



City & Borough of Sitka
Municipal Clerk's Office
100 Lincoln Street, Sitka AK 99835
Telephone: 907-747-1811 Fax: 907-747-4004



Memorandum

To: Mayor and Assembly Members
From: Colleen Ingman, Municipal Clerk
Date: March 18, 2014
Subject: Liquor License Renewals

This office has received notification of the several liquor license renewals. A memo was circulated (see attached) to the various departments who may have a reason to protest. To date, no protests have been received.

SUGGESTED MOTION if PULLED FROM CONSENT

move to forward the attached list of renewal applications as of March 11, 2014 to the Alcoholic Beverage Control Board with no objection or protests noted.

OFFICE OF THE MUNICIPAL CLERK

March 11, 2014

TO:

Assessing – Ruth
Collections - Mary
Municipal Billings – Mike
Sales Tax/Property Tax - Marjie
Utility Billing Clerk - Bev

Fire Department
Police Department
Building Official

FROM: Sara Peterson, Deputy Municipal Clerk

SUBJECT: **Liquor License Renewal Applications –
License #268, #748, #4117, #4428, #4594, #4595, #4771, #4971**

This office has received notification of the following liquor license renewal applications for:

DBA: **Bayview Restaurant**
Lic Type: Beverage Dispensary
Lic #: 268
Owner: The Bayview Restaurant, LLC
Premise Address: 407 Lincoln Street

DBA: **Loyal Order of Moose #1350**
Lic Type: Club
Lic #: 748
Owner: Sitka Moose Lodge #1350
Premise Address: 337 Lincoln Street

DBA: **Pilot House**
Lic Type: Beverage Dispensary
Lic #: 4117
Owner: Pilot House Inc
Premise Address: 485 Katlian Street

DBA: **Little Tokyo**
Lic Type: Restaurant/Eating Place-Public Convenience
Lic #: 4428
Owner: SOE LLC
Premise Address: 315 Lincoln Street, Suite 112

DBA: **Talon Lodge**
Lic Type: Lodge - Seasonal
Lic #: 4594
Owner: Talon Charters Inc
Premise Address: Apple Island

DBA: Asian Palace
Lic Type: Restaurant/Eating Place
Lic#: 4595
Owner: SOE LLC
Premise Address: 327 Seward Square #1

DBA: Homeport Eatery
Lic Type: Restaurant/Eating Place
Lic#: 4771
Owner: Teal West
Premise Address: 209 Lincoln Street

DBA: Larkspur Cafe
Lic Type: Restaurant/Eating Place
Lic#: 4971
Owner: Larkspur Café LLC
Premise Address: 2 Lincoln Street

Please notify **no later than noon on March 18th** of any reason to protest these renewal requests.

Thank you.



March 10, 2014

Renewal Application Notice

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

DBA	Lic Type	Lic #	Owner	Premise Address
Bayview Restaurant	Beverage Dispensary	268	The Bayview Restaurant, LLC	407 Lincoln Street
Loyal Order of Moose #1350	Club	748	Sitka Moose Lodge #1350	337 Lincoln St
Pilot House	Beverage Dispensary	4117	Pilot House Inc	485 Katlian Street
Little Tokyo	Restaurant/Eating Place-Public Convenience	4428	SOE LLC	315 Lincoln St. Suite #112
Talon Lodge	Lodge - Seasonal	4594	Talon Charters Inc	Apple Island
Asian Palace	Restaurant/Eating Place	4595	SOE LLC	327 Seward Square #1
Homeport Eatery	Restaurant/Eating Place	4771	Teal West	209 Lincoln Street
Larkspur Cafe	Restaurant/Eating Place	4971	Larkspur Cafe LLC	2 Lincoln St

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