5-0

CITY OF BETHEL, ALASKA

Resolution # 16-25

A RESOLUTION OF THE CITY OF BETHEL, CITY COUNCIL STATING ITS PROTEST REGARDING THE NEW RESTAURANT/EATING PLACE LIQUOR LICENSE #5501 FOR BABA'S PIZZA & SUB, LOCATED AT 1725 STATE HIGHWAY, BETHEL, OWNED BY SURASAK SUWANPRAPA

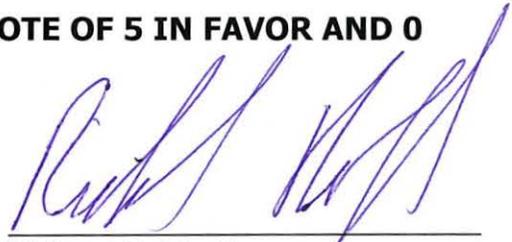
- WHEREAS,** Surasak Suwanprapa made an application with the Alaska Alcohol and Marijuana Control Office (AMCO) and has paid the required fee for a new Restaurant/Eating Place Liquor License #5501, to be used for Baba's Pizza and Sub Restaurant, located at 1725 State Highway, Bethel, Alaska 99559;
- WHEREAS,** the City Clerk received a copy of this application on June 21, 2016 and has determined that the last day for the Council to file a protest is August 20, 2016;
- WHEREAS,** City of Bethel Administration was provided notice of the Baba's Pizza and Sub Restaurant Liquor License application on June 21, 2016, Administration submitted a report to the Bethel City Council on July 8, 2016 (Attachment) with the following findings:
1. Baba's Pizza and Sub Restaurant has not complied with Bethel Municipal Code 5.08.060, which requires a Conditional Use Permit, be obtained from the City for retail sales or dispensing of alcoholic beverages.
 2. Baba's Pizza and Sub Restaurant is not in compliance with Alaska's Fire and Life Safety Regulations;
- WHEREAS,** Alaska Statutes 04.11.420 Zoning Limitations, states, in part: "a person may not be issued a license or permit in a municipality if a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages unless a variance of the regulations or ordinance has been approved;"
- WHEREAS,** as of August 9, 2016, Baba's Pizza & Sub has not obtained a conditional use permit from the City of Bethel, as required under Bethel Municipal Code 5.08.060, Conditional Use Permit Required;

Introduced by: Council Member Albertson
Date: August 9, 2016
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WHEREAS, Baba's Pizza & Sub was inspected by the City of Bethel Fire Chief on July 7, 2016; during this inspection five violations of the Alaska's Fire and Life Safety Regulations were identified (Attachment);

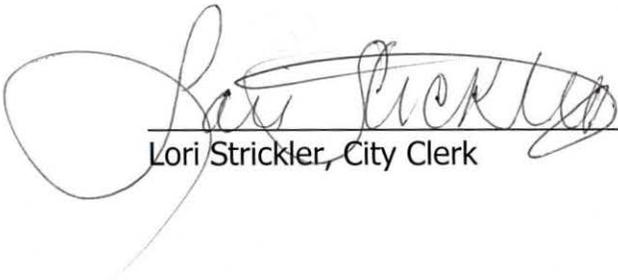
NOW, THEREFORE, BE IT RESOLVED the Bethel City Council hereby protests the issuance of Restaurant Eating Place Liquor License for Baba's Pizza & Sub for the reasons listed above.

ENACTED THIS 9 DAY OF AUGUST, 2016 BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk



CITY OF BETHEL

P.O. Box 1388
Bethel, AK 99559
(907) 543-2047
www.cityofbethel.org

July 8, 2016

Bethel City Council
P.O. Box 1388
300 State Highway
Bethel, AK 99559
via e-mail

Mayor, Vice-Mayor and Members of City Council;

In a matter of an application by Surasak Suwanprapa – Restaurant Eating Place #5501, Doing Business As (DBA) Baba Pizza & Sub to State of Alaska Alcoholic Beverage Control Board (ABC) in accordance to AS 04.11.400 (g), 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e): must be approved by the governing body.

Bethel Municipal Code (BMC) 5.08.020(d) requires the City Manager provide a written report to City Council within 20 days from the Date Notice received by the City Clerk's Office with a copy to the applicant, listing any objections to the Board's issuance of the application.

According to BMC 5.08.020 (C) City Planner, City Finance Director, City's Fire Chief and Police Chief shall forward written statements to the City Manager outlining their findings:

- (a) City Planner – Baba's Pizza & Sub *has not yet complied* with the Conditional Use Provision (CUP). Bethel City Planning Commission (PC) held a public hearing on said CUP on June 9, 2016. The Planning Commission was unable to complete this hearing and the same hearing has been rescheduled for July 21, 2016.
- (b) Finance Director – determined that the *applicant is in compliance* with BMC 5.08.020 (B)(2). The applicant has no outstanding taxes, assessments, fees or payments for utilities.
- (c) Police Chief – determined that there *has not been* excessive calls for service, excessive numbers of conviction or arrests for unlawful activity at the licensed

location, police or ambulance reports, reports of unlawful activity at the licensed location or police, fire or ambulance dispatches to the license location.

- (d) Fire Chief – determined *there has not been* excessive calls for fire or ambulance services. However, attached is Exhibit “A” a notice of correction for fire and life safety code violations found during a recent inspection of Baba’s Pizza & Sub on July 7, 2016 issued by City of Bethel Fire Department.

Council at that time will review the said application as prescribed under BMC 5.08.030 and will determine in part or *inter alia*: “whether to protest or recommend with conditions, the issuance, renewal or transfer of a liquor license application and shall consider the following factors it believes are pertinent”.

Respectfully,



Ann K. Capela
City Manager

CC: Surasak Suwanprapa
Patty Burley, City Attorney
Lori Strickler, City Clerk



Celebrating 50 Years of Service

CITY OF BETHEL
Fire Department

Exhibit "A"

William F. Howell III, Fire Chief
P.O. Box 1388, Bethel, Alaska 99559
Phone: (907)-543-2131
Fax: (907)-543-2702
bhowell@cityofbethel.net

Zurasak Suwanpiapa
Baba's Pizza
P.O. Box 1268
Bethel, AK. 99559

July 7, 2016

This letter is a notice of correction for fire and life safety code violations found during a recent inspection of your business on July 07, 2016. You have ten business days to correct the items identified in this report. If you are unable to make corrections in the time frame provided, please contact my office to make other arrangements.

1. Rear Exit in Dining Room Porch area needs to have guards and a railing installed.
 - a. **1013.1 Where required.** *Guards* shall be located along open-sided walking surfaces, including *mezzanines, equipment platforms, stairs, ramps* and landings that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. *Guards* shall be adequate in strength and attachment in accordance with Section 1607.7 of the *International Building Code*.
 - b. **1009.5 Stairway landings.** There shall be a floor or landing at the top and bottom of each *stairway*. The width of landings shall not be less than the width of *stairways* they serve. Every landing shall have a minimum dimension measured in the direction of travel equal to the width of the *stairway*. Such dimension need not exceed 48 inches (1219 mm) where the *stairway* has a straight run. Doors opening onto a landing shall not reduce the landing to less than one-half the required width. When fully open, the door shall not project more than 7 inches (178 mm) into a landing. When *wheelchair spaces* are required on the *stairway* landing in accordance with [Section 1007.6.1](#), the *wheelchair space* shall not be located in the required width of the landing and doors shall not swing over the *wheelchair spaces*.
 - c. **1013.2 Height.** Required *guards* shall be not less than 42 inches (1067 mm) high, measured vertically above the adjacent walking surfaces, adjacent fixed seating or the line connecting the leading edges of the treads.
 - d. **1013.3 Opening limitations.** Required *guards* shall not have openings which allow passage of a sphere 4 inches (102 mm) in diameter from the walking surface to the required *guard* height.
 - e. 13AAC50.070(a)9 Any condition found to be hazardous

2. Electrical panels in back area and by front cashiers desk need to be cleared of Obstacles.
 - a. **605.3 Working space and clearance.** A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
 - b. **605.1 Abatement of electrical hazards.** Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

3. Extension cords used for permanent power in back room by Meat Cutter and water pump, also in main kitchen area by the mixer, and in the freezer area outside. They need more permanent conduit.
 - a. **605.5 Extension cords.** Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.
 - b. **605.4 Multiplug adapters.** Multiplug adapters, such as cube adapters, unfused plug strips or any other device not complying with NFPA 70 shall be prohibited.

 - c. Extinguishers must be provided and maintained per code. Extinguishers in the kitchen and back room need to have tags and need to be mounted. The type K extinguisher needs to be serviced.
 - d. **906.5 Conspicuous location.** Portable fire extinguishers shall be located in conspicuous locations where they will be readily accessible and immediately available for use. These locations shall be along normal paths of travel, unless the *fire code official* determines that the hazard posed indicates the need for placement away from normal paths of travel.
 - e. **906.6 Unobstructed and unobscured.** Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.
 - f. **906.7 Hangers and brackets.** Hand-held portable fire extinguishers, not housed in cabinets, shall be installed on the hangers or brackets supplied. Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions.
 - g. **906.8 Cabinets.** Cabinets used to house portable fire extinguishers shall not be locked.
 - h. **906.9 Extinguisher installation.** The installation of portable fire extinguishers shall be in accordance with Sections 906.9.1 through 906.9.3.
 - i. **906.9.1 Extinguishers weighing 40 pounds or less.** Portable fire extinguishers having a gross weight not exceeding 40 pounds (18 kg) shall be installed so that their tops are not more than 5 feet (1524 mm) above the floor.
 - j. **906.9.2 Extinguishers weighing more than 40 pounds.** Hand-held portable fire extinguishers having a gross weight exceeding 40 pounds (18 kg) shall be installed so that their tops are not more than 3.5 feet (1067 mm) above the floor.
 - k. **906.9.3 Floor clearance.** The clearance between the floor and the bottom of installed hand-held portable fire extinguishers shall not be less than 4 inches (102 mm).

4. Grease laden vapor cooking requires use of a Type-1 UL300 Fire Suppression system range hood and annual inspection per code. Cooking Hood needs to be cleaned and Serviced the last service on tag says January 2013.
 - a. **609.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the *International Mechanical Code*. [M]

- b. **609.2 Where required.** A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors. [M]
- c. **609.3 Operations and maintenance.** Commercial cooking systems shall be operated and maintained in accordance with [Sections 609.3.1](#) through [609.3.4](#).
- d. **609.3.1 Ventilation system.** The ventilation system in connection with hoods shall be operated at the required rate of air movement, and classified grease filters shall be in place when equipment under a kitchen grease hood is used.
- e. **609.3.2 Grease extractors.** Where grease extractors are installed, they shall be operated when the commercial-type cooking equipment is used.
- f. **609.3.3 Cleaning.** Hoods, grease-removal devices, fans, ducts and other appurtenances shall be cleaned at intervals as required by [Sections 609.3.3.1](#) through [609.3.3.3](#).
- 609.3.3.1 Inspection.** Hoods, grease-removal devices, fans, ducts and other appurtenances shall be inspected at intervals specified in Table 609.3.3.1 or as *approved* by the *fire code official*. Inspections shall be completed by qualified individuals.
- g. **TABLE 609.3.3.1 COMMERCIAL COOKING SYSTEM INSPECTION FREQUENCY**

TYPE OF COOKING OPERATIONS	FREQUENCY OF INSPECTION
High-volume cooking operations such as 24-hour cooking, charbroiling or wok cooking	3 months
Low-volume cooking operations such as places of religious worship, seasonal businesses and senior centers	12 months
Cooking operations utilizing solid-fuel burning cooking appliances	1 month
All other cooking operations	6 months

- h. **609.3.3.2 Grease accumulation.** If during the inspection it is found that hoods, grease-removal devices, fans, ducts or other appurtenances have an accumulation of grease, such components shall be cleaned.
- i. **609.3.3.3 Records.** Records for inspections shall state the individual and company performing the inspection, a description of the inspection and when the inspection took place. Records for cleanings shall state the individual and company performing the cleaning and when the cleaning took place. Such records shall be completed after each inspection or cleaning, maintained on the premises for a minimum of three years and be copied to the *fire code official* upon request.
- j. **609.3.4 Extinguishing system service.** Automatic fire-extinguishing systems protecting commercial cooking systems shall be serviced as required in Section 904.11.6
- k. **904.11.2 System interconnection.** The actuation of the fire extinguishing system shall automatically shut down the fuel or electrical power supply to the cooking equipment. The fuel and electrical supply reset shall be manual.
- l. Propane storage is non-compliant and unprotected from collision.
Combustible debris, grass and trees are in close proximity to the tanks.
- m. **603.9 Gas meters.** Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier complying with [Section 312](#) or otherwise protected in an *approved* manner.
- n. **3807.3 Clearance to combustibles.** Weeds, grass, brush, trash and other combustible materials shall be kept a minimum of 10 feet (3048 mm) from LP-gas tanks or containers.
- o. **3807.4 Protecting containers from vehicles.** Where exposed to vehicular damage due to proximity to alleys, driveways or parking areas, LP-gas containers, regulators and piping shall be protected in accordance with [Section 312](#).

