

Should this item be pulled from the Consent Agenda the following motion would be in order:

## **POSSIBLE MOTION**

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**I MOVE** to approve and forward the following liquor license renewals: Salty Sals Liquor Cabinet and Larkspur Cafe to the Alcoholic Beverage Control Board without objection.

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## OFFICE OF THE MUNICIPAL CLERK

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January 5, 2011

**TO:** Mayor and Assembly

**FROM:** Sara Peterson, Acting Municipal Clerk 

**SUBJECT: Liquor license Renewals**

This office is in receipt of the following liquor license renewal applications:

Salty Sals Liquor Cabinet  
Larkspur Cafe

A memo was circulated to the various departments who may have had an objection and no objections were received.

All municipal accounts are current and there are no liens against any of the proposed license holders.



**State of Alaska**  
 Department of Public Safety  
**Alcoholic Beverage Control Board**

Sean Parnell, Governor  
 Joseph A. Masters, Commissioner

December 23, 2010

**Renewal Application Notice**

City and Borough of Sitka  
 Attn: City Clerk  
 VIA EMAIL: colleen@cityofsitka.com

DBA	Lic Type	Lic #	Owner	Premise Address
Salty Sals Liquor Cabinet	Package Store	3268	House of Liquors Inc	326 Lincoln Street
Larkspur Café	Restaurant Eating Place - Public Convenience	4870	Larkspur Café LLC	2 Lincoln Street #1A

We have received a renewal application for the above listed licenses (see attached applications) 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.

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

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

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/ Christine C. Lambert*

Christine C. Lambert  
Records & Licensing Supervisor  
269-0359  
Christine.lambert@alaska.gov