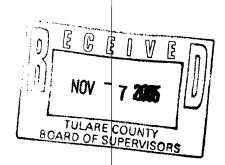
Marilu Lopez 878 W. Mariposa Street Lindsay, California. 93247 (559) 756-3206.



To whom it may concern:

My name is Marilu Lopez. On October 29, 2005., I received a Denial of Application for Public Dance Business License from the office of the tax collector. I submitted an application on October 12, 2005 with the Tulare County Resource Management Agency and was given a Building Permit No: A0503661., for a 10,000 gallons water tank and up to this day I am still awaiting for an answer from the County.

I am working on it, I have been inquiring about my permit in person and making phone calls. I was notified today that I will receive the permit to install the water tank, it will be ready in this week or the next few days. The entrance and exit signs are posted, the lightbulb has been fixed. I am working on making the necessary improvements to my business so that it will have a better appearance and I also have security guards available upon request.

Sincerely,

Marilu Lopez.

nils lopez

TULARE COUNTY RESOURCE MANAGEMENT AGENCY 5961/SOUTH MOONEY BOULEVARD

VISALIA, CALIFORNIA 93277-9394

INFORMATION SLIP

CHECKING ON YOUR BUILDING PERMIT APPLICATION PERMIT NO. /

CALL 733-6291 OR 733-6282

AND IF YOU'RE CALLING LONG DISTANCE YOU'MAY CALL TOLL FREE AT 1-800-228-6133 WE WILL LET YOU KNOW IF YOUR PERMIT IS READY!

HAVE A NICE DAY!

BOARD OF SUPERVISORS / COUNTY ADMIN. COUNTY OF TULARE

ADMINISTRATION BUILDING 2800 W. BURREL AVE. VISALIA, CA 93291 PHONE (559) 733-6531

	Date	11/7/05	
	Marilu Lape Name	Z	
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	Address City/State	<i>CA</i> 9: Zip	3247
		Zip	,
	Description	Amount	
	Appeal Fee	300	00
	(cash)		
			-
BS-2	Total	300	00
	Received By Wana	K. Cus	<u> </u>
			078

COUNTY OF TULARE

Office of the Treasurer/Tax Collector

October 26, 2005

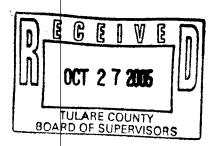


O. Gerald Fields Treasurer/Tax Collector

William F. Shearer, Jr., C.P.A. Assistant Treasurer/Tax Collector

Marilu Lopez 878 W Mariposa Lindsay CA 93247

RE: Denial of Application for Public Dance Hall Business License



Dear Ms Lopez,

Pursuant to Tulare County Ordinance Code, §6-03-1020 and §6-03-1030, the Tulare County Sheriff Office, Resource Management Agency (Planning Department) and the Tulare County Fire Department (Fire Warden) has directed the Tax Collector to deny your application for a Public Dance Hall Business License.

REASON FOR DENIAL:

Tulare County Sherrif's Office - Not in the best interest of Public Safety.

Resource Management Agency - PSP-02-001 Non-Compliance with conditions of Special Use Permit, Sections 12, 12, 14, 15, 20 & 27 (Copy Attached)

Tulare County Fire Department - Lack of 10,000 Gal. Water Storage Tank for Fire Protection

You may apply to the Board of Supervisors of Tulare County for a review of this action, pursuant to Tulare County Ordinance Code, §6-1080 and §165, by filing with the Clerk of the Board of Supervisors, 2800 W Burrell Ave, Visalia, CA 93291, a written appeal within ten (10) calendar days after the mailing of this notice.

In the event you request the Board of Supervisors to review the action, the Clerk of the Board will notify you, not later than fifteen (15) days after the date on which the appeal was filed, of the time and place of the hearing on your appeal. At the hearing, the Board of Supervisors will consider all matters set forth in the application and the reports of the investigating officers, and shall consider the evidence presented at the hearing by you (the appellant), the Tax Collector, the investigating officers, and all other persons who desire to be heard concerning the matter. At the hearing you are entitled to be present and to be represented by counsel. The Board may continue the hearing from time to time without giving you written notice. After the conclusion of the hearing, the Board will issue its decision on the appeal; which decision shall be final.

Sincerely,

Cc:

O Gerald Fields

Tulare County Tax Collector

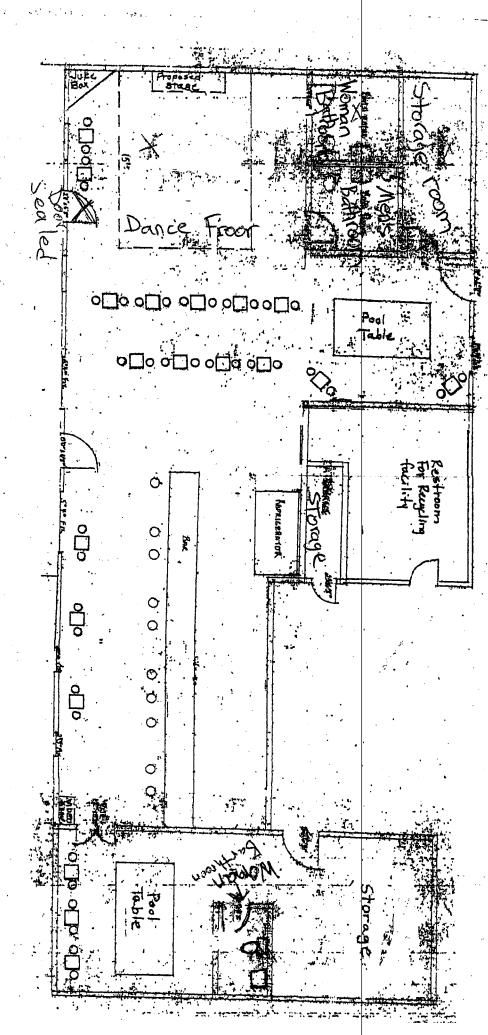
Deputy Tax Collector

Board of Supervisors, Sheriff's Office, Planning Commission, Health Officer, Fire Warden,

County Counsel

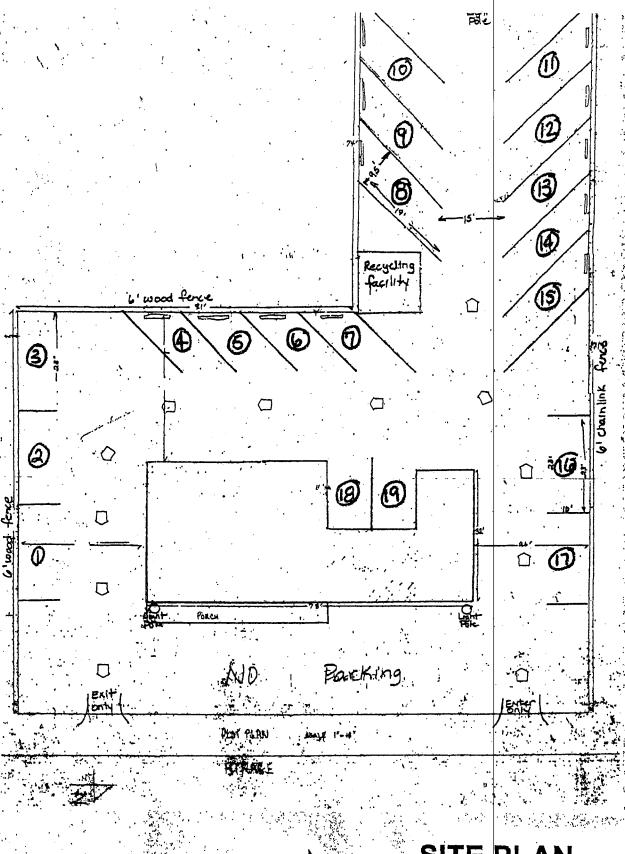
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ound	of Tralana	Dr. 11 (25)	M _	Gerald Fields
	THE BU		Treasurer	Tax Collector
ice of the Trea	surer/Tax Collector			
	II II JUL	21 200		Shearer, Jr., C.P.A. easurer/Tax Collector
·	OG	eraid Fields		
App	olication for Public			
Sinalo Dan	Under Tulare Count		•	
single Dan	ce License ()	·	Annual Dance	e License (X)
The undersig	ned hereby applies for a Publ	ic Dance/Dance Hall	license pursua	nt to the Ordinance
Code of Tula	re County, and makes the foll	lowing statements:		at to the Ordinance
Applicant: <u>/</u> Address:	Marilo le	257		
City, State Z	ip: Lindsay	of pesa	937	47
Residence Te	lephone No: 55%	756:	32.06	,
Business Nan	ne: E/ Camp	esino		
Business Add City, State Z		> Mirabe	AV	lindsag(h)
		756-3206	752	9 7
Personal Des				
Date of Birth	1-1-64 Place		2,70	
SexSocial Securi	Hair <u>Broocen</u> Eyes ty No: <u>621-09-678</u>	Brown ADrivers License N	Height <u>5</u> _6	3 Weight 137
	ergency, notify: 50/	redad Ad	color d	0
	Name, Address, and Telepho	one number of all em	plovers for the	past five (5) years:
1	777			past ir to (3) yours.
3.	Self	Employ	·	
4 5.				
	Name, Address and Telepho	one Number of five (6	5) ob one ot our 6	- M7 (150 ()
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2. Beking	/ /	rage lind	Sag Ch	193297,36239
4. Sara	<i></i>	Honolela · lin Denver ST #	day (7/ 93847, 562 79
5. Jaime			A	93247-310 0386
Names, Addr	esses, Telephone Numbers of	f any partners or Asso	. ,	
	AT MA			
The applicant	further states hereto, as indic	noted by initialian	-1	
1. <u>M/_</u> Th	nat he/she is the individual wl	ho will actively opera	ate the business	under this license
2. <u>M/</u> II	nat he/she is deemed to be th	e authorized agent o	f all interested	parties for the purpose
OT TECEITAI	na anti notice required by the	. Ardinanaa madaaIL	1 = 1 = 41 = 1 = 1 = 1 = 1 =	,• • • • • •

	•									
MLO	•									
detailed on the roy	ne has never been	charged or convicted of any felony at any time except as								
That he/sh	verse side of this a	ppilication. Onvicted of any misdemeanor evoluting non-maxing traffic								
That he/she had not been convicted of any misdemeanor, excluding non-moving traffic violations, within the previous ten (10) years, nor has been charged with any misdemeanor										
excluding non-mo	oving traffic violat	tions, within the previous five (5) years, except as detailed or								
the reverse side of	f this application.	, ·· provides into (b) yours, except as domined of								
5. That neith	er he/she nor any	person participating in this business has been denied a license								
at any time for a	public dance, or h	and such a license suspended or revoked by the authorities o								
any County or C	City in the State of	of California, except as detailed on the reverse side of this								
application.		•								
That the a	pplication is for ar	n annual license or a single dance license.								
Details co	oncerning any oth	er business that will be conducted in conjunction with the								
public dance are a	as follows: Bar	- Serving Alcohoic Non-Alcohoic								
8 MTO That the f	loor plan attached	hereto is drawn to scale and shows the following:								
1) Area of flo	oor where dancing	is to be permitted								
2) Location a	and size of exits	, is to be perimitted								
	in which exit door	rs onen								
4) Location of	of drinking founta	ins								
5) Location	of restrooms and o	ther sanitation facilities								
		handling and serving food and beverages.								
the applicant, that I he foregoing is true a Executed on 7 - 8	nave read the fore and correct of my									
A 441	() () TI = TI	Signature of Applicant								
Attachment:	(X) Floor Plan									
RECEIPT is hereby applicant, as the applicant. Code.	acknowledged of olication fee prov	the sum of Sixty Dollars (\$60.00) from the above named ided for in \$6-03-1015 of the Tulare County Ordinance								
		O Gerald Fields								
		Tulare County Treasurer/Fax Collector								
		By:								
FEES REQUIRED:	Annliantian	Deputy Tax Collector								
TELS ACQUIACD.	Application Sheriff's Dept	\$60.00 \$10.00 Processing								
	Dept of Justice	\$32.50 Money Order only (processing)								
	License	\$100.00 FY/\$20.00 Event Due when application process								
	completed	Troc.oo 1 1/420.00 Event Due when application process								
Distribution:	Tompione									
Applicant										
Tax Collector Sheriff										
Health & Human Service	es Agency									
Resource Management A										





SITE PLAN
PSP 02-001
EXHIBIT "A"
SHEET 2 OF 2





SITE PLAN
PSP 02-001
EXHIBIT "A"
SHEET 1 OF 2

	CASHIER'S COLLECTION SHEET
MANDATORY APN/ID#:	208-030-010-000 EL CAMPANSINO DATE : 7/21/2005 INITIALS : klg
	AMOUNT PAID 1 or 2 DESCRIPTION
TRANS CODE : 5000	\$60.00 BUSINESS LICENSE APPLICATION FEE
TRANS CODE :	#N/A
	\$60.00

UNITED STATES POSTAL SERVICE®	POSTAL MONEY	YORDER	15-800
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* * * * * THIS PARCEL IS IN DEFAULT* ** * *

SECURED ASSESSMENT ROLL - ASMT INQUIRY 07/21/2005 FEE ASMT: 208 030 010 000

ESC YR: ASMT: 208 030 010 000 BASE ASMT: 208 030 010 000

STATUS: TAX BILL PRINT: 00 00 0000 SEG ASMT:

OWNER: LOPEZ MARILU ACTION:

ASSESS: LOPEZ MARILU CODE AREA: 108 003 ADDRESS: DBA EL CAMPANSINO SUPL CNT: . 0

878 W MARIPOSA ST EVENT DT:

0.00 00/00/0000 DUE LINDSAY CA 93247 1ST: 2ND:

SIT 1/2: 807 S MIRAGE AVE LINDSAY

CORTAC#: BANKRPCY: 00 00 0000 NO: TYPE: REMOVD: 00 00 000 RC # CHGE DATE ID R&T DESCRIPTION BILL TYPE XREF 00000 06/22/2005 00000 06/22/2005 20803010000SO OLD #

DFLT DT: 06 30 2005 DFLT #: 003482 NOTICE DT: 00 00 0000 REDEEMED: 00 00 000b F1=INDEX BY FEE F2=SEC DELINQ ROLL F3=PRINT BILL F4=VALUES F5=TAX DATA F7=RETURN F8=NAME/ASMT INQ F9=NAME INDEX P11=PRIOR 5 ROLLS PA1=NEXT ASMT

0202 ' PRPOQX

COUNTY OF TULARE REDEMPTION PRIOR SECURED TAX ROLL

07/21/2005 13:35:28

APN:

208 030 010 000

FEE ASSMT: 208-030-010-000

BASE ASMT: 208-030-010-000 CODE AREA: 108-003

OWNER: LOPEZ MARILU

P.P. DATE:

ASSESS: LOPEZ MARILU

P.P. INST:

ADDRESS: DBA EL CAMPANSINO

878 W MARIPOSA ST

LINDSAY CA 93247

CURR DATE: 07/21/2005

REDPT: 600.73

P.P.:

120.15

SIT 1/2: 807 S MIRAGE AVE LINDSAY

DFLT DATE: 06/30/05 DFLT# 053482 \$ AMT 577.98

NOTICE: 00/00/00

RED 00/00/00

REDEMPTION SCHEDULE

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OCT	623.96	FEB	654.94	JUN	685.92	

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COUNTY OF TULARE PROPERTY SYSTEM -ASSESSOR INQUIRY

07/21/05 13:35:45.8

BUSINESS

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KILLED:

DESC: POR N/2 OF NE/4 SEC 18-20-27

ZONING:

ASSMT:

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108003 TAX CD: 001 BASE: 00/00 KILLED:

CUR DOC: 2000R46651 07/28/00

DESC:

POR N/2 OF NE/4 SEC 18-20-27

LOPEZ MARILU

878 W MARIPOSA ST

LINDSAY CA 93247

ROLL ASSESSEE: N RETAINED OWNER:

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ET AL OWNERS: N SUPL CNT: 20803010000SO

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OPTION: ___

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ASSESSMENT: 208 030 010 000 FEE ASSMT: 208 030 010 000

OWNERSHIP: 100.000

ASSESSEE: LOPEZ MARILU

TYPE PERCENT DOCUMENT

SEL OWNER NAME LOPEZ MARILU 100.000 2000R46651 07/28/00

SEL FIELD = X AND PF1 FOR DOCUMENT HISTORY (RECORDED) PF9 OR ENTER = RETURN

County of Tulare

Office of the Treasurer/Tax Collector

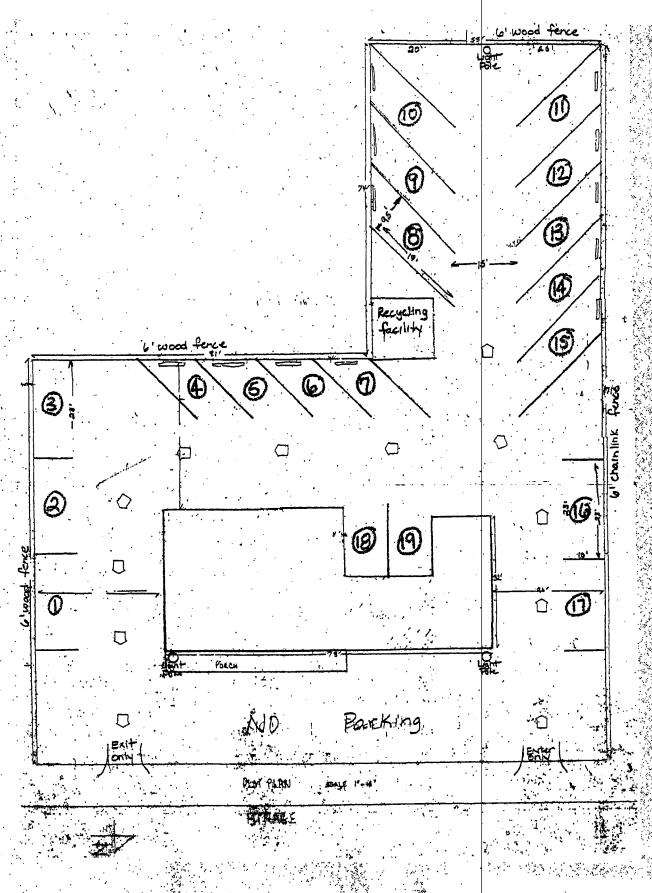


O. Gerald Fields Treasurer/Tax Collector

William F. Shearer, Jr., C.P.A. Assistant Treasurer/Tax Collector

Application for Public Dance/Dance Hall License

DATE:JULY 21, 2005 A	PN: 208-030-010-000
NAME OF APPLICANT:Marilu_Lopez	
Report from Tulare County Sheriff: Date:	Approval:
Pengan for Denial	Demai.
Reason for Denial:	Bv.
	By: Sheriff's Department Investigating Officer
Report from Tulare Resource Management Agence Date:	A 1.
	Denial:
Special Conditions:	
Reason for Denial:	
	By: Resource Management Agency Investigating Officer
Report from Tulare County Health & Human Se	rvices Agency (Environmental Health):
	Approval:
	Denial:
Reason for Denial:	
	By:
Report from Tulare County Fire Warden:	
Date:	Approval:
	Denial:
Reason for Denial:	
	By:Fire Warden Investigating Officer
	Fire warden investigating Officer

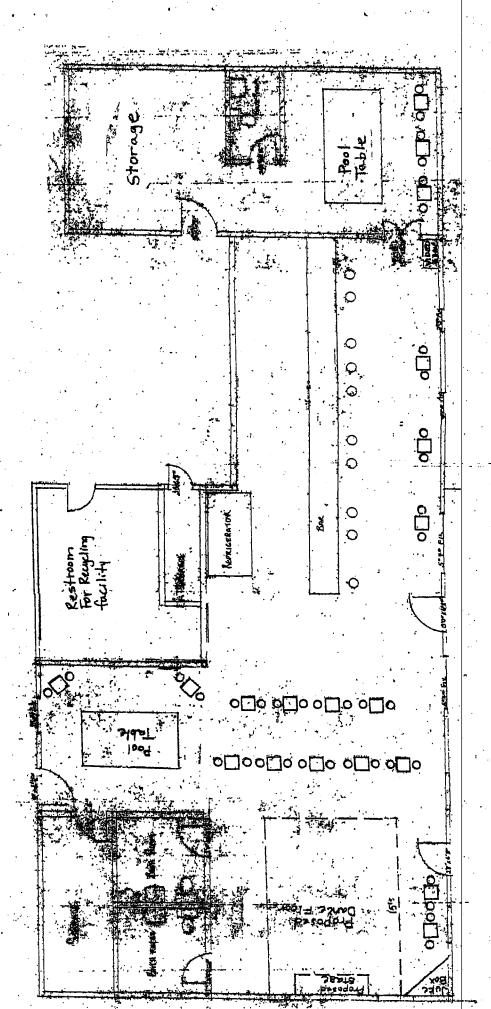




SITE PLAN
PSP 02-001
EXHIBIT "A"
SHEET 1 OF 2

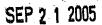
SITE PLAN
PSP 02-001
EXHIBIT "A"
SHEET 2 OF 2





County of Tulare

Office of the Freasurer/Tax Collector





O. Gerald Fields Treasurer/Tax Collector

William F. Shearer, Jr., C.P.A. Assistant Treasurer/Tax Collector

Tylare County Tex Collector Ry Deputy	n jor Puo	iic Dar	ice/Dance Hail	License	
DATE: JULY 21, 20					
NAME OF APPLICANT:mar	ilu Lopez				
NAME OF BUSINESS: El C	ampesino	- · · · · · · · · · · · · · · · · · · ·			
Report from Tulare County Sh Date: 9-31-05	eriff:		Approval:		
	:		Denial:) Capt.	Que ac	O.L
Reason for Denial: Not is	Le best in	tirest	0= Public Sa	4.7	
			By: PERCONEG MERRIE		
			Sheriff's De	epartment Investig	ating Officer
TO 10 TO 1	_				
Report from Tulare Resource N Date:	Ianagement A	gency (Pl	anning Dept): Approval:		
	-				
Special Conditions:			Denial:		
Special Conditions:					· · · · ·
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Reason for Denial:	·				· · · · · · · · · · · · · · · · · · ·
			By:		
			Resource Managemer	it Agency Investig	ating Officer
Report from Tulare County He Date:	alth & Human	Services	Agency (Environmen	atal Health):	
		•	Approval:		
			Denial:		
Reason for Denial:					
			By:		
		Не	ealth & Human Service	es Agency Investig	ating Officer
_					
Report from Tulare County Fir Date:	e Warden: —		Approval:		
			Denial:		
Reason for Denial:		• .			
			By:		
				e Warden Investig	ating Officer

TULARE COUNTY SHERIFF'S DEPARTMENT

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CASE NO. 05-13810

CONTINUATION REPORT

PAGE NO.

CODE SECTION

	<u> </u>	Incident	
Applicant:	Address:	Telephone:	
Marilu Lopez	878 W Mariposa, Lindsay	756-3206	
		I	

On 08-19-05, at approximately 1000 hours, I was contacted by Sgt. Watson, who advised me I needed to look into this application for a Public Dance/Dance Hall License. The applicant in this case is Marilu Lopez for the El Campesino Bar.

On 08-24-05, at approximately 0900 hours, I began my investigation on Marilu Lopez. I ran a rap, a warrant check, and a driver's license check on Marilu and also ran a prior history through CAD on the bar. Marilu does not have a criminal history, does not have any warrants, and has a valid driver's license in the state of California. After reviewing the call history of the bar, the following was found. This is based on one year's activity at the bar, from 07-01-04 to 08-24-05:

There were a total of 20 calls for El Campesino bar within that time.

- (2) arrests made for a subject drunk in public (case numbers 04-1 1116, 04-17649).
- (4) calls for disorderly conduct (fights) with (2) case numbers drawn (04-18021, 04-18492).
- (1) call regarding an assault, robbery, and a car jacking. Case number (05-12421)
- (1) call regarding as an assist another agency, Alcoholic Beverage Control, regarding strippers inside of the El Campesino bar (04-15685).

The remaining calls to El Campesino bar varied from bar checks, vandalisms, stake-outs, warrant services, and drunk drivers seen in the area. For a more detailed description, refer to the attached CAD printout. Copies of the reports with the above case numbers are attached.

There was also an undercover operation by Tulare County Narcotics Division and ABC conducted at the El Campesino bar in 2005. Through this undercover investigation, it was found there were narcotics sold to undercover officers by security guards. It was also found that the female bartender was soliciting prostitution. It was also found that minors were able to go into the bar and drink. This case is still under investigation by Tulare County Narcotics Division (TCSO Case Number 05-60088) and ABC.

At approximately 1030 hours, I contacted Susan Cavazos, who works for ABC. She advised me the El Campesino bar has been owned and operated by Marilu Lopez since advised Marilu only has a beer license, which is currently up to date. She then transferred me to John Acosta, who also works for ABC.

REPORTED BY	Y:	DATE:	REVIEWED BY:	DATE:	
Det. G. Merrill	M3825	August 24	, 2005		
TRANSCRIBED BY: scm		H:\2005supp\051	3810 grm		

> 4.

13·

CASE NO. 05-13810

CONTINUATION REPORT

PAGE NO.

CODE SECTION

	2	Incident	
Applicant:	Address:	Telephone:	
Marilu Lopez	878 W Mariposa, Lindsay	756-3206	

I explained to John what I was looking into regarding the El Campesino bar and he was familiar with the bar. I asked him if he could please send me any information or contacts that he has had within the last year involving El Campesino bar.

At 1230 hours, I began to call the five listed references on the application form. The first person contacted was Biljit Singh, DOB 12-12-1965. I explained to Biljit why I was calling and was going to ask him questions about Marilu Lopez and the dance hall she is trying to open. He said he was familiar with the situation and has known Marilu for approximately four and a half years. Biljit advised he is the owner of the Texaco station and the 99 cent store in Lindsay. He said the only contact he has with Marilu is when she comes into the Texaco station or the 99 cent store. He considers her to be a friend and, from what he knows of her, thinks she is a honest person and will be able to run the dance hall effectively. I asked if he had anything else to add about Marilu's reputation. He said he did not.

At 1245 hours, I contacted Soledad Acevedo, DOB 07-09-1966. Soledad advised Marilu is her sister. She said she is aware that her sister is trying to open a dance hall at the El Campesino bar. Soledad said her sister is a good person and believes her to be able to run a dance hall and obey all laws. She said Marilu is respectful and does not believe there will be any problems. Soledad advised she has been to the El Campesino bar before to help out her sister and encountered no problems while she was there.

At 1300 hours, I contacted Sarah Cardenas, DOB 04-08-1971. She advised Marilu is a part of her family and thinks Marilu is trustworthy and honest. Sarah advised, when they get together for family functions, Marilu is kind and respectful. I asked if there was anything further she could add. She said she thinks Marilu can run a dance hall without any problems.

At 1310 hours, I contacted Jaime Caro. Jaime advised me he knows Marilu through her son. He said he did not know he was going to be a reference on the license, nor did he have any knowledge that she wanted to open this dance hall. Jaime advised he does believe she is trustworthy and respectful and he has seen this when he has gone to her house to visit with her son. I asked Jaime if he ever does any other activities with Marilu, besides visiting her son. He said no. I asked him if there was anything else he wanted to add in reference to Marilu. He said no.

REPORTED BY: 2 DATE: REVIEWED BY: DATE: Det. G. Merrill M3825 August 24, 2005 SGTWATSON 13-26-05 TRANSCRIBED BY: scm

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CASE NO. 05-13810

CONTINUATION REPORT

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CODE SECTION

	3	Incident	
Applicant:	Address:	Telephone:	
Marilu Lopez	878 W Mariposa, Lindsay	756-3206	

At 1530 hours, Raynelle Silva returned my call at the Porterville Substation. I advised her I was contacting her regarding her listed as a reference by Marilu Lopez. Raynelle advised her Marilu did ask if she could use her as a reference, but she did not know what it was for and was not aware of the dance hall. I asked her how long she has known Marilu. She said for five years. She only knows Marilu through her being a customer of Marilu's. Raynelle advised she works for Lindsay Print and Copy. She has done work for Marilu, such as making business cards for her and she is always current with her billing. She believes Marilu is a honest person and advised me she really does not know anything else about her. I asked her if she had anything else to add. She said no.

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At 1615 hours, I responded to the El Campesino bar in hopes to contact Marilu Lopez. It was found that Marilu resides just south of the bar at 825 S Mirage and I contacted her there. I advised Marilu I was the investigating officer looking into her dance hall license and asked her what her plans were. She advised she plans to have two security guards on at all times during weekend hours only, because that is when they are the busiest. She said the dance floor that she is getting the license for is located at the southern portion of the bar and her bar occupancy is 49 people. She advised she will keep track of the people coming in so that number will not be exceeded. I asked her what her business hours are. She advised me Wednesday to Monday, 1700 to 0200 hours. Marilu said, if the license gets accepted, she does not believe problems will come from it. I advised her I would be coming in at a later time to see inside of her bar when it was open.

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At 2040 hours, I responded to the El Campesino bar, during its nighttime operating hours. As I pulled up, I observed the bar to be a single story dwelling, facing east. I observed two streetlights, one being on the north side of the bar and one on the south side of the bar. I then proceeded to go to the back side of the bar, which was to the west. I observed two lights, one underneath a patio and the other attached the northern portion of the bar. The ground cover was dirt and Marilu advised this is where customers park their vehicles. She advised she has a security guard back there at all times, directing people where to park, so people can come and go as they please.

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Marilu and I then went inside the bar. I observed the following. There was an open sitting area and a pool table located on the northern portion of the bar. The middle of the bar area was the actual bar, where they served drinks, and seating, which included approximately six to eight tables. The southern portion of the bar was where she was going to have the dance floor. The dance floor

DATE: REPORTED BY: A REVIEWED BY: DATE: 8.26-05 Det. G. Merrill M3825 August 24, 2005 SGTWATSON TRANSCRIBED BY: scm H:\2005supp\0513810_grm

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Applicant: Address: Telephone:
Marilu Lopez 878 W Mariposa, Lindsay 756-3206

was approximately 15 by 12 feet. I observed a circular, elevated platform in the middle of the dance floor with a pole leading up to the ceiling, where it was affixed to the ceiling. I asked Marilu what elevated platform and pole was used for. She said for people to sit down and also dance on. There was also a woman's and a men's bathroom. Just to the west of the dance floor area was a small room with another pool table in it. At that time, there was nothing else to see inside of the bar.

I asked Marilu who lived in the back of her residence. She advised me her family did. I thanked her for her time and cleared the scene.

On 08-25-05, at 1400 hours, I was contacted by Jaime Hernandez, who is the owner of the El Caribe bar just south of the El Campesino. I advised Jaime that I was contacting him regarding any problems he has had with the El Campesino bar. He stated he believes there are strippers that frequent the bar and also the customers park in his parking lot. Jaime advised, when the customers come back to their cars, they sometimes start fights in the parking lot. Jaime advised me these are the main concerns she has and had nothing further to add at the time.

After conducting my investigation, I believe that the dance hall license will be detrimental to the public safety and morals. This is based on the known prostitution, drug sales, and minors drinking at the El Campesino bar.

REPORTED BY: On Det. G. Merrill M3825

DATE: REVIEWED BY:
August 24, 2005

SGT WATSON

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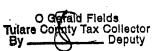
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Department of Alcoholic Beverage Control Fresno District Office 3640 East Ashlan Avenue Fresno, CA 93726 Phone: 559-225-6334

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State of California Arnoid Schwarzeneiger, Governor Business, Transportation & Housing Agency Sunne Wright McPeak, Secretary



TRANSMISSION FAX

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		Original: To follow by regular	mail Will not follow
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cc('s):			
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"Be Energy Efficient"

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

IN THE MATTER OF THE ACCUSATION AGAINST

LOPEZ, Marilu Bernardina

Dept. of Alectronic English Control FILE 40-371352

DBA: Campesino

REG.

PREMISES: 807 S. Mirage Ave.

Lindsay, CA 93247

ACCUSATION UNDER ALCOHOLIC BEVERAGE CONTROL ACT AND STATE CONSTITUTION

LICENSE(S): On-Sale Beer

I hereby complain and accuse the above respondent(s), holding the above license(s), based on the following statement of facts:

COUNT 1

On or about April 29, 2005, respondent-licensee by his agent or employee sold, furnished or offered to sell or furnish within the premises, a controlled substance, to wit: Methamphotamine, in violation of Health and Safety Code Section 11379.

COUNT 2

On or about April 29, 2005, respondent-licensee knowingly permitted the illegal sale, or negotiations for such sales, of narcotics or dangerous drugs upon the licensed premises, in violation of Business and Professions Code Section 24200.5(a).

COUNT 3

On or about April 30, 2005, respondent-licensee, during business hours, employed or used the services of Rode Ortiz Noriega, a person under the age of 21 years, in a portion of the premises primarily designed and used for the sale and service of alcoholic beverages for on-premises consumption, in violation of Business and Professions Code Section 25663(a).

COUNT 4

On or about May 7, 2005, respondent-licensee, during business hours, employed or used the services of Rode Ortiz Noriega, a person under the age of 21 years, in a portion of the premises primarily designed and used for the sale and service of alcoholic beverages for on-premises consumption, in violation of Business and Professions Code Section 25663(a).

LOPEZ, Marilu Bernardina File #40-371352 Pg. 2

COUNT 5

On or about May 7, 2005, respondent-licensee permitted a female identified only as "Shakira", an entertainer, whose breasts and/or buttocks were exposed to view, to perform while not on a stage 18 inches above the immediate floor level and removed a least six feet from the nearest patron, upon the premises, in violation of California Code of Regulations Title 4, Division 1, Section 143.3(2).

COUNT 6

On or about May 7, 2005, respondent-licensee by his agent or employee sold, furnished or offered to sell or furnish within the premises, a controlled substance, to wit: Methamphetamine, in violation of Health and Safety Code Section 11379.

COUNT 7

On or about May 7, 2005, respondent-licensee knowingly permitted the illegal sale, or negotiations for such sales, of narcotics or dangerous drugs upon the licensed premises, in violation of Business and Professions Code Section 24200.5(a).

COUNT 8

On or about May 8, 2005, respondent-licensee permitted a patron to sell, within the premises, a controlled substance, to wit: Methamphetamine, in violation of Health and Safety Code Section 11379.

COUNT 9

On or about May 8, 2005, respondent-licensee knowingly permitted the illegal sale, or negotiations for such sales, of narcotics or dangerous drugs upon the licensed premises, in violation of Business and Professions Code Section 24200.5(a).

COUNT 10

On or about May 8, 2005, respondent-licensee by his agent or employee sold, furnished or offered to sell or furnish within the premises, a controlled substance, to wit: Methamphetamine, in violation of Health and Safety Code Section 11379.

COUNT 11

On or about May 8, 2005, respondent-licensee knowingly permitted the illegal sale, or negotiations for such sales, of narcotics or dangerous drugs upon the licensed premises, in violation of Business and Professions Code Section 24200.5(a).

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LOPEZ, Marilu Bernardina File #40-371352 Pg. 3

COUNT 12

On or about May 14, 2005, respondent-licensee by his agent or employee sold, furnished or offered to sell or furnish within the premises, a controlled substance, to wit: Methamphetamine, in violation of Health and Safety Code Section 11379.

COUNT 13

On or about May 14, 2005, respondent-licensee knowingly permitted the illegal sale, or negotiations for such sales, of narcotics or dangerous drugs upon the licensed premises, in violation of Business and Professions Code Section 24200.5(a).

COUNT 14

On or about May 14, 2005, respondent-licensee, during business hours, employed or used the services of Rode Ortiz Noriega, a person under the age of 21 years, in a portion of the premises primarily designed and used for the sale and service of alcoholic beverages for on-premises consumption, in violation of Business and Professions Code Section 25663(a).

COUNT 15

On or about May 14, 2005, respondent-licensee(s) by her agent, employee or servant, Araceli Creque, suffered and permitted the said premises to be used as a place wherein, Araceli Creque, did solicit, Detective Bonilla and Detective Zaragoza to engage in an act of prostitution, in violation of Section 647(b) of the Penal Code.

LOPEZ, Marilu Bernardina File #40-371352 Pg. 4

Licensec(s) Previous Record: Licensed as above since December 12, 2000, with no record of disciplinary action.

(1) That by reason of the foregoing facts, grounds for suspension or revocation of such license(s) exist and the continuance of such license(s) would be contrary to public welfare and morals, as set forth in Article XX, Section 22, State Constitution, and Section(s) 24200 (a)&(b) of the Business and Professions Code;

WHEREFORE, I recommend that a hearing be held on this accusation.

Dated this 10th day of August

Department of Alcoholic Beverage Control

Reviewed:

STATEMENT TO RESPONDENT(S)

Unicss a written request for a hearing, signed by you, or on your behalf, is delivered, or mailed, to the Department of Alcoholic Beverage Control within fifteen (15) days after the foregoing accusation was personally served on you or mailed to you, the Department of Alcoholic Beverage Control may proceed upon the accusation without a hearing to take action thereon as provided by law. The request for a hearing may be made by delivering or mailing the enclosed form entitled: "Notice of Defense", or by delivering or mailing a Notice of Defense to the Department of Alcoholic Beverage Control, 3927 Lennane Drive, Suite 100, Sacramento, California 95834, as provided by Section 11506 of the Government Code. The "Notice of Defense" forwarded herewith, if signed and returned to the Department of Alcoholic Beverage Control, shall be deduced a specific denial of all parts of the accusation, but you will not be permitted to raise any objection to the form of the accusation, unless you file a further Notice of Defense as provided, in Section 11506 of the Government Code within said 15 days after service of said accusation upon you. At any or all stages of these proceedings, you have the right to be represented by counsel at your own expense or to represent yourself without legal counsel. You are not entitled to the appointment of an attorney to represent you.

The hearing may be postponed for good cause. If you have good cause, you are obliged to notify this agency within 10 working days after you discover the good cause. Failure to notify this agency within 10 days will deprive you of a postponement.

ABC-300 (11-94)

TULARE COUNTY SHERIFF & DEPARTMENT

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Tulare County Sheriff's Department

News Item

Crime: P.C. 245

Area: Lindsay

Date Rec'd 11-13-04

Offence: Assault with a deadly weapon

Case Number: 04-18021

Time Rec'd 2325 hours

Victim s

Dob: 02-25-72

Date Occ'd 11-13-04

Address: 19435 Rd 230, Strathmore, Ca.

Time Occ'd 2145 hours

Crime Scene Location: El Capasino Bar / 807 S. Mirage, Lindsay, Ca.

Narrative:

The victim stated that he is employed as a security guard at this location. The victim stated that a male subject stabbed him in his right arm after being denied entry into the bar.

E 0230 HRS /204

REPORTING DEPUTY:

P. Herrera H9062

DATE/TIME: 11-13-04 / 2325 Hours

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Amt \$_ SEP 2 1 2005 BAR FILE - TULARE COUNTY SHERIFF'S OFFICE Name of Bar Tulare County Tax Collector By Deputy Address EC CAMPESINO Date and Time BAR Case No. 10-02-04 2235 Incident: 04-15685 DANCER INFORMA 7/ON 4. Deputy(s): 0,0EAY D-0108

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Ck #

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TULARE COUNTY SHERIFF'S DEPARTMENT

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TULARE COUNTY SHERIFF'S DEPARTMENT CONTINUATION REPORT - 5400

CASE NUMBER 04-15685

CRIME: INFORMATION

PAGE 1

ON 10-02-04 AT APPROXIMATELY 2235 HOURS I WAS DISPATCHED TO THE EL CAMPESINO BAR, 807 SOUTH MIRAGE STREET IN LINDSAY, IN REGARD TO STRIPPER INSIDE THE BAR.

I ARRIVED AND ENTERED THE BAR. I NOTICED TWO FEMALES WEARING BATHING SUIT BIKINI TOPS AND G-STRING UNDERWEAR. ONE OF THE FEMALES WAS SITTING ON THE LAP OF A MALE FACE TO FACE GRINDING HER GROIN AGAINST HIS. THE OTHER FEMALE WAS SITTING ON A MALES LAP WITH HER BACK TOWARD HIM MOVING UP AND DOWN. BOTH FEMALES HAD SEVERAL DOLLAR BILLS IN EACH HAND.

I CONTACTED THE BARTENDER AND REQUESTED HER PERMIT FOR HAVING DANCERS. THE BARTENDER HANDED ME A PERMIT THAT STATED "PUBLIC DANCE HALL LICENSE." THE PERMIT WAS ISSUED TO EL CAMPESINO BAR ISSUED 06-28-04 AND EXPIRED 06-30-04. THE LICENSE NUMBER IS 04/05DH08. I DID NOT SEE ANYONE ACTING ASSECURITY.

WHEN I LEFT THE BAR, I NOTICED SEVERAL BEER CANS IN THE PARKING LOT AND ACROSS THE STREET. I LOCATED TWO PEOPLE BEHIND THE BAR DRINKING BEER AND TOLD THEM TO GO BACK INSIDE. I SAW FOUR MALE URINATING IN THE REAR PARKING LOT AND COUNSELED THEM.

PEOPLE HAVE TOLD ME THAT THE DANCERS HAVE STRIPPED TO THE NUDE. I HAVE ALSO HEARD OF DRUG ACTIVITY INSIDE AND OUTSIDE OF THE BAR.

CASE STATUS: CLOSED			,
**************************************	REPORT TO A	.B.C.*******	******

C. DEAN D-0108 DATE/TIME: October 3, 2004 (4:58am)

REVIEWED BY:

TULARE COUNTY SHERIFF'S DEPARTMENT

CRIME REPORT [] INCIDENT REPORT [] WARRANT	ASE NUMBER 04-	1849/2
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TULARE COUNTY SHERIFF'S DEPARTMENT

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TULARE COUNTY SHERIFF'S DEPARTMENT

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NAME OF BUSINESS: El Campesino	
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#### BEFORE THE PLANNING COMMISSION

### COUNTY OF TULARE, STATE OF CALIFORNIA

IN THE MATTER OF SPECIAL USE PERMIT	)		
		RESOLUTION NO	. 8011
APPLICATION NO. PSP 02-001	)		

Resolution of the Planning Commission of the County of Tulare approving a Special Use Permit requested by Marilu Lopez, 878 W. Mariposa St., Lindsay, CA 93247 an amendment to Special Use Permit No. PSP 92-108 (ZA) to allow the addition of live entertainment and dancing and to allow a change in the Alcoholic Beverage Control license to include "distilled spirits" (along with beer and wine in an existing bar) on a 16,712 sq. ft. parcel in the C-2 (General Commercial) Zone, on property located at 807 S. Mirage Avenue, on the west side of Mirage Avenue (D 242 – Orange Belt Drive/Old Highway 65), approximately 650' south of Lindmore Street (Avenue 224), south of the City of Lindsay.

WHEREAS, an application has been filed pursuant to the regulations contained in Section 16 of Ordinance No. 352, the Zoning Ordinance, and

WHEREAS, the Planning Commission has given notice of its intention to consider the granting of a Special Use Permit as provided in Section 18 of said Ordinance No. 352 and as provided in Section 65905 of the Government Code of the State of California, and

WHEREAS, Staff has performed necessary investigations, prepared a written report, and recommended approval of this application subject to conditions, and

WHEREAS, a public hearing was held and an opportunity for public testimony was provided at a regular meeting of the Planning Commission on July 23, 2003, and

WHEREAS, at that meeting of the Planning Commission public testimony was received and recorded from Marilu Lopez, Applicant (through translator, Frances Hernandez, RMA staff) in support of the proposal and no one spoke in opposition to the proposal.

### NOW, THEREFORE, BE IT RESOLVED as follows:

- A. This Planning Commission hereby certifies that it has reviewed and considered the information contained in the Negative Declaration for the proposed project together with any comments received during the public review process, in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970 prior to taking action on the project.
- B. This Planning Commission hereby adopts the following findings of fact as to the reasons for approval of this application:

- 1. The applicant has requested an amendment to Special Use Permit No. PSP 92-108 (ZA) to allow the addition of live entertainment and dancing and to allow a change in the Alcoholic Beverage Control (ABC) license to include "distilled spirits" (along with beer and wine in an existing bar) on a 16,712 sq. ft. parcel in the C-2 (General Commercial) Zone located at 807 S. Mirage Avenue, on the west side of Mirage Avenue (D. 242 Orange Belt Drive/Old Highway 65), approximately 650' south of Lindmore Street (Avenue 224), south of the City of Lindsay.
- 2. The site is zoned C-2 and contains an existing bar with parking. The facility also has an ABC license to sell beer and wine only, for on-site consumption. The site also includes a small recycling center (permitted by PSP 96-005). The property immediately north of the site is zoned C-2 and contains orange orchards up to Lindmore Street (Avenue 224). The Lindsay City limit is located at Lindmore Street; City zoning is MX (Mixed Use); and is developed primarily with warehouse and service commercial uses. To the east, the property is zoned A-1 (Agricultural) and orange orchards cover from Lindmore Street to more than 1,000 feet south of the southerly site property line. To the west, the property is zoned C-2 and has a single family dwelling on it. Further west is the S.P.R.R. right-of-way and west of that are parcels zoned A-1 containing orange orchards. Surrounding the parcel to the south and west is another parcel zoned C-2 with a single family residence on it. Immediately south of that parcel is another parcel zoned C-2. The parcel contains a similar type of establishment (restaurant) providing food, alcoholic beverages and dancing (PSP 95-020). Farther to the south, the zoning is A-1 and the parcel contains orange orchards.
- 3. Section 16 of the County Zoning Ordinance No. 352, as amended, states that the following uses may be permitted in the C-2 Zone upon approval of a Special Use Permit: "Cabaret, night club, dancing or entertainment in a bar, café or restaurant" and "Alcoholic beverages, sale of under an on-site license".
- 4. The County-adopted 1981 Lindsay Land Use and Circulation Plan designates the site as "Service Commercial". Mirage is designated as an arterial. The subject site is within the County-adopted Urban Improvement Area Boundary and Urban Area Boundary for the Lindsay area. The Open Space Plan designates the site as "Urban Expansion".
- The proposed use is a permitted special use in the C-2 Zone and is compatible with the Land Use Element, Urban Area Boundaries Element and the Open Space Plan as set forth in Finding No. 4. Based on this information, the proposed permit application and requested Special Use Permit are in compliance with the County's General Plan.

- 6. According to the Tulare County Fire Department, the maximum occupancy load for the facility is 49. At the ratio of one space for each three seats, according to the Tulare County Planning Commission Development Standards, 18 on-site parking spaces are recommended. The Site Plan demonstrates room for a total of 19 off-street spaces.
- 7. This facility has existed at this location in excess of thirty (30) years. Special Use Permit PSP 92-108 (ZA) to allow sale of alcoholic beverage (beer and wine only) under an on-sale license in the existing card room building was approved by the Zoning Administrator on January 3, 1993. The Tulare County Zoning Administrator is authorized to approve or deny Special Use Permits to allow the sale of beer and wine only under an on-sale license. The addition of distilled spirits or hard liquor, must be authorized by the Planning Commission. The applicant requests an amendment to their existing Special Use Permit (PSP 92-108 (ZA); Decision 1555) to revise Finding No. 6 and eliminate Condition No. 7 and to allow sale of all alcoholic beverages under an on-sale license and allow live entertainment and dancing in the bar.
- 8. A violation investigation, Case No. V695-043, was opened on December 5, 1995, when it was determined that a use permit was required for the recycling center that had already been established, and that the bar/card room was not in compliance with some of the conditions of PSP 92-108 (ZA). PSP 96-005 granted June 10, 1998, by Zoning Administrator Decision #7690 authorized the recycling use. However, the remaining issues of V695-043 are still open pending the results of this use permit application.
- 9. The applicant is also proposing to construct a small stage or bandstand and dance floor as shown on Exhibit "A" (site plan map sheet 2 of 2). Any live entertainment or dancing allowed on-site will be conditioned to be subject to any policy or ordinance or future policy or ordinance limiting types of live entertainment and dancing allowed.
- 10. Business hours are proposed to be Monday through Friday 5:00 pm to 2:00 am; Saturday and Sunday 10:00 am to 2:00 pm., twelve months a operation have increased since 1993, when they were required to be 4:00 pm to 2:00 am; Monday through Saturday. The recycling operation is required to be closed by 5:00 pm every day. The recycling business is very small and consists of a portable shade structure, scale, chair and several trash cans. The overlap of hours of operation on Saturday and Sunday by the recycling facility and bar should not cause a problem in regards to traffic and parking because of the very small scale of the recycling business and the limitations of occupancy imposed by the Fire Department

- 11. The applicant claims to have four (4) employees, an increase from two in PSP 92-108 (ZA), and an average of one (1) service delivery per day. Applicant estimates total customer count per day at 100 persons. Prior use permit PSP 92-108 indicates the facility contains 49 seats. No change in seating capacity has been proposed by the current applicant as that is the maximum occupancy allowed by the Tulare County Fire Department (see condition of approval #21) and no increase in capacity beyond 49 is approved or allowed.
- 12. Comments received from the Tulare County Association of Governments (TCAG) dated May 9, 2002, indicate a traffic study be required to analyze impacts from the proposed project on adjacent highways, streets and roads, as well as ingress and egress to and from the site and parking lot circulation and configuration. The addition of live entertainment and dancing in an existing bar should not have any additional impacts on adjacent highways, streets and roads as the maximum capacity of the facility remains at 49. A condition of approval has been included that requires "enter only" and "exit only" signs to be posted at the existing driveways to assure proper circulation of the parking area.
- 13. The Environmental Assessment Officer has approved a Negative Declaration for public review for the project, indicating that the project will not have any significant environmental impacts.
- C. This Planning Commission, after considering all of the evidence presented, found that the establishment, maintenance, and operation of the use of building or land applied for PSP 02-001 would not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

### AND, BE IT FURTHER RESOLVED as follows:

- A. This Planning Commission hereby finds there is no substantial evidence that said Special Use Permit will have a significant effect on the environment and determines that the Negative Declaration for said Special Use Permit reflects the independent judgment of the County and has been completed in compliance with the California Environmental Quality Act and the State Guidelines for the Implementation of the California Environmental Quality Act of 1970.
- B. This Planning Commission hereby approves Special Use Permit Application No. PSP 02-001. The following conditions shall apply to the entire site and shall supersede the Conditions of Approval contained in Special Use Permit No. PSP 92-108 (ZA) (ZA Decision No. 1555) and Special Use Permit No. PSP 96-005 (Planning Commission Resolution No. 7690):
  - 1. The applicant shall make all necessary arrangements for the relocation of all overhead and underground public utility facilities that interfere with any improvement work to be performed by the applicant. The applicant shall also

make necessary arrangements with the public utility company affected for the cost of relocating such facilities and no portion of the relocation cost will be paid by the County.

- 2. No portion of the property covered by this application shall be sold or used for purposes other than those expressly permitted under this use permit unless an amendment to the use permit is approved by the County. This shall not restrict the sale of the entire parcel of property as a unit subject to all of the conditions required herein.
- 3. All on site parking areas and driveways shall be surfaced for all-weather conditions and be maintained so that dust and mud do not create conditions detrimental to surrounding roadways, drainage and water ways.
- 4. The existing wheel stops located at the front of the building shall be removed and "No Parking" signs shall be posted within 30 days of approval of this Special Use Permit on the front of the building to prohibit parking in that location.
- A solid wall or fence shall be maintained around the perimeter of the recycling center. Stored materials shall not be visible form adjacent properties above the top of the fence or storage bins. The wall or fence shall not be more than 8 feet in height.
- 6. Any sign (as defined in the Planning Commission Development Standards) in connection with the recycling center shall be located on the subject site and outside of the public right of way and shall be subject to review and approval of the Assistant Director, RMA Current Planning prior to installation.
- 7: The recycling center shall close no later than 5:00 p.m. and the bar/dance hall shall operate Monday through Friday, 5:00 p.m. to 2:00 a.m. and Saturday and Sunday, 10:00 a.m. to 2:00 a.m.
- 8. Toilet facilities shall be available on the premises to employees of the recycling operation during all hours of operation. This may be provided by assured access to facilities within the bar or a portable toilet located as to not be visible from outside the property. Toilet facilities may also be provided by other means subject to prior review and approval of the Assistant Director RMA, Current Planning.
- 9. No crushing of collected materials or other processing is allowed on-site.
- 10. No waste food or tires shall be accepted from customers. Only aluminum, plastic and glass containers and non-ferrous metal may be accepted. No batteries shall be accepted.

- 11. No more than a total of four (4) roll-off bins, trailers or other material containers used for collection shall be on-site at any one time. The maximum capacity of each collection container shall be 35 cubic yards. Containers shall be brought on-site clean and free of rubbish and shall be emptied or removed from the site weekly.
- 12. An approved method for providing a reliable water source for fire fighting purposes shall be provided. The Tulare County Fire Department shall review the system prior to installation.
- 13. The applicant shall provide portable fire extinguishers per NFPA Pamphlet #10.
- 14. Exiting shall comply with Article 12 of the Uniform Fire Code and Chapter 10 of the Uniform Building Code.
- 15. The applicant shall contact the Tulare County Fire Department for a final inspection of the facility prior to issuance of a dance hall license from the Tulare County Tax Collector.
- 16. The applicant shall obtain and maintain a Dance Hall License from the Tulare County Tax Collector prior to any dancing at the facility.
- 17. The applicant shall obtain and maintain the appropriate license from the Department of Alcoholic Beverage Control consistent with this approval.
- 18. The property owner shall sign and file a Right to Farm Notice with the Tulare County Recorder's Office (Attachment No. 2).
- 19. A grading and drainage plan shall be prepared by a Civil Engineer and shall be submitted to the Tulare County Resource Management Agency and Flood Control Engineer for approval prior to any new construction. This plan shall include existing and proposed contours and detail the means of disposal of storm water runoff from the site in such a manner that all such runoff shall be collected and disposed of on-site. The Plan shall specify a means of disposal such that runoff is not diverted to adjacent property or road frontage.

A letter of certification from a Registered Civil Engineer that confirms construction was completed according to the plans approved by the Resource Management Agency shall be provided to the Code Compliance Coordinator prior to issuance of the final occupancy permits.

20. Signs shall be posted at the existing driveways indicating, "enter only" at the north driveway, and "exit only" at the south driveway to assure only one-way proper circulation through the parking area.

- The property owner shall install a traffic barrier acceptable to Tulare County RMA across the frontage of Mirage Drive designed so that vehicle traffic is forced to utilize the drive approaches for ingress and egress as shown on the approved site plan. Unless an encroachment permit is approved by the RMA Engineering Division, the barrier shall be located outside the public right of way.
- The noise level (in decibels) of the project shall not exceed 70dB at the property line during the hours of 7:00 a.m. to 10:00 p.m. and shall not exceed 65dB at the property line between the hours of 10:00 p.m. and 7:00 a.m.
- 23. Maximum occupancy of the facility shall be limited to 49 persons per the Tulare County Fire Department.
- 24. A minimum of 18 on-site parking spaces shall be provided and properly maintained.
- 25. Building permits including engineering data, if necessary, shall be required for any new building additions, alterations or changes of occupancy of existing structures on the site.
- The building and premises shall be maintained in a good, clean and orderly manner, free of any condition that presents a health or fire hazard or a condition which would add or contribute to the rapid spread of fire; particular attention shall be directed to excessive amount of dry weeds and debris around property and equipment on site.
- The parking lot shall be well lighted for improved circulation in the evening and provide added security subject to Condition of Approval #3 of Standard Conditions of Approval (attached).
- 28. The permitted activity shall be subject to any current or future codes, ordinances, or policies of the County regarding the types of entertainment and/or dancing allowed in permitted facilities.
- 29. Standardized conditions as set forth in Planning Commission Resolution No. 5976 as amended by Resolution Nos. 6013, 6334 and 6702 shall apply to this application (see Attachment No. 1).

The foregoing resolution was adopted upon motion of Commissioner Fernandes, seconded by Commissioner Kirkpatrick, at a regular meeting of the Planning Commission on the 23rd day of July, 2003, by the following roll call vote:

AYES: Kapheim, Wheeler, Kirkpatrick, Dias, Fernandes

NOES: Whitlatch

ABSTAIN:

None

ABSENT:

Millwee

TULARE COUNTY PLANNING COMMISSION

George E. Finney, Secretary

BC:ke

attachment No. 1

### STANDARD CONDITIONS OF APPROVAL FOR SPECIAL USE PERMITS

(Planning Commission Resolution No. 5976 as amended by 6013, 6334 and 6702)

- 1. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission (P.C. Exhibit "A") and with the Site Plan Development Standards pertaining to a use of this type adopted by the Planning Commission on February 20, 1970.
- Regardless of Condition No. 1 above, the Planning and Development Director is authorized to approve minor modifications in the approved plans upon a request by the applicant, or his successors, as long as said modifications do not materially affect the determination of the Planning Commission. Such modification shall be noted on the approved plans and shall be initialed by the Planning and Development Director.
- 3. All exterior lighting shall be so adjusted as to deflect direct rays away from public roadways and adjacent properties.
- 4. The proposed facility shall be maintained and operated in accordance with all State and County health regulations.
- 5. Any structures built shall conform to the building regulations and the building line setbacks of the Ordinance Code of Tulare County insofar as said regulations and setbacks are applicable to such structures.
- 6. If there are conditions set down herein which require construction of improvements, they shall be complied with before the premises shall be used for the purposes applied for, in order that the safety and general welfare of the persons using said premises, and the traveling public, shall be protected. The Planning Commission may grant exceptions to this condition upon request by the applicant.
- 7. This use permit shall automatically be null and void two (2) years after the date upon which it is granted by the Planning Commission, unless the applicant, or his successor, has actually commenced the use authorized by the permit within said two year period. The Planning Commission may grant one or more extensions of said two year time, upon request by the applicant.
- 8. This use permit will not be effective until ten (10) days after the date upon which it is granted by the Planning Commission and until the applicant, at his own expense, has executed and filed with the County Recorder, a certified copy of the resolution of the Planning Commission-granting said permit with a duly authorized acceptance, in the form approved by the County Counsel, endorsed thereon.
- 9. All standard conditions and all special conditions of approval of this Special Use Permit must be complied with at all times in order to continue the use or uses allowed. Compliance with such conditions is subject to review at any time. Unless a sooner review is required, an initial review of compliance shall be conducted by the Tulare County Planning Commission twelve months after the granting of the Special Use Permit. Additional reviews may be undertaken at the discretion of the Planning Commission.
- 10. This Special Use Permit shall automatically expire and become null and void two (2) years after the use for which it was granted is discontinued or abandoned. However, upon application by the applicant, or his/her successor, the Planning Commission may extend the expiration date in accordance with the procedures set forth in the Zoning Ordinance.



## RESOURCE MANAGEMENT AGENCY

596| SOUTH MOONEY BLVD. VISALIA, CA. 93277 PHONE (559) 733-629| FAX (559) 730-2653 Britt L Fussel
Deborah Kruse
Jean P. Brou
George Firmey
Deborah West

Roger Hunk

Engineering
Development Services
Transportation
Long Range Planning
Support Services
Administrative Services

HENRY HASH, DIRECTOR

THOMAS W. SHERRY, ASSOCIATE DIRECTOR

TO:

Planning Commission

FROM:

Lissa Davis, Code Compliance Manager

DATE:

August 10, 2005

SUBJECT:

24 Month Compliance Review for Special Use Permit PSP 02-001

Applicant:

Marilu Lopez

878 West Mariposa Street

Lindsay, CA 93247

#### Project Description:

Special Use Permit to allow the addition of live entertainment and dancing and to allow a change of alcoholic beverage control license to include distilled spirits along with beer and wine in an existing bar on a 16,712 sq. ft. parcel in the C-2 (General Commercial) Zone on property located on the west side of Mirage Avenue, approximately 650 feet south of Lindmore Street, south of the City of Lindsay.

#### Project Update:

The Planning Commission approved this project on July 23, 2003, by Resolution No. 8011. The resolution and acceptance forms have been recorded. Compliance reporting and monitoring fees have been paid.

Ms. Lopez has obtained a dancehall license through the Tax Collector's Office, but has expanded beyond the intent of the license to include exotic dancers. The property owner stated that she thought it was covered under her dance hall license.

Conditions of approval No. 12, 13, 14, 15, 20, and 27 have not been complied with. Conditions No. 12 through 15 were recommended by the Fire Department, Condition No. 20 requires that signs shall be posted at the existing driveways indicating "enter only" at the north driveway and "exit only" at the south driveway to assure only one-way proper circulation through the parking area. Condition No. 27 requires that the parking lot be well lighted for improved circulation in the evening and provide added security subject to Condition of Approval No. 3 of Standard Conditions of Approval (attached).

#### Recommendation:

Staff recommends that the Planning Commission review this project in 12 months.

TOSO INET

TO: LISSA DAVI

RMA

non: DAVE WILLIA

## **NEWS.ITEM**

### TULARE COUNTY SHERIFF'S OFFICE

CRIME: 11378/11377/11364 AREA: Lindsay

DATE/TIME REC'D: 05-14-05/2400

HS, 647(b)/647f PC

CASE #: 05-60088

LOSS: N/A

DATE/TIME OCC'D: 4-29-05, 05-07-

05 and 05-14-05

VICTIM: State of California

ADDRESS:

CRIME SCENE LOCATION: El Campesina Bar, 807 S. Mirage, Lindsay

NARRATIVE:

S-1: Creque, Alexander HMA 08-14-73 Porterville

HFA 08-14-73 Lindsay S-2: Creque, Aracelia

S-3: Garza, Jose

HMA 12-14-65 Parlier

S-4: Lopez, Saul Saenz HMA 05-19-71 Washington State

On 05-14-05, Saturday at approximately 2400hrs detectives from the Tulare County Sheriff's Department Narcotics Unit, assisted by Tulare County STEP and Gang detectives and agents from the California Alcohol Beverage Control (ABC) concluded a three week investigation regarding narcotics, prostitution and alcohol violations at the El Campesina Bar located at 807 S. Mirage in Lindsay. Detectives entered the bar and arrested a security guard, identified as Alexander Creque, for drug sales and drug possession. Another employee, identified as Araccia Creque, was arrested for solicitation of prostitution.

Two patrons of the bar identified as Jose Garza and Saul Lopez were also arrested. Jose was found to be in possession of methamphetamine and paraphernalia and Saul was found to be too intoxicated to care for his safety. All four suspects were booked in the Tulare County Jail pending (ACE) TEE VERS | TURSIN court appearances. Agents from ABC are also investigating alcohol violations within the bar.

CASE UNDER INVESTIGATION BY TCSO

REPORTING DEPUTY: Det. B. Nix #N5084

APPROVED BY:

DATE/TIME FAXED: [Fax date/time]

FAXED BY:

Aug. 10 2005 08:00AM

FAX NO. : 5597302603

FROM : TulareCo Sheriffs Dept

From:

Gary Rhoden

To:

Deborah Kruse

Date:

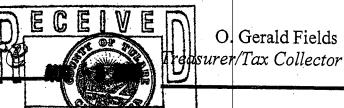
08/10/2005 12:24:38 PM

Subject:

PUBLIC DANCE HALL LICENSE/EL CAMPESINO(807 S MIRAGE-LINDSAY)

#### DEBORAH,

AFTER TRYING TO GAIN COMPLIANCE FOR A RELIABLE WATER SOURCE FOR FIRE PROTECTION SINCE 2002 WE HAVE TO RECOMMEND DENIAL OF MS LOPEZ APPLICATION FOR LICENSE TO OPERATE A PUBLIC DANCE HALL. THE FIRE DEPT GAVE THEIR APPROVAL IN 2002 OR 2003 ON A SUPPOSED TEMPORARY BASIS UNTIL A FIRE HYDRANT OR 10,000 GALLON WATER TANK COULD BE INSTALLED FOR FIRE PROTECTION. TO DATE THIS HAS NOT BEEN ACCOMPLISHED. ALL OTHER FIRE AND LIFE SAFETY CONDITIONS OF PSP02-001/RESOLUTION#8011 HAVE BEEN ACCOMPLISHED AND ARE IN PLACE TODAY. LET ME KNOW IF ADDITIONAL INFORMATION IS NEEDED. GARY RHODEN DEPUTY FIRE MARSHAL COUNTY OF TULARE



Office of the Treasurer/Tax Collector

O GRAND William F. Shearer, Jr., C.P.A. Tulare County lax Collector Assistant Treasurer/Tax Collector

# Application for Public Dance/Dance Hall License

	APN: 208-030-010-00	0
NAME OF APPLICANT: <u>Marilu Lopez</u>		
NAME OF BUSINESS: El Campesino		
Report from Tulare County Sheriff:	A	
Date:	Approval:	
	Denial:	
Reason for Denial:		
	Ву:	partment Investigating Officer
	Sheriff's Dep	partment Investigating Officer
Report from Tulare Resource Management Agen	acy (Planning Dept):	
Date:	Approval:	·
	Denial:	
Special Conditions:		
Reason for Denial:		
	By:	
	Resource Management	Agency Investigating Officer
Report from Tulare County Health & Human Se	rvices Agency (Environment	al Health):
Date. Carries	Approval:	
	Denial:	0
Passan for Daniel	Demai.	
Reason for Denial:		
	By:	
	Health & Human Services	s Agency Investigating Officer
Report from Tulare County Fire Warden:		
Date:	Approval:	
D. C. D. 11	Denial:	*
Reason for Denial:		
	By:	
	Fire	Warden Investigating Officer

# **COUNTY OF TULARE**

### Office of the Treasurer / Tax Collector

May 16, 2005



Lindsay CA 93247



### O. GERALD FIELDS TREASURER / TAX COLLECTOR

William F. Shearer, Jr. C.P.A.
Assistant Treasurer / Tax Collector
221 S Mooney Blvd, County Civic Center

Visalia, Ca. 93291-4593
Treasurer Division, Room 103-E
Tele: (559) 733-6528 Fax: (559) 730-2532
Tax Division, Room 104-E

Tele: (559) 733-6526, Fax: (559) 733-6988

### BUSINESS LICENSE RENEWAL NOTICE

You are hereby advised that your Tulare County **DANCE HALL LICENSE** will expire on June 30th. If you wish to have your license renewed, please complete this form and return to the following address with a MONEY ORDER OR CASHIER'S CHECK for the amount due:

O. GERALD FIELDS
TULARE COUNTY TAX COLLECTOR
221 S MOONEY BLVD, RM 104-E
VISALIA, CA 93291-4593

Your renewal must be received prior to the expiration date. If notice is submitted AFTER

he expiration date, a new application will be evoked while the new application is being pr	-	our authority to co	enduct business will be
Name of business: El Campesino			
Mailing address: 878 W Mariposa			
City,State, Zip: Lindsay CA 93247		Ph:	
Situs Address: 807 S Mirage	· .		
City,State,Zip: Lindsay CA 93247	*	Ph:	
(IF YOU ARE RENEWING WITH AN EXEMPTION OF YOUR EXEMPTION STATUS VERIFICATION			<u>IUST</u> SUBMIT A COPY
This notice <i>MUST</i> be returned with remittanc	е.	Renewal F	ee: \$100.00
Dated	-		Signature of Applicant
			<b>.</b> , , , , ,

If you have any questions regarding your business license, please contact

Kristy L. Gill, Deputy Tax Collector Telephone: (559) 733-6526 ext 209

# County of Tulare

Office of the Treasurer/Tax Collector



# O. Gerald Fields Treasurer/Tax Collector

William F. Shearer, Jr., C.P.A. Assistant Treasurer/Tax Collector

### Application for Public Dance/Dance Hall License

inppiteution joi i tiot	
DATE:JULY 21, 2005	APN: 208-030-010-000
NAME OF APPLICANT: Marilu Lopez	
NAME OF BUSINESS: El Campesino	
Report from Tulare County Sheriff:  Date:	Approval:
<del></del>	Denial:
Reason for Denial:	
	Ву:
	Sheriff's Department Investigating Officer
Report from Tulare Resource Management A Date:	gency (Planning Dept): Approval:
	Denial:
Special Conditions:	
Reason for Denial:	
	By:
Report from Tulare County Health & Human	
	Approval:
	Denial:
Reason for Denial:	
	By:
Report from Tulare County Fire Warden:	
Date: <u>08-16-05</u>	Approval:  Denial: Poplica 08-16-05
Reason for Denial: Lack of 10,000 Gal	lon a so a so
Water Storage Tank File Protection.	By: How Middle Jaw Jake / Jab

From:

Gary Rhoden

To:

Deborah Kruse

Date:

08/10/2005 12:24:33 PM

Subject:

PUBLIC DANCE HALL LICENSE/EL CAMPESINO(807 S MIRAGE-LINDSA)

AUG 17 AUG 17 AUG INO(807 S MIRAGE-LINDSAY)

O Gerald Fields

CE

Tulare County Tax Collector

DEBORAH,

**COUNTY OF TULARE** 

AFTER TRYING TO GAIN COMPLIANCE FOR A RELIABLE WATER SOURCE FOR FIRE PROTECTION SINCE 2002 WE HAVE TO RECOMMEND DENIAL OF MS LOPEZ APPLICATION FOR LICENSE TO OPERATE A PUBLIC DANCE HALL. THE FIRE DEPT GAVE THEIR APPROVAL IN 2002 OR 2003 ON A SUPPOSED TEMPORARY BASIS UNTIL A FIRE HYDRANT OR 10,000 GALLON WATER TANK COULD BE INSTALLED FOR FIRE PROTECTION. TO DATE THIS HAS NOT BEEN ACCOMPLISHED. ALL OTHER FIRE AND LIFE SAFETY CONDITIONS OF PSP02-001/RESOLUTION#8011 HAVE BEEN ACCOMPLISHED AND ARE IN PLACE TODAY. LET ME KNOW IF ADDITIONAL INFORMATION IS NEEDED. GARY RHODEN DEPUTY FIRE MARSHAL