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## MEMORANDUM TO COUNCIL

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To: Mayor and City Council Members  
From: Marjie Veeder, City Clerk  
Through: William Homka, Acting City Manager  
Date: April 11, 2023  
Re: Application for New Liquor License – San Diego Tacos to Go

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**SUMMARY:** Juan and Laura Joa have applied for a new “Restaurant/Eating Place” liquor license for San Diego Tacos to Go. The City of Unalaska, as local governing body, may protest approval of the application. Staff recommends no protest.

**PREVIOUS COUNCIL ACTION:** Council reviews liquor license applications and renewals as they are submitted to the city by the state. There has been no previous action regarding this license application.

**BACKGROUND:** Pursuant to Alaska Statute 04.11.480, the Alcohol & Marijuana Control Office issued the attached notice to the City of Unalaska as the local governing body. A local governing body may protest the approval of an application pursuant to AS 04.11.480 by furnishing the director and the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of the notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

Notification to the city was not timely made by the State of Alaska; notification (dated August 18, 2022) was received by the City on March 24, 2023.

**DISCUSSION:** Laura Joa, doing business as San Diego Tacos to Go, applied for a new liquor license.

Mr. and Mrs. Joa and the business are compliant with their obligations to the City of Unalaska (business license; reporting and payment of taxes; and payment of utilities). Neither the Planning Department nor Public Safety have any concerns about the issuance of this license. The Acting Fire Chief completed his inspection as the Fire Marshal and signed off on this to the State Fire Marshal’s Office and similarly has no concern about the issuance of this liquor license.

**ALTERNATIVES:** Council may choose to protest the license, but must provide the applicant an opportunity to present a defense to the protest at a future council meeting.

**FINANCIAL IMPLICATIONS:** Probable loss of tax revenue if a license is not granted.

**LEGAL:** None

**STAFF RECOMMENDATION:** Staff recommends no protest.

**PROPOSED MOTION:** No action is necessary unless Council wishes to lodge a protest.

**CITY MANAGER’S COMMENTS:** I support staff’s recommendation of no protest.

**ATTACHMENT:** Notice to Local Governing Body



August 18, 2022

City of Unalaska

VIA Email: mveeder@ci.unalaska.ak.us

<b>License Type:</b>	Restaurant/Eating Place	<b>License Number:</b>	6084
<b>Licensee:</b>	Laura L. Joa		
<b>Doing Business As:</b>	San Diego Tacos to Go		
<b>Premises Address</b>	11 N. 2 <sup>nd</sup> Street, Unalaska		

- New Application**
 **Transfer of Ownership Application**  
 **Transfer of Location Application**
 **Transfer of Controlling Interest Application**

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Joan Wilson, Director

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)