

**Pacific Beach Planning Group
Alcohol Advisory Subcommittee**

Minutes – December 7, 2009, 6:00 pm, Pacific Beach Library

Meeting 2 – Question/answer session with ABC and SDPD Vice

Commenced: 6:04 pm

Members in Attendance: Scott Chipman PBPG (Chair), Damon Westwood (business owner), Nici Boyle PBTC, Barbara Williams PBPG, Bill Bradshaw PBTC, Marcie Beckett PBPG, Diane Faulds PBPG

Agenda Approval: Motion to approve agenda (Williams/Beckett) passed unanimously

Minutes: Minutes emailed to committee were not the latest draft. Continue approval of November minutes to January meeting.

Public Comment:

Rick Oldham – Tropicoso has a notice for new ownership. Establishments that show up frequently as the Place of Last Drink (POLD) in DUI cases should be held accountable.

Handouts:

- Agenda
- Alcoholic Beverage Control (ABC) Mission Statement
- Color Map of ABC licenses October 2009
- Color Map of Crime Concentration by Census Tract
- List of Questions to ABC Director Jennifer Hill
- List of Questions to Vice Officer Sergeant Andra Brown

ABC Policies, Questions and Answers:

Jennifer Hill, the ABC District Administrator for San Diego, asked who we are and who we report to. It was indicated that we are a subcommittee of the PBPG and that we would report to the PBPG and then likely advise the city, SDPD and ABC regarding alcohol license issues.

Ms Hill then answered the following questions:

1. We have the list of licenses for our area. Please provide a list of current alcohol licenses with their conditions for 92109 or for the Pacific Beach census tracts. And a brief explanation of those conditions. *We don't have conditions accessible on our online data base. You would need to submit to the ABC office the online summary sheet for each alcohol license with a cover letter requesting conditions for that license. We can look them up in our files and make photocopies. Photocopies cost 10 cents per page and may take 10 days.*
2. What are the criteria the ABC uses to review an application for a new, transferred or modified alcohol license in PB? *My handout lists statutes that apply. Criteria are those that I presented at the Beach Alcohol Task Force meeting in November of 2006. Zoning is one criterion – 600' from schools & churches. Planning Department can give input to ABC on zoning. New licenses are considered differently from modifications. Condition modifications are an informal process requiring a \$100 fee. Conditions always transfer. Premise transfers and new licenses are more formal and there is a process for protesting. Residents living within 100' are given most consideration. Premises expansion may or may not be open to public protest. Condition modifications are approved unless Vice objects. "Objection" is informal, "protest" is formal.*
3. Given that PB has high crime and over concentration is there a maximum number of licenses the ABC would allow for PB? *High crime and over-concentration are only considered*

for a new license. This is covered by statute, police crime stats, and public convenience and necessity. For restaurants the ABC can determine Public Convenience or Necessity (PCN). However, PCN is not defined and is open for interpretation as part of the review of each license application. For bars the police make a more detailed review. In PB the alcohol licenses are more valuable because fewer are being issued and more are desired. Over-concentration is allowed if PCN met, even in high crime area. ABC determines PCN for restaurants (license type 41 or 47); Vice/City has authority for PCN for bars. Most licenses in PB are restaurants and have been here a long time, have no conditions, are grandfathered in, and have no investigation upon transfer of ownership. State statute regarding licenses per population came into effect in 1995 and does not apply to licenses already granted.

4. In the past year what were the ABC enforcement and investigation activities in PB? *Jennifer didn't have this information available to her but a request could be made for this information.*

5. How do we get a list of enforcement actions regarding specific licensees for the last 5 years? Are there any open investigations? *Not available to the public.* What penalties or consequences resulted from ABC enforcement in PB in the last 5 years? *Jennifer didn't have this information available to her but a request could be made for this information. Complaints are not public information.*

6. How do we receive notification of new applications for new licenses, modifications or transfers? For a license expansion how do we get the details such as the size of the expansion area? *Per 23987, local officials are notified (DA, sheriff, police, city council, planning department); public can check the website daily/weekly.*

7. What is the process for a licensee to get a condition modified or removal of a condition? Is there public notification during this process? *Condition modification is an informal process that requires a \$100 fee and an investigation. There is no public notification and no public protest is considered, except possibly from protesters of the original license/condition.*

8. Who can protest new licenses, modifications or transfers? What criteria are used in considering protests? *Anyone in the public can protest a new license, but a resident within 100' has more validity or if the license directly impacts you. Only individuals can protest, not organizations. The police or city council can also protest a license.*

9. What does the ABC recommend to a community like PB with high crime and over-concentration to reduce the negative effects of existing and potential additional alcohol licenses? *The ABC cannot recommend policy to a community. If the community is having a problem with an existing licensed establishment, individuals should contact the ABC and SDPD to make a complaint with specific reasons and observations. ABC PCN criteria: Full investigation of all statutes; no objections from residents within 100'; no objections from police or city council; any unique feature. ABC judges are known to approve appeals if application is denied solely on high crime or over-concentration.*

10. Morphing (restaurants acting like bars late at night) – *Without a special condition a licensed establishment can serve alcohol from 6 am to 2 am. The ABC considers 5 pm to 9 pm as the normal dinner eating hours. However, there is nothing prohibiting a restaurant license from functioning as a bar from 9 pm to 2 am.*

11. History – Many licenses have changed conditions over the years and that has allowed them to become problems. Can we get the history of conditions on a license? *Can request the history by specific address. Some histories may not exist past a certain year.*

Vice Policies, Questions and Answers:

Sergeant Andra Brown introduced herself. She has only been in this position for 2 months. Prior to her there was Dan Plein. There is little or no history being maintained by the SDPD regarding alcohol license issues in PB as there is a lot of turnover and no data base being maintained.

Sergeant Brown then answered the following questions:

1. We have a list of licenses for our area. However, could you provide a list of current alcohol licenses and their conditions for 92109 for Pacific Beach? *ABC is the source for conditions. The PD doesn't have conditions on file. Business owners are required to keep conditions on premises. Would that be available upon request from public? Ask ABC.*

2. What are the criteria that SDPD Vice uses to review an application for a new, transferred or modified alcohol license in PB? *Vice uses the same guidelines as the ABC plus calls for service at the location and within a .2 mile radius in the last 12 months. For new licenses and expansions, Vice also checks if there is a residential area or church within 100'*

3. Given that PB has high crime and over concentration is there a maximum number of licenses the SDPD would allow for PB? *Police consider an expansion or a change from a 4 to a 47 the same as a new license. In PB, PCN must be identified. Changes in hours is an informal process.*

4. What are the typical weekly, monthly, and yearly police enforcement and investigation activities focused on alcohol related crime in PB such as saturation patrols & DUI check points, minor decoy & over serving investigations, patrolling the PB "strip"? *Vice activity is typically driven by citizen complaints and reports from the police night details. There is no data base of stats of frequency of complaints for a specific location.*

5. What is the review process for renewing entertainment permits? Under what circumstance would an entertainment permit not be renewed? *Entertainment permits are reviewed each year based on calls for service, place of last drink (POLD) survey, and ABC violations.*

6. Does SDPD have a place of last drink survey of drivers under the influence? What enforcement, investigations, or entertainment permit renewal actions have been taken as a result of the survey's findings? *The police don't have a POLD survey, it is a question filled out on the police report. Nothing is done with it except to report it to ABC and put it in the file that would be examined when the licensee applies for a modification.*

7. Does SDPD vice protest new licenses, modifications or transfers to PB? *SDPD Vice can protest premise transfers, new licenses and modifications. If so, in the last 3 years which applications were protested and which were not protested and why? No data base is kept, so I don't know. (Vice was asked about the PB Shore Club expansion and indicated that they misinterpreted the PBPG 5-4 vote to approve the PB Shore Club deck remodel as a vote approving the alcohol license expansion.)*

8. How do we get a list of enforcement actions regarding specific licensees for the last 5 years? *Ask ABC for a specific location. Are there any open investigations? Not aware of any.*

9. What does the SDPD recommend to a community like PB with high crime and over-concentration to reduce or to eliminate any additional negative effects of alcohol licenses?
Report problems to police.

Agenda for going forward: In upcoming meetings we will discuss what we learned tonight, establish our review criteria, edit our mission statement and get more information on crime in PB. Committee members were asked to send items for upcoming agendas.

Adjourned: 7:41 pm
Submitted by Marcie Beckett