



City & Borough of Sitka

Municipal Clerks Office

100 Lincoln Street, Sitka AK 99835
Telephone: 907-747-1808 Fax: 907-747-4004



MEMORANDUM

November 2, 2011

TO: Mayor and Assemblymembers

FR: Colleen Ingman, Municipal Clerk

RE: Liquor License Renewals

We have received the following liquor license renewal applications:

DBA	Lic Type	Lic #	Owner	Premise Address
Sea Mountain Restaurant & 19th Hole	Beverage Dispensary	606	Sitka Golf Association Inc	301 Granite Creek Road
House of Liquor	Package Store	1366	House of Liquors Inc	705 Halibut Point Rd
Little Tokyo	Restaurant/Eating Place-Public Convenience	4428	SOE LLC	315 Lincoln St. Suite #112
Roma's	Restaurant/Eating Place	4595	SOE LLC	327 Seward Square #1
Agave Mexican Restaurant	Restaurant/Eating Place	4854	Juan Carlos Macias	236 Lincoln St

A memo was circulated to the various departments who may have a reason to protest and no protests were received. Therefore, the following motion is in order:

POSSIBLE MOTION

I MOVE to approve forwarding the liquor license renewal applications for 1) Sea Mountain Restaurant & 19th Hole, 2) House of Liquor, 3) Little Tokyo, 4) Roma's, and 5) Agave Mexican Restaurant to the Alcoholic Beverage Control Board without objection.



State of Alaska

Department of Public Safety

Alcoholic Beverage Control Board

Sean Parnell, Governor

Joseph A. Masters, Commissioner

October 28, 2011

Renewal Application Notice

City & Borough of Sitka

Attn: City Clerk

VIA EMAIL: colleen@cityofsitka.com

DBA	Lic Type	Lic #	Owner	Premise Address
Sea Mountain Restaurant & 19th Hole	Beverage Dispensary	606	Sitka Golf Association Inc	301 Granite Creek Road
House of Liquor	Package Store	1366	House of Liquors Inc	705 Halibut Point Rd
Little Tokyo	Restaurant/Eating Place-Public Convenience	4428	SOE LLC	315 Lincoln St. Suite #112
Roma's	Restaurant/Eating Place	4595	SOE LLC	327 Seward Square #1
Agave Mexican Restaurant	Restaurant/Eating Place	4854	Juan Carlos Macias	236 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,

Alcoholic Beverage Control Board

5848 E Tudor Rd - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

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 have 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. GIFFORD
Director

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