

**BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA**

IN THE MATTER OF THE APPLICATION OF

SANTA YNEZ BAND OF MISSION INDIANS
CHUMASH CASINO HOTEL AND RESORT
3400 E HIGHWAY 246
SANTA YNEZ, CA 93460-9405

} FILE 47-500055
}
} REG.
}

} PETITION FOR CONDITIONAL
} LICENSE

For Issuance of an On-Sale General Eating Place- License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the petitioner has entered into a Tribal-State Gaming Compact with the State of California; and,

WHEREAS, the petitioner is operating Class III gaming devices as defined by 25 U.S.C. Section 2703(8) on the applied-for location; and,

WHEREAS, the petitioner wishes to sell, serve and permit consumption of alcoholic beverages in a portion of the gaming facility where Class III Gaming activities will be conducted; and,

WHEREAS, pursuant to Section 23958 of the business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and,

WHEREAS, the proposed premises are located in Census Tract 0019.06 where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned over-concentration of licenses, grounds exist for denial of the applied-for license(s); and,

WHEREAS, the Santa Barbara County Sheriff's Department has protested this license application based on the grounds that issuance would aggravate existing law enforcement problems; and,

WHEREAS, the Santa Barbara County Board of Supervisors has protested this license application based on the grounds that issuance would aggravate existing law enforcement problems; and,

WHEREAS, the proposed premises is within 600 feet from Santa Ynez Park; and,

WHEREAS, issuance of an unrestricted licensed with out the below-described conditions may interfere with the public use of the above-mentioned consideration point.

WHEREAS, protest(s) has/have been filed against the issuance of the applied-for license; and,

WHEREAS, the protest(s) deal(s) with the proposed operation of the applied-for premises; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

- 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.
- 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 3-24-10.
- 3 The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
- 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.
- 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.
- 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.
- 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.
- 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.
- 9 There shall be no "Happy Hours" when alcoholic beverages are offered at discount prices that are less than standard prices.
- 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.
- 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.


- 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 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.
- 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 by written invitation.
- 15 The licensee will develop and maintain a designated driver program where licensee will offer free non-alcoholic beverages to designated drivers.
- 16 Service of alcoholic beverages shall be permitted only in conjunction with contemporaneous service of food. In the Showroom, service of alcoholic beverages shall be permitted only in conjunction with contemporaneous service of banquet-style meals.
- 17 Sales, service or consumption of alcoholic beverages during any performance or exhibition of boxing events or "mixed martial arts" shall be prohibited.
- 18 The sale of distilled spirits by the bottle for same day or future consumption is prohibited.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 23rd DAY OF JUNE, 20 11



Applicant/Petitioner

Applicant/Petitioner