

If this item is pulled from the consent agenda the following motion would be in order:

### POSSIBLE MOTION

**I MOVE TO** approve liquor license renewal applications for American Legion Post #13, Sea Mountain Restaurant & 19<sup>th</sup> Hole, Nugget Restaurant, Westmark Sitka Hotel, House of Liquor, Ludvig's Bistro, Agave Mexican Restaurant and Dove Island Lodge and forward these to the Alcoholic Beverage Control Board without objection.

## OFFICE OF THE MUNICIPAL CLERK

January 7, 2014

**TO:** Mayor and Assembly Members

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

**SUBJECT:** Liquor license Renewals

This office is in receipt of the following liquor license renewal applications. A memo was circulated to various departments who may have had reason to protest and no protests were received.

| DBA                                 | Lic Type                                    | Lic # | Owner  | Premise Address        |
|-------------------------------------|---|-------|--|------------------------|
| American Legion Post #13            | Club  | 56    | American Legion Post #13                             | 205 Lincoln St         |
| Sea Mountain Restaurant & 19th Hole | Beverage Dispensary                         | 606   | Sitka Golf Association Inc                           | 301 Granite Creek Road |
| Nugget Restaurant                   | Beverage Dispensary                         | 790   | JD & PR Colton and JP & TE Colton                    | 600 Airport Rd         |
| Westmark Sitka Hotel                | Beverage Dispensary-Tourism AS 04.11.400(d) | 1031  | JL Sitka Inc   | 330 Seward St          |
| House of Liquor                     | Package Store                               | 1366  | House of Liquors Inc                                 | 705 Halibut Point Rd   |
| Ludvig's Bistro                     | Restaurant/Eating Place                     | 4246  | Ludvig's Bistro Inc.                                 | 256 Katlian St.        |
| Agave Mexican Restaurant            | Restaurant/Eating Place                     | 4854  | Juan Carlos Macias                                   | 236 Lincoln St         |
| Dove Island Lodge                   | Lodge                                       | 5126  | Dove Island Lodge & Sitka Sportfishing Charters, LLC | Dove Island            |



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.263.5900  
TDD: 907.465.5437  
Fax: 907.263.5930

December 26, 2013

**Renewal Application Notice**

City of Sitka  
Attn: City Clerk  
VIA EMAIL: sarah@cityofsitka.com; colleen@cityofsitka.com

| DBA                                 | Lic Type                                    | Lic # | Owner  | Premise Address        |
|-------------------------------------|---|-------|--|------------------------|
| American Legion Post #13            | Club  | 56    | American Legion Post #13                             | 205 Lincoln St         |
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We have received a renewal application for the above listed licenses 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).

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. COTÉ  
Director

*/s/Christine C. Lambert*  
Christine C. Lambert  
Licensing & Records Supervisor  
[Christine.lambert@alaska.gov](mailto:Christine.lambert@alaska.gov)