

**Pacific Beach Planning Group**  
**Alcohol License Review Committee**  
Minutes – March 1, 2010, 6:00 pm,  
Pacific Beach Womans Club (1721 Hornblend Ave.)

Commenced: 6:02 pm

**Members Present:**

PBPG: Scott Chipman (Chair), Marcie Beckett, Diane Faulds, Jim Krokee

PBTC: Nici Boyle, Joe Wilding

Discover PB: None

**Guests:**

Jerry Hall, Don Leichtling, Richard Garmo, Kathy Lippitt, Odette Orr, Rosalie Schwartz, Paul Thackrey, Robert Zakar

**Agenda Approval:** Move Qwik Korner item to follow Non-agenda Public Comment; approved without objection.

**Minutes Approval:**

**Motion** (Faulds/Beckett): Approve December minutes with one correction on page 3, item 5: insert “survey” after “POLD” **Passed 6-0-0**

**Motion** (Beckett/Faulds): Approve February minutes. **Passed 6-0-0**

**Non Agenda Public Comment:**

Odette Orr – lives across the alley from Cabo Cantina and is disturbed by noise from nearby bars; Cabo plays loud music on Sunday nights; Plum Crazy worker uses leaf blower at 3 am; Sinbad’s A/C mechanical noise was very loud; I have talked to the businesses and filed complaints with Code Compliance; no relief; don’t want to be forced to move; what can I do? (Committee referred her to Neighborhood Watch, PBPG, and Hospitality Task Force)

Marcie Beckett – “PB Evolution:” over the last 20 years, many good PB restaurants have been replaced with restaurants that act like bars from 10 pm to 2 am, this is why we have high crime. It’s still happening now, as “restaurants” seek license modifications to serve alcohol until 1 or 2 am. Once we allow a good restaurant to have a new license, we have no control over what happens to that license down the road; we need a Conditional Use Permit process for local control and community review.

**Off-Sale Qwik Korner Presentation and Recommendations:**

Applicants present: Robert Zakar, Richard Garmo

Robert Zakar – the PBPG main concern was the public urination and trashing of premises, but our customers are not doing that. We have a surveillance system with 16 cameras (4 outside, 12 inside) that will monitor everything inside and outside.

Jim Krokee – would you be willing to stop selling alcohol at 1:30 am to reduce negative impacts?

Robert Zakar – they will just buy somewhere else, we would rather be the responsible seller

Scott Chipman – received new cycle issues today at 4:00 pm; reads summary of issues and possible recommendations. Vice recommended no sales of singles or fortified wines or malt liquor. Vice would consider lesser restrictions if PBPG recommends. What is store floor area and hours of operation?

Robert Zakar – 2,500 sf; open 9:00 am to 2:00 am.

Diane Faulds – there were other concerns: lack of parking, want to see support petitions from residential neighbors, want commercial curb space on Garnet; no sales of singles.

Jim Krokee, Nici Boyle and Joe Wilding – agree with Vice recommendations, no singles, etc. Stop selling at 1:30 am.

Marcie Beckett – Agree with Vice recommendations for no singles or fortified, etc. Also, stop selling at 12:00 am; provide 2 customer parking spaces; have security guard from 10:00 pm to closing; limit how much store display space can be used for alcohol products.

Scott Chipman – We have several options, which we will take to the full PBPG:

- Approve with no conditions.

- Deny CUP

- Approve with conditions commonly used to reduce negative effects of alcohol sales, which may include but are not limited to: No sales of high risk beverages, including fortified wines, wine coolers, malt liquor; no sales of singles; reduced hours of store operation; reduced hours of selling alcohol; limit percentage sales of alcohol; security plan to prevent drinking onsite; windows near cash register clear of signage; staff trained in responsible beverage sales; cashiers must be 21 or older and not under the influence of alcohol or drugs; no sales of products known to be used for drug purposes (small plastic baggies, cigarette papers, pipes and screens known to be used for smoking or inhaling drugs); a parking agreement.

Regarding limiting shelf space, I visited 7-11 stores in Pacific Beach and I estimate that beer and wine products take up about 10% of the store display space.

Odette Orr – Paint over mural; carry good selection of products to be a good convenience store.

### **Name Change:**

Scott Chipman - The Pacific Beach Special Events Committee has changed its name to Pacific Beach Community Advisory Committee (PBCAC) and broadened its scope to include review of requests for new and modified alcohol licenses. This has created some confusion with our subcommittee name, Alcohol Advisory Committee. Vice was also confused by the PBPG approval of the PB Shore Club remodel, Vice thought it meant PBPG approved the alcohol license expansion, but that was not included in PBPG review. Some have suggested we change our committee name to reduce the chance of confusion.

Marcie Beckett – Suggest Alcohol License Committee or Alcohol License Review Committee.

Jim Krokee – Need to make our name broader than just alcohol license review.

**Motion (Beckett/Boyle):** Change this committee's name to Alcohol License Review Committee (ALRC) **Passed 6-0-0**

### **Criteria, Goals, Mission:**

Scott Chipman – There is a general impression that PB has always been this way – high crime and lots of bars and clubs. But this situation has gradually developed in our community over the last 20 years. SDPD Northern Division Capt. Chris Ball told me that most crime in PB is alcohol related. What are our goals and what criteria are we going to use in reviewing license applications?

Marcie Beckett – We need a Conditional Use Permit (CUP) process for restaurants and bars so that we can attach conditions to these businesses to reduce negative impacts and so that these conditions can only be changed with a city-controlled transparent process that includes community planning group review and input. San Diego already has a CUP for liquor and grocery stores. Other cities, such as Ventura and Phoenix, have a CUP for all businesses that sell alcohol. Without a CUP, the state ABC can and does grant new licenses in PB if it finds “public convenience or necessity,” and the ABC can and does grant changes to license conditions with little or no public notice or regard for public input. We all want to attract and keep good restaurants in PB. However, under the current system, if we approve a license for a good restaurant, with conditions that it close at 11 pm or have a 70/30 food/alcohol sales ratio, these conditions can be easily changed. After one year, or when the license is sold, an application can be made to ABC for \$100 to change the conditions. Even if SDPD recommends denial and ABC denies the application, the applicant can go before an appeals judge in Sacramento and

have the denial overturned. Jennifer Hill (ABC) has admitted that a CUP is the only way to get local control.

Jerry Hall – The city has a CUP process (Entertainment Permit) for any business with amplified music.

Jim Krokee – Let’s look at the process to get a CUP, let’s start the process, but in the meantime, let’s review license applications and suggest conditions to reduce negative impacts.

Scott Chipman – If we get Qwik Korner to stop selling earlier, then we need to go to all mini-marts in PB and ask them to stop selling at the same time.

Diane Faulds – Reads response from Sgt. Andra Brown (Vice) regarding the new type 41 license application at 717 Thomas and the request from Cabo Cantina to change its conditions to serve alcohol until 2:00 am (currently, sales must stop at 12:00 am.) Vice is opposed to both. Turnover in SDPD Vice has created inconsistent policies and has encouraged at least a dozen applications for new licenses and condition modifications.

Marcie Beckett – We don’t want to say “no” to good restaurants that want licenses, but they could all be allies in our efforts to get a CUP. Every new license that is approved is no longer an ally for the CUP.

Kathy Lippitt – License applications can be protested by filing a complaint with the ABC. Form is online, can scan in completed form and email to ABC, then mail hard copy. Residents can complain to ABC about problems with existing alcohol outlets. ABC enforcement is complaint-driven. ABC says they are not receiving complaints about PB establishments. Only 16 establishments in PB currently have an entertainment permit, which allows amplified or live music, etc.

Next meeting is April 5, 2010, at 6:00 pm

Adjourned: 7:37 pm

Submitted by Marcie Beckett