

Attachment B
ABC Letter Notice

REF140010

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DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

SALINAS DISTRICT OFFICE
1137 WESTRIDGE PARKWAY
SALINAS, CA 93907
(831) 755-1990

RECEIVED
MONTEREY COUNTY



2014 JAN -9 PM 2:15

CLERK OF THE BOARD

STB

DEPUTY

January 3, 2014

Monterey County Board of Supervisors
PO Box 1728
Salinas CA 93902

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

GABINO OROZCO AVILA, GRISELDA
CHAVEZ ZEPEDA
DBA: TACOS JACONA RESTAURANT
45 BROOKLYN ST, WATSONVILLE, CA
95076
File: 41-489588

Dear: Monterey County Board of Supervisors

This is to inform you that pursuant to an amendment to Section 23803 of the Business and Professions Code which became effective January 1, 1998, the Department is required to notify local governing bodies of any petition to remove or modify conditions on an alcoholic beverage license.

Please be advised that the above-referenced licensee, whose currently licensed premises is within your jurisdiction, has petitioned the Department to remove or modify certain conditions on their alcoholic beverage license. I have enclosed the following items for your information and consideration:

1. A copy of Section 23803 of the Business and Professions Code.
2. A copy of the existing Petition for Conditional License, which contains the license conditions, and the grounds for their original imposition.
3. A copy of the licensee's letter describing the conditions the licensee is seeking to remove or modify.

According to the provisions of Section 23803 Business and Professions Code, you have thirty (30) days to file a written objection to the modification/removal of these conditions. If you have any questions or need any additional assistance in this matter, please do not hesitate to contact this office at (831) 755-1990.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim", followed by the word "for" written below it.

concentration as defined in Section 23958.4, the period within which the local governing body or its designated subordinate officer or agency may submit a written request for conditions shall be 40 days after the mailing of the notices required by Section 23987. For purposes of this provision only, undue concentration shall be established when the requirements of both paragraph (1) of subdivision (a) and either paragraph (2) or paragraph (3) of subdivision (a) of Section 23958.4 exist. Pursuant to Section 23987, the department may extend the 40-day period for a period not to exceed an additional 20 days upon the written request of any local law enforcement agency or local government entity with jurisdiction. Nothing in this paragraph is intended to reduce the burden of the local governing body or its designated subordinate officer or agency to support any request for conditions as required by paragraph (1). Notwithstanding Section 23987, the department may not transfer any license subject to this paragraph until after the time period permitted to request conditions as specified in this paragraph.

(f) At the time of a transfer of a license pursuant to Article 5 (commencing with Section 24070) of Chapter 6.

Added Stats 1959 ch 1351 § 1, Amended Stats 1969 ch 502 § 1, Stats 1989 ch 903 § 1, Stats 1994 ch 627 § 4 (AB 463) Stats 1999 ch 499 § 1 (AB 1092), Stats 2000 ch 979 § 3 (AB 2759); Stats 2001 ch 981 § 2 (AB 624); Stats 2006 ch 625 § 1 (SB 148), effective January 1, 2007; Stats 2008 ch 254 § 1 (AB 2383), effective January 1, 2009.

Amendments:
1969 Amendment: (1) Amended subd (a) by (a) substituting "If grounds exist for the denial of an application for," after any proceedings upon a petition"; (b) adding "where" after "license or"; (c) adding "is filed and"; (d) adding "such" before "grounds"; and (e) deleting "exist for the denial of the application for the license which" before "may be removed". (2) Amended subd (b) by (a) substituting "where" for "In any proceedings for the suspension or revocation of a license, if (b) adding "by the department"; (c) substituting "a" for "such" after "would justify"; and (d) adding "of a license, after "revocation"; and (3) deleted "after proceedings to suspend or revoke a license," before "the department" in subd (c).
1989 Amendment: (1) Made technical changes; and (2) added "or upon any license in the exercise of retail privileges" in the introductory clause.
1994 Amendment: (1) Deleted "Upon request of the licensee or applicant for a license" in the beginning of the

(a) If grounds exist for the denial of an application for a license or where a protest against the issuance of a license is filed and if the department finds that those grounds may be removed by the imposition of those conditions.

(b) Where findings are made by the department which would justify a suspension or revocation of a license, and where the imposition of a condition is reasonably related to those findings. In the case of a suspension, the conditions may be in lieu of or in addition to the suspension.

(c) Where the department issues an order suspending or revoking only a portion of the privileges to be exercised under the license.

(d) Where findings are made by the department that the licensee has failed to correct objectionable conditions within a reasonable time after receipt of notice to make corrections given pursuant to subdivision (e) of Section 24200, or subdivision (a) or (b) of Section 24200.1.

(e)(1) At the time of transfer of a license pursuant to Section 24071.1, 24071.2, or 24072 and upon written notice to the licensee, the department may adopt conditions that the department determines are reasonable pursuant to its investigation or that are requested by the local governing body, or its designated subordinate officer or agency, in whose jurisdiction the license is located. The request for conditions shall be supported by substantial evidence that the problems either on the premises or in the immediate vicinity identified by the local governing body or its designated subordinate officer or agency will be mitigated by the conditions. Upon receipt of the request for conditions, the department shall either adopt the conditions requested or notify the local governing body, or its designated subordinate officer or agency, in writing of its determination that there is not substantial evidence that the problem exists or that the conditions would not mitigate the problems identified. The department may adopt conditions only when the request

(e) adding "that the department determines are reasonable pursuant to its investigation or that are" after "department may adopt condition" in the first sentence; and (b) substituting the fourth and fifth sentences for the former fourth sentence which read: "The department may adopt conditions requested pursuant to this paragraph only when the request is filed within the time authorized for a local law enforcement agency to file a protest or proposed conditions pursuant to Section 23987."
2008 Amendment: Added subd (f).

Collateral References:
Cal. Legal Forms, (Matthew Bender) §§ 18.01[2], 18.32[1], 18.32[2], 18.52[3], 15.200[1].

§ 23801. Matters which conditions may cover

The conditions authorized by Section 23800 may cover any matter relating to the privileges to be exercised under the license, the personal qualifications of the licensee, the conduct of the business or the condition of the premises, which will protect the public welfare and morals, including, but not limited to, the following:

- (a) Restrictions as to hours of sale.
- (b) Display of signs.
- (c) Employment of designated persons.
- (d) Types and strengths of alcoholic beverages to be served where such types or strengths are otherwise limited by law.
- (e) In cases under subdivision (c) of Section 23800, the portion of the privileges to be exercised under the license.
- (f) The personal conduct of the licensee.
- (g) In cases under subdivision (f) of Section 23800, restrictions on the presence of the licensee or transferor on the licensed premises without law-ful business if that licensee transferor has multiple violations of this division when in possession of the license. For purposes of this section, "lawful business" specifically excludes, without limitation, working or volunteering at the premises, consulting with the licensee regarding the operation of the premises, and loitering.

Added Stats 1959 ch 1351 § 1, Amended Stats 1969 ch 502 § 2; Stats 2008 ch 254 § 2 (AB 2893), effective January 1, 2009.

Amendments:
1969 Amendment: Added (1) "the personal qualifications of the licensee," in the introductory paragraph; and (2) subd (f).
2008 Amendment: (1) Deleted "the after" Employment of" in subd (c); (2) substituted "subdivision (c) of Section 23800"

binding upon all persons to whom the license is transferred.

Added Stats 1959 ch 1351, § 1.

Collateral References:
Cal. Legal Forms, (Matthew Bender) §§ 18.01[2], 18.32[1], 18.200[1].

§ 23803. Removal or modification of conditions; Notice and hearing

The department, upon its own motion or upon the petition of a licensee or a transferee who has filed an application for the transfer of the license, if it is satisfied that the grounds which caused the imposition of the conditions no longer exist, shall order their removal or modification, provided written notice is given to the local governing body of the area in which the premises are located. The local governing body has 30 days to file written objections to the removal or modification of any condition. The department may not remove or modify any condition to which an objection has been filed without holding a hearing as provided in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Any petition for the removal or modification of a condition pursuant to this section shall be accompanied by a fee of one hundred dollars (\$100).

Added Stats 1959 ch 1351 § 1, Amended Stats 1983 ch 587 § 1; Stats 1997 ch 454 § 1 (SB 609).

Amendments:
1983 Amendment: Added the second paragraph.
1997 Amendment: Amended the first paragraph by adding (1) "or modification, provided written notice is given to the local governing body of the area in which the premises are located" at the end of the first sentence; and (2) the second and third sentences.

Collateral References:
Cal. Legal Forms, (Matthew Bender) §§ 18.01[2], 18.32[1], 18.200[1].

§ 23804. Violation of condition

A violation of a condition placed upon a license pursuant to this article shall constitute the exercising of a privilege or the performing of an act for which a license is required without the authority thereof and shall be grounds for the suspension or

KARYN NIELSEN
District Administrator

Enclosure

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

ABC-22 (1/05)

In the Matter of the Application of:

Avila Gabino Orozco
Zepeda Griselda Chavez
45 Brooklyn St.
Watsonville, CA 95076

File: 41-489588

Reg:

For issuance of an On Sale Beer & Wine Eating Place
License
Under the Alcoholic Beverage Control Act

PETITION FOR CONDITIONAL
LICENSE

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, said premises are in the immediate vicinity of residences and an unconditional issuance for the operation of the premises could interfere with the quiet and peaceful enjoyment of the their property by the residents; and,

WHEREAS, the applicant premises are located within 100 feet of 11 residences; and

WHEREAS, pursuant to Rule 61.4 Chapter I, Title 4, California Administrative Code, the Department may deny issuance of the license when the premises to be licensed or any parking lot operated in conjunction therewith is located within 100 feet of a residence; and,

WHEREAS, by reason of Business and Professions Code Section 23802 said conditions are binding upon all persons to whom the license is transferred,

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

1. There shall be no live entertainment on the premises at any time.
2. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food.
3. The subject alcoholic beverage license shall not be exchanged for a public premises type license.

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 21 DAY OF Octubre, 2010

G. Chavez
Applicant/Petitioner

Gabino Orozco
Applicant/Petitioner

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OCT 21 2010

Alcoholic Beverage Control
Salinas

9/20/13

Yo Gnselda Chavez Zepeda necesito
Remover la condicion:

1. There shall be no live entertainment on
the premises at time.

Yo quiero tener entretenimiento por eso
necesito remover esta condicion gracias.
tambien quiero cambiar mis horarios.
de 8 am. a 9 am.
Cambiar
10 am. a 2 am.

J. Chavez

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SEP 20 2013

Alcoholic Beverage Control
SALINAS DISTRICT

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