



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

Department Name: CEO  
Department No.: 012  
For Agenda Of: 07/05/11  
Placement: Departmental  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors

**FROM:** Department Chandra Wallar, County Executive Officer  
Director(s)  
Contact Info: Terri Nisich, Assistant County Executive Officer

**SUBJECT:** Conditional Withdrawal of Protest Against Transfer of Alcoholic Beverages Permit at Chumash Casino Hotel and Resort

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors authorize staff to submit a conditional withdrawal of County's protest to the California Department of Alcohol Beverage Control regarding the application for a Premises to Premises transfer of the existing license to sell alcoholic beverages (type 47) held by the Santa Ynez Band of the Chumash Indians. The conditional withdrawal of protest shall include but not be limited to the following provisions:

- Inclusion of all provisions stated within Santa Barbara County Sheriff Letter (July 8, 2010)
- Restriction of bottle sales throughout the facility.
- Children under the age of 18 are not allowed on the gaming floor or showroom.
- Alcohol may only be sold in Willows Room and its adjacent patio on the 3<sup>rd</sup> Floor of the Chumash Casino; (2) in the Buffet Room of the 3<sup>rd</sup> Floor of the Chumash Casino and adjacent patio; and (3) in the Showroom of the 2<sup>nd</sup> Floor of the Chumash Casino consistent with Condition 13 of the Petition for Conditional License.

**Summary Text:**

This item was previously considered by the Board of Supervisors on June 22, 2010. At that time, the Board of Supervisors conducted a public hearing on the matter and authorized the chair to execute a protest regarding the license. The protest was filed. However, the Alcohol Beverage Control Board granted an Interim Retail Permit in September 2010. The County including the Sheriff's Department, County Counsel, and County Executive Office has continued to work with representatives of the Santa Ynez Band of the Chumash Indians to address concerns expressed by the Board of Supervisors specifically regarding where alcohol may be sold within the hotel/casino complex and conditions wherein alcohol service is provided in the showroom. Having resolved these matters, staff now recommends a conditional withdrawal of the protest given such issues noted by the Board of Supervisors and all items within the Santa Barbara County Sheriff Department letter of July 8, 2010 be incorporated into any future license issued by the California Alcohol Beverage Control Board (ABC).

**Background:**

The Santa Ynez Band of Mission Indians previously held two California Department of Alcoholic Beverage Control (ABC) licenses to sell alcohol at the Chumash Casino Hotel and Resort property. The property was issued a Type 47 restaurant license which allows for sale of beer, wine and distilled spirits at a bona fide eating establishment, and a Type 70 restrictive license which allows for the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. The Type 70 license is typically issued to hotels/motels for complimentary happy hour. The Type 47 license sales privileges are currently restricted to the Willows Restaurant and the Type 70 privileges are limited to the hotel. Among other conditions levied on these licenses at the time of their issuance, alcohol sales on the gaming floor and the exchange of the restaurant license for a public premise license were prohibited. Public premise license is the type typically issued for bars and night clubs and carries no requirement for food service.

On May 28, 2010, the Santa Ynez Band of Mission Indians filed an application with the ABC for a Premise to Premise transfer of the existing Type 47 license. The ABC considers the subject application to be a new transfer license and indicated that the existing conditions upon which the previous licenses were granted might not continue with a new license. However, conditions set forth in the interim license do address issues previously presented to ABC by the Santa Barbara County Sheriff's Department and acknowledge the issues discussed by the Board of Supervisors at the June 22, 2010 hearing regarding restrictions of alcohol to specific areas of the casino/hotel complex and service of alcohol in the showroom.

The Santa Ynez Band spokesman had indicated previously that their intention is to expand alcohol sales to only two public dining establishments and to the Samala Showroom when restaurant-style meals are provided during special events. They have further indicated that they intend to retain a prohibition against sales on the gaming floor. In the petition for the conditional license issued in June 22, 2011, the conditions specifically reflect a complete restriction of alcohol on the gaming floor (Condition #1) as well as specific conditions for use of alcohol in the showroom (Condition #13).

Conditions set forth within the petition for conditional license signed by the applicant and dated June 22, 2011 include the following:

**Interim Conditional License**

**County Comment**

<b>Interim Conditional License</b>	<b>County Comment</b>
1) There will be no sales, service or consumption of alcoholic beverages on the gaming floor as designated on the ABC-257 dated 3-24-10.	<b>Recommend concurrence with this condition. Consistent with Sheriff Department condition #2</b>
2) There will be no sales, service or consumption of alcoholic beverages in the area designated as "Chumash Cafe", as defined on the ABC-257 dated 03-24-10.	<b>Recommend concurrence with this condition. Consistent with Sheriff Department condition #1</b>
3) The sale of alcoholic beverages for consumption off the premises is strictly prohibited.	<b>Recommend concurrence with this condition. Consistent with Sheriff Department condition #4</b>
4) The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Department on demand.	<b>Recommend concurrence with this condition. Consistent with Sheriff Department condition #5</b>
5) The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lots and structures.	<b>Recommend concurrence with this condition. Consistent with Sheriff Department condition#6</b>
6) The licensee will comply fully and submit to Section 25755 B&P, in that, all peace officers as defined in California Penal Code sections 830.1 and 830.2, during the scope of their employment as peace officers, may visit and inspect the premises when the licensee is exercising their license privileges.	<b>Recommend concurrence with this condition. Consistent with Sheriff Department condition#8</b>
7) The licensee will insure that all alcoholic beverage sales staff receives appropriate training in the sale and handling of alcoholic beverages such as offered by the Department in the LEAD program.	<b>Recommend concurrence with this condition. Consistent with Sheriff Department condition#10</b>
8) The sale, service and consumption of alcoholic beverages shall only be allowed on the premises between the hours of 9:00 AM and Midnight on Sunday through Thursday and from 9:00 AM until 1:00 AM on Friday and Saturday.	<b>Recommend concurrence with this condition. Consistent with Sheriff Department condition#12</b>
9) There shall be no "Happy Hours" when alcoholic beverages are offered at discount prices that are less than standard prices.	<b>Recommend concurrence with this condition. Consistent with Sheriff Department condition#13</b>
10) That local government, including the County Sheriff, the District County Supervisor and the Mayor of Solvang, be notified by the Department in writing if this alcoholic beverage license is being considered for an amendment or any additional alcoholic beverage licenses are being applied for by the Tribe or its agents.	<b>Recommend concurrence with this condition. Consistent with Sheriff Department condition#15</b>
11) No person under 21 years of age will be allowed to rent or stay in hotel guestrooms where Controlled Access Cabinets containing alcoholic beverages are unlocked unless accompanied by an adult parent or guardian.	<b>Recommend concurrence with this condition Consistent with Sheriff Department condition#9</b>
12) There will be no sales, service or consumption of alcoholic beverages in the area designated as the "Showroom" as defined on the ABC 257 dated 3-24-10, when Class II gaming, as defined by The Indian Gaming Regulatory Act 25 U.S.C. Sec 2701 et seq, is	<b>Recommend concurrence with this condition. Consistent with Sheriff Department condition#2</b>

<b><u>Interim Conditional License</u></b>		<b><u>County Comment</u></b>
	in process.	
13)	At all times that alcoholic beverages are being sold, served or consumed within the area of the premises designated as "Showroom", as defined on the ABC-257 dated 3-24-10, at least 80% of the floor space of the "Showroom" will be used solely for meal service for guests, and must possess dining tables and chairs, along with necessary utensils, table service, and condiment dispensers with which to serve meals to the public.	<b>Recommend concurrence with this condition.</b>
14)	Sales, service or consumption of alcoholic beverages in the area designated as "Hotel", as defined on the ABC-257 dated 3-24-10, other than in the individual guest rooms will be restricted to hotel guests and or hotel event attendees present with a written invitation	<b>Recommend concurrence with the condition.</b>
15)	The licensee will develop and maintain a designated driver program where licensee will offer free non-alcoholic beverages to designated drivers.	<b>Recommend concurrence with this condition. Consistent with Sheriff Department condition#9</b>
16)	Sale of alcoholic beverages are permitted only in conjunction with contemporaneous service of food.	<b>Recommend concurrence with condition. Additional condition/clarification added.</b>
17)	Sale, service or consumption of alcohol beverages during any performance or exhibition of boxing events or "mixed martial arts" shall be prohibited.	<b>Recommend concurrence with this condition. Additional condition added.</b>
18)	The sale of distilled spirits by the bottle for same day or future consumption is prohibited.	<b>Recommend concurrence. Additional condition added.</b>

In addition, to further clarify the intent of the conditions referenced in the interim license, there will be no sale, service or consumption of alcoholic beverages other than (1) In the Willows Room and its adjacent patio on the 3<sup>rd</sup> Floor of the Chumash Casino; (2) in the Buffet Room of the 3<sup>rd</sup> Floor of the Chumash Casino and adjacent patio; (3) in the Showroom of the 2<sup>nd</sup> Floor of the Chumash Casino, as long as Condition #13 on the petition for conditional license is also observed (4) and, the hotel as long as Condition #14 on the petition for a conditional license is observed.

**Fiscal and Facilities Impacts:**

Budgeted: N/A

**Attachments:**

Protest filed by County July 2010  
 Sheriff Department Comment letter July 8, 2010  
 Petition for Conditional License

**Authored by:**

Terri Nisich