



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: Board of Supervisors,  
3<sup>rd</sup> District  
Department No.: 011  
For Agenda Of: 6/22/2010  
Placement: Departmental  
Estimated Tme: 30 Minutes  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**TO:** Board of Supervisors  
**FROM:** Board Member(s) Supervisor Doreen Farr, Third District  
Contact Info: Chris Henson, Executive Assistant, 568-2197  
**SUBJECT: Chumash Casino Hotel and Resort Application for Alcoholic Beverage License**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Other Concurrence:** N/A

**Recommended Actions: That the Board of Supervisors:**

- a) Hold a public hearing to adopt comments on the application for a Premise to Premise Transfer of the existing license to sell alcoholic beverages (Type 47) held by the Santa Ynez Band of Mission Indians, for the Chumash Casino Hotel Resort, and
- b) Authorize the Chair to sign a Protest Against the Alcoholic Beverage License Application to the California Department of Alcoholic Beverage Control expressing the Board's comments, and
- c) Direct the County CEO to assign a County employee to attend Alcoholic Beverage Control's Administrative Hearing to present testimony and/or evidence of the grounds for protest.

**Summary Text:**

This agenda item provides the Board of Supervisors the opportunity to comment on a liquor license application and file a letter of protest.

**Background:** The Santa Ynez Band of Mission Indians currently holds two California Department of Alcoholic Beverage Control (ABC) licenses to sell alcohol at the Chumash Casino Hotel and Resort property. The property has been 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. Minors are allowed on the premises under both of these license types. 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. In initial discussions with the ABC in early June, County staff was told that the application would transfer some of the privileges of the Willows restaurant to the Type 70 in the casino and hotel. The rationale given by the applicant was the desire to be able to serve alcohol to the public during special events in other venues of the hotel. ABC staff also indicated that the conditions of operation currently applied to the existing licenses would remain and that Public Convenience and Necessity findings are not being required because these are not new licenses. Public Convenience and Necessity findings are required to be made before new, additional licenses can be issued in the County.

On June 14, County staff followed up their initial contact with ABC staff by placing a call to Leslie Pond who is the ABC district supervisor in the offices serving northern and southern Santa Barbara County. Mr. Pond relayed significantly different information about the application. Mr. Pond explained that the subject application is being treated as **a new transfer license** and indicated that the existing conditions upon which the previous licenses were granted might not continue with a new license. Specifically, the prohibition against alcohol sales on the gaming floor might not be prohibited with a new license, and that the potential area for sales is facility-wide at this time. Any restrictions on sales area would be evaluated through the protest and evaluation process.

The Santa Ynez Band spokesman has indicated 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 light of the fact, however, that the current application materials include a map of the entire casino hotel and resort property, with no explicit restriction to the areas described by the Band, the Third District believes it is prudent to file a protest of this application with the ABC, in the event that ABC's actions go beyond the assurances that County has received from the Santa Ynez Band. Attachment 1, together with the statistics compiled from the Sheriff's Department which are included, detail the grounds for this protest, including increasing opportunities for access to alcohol by minors and a pattern of increasing need for law enforcement. The County must file its protest within 30 days of the application filing, June 28, 2010. If the Board concurs and a protest is filed, a County representative will be required to attend the Administrative Hearing the date of which is unknown at this time.

Due to the short time frame and prior concerns expressed by the Board of Supervisors and local members of the community on this subject, this hearing will allow comments to be heard and action taken by the Board on this matter.

**Fiscal and Facilities Impacts:**

**Budgeted:** No

**Fiscal Analysis:** N/A

**Special Instructions:**

**Attachments:**

1. Department of Alcoholic Beverage Control Protest Against Alcoholic Beverage License Application
2. Presentation (Will be added on June 21, 2010.)

**Authored by:** Vicki Parker

**cc:**