

MONTEREY COUNTY

BOARD OF SUPERVISORS

Louis R. Calcagno, Chair of the Board of Supervisors
District 2 Supervisor



168 W. Alisal Street, 1st Floor
Salinas, California 93901
<http://www.co.monterey.ca.us>

February 4, 2014

Department of Alcoholic Beverage Control (ABC)
Attention: Karyn Nielsen
Salinas District Office
1137 Westridge Parkway
Salinas, California 93907

Re: County of Monterey's Objections to Removal or Modification of Conditions
ABC File Number 41-489588 – ABC Conditional License
Gabino Orozo Avila, Griselda Chavez Zepeda (Licensee)
DBA: Tacos Jacona Restaurant
45 Brooklyn Street, Watsonville, California 95076

Dear: Ms. Nielsen

The Monterey County Board of Supervisors has received the Department of Alcoholic Beverage Control's (ABC) Letter Notice signed by "GM" on your behalf dated January 3, 2014, which was received by the County on or about January 9, 2014, concerning the referenced Licensee's Petition to remove or modify certain conditions on the Conditional License for the aforementioned address. Monterey County hereby submits this written objection to the Licensee's Petition to remove and/or modify the referenced Conditional License pursuant to Government Code Section 23803. The subject building is located adjacent to a residential neighborhood and its construction was approved with a Use Permit for a restaurant only pursuant to Planning Commission File - Permit Number PC06248.

Monterey County objects to the proposed removal of the ABC License Condition No. 1, which states, "*1. There shall be no live entertainment on the premises at any time.*" as indicated on the current ABC license for an "On Sale Beer & Wine Eating Place License Under the Alcoholic Beverage Control Act" for Gabino Orozco Avila and Griselda Chavez Zepeda (DBA: Tacos Jacona Restaurant), located at 45 Brooklyn Street, Watsonville (Pajaro) (See ABC File 41-489588 – ABC Conditional License, Condition No. 1). Monterey County also objects to the Licensee's proposed expansion of hours of operation from 8:00 a.m. to 9:00 p.m. to the proposed hours of operation from 10:00 a.m. to 2:00 a.m.

As indicated in the current ABC Conditional License, said premises are located within the immediate vicinity of residences and an unconditional issuance for operation of the premises could interfere with the quiet and peaceful enjoyment of their property by the residents, and the premises are located within 100 feet of 11 residences. Further, pursuant to Rule 61.4, Chapter I, Title 4, California Administrative Code, ABC may deny the issuance of a license when the premises to be licensed or any parking lot operated in conjunction therewith are located within 100 feet of a residence (See Recitals of Conditional License). Therefore, Conditional License (File 41-489588) was issued subject to the condition that, *“1. There shall be no live entertainment on the premises at any time.”*

The County of Monterey is opposed to the elimination of the condition which prohibits live entertainment on the premises at any time due to the proximity to residential uses. Further, a Use Permit to allow live entertainment is required pursuant to the Monterey County Code (MCC), Title 21 – Zoning Ordinance, MCC Section 21.20.060.X. The site is also located near the new Pajaro Neighborhood Park located at 24 San Juan Road, Watsonville and; therefore, this site may not be appropriate for live entertainment. Proximity to residential uses and the new Community Park would be reviewed during the application process for any Use Permit for live entertainment on the premises pursuant to Title 21 – Zoning Ordinance.

ABC Condition No. 1, which states, *“1. There shall be no live entertainment on the premises at any time.”* is still appropriate for this location. Further, the elimination of this Condition would require a Use Permit pursuant to Chapter 21.20.060.X of Title 21 – Zoning Ordinance. Therefore, Monterey County recommends that the conditions of the current ABC Conditional License not be removed nor modified at this time.

Pursuant to California Government Code Section 23803, ABC may not remove or modify any condition to which an objection has been filed without holding a hearing as provided in Government Code Section 11500 et seq. Please notify the County of Monterey Resource Management Agency (RMA) Planning Director, Mike Novo, and Supervising Manager, Wanda Hickman, 168 W. Alisal Street, 2nd Floor, Salinas, California 93901, of the date and time of any hearing on this matter so that the County’s objections can be considered by the appropriate authority within ABC.

Sincerely,

Louis R. Calcagno, Chair
Board of Supervisors
District 2 Supervisor