

Santa Ynez Valley Concerned Citizens

P.O. Box 244

Santa Ynez, CA 93460

www.syvconcernedcitizens.com

18 January 2008

Alcohol Beverage Control
3220 S. Higuera St, Ste 310
San Luis Obispo, CA 93401

ATTN: Mr. Leslie Pond

Dear Mr. Pond,

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to the Chumash Casino, for premises at 3400 Highway 246, Santa Ynez, CA 93460 based upon the following grounds:

- 1) The issuance or transfer of a License will create inconsistencies and conflicts between provisions of the State and Federal Constitutions, the Gaming Compact, the Alcoholic Beverage Control Act and the Inland Zoning Ordinance Article III of Chapter 35 of the Santa Barbara County Code.
- 2) The issuance of a license will add to an existing undue concentration of establishments that currently sell and serve alcoholic beverages in the immediate and surrounding area.
- 3) The issuance of a license will not serve the Public Necessity or Convenience.
- 4) The license application is for an establishment that is very proximal to Schools, Churches and a Park.
- 5) The license application is for an establishment that will be accessed only by two lane roads one of which is a 2-lane mountain road, creating health and safety risks for the general public.
- 6) The issuance of a license will add to existing substandard highway conditions as noted in the September 1991 Santa Barbara Board of Supervisors' findings in reference to an acceptable number of Average Daily Trips on Highway 154. A license cannot be issued that would add to an existing documented dangerous condition. The ABC MUST perform a traffic study or provide evidence to the contrary prior to the issuance of an Alcoholic Beverage License.
- 7) No proper State or ABC venue for the public to appeal ABC Board and Judge decisions is provided by statute due to County / State / Federal / Tribe / Gaming Compact statutory conflicts.
- 8) The Environmental Assessment Document of 4-02-03 for the Casino Project did not include Alcoholic Beverage Service in the 'Project Description' (Section 2.0). No impacts, or mitigation measures are included or discussed in the EA Document. A new public Environmental Assessment comment meeting should be held to address the new project description inclusive of Alcoholic Beverage Service.
- 9) The premises are located in a 'High Crime' / 'Law Enforcement Problem Area.' The absence of a High Crime Area Designation cannot be determined without complete disclosure of Crime and Incident Data contained in the Tribal Incident Log required under the Gaming Compact.
- 10) The Department of Alcoholic Beverage Control is required by Statute to operate and to issue licenses in accordance with CEQA. CEQA Requirements have not been met by the ABC or the Applicant. The ABC cannot issue a license without compliance and adherence to all CEQA requirements.
- 11) The Department of Alcoholic Beverage Control provides the State of California with its only direct mechanism to adequately protect the public safety from a sovereign applicant. In the absence of a complete investigation of all aspects of the applicants premises inclusive of Building Code, Fire Code, and Evacuation Plan(s) the ABC will not have fulfilled its required duties under *Business and Professions Code* § 23001 and § 23958. The ABC must, at a minimum, investigate health and safety issues that might normally, in the non-sovereign context, be the responsibility of other state agencies.
- 12) The premises, the Chumash Casino & Resort, constitute a public nuisance due to the extremely high numbers of 'calls for service', 'reports written', and number of arrests for illegal drug use by the County

of Santa Barbara Sheriff's Department. (See Chumash Casino Resort 'Willows restaurant' investigative report prepared by the ABC).

- 13) The Santa Ynez Band of Mission Indians has not complied with all of the license conditions of previous licenses
- 14) The License Location is a public Nuisance due to the high number of drug , drunk in public, and other incidents in and around the Casino, Parking Structure and Gaming Floor
- 15) Tribal Contributions to the County of Santa Barbara from the Special Benefits assessment fund to offset Law enforcement and Public Safety costs have been halted.
- 16) Based on information and belief the records and files of ABC contain information of the violations of the regulations and rules of the ABC to which protestant request access, which in the past has been denied to them.
- 17)The California Department of Alcoholic Beverage Control has failed to adequately enforce and monitor the terms and conditions of prior licenses issued to the applicant.

I, Nancy L. Eklund, declare under penalty of perjury: (1) That I am the protestant herein (2) That I have read the above protest and know the contents thereof; and (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

Very truly yours,

Nancy L. Eklund
Secretary
Santa Ynez Valley Concerned Citizens
Santa Ynez, California

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