

Alcohol License Policies and Issues in Pacific Beach

**A Report from the
Alcohol License Review Committee
A Subcommittee of the Pacific Beach Planning Group**

February 23, 2011

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Executive Summary of Findings

1. There is rising community concern over the number of alcohol-licensed businesses in Pacific Beach, the trend for more and more restaurants to function like bars, the high alcohol-related and general crime, the high number of DUIs, and other negative impacts to public safety, to the community and to residents' quality of life.
2. There is general agreement over wanting new good restaurants in Pacific Beach to be able to get alcohol licenses and be successful, as long as they remain good restaurants and do not function like bars and create negative impacts. However, under current alcohol license policies, the community has no control over the granting of restaurant alcohol licenses and it cannot prevent restaurants from functioning like bars.
3. Four census tracts in Pacific Beach are over-concentrated with alcohol licenses. The highest over-concentration is in the western-central census tract, which has 64 licenses where only 10 should be allowed (by state regulations based on population). These alcohol licenses comprise 44 restaurants, 9 bars and 11 stores. In 2008, this census tract had alcohol-related crime that was 19 times the city average; and general crime that was 4.5 times the city average. In 2010, the alcohol-related crime was 18 times the city average and the general crime was 5 times the city average.
4. In Pacific Beach, the six census tracts with alcohol licenses all have high alcohol-related crime and most have high general crime. The two census tracts without alcohol licenses have very low crime.
5. A significant body of research supports an association between the number and density of businesses that sell/serve alcohol within a community and the incidence and type of crime in that community. These studies indicate the more alcohol licenses you have, whether they are restaurants, bars or stores, the more crime you have.
6. ABC makes the decision to grant new alcohol licenses and relax license conditions - and the community has no control. For example:
 - a. If a restaurant gets a new license, with conditions to keep it from functioning like a bar, these conditions can subsequently be removed or relaxed with no public notice and no local control.
 - b. Many existing restaurant licenses have no conditions, and ABC regulations allow them to function like bars and serve primarily alcohol until 2:00 am every night.
 - c. Licenses can be freely sold or transferred to different operators with different business models. This means that a license issued to a true restaurant, can be sold to a new owner who can choose to operate the restaurant like a bar.

7. Under current alcohol license policies, cities do have the ability to refuse new bar and store licenses in over-concentrated, high crime locations. But ABC is the sole decision maker for everything else, such as, all new restaurants; new bars and stores in under-concentrated areas; and all modifications to existing licenses.
8. Current alcohol license policies allow: 1) communities to become over-concentrated with alcohol-licenses, 2) restaurants to function like bars; and 3) licenses to be modified in ways that increase negative impacts. There is no limit to the number of alcohol licenses that can be granted, even in areas of high crime and over-concentration. Current alcohol license policies do not protect communities from negative impacts such as high crime and DUI and damage to the business district and to residents' quality of life.
9. Even when a new license is protested by the police and denied by the local ABC, it may still be issued. Within the last year, an ABC judge granted a new restaurant alcohol license in Pacific Beach's most over-concentrated and high crime area, over the objections of both the local ABC and SDPD.
10. Pacific Beach is fortunate to have many good restaurants that are true assets to the community and do not cause negative impacts. However, over the last 20 years, some good restaurants in Pacific Beach have been replaced by restaurants that function like bars (e.g., serve mainly alcohol from 10 pm to 2 am, offer beer pong, have cheap drink specials, etc.). In addition, bars and restaurants have been continually allowed to modify their operations so that they serve more and "harder" alcohol, to more people, later into the night. This evolution of alcohol license operations has led to high crime and high DUI (about 600 DUIs per year).
11. ABC and SDPD enforcement alone cannot solve these problems. Despite tremendous SDPD resources being spent in Pacific Beach, the crime and DUI remain unacceptably high. ABC does not have sufficient resources or regulations to stop these negative impacts.
12. Current alcohol license policies are deficient, do not provide adequate local control, and will continue to result in additional new licenses and condition modifications that are likely to increase crime and other negative impacts in Pacific Beach.
13. The mission statement of the Alcohol License Review Committee (ALRC) cannot be fulfilled under current alcohol license policies because:
 - a. The ALRC cannot "support new or transferred alcohol licenses with appropriate conditions for desirable businesses" because it cannot be assured that these conditions will actually be imposed or will stay in place, due to the ABC having sole authority over the imposition and modification of license conditions.
 - b. The ALRC cannot "review all proposed modifications to conditions on existing alcohol licenses in Pacific Beach and make recommendations to minimize negative impacts" because there is little or no public notice of the applications for such modifications and because ABC has sole authority over condition modifications.

14. Reductions in crime and subsequent improvement in public perception of Pacific Beach as a safe place to live and visit will benefit both residents and businesses. Therefore, it is in the best interest of all facets of the community to work together to achieve solutions to these problems.
15. Other communities, such as Fullerton, Oxnard, Ventura and Vallejo, have faced these same issues and have successfully addressed them through a land-use policy - a conditional use permit (CUP) - that establishes local control over where and how new alcohol-licensed businesses can operate. For example, a CUP allows conditions to be imposed that prevent new restaurants from acting like bars and that ensure the best business practices to mitigate negative impacts. Existing alcohol-licensed businesses are “grandfathered in” with a deemed-approved ordinance (DAO), but if they commit serious violations they may be required to come under the CUP.
16. Ventura policies include a CUP, a DAO, and also a dedicated police officer to monitor, enforce and work with alcohol-licensed businesses to ensure best business practices. This officer is funded with a sliding-scale fee paid by these businesses. As a result of these policies, Ventura has experienced a 62% drop in arrests at alcohol businesses; a 42% drop in calls for service related to alcohol businesses; and a 31% drop in DUI related crashes.
17. Local control of alcohol licenses and improved enforcement at alcohol-licensed businesses will be necessary to reduce crime and DUI in Pacific Beach. Local control will allow new restaurants to get licenses and ensure they operate with conditions that will minimize negative impacts. These objectives can be accomplished by the city creating new ordinances similar to Ventura’s (CUP, DAO and funding for a dedicated police officer) and applying them to the Pacific Beach over-lay zone. Community feedback at a community presentation of this report was overwhelmingly in favor of pursuing these new policies. These new ordinances would need to be approved by the San Diego City Council.

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Introduction and Background

The Pacific Beach Planning Group (PBPG) is tasked with carrying out the Pacific Beach Community Plan, adopted in 1995. The PBPG is a city-recognized and -regulated board made up of 20 elected members: 5 commercial and 15 residential (representing all census tracts). Members are elected by residents in the census tracts they represent or by owners of businesses or commercial property in Pacific Beach.

Pacific Beach is primarily a residential community with 88% of its land area devoted to residential development. However, commercial land use in Pacific Beach is a vital component to maintaining a vibrant and desirable residential community. The PB Community Plan Vision (page 3) states, “As the community develops over the next twenty years, it will strive to reconcile the duality of its roles as a visitor destination and a residential community.” The PB Community Plan strives to balance the commercial and residential sectors of Pacific Beach for the mutual benefit of residents and businesses.

In recent years, there has been increasing community concern over issues and impacts related to businesses that sell and serve alcohol. Appendix 1 provides a timeline of alcohol license issues and developments in Pacific Beach since 2003, parts of which are summarized in the body of this report. Many people in the community have wondered and asked:

- Why are there so many bars in Pacific Beach?
- Doesn't the ABC limit the number of alcohol licenses in a community?
- How many alcohol licenses are there in Pacific Beach?
- Is alcohol-related crime greater in Pacific Beach than in other communities?
- Why does it seem there are more alcohol licenses each year?
- Isn't there a way to allow more good restaurants and reduce the number of bars?
- How can the police manage all the problems related to too many bars?

The PBPG currently reviews and advises the city on alcohol licenses applications for stores, because the city requires them to obtain a land-use permit, called a Conditional Use Permit (CUP), in order to operate. But there is no such CUP for restaurant and bar alcohol licenses, which are left to the discretion of the state department of Alcoholic Beverage Control (ABC). However, some community planning groups, such as City Heights, College Area and Linda Vista, do review and advise on all alcohol license applications in their communities. Due to all of the above, the PBPG has long had an interest in alcohol license policies and issues in Pacific Beach.

Why and How the ALRC Was Formed

A full and detailed timeline of the process of forming the ALRC is provided in Appendix 1 and summarized as follows.

In 2008, the San Diego Police Department (SDPD) Vice sergeant suggested that alcohol license applicants go to the Pacific Beach Town Council (PBTC) board to garner community support. At that time, the PBPG began discussions about forming a subcommittee to review all alcohol license applications, since it was already reviewing CUPs for new store alcohol licenses in the community. In 2009, after several months of meetings and conversations with city officials and other community groups, the PBPG established a subcommittee, the Alcohol License Review Committee (ALRC), to research the issues and to review applications for alcohol licenses in Pacific Beach. The proposed mission statement was presented to the PBPG, Council Member Kevin Faulconer, and to representatives from the PBTC and Discover Pacific Beach (DPB, business improvement district), all of whom expressed support for this statement:

ALRC Mission Statement

The mission of the PBPG Alcohol License Review Committee is to advise the San Diego Police Department, the city, and the state ABC on all applications for new, transferred or modified alcohol licenses in Pacific Beach in an effort to reduce negative impacts of alcohol licenses in Pacific Beach while supporting desirable businesses that enhance the community. To fulfill its mission, this committee seeks to 1) Support new or transferred alcohol licenses with appropriate conditions for desirable businesses; and 2) Review all proposed modifications to conditions on existing alcohol licenses in Pacific Beach and make recommendations to minimize negative impacts.

In order to achieve broad community involvement, the subcommittee was designed to have 2 representatives from the PBTC, 2 from DPB, and 5 members of the PBPG, with final decisions made by the full PBPG board (as per City Council Policy 600-24 that requires a majority of subcommittee members to be on the PBPG and for final decisions to be made by the PBPG).

In November of 2009, the ALRC subcommittee began its monthly, public meetings. The PBTC sent 2 representatives and participated fully, but DPB did not send any representatives. In order to lay the groundwork for an objective, criteria-based review process, initial meetings were dedicated to researching current alcohol license policies and conditions in the community, including having speakers from state ABC and SDPD Vice Department. This initial task proved to be far more complicated and time consuming than anticipated.

In June, 2010, a Community Presentation based on this report was held and community feedback gathered (all of which is included in this report). After a year of researching and analyzing alcohol license policies and community conditions in Pacific Beach, the ALRC is providing this complete report of its findings, conclusions and recommendations.

Nothing in this report is intended to be anti-business or intended to blame any particular business or business type for community issues related to alcohol. The intention of this report is to provide the information and statistics gathered, to facilitate a more complete understanding of alcohol license policies and the issues faced by the Pacific Beach community, to describe

solutions used by other communities faced with similar alcohol-related issues, and to provide a foundation for future efforts to address these issues in Pacific Beach.

FINDINGS

Timeline of Alcohol License Issues and Developments in Pacific Beach

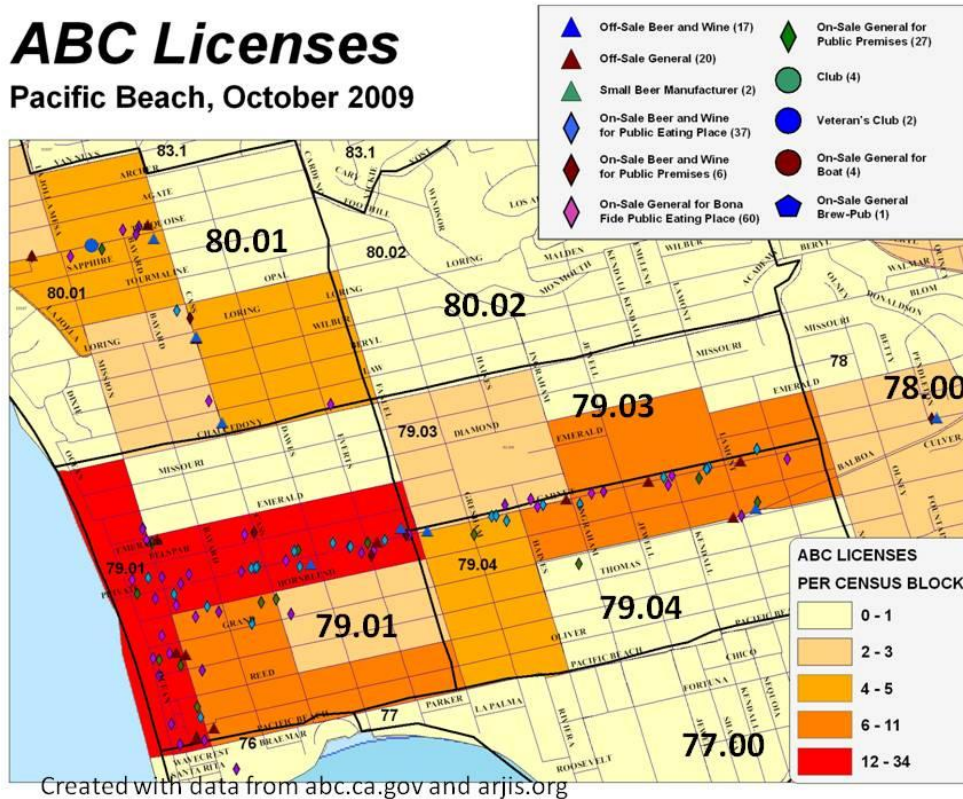
In order to establish context and understand what has transpired in the community in recent years, a timeline was constructed. The full timeline is contained in Appendix 1, but excerpts are presented in the body of this report.

Pacific Beach clearly has a history of alcohol license issues and alcohol-related negative impacts on the community, as is evidenced below.

- **September, 2003** - “Cops try to dry PB...” San Diego Union Tribune (SDUT) article reported that the San Diego Police Department (SDPD) had been protesting all new licenses in Pacific Beach for 5-1/2 years due the community’s high rate of alcohol crime and not wanting to add “a drop to the bucket that’s already full.” The Pacific Beach Town Council (PBTC) devoted two general meetings to the issue. At the end of the second meeting, PBTC members voted in favor of allowing new licenses for restaurants, but not for bars.
- **October, 2005** - At a forum with 14 candidates for Council District 2, all candidates acknowledged alcohol-related problems as the most serious issues facing Pacific Beach.
- **2007** - Council Member Kevin Faulconer convened the Beach Alcohol Task Force (BATF), with appointed members representing commercial and residential interests in Pacific Beach, Mission Beach and Ocean Beach. BATF met for nine months, spent at least two meetings on alcohol license issues and developed a list of recommendations that did not include any changes in alcohol license policy.
- **March 2008** - SDUT article revealed that the police recently blocked 41 of 84 license applications because according to Police Chief Lansdowne, “the department doesn’t have enough officers to handle the potential problems alcohol can create.” After conferring with city officials, including Mayor Sanders, Lansdowne withdrew the protest of 40 licenses, but recommended conditions on all new restaurant licenses to ensure that they remain a restaurant and do not morph into a bar or nightclub and become a source of alcohol-related crimes. “(ABC Director Jennifer) Hill said it’s unlikely that any new licenses would be issued in Pacific Beach or Mission Beach, which are permeated with bars and drain police resources.
- **July, 2008** - SDPD Vice Sgt. Howard LaBore presented at a Pacific Beach Town Council (PBTC) general meeting a list of all existing alcohol licenses in Pacific Beach census tracts, the number of new licenses pending and the number of licenses “allowed” by state guidelines. Sgt. LaBore suggested that applicants for alcohol licenses should go to the PBTC to get community support.

ABC Licenses

Pacific Beach, October 2009



Alcohol Crimes: Pacific Beach

Per Census Block: November 2008 - October 2009

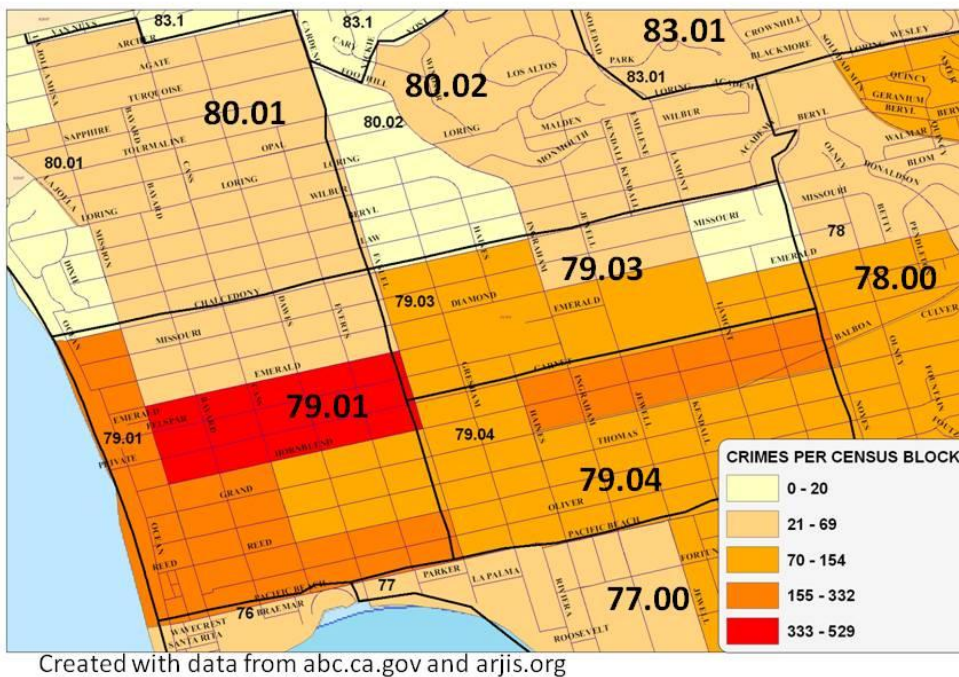


Figure 1. Alcohol Licenses and Alcohol Crime in Pacific Beach Census Tracts (2009)

Table 1. Pacific Beach Census Tracts – Alcohol Licenses and Crime Data for 2008

Pacific Beach Census Tract	Alcohol Licenses ¹	License Types ²	Alcohol-related Crime ³		General Crime ⁴		DUI ⁵ (In 2009)
			Crimes	% of City Census Tract Average	Crimes	% of City Census Tract Average	
79.01 Garnet, Mission	64 Total (10 Allowed)	9 Bars 44 Restaurants 11 Stores	1176	1916%	1203	450%	
80.01 Turquoise, Cass	20 Total (13 Allowed)	3 Bars 9 Restaurants 8 Stores	104	169%	190	71%	
79.04 Garnet	18 Total (11 Allowed)	2 Bars 12 Restaurants 4 Stores	230	375%	397	148%	
79.03 Garnet	11 Total (8 Allowed)	6 Restaurants 5 Stores	211	344%	302	113%	
78.00 Eastern	10 Total (11 Allowed)	2 Bars 4 Restaurants 4 Stores	195	318%	412	154%	
77.00 Crown Point	5 Total (13 Allowed)	1 Bar 2 Restaurants 2 Stores	269	438%	343	128%	
80.02 North-central	None		11	18%	62	23%	
83.01 Northeast	None		2	3%			
Combined PB Census Tracts 79.01, 80.01, 79.04, 79.03, 78.00, 77.00	128 Total (66 Allowed)	17 Bars 77 Restaurants 34 Stores					591 (in 92109 zip code)

¹ Data provided by SDPD Vice Sgt. Howard LaBore, July, 2008. Licenses “allowed” is per state regulations (ABC Act, section 23816).

² Data provided by SDPD Vice Sgt. Howard LaBore, July, 2008.

³ Data from Joe Dalton, Crime Analyst, SDPD. Alcohol-related crime includes DUI, drunk in public, alcohol-related disorderly conduct, open container, minors in possession, and other alcohol-related violations.

⁴ Data from Joe Dalton, Crime Analyst, SDPD. General crime is FBI Crime Parts 1 and 2, including murder, rape, robbery, assault, burglary and motor vehicle theft.

⁵ DUI in 2009. Data from <http://arjis.org>. DUI data is for all of zip code 92109 (Pacific Beach and Mission Beach).

Current Conditions in Pacific Beach

A glossary of alcohol license-related terms is contained in Appendix 3.

Over-Concentration of Alcohol Licenses

A census tract is considered to be over-concentrated with alcohol licenses when the number of alcohol licenses exceeds state regulations based on population (ABC Act, sections 23816 and 23958.4). For bar and restaurant licenses, that regulation stipulates no more than 1 license per 2,000 residents. When a census tract has a higher ratio than this, it is deemed over-concentrated. The ABC and SDPD consider over-concentration when reviewing alcohol license applications, but licenses can still be issued in over-concentrated areas.

The maps in Figure 1 were created with alcohol license data from the ABC website (abc.ca.gov) and alcohol crime data from the Automated Regional Justice Information System (ARJIS) website (arjis.org). The first map shows the eight census tracts in PB and the location of alcohol licenses within them. On this map, the more red the color, the more concentrated the licenses.

Table 1 was created from SDPD data and shows the quantity and types of alcohol licenses in each census tract and how many are allowed by state regulations based on population. Four census tracts in PB are over-concentrated, which means there are more alcohol licenses than allowed by state guidelines. Two census tracts have alcohol licenses but are not over-concentrated. Two census tracts in northern and northeastern PB do not have any alcohol licenses.

Census tract 79.01, the western-central business district, is the most highly over-concentrated, with 64 licenses where only 10 licenses should be allowed. This census tract has 9 bars, 44 restaurants and 11 stores that sell or serve alcohol.

The northern business area in census tract 80.01 has 20 licenses (3 bars, 9 restaurants, 8 stores) where only 13 should be allowed. Two census tracts (79.03 and 79.04) meet in the middle of Garnet Avenue. The former has 11 licenses where 8 are allowed, and the latter has 18 licenses where 11 are allowed.

Overall, the community of Pacific Beach has 17 bars, 77 restaurants, and 34 stores for a total of 128 alcohol licenses where only 66 are allowed by state regulations.

While state regulations call for no more than one alcohol license per 2,000 residents, Pacific Beach has one alcohol license for every 326 residents (based on a population of 41,752, from www.sandag.org).

High Crime

A census tract is considered to have high crime when the number of crimes is 120% or more of the city-wide census tract average (ABC Act, section 23958.4). The ABC and SDPD consider high crime when reviewing alcohol license applications, but licenses can still be issued in high crime areas.

Table 1 includes 2008 SDPD crime data for each PB census tract, showing the number of crimes and the percent of city-wide census tract average for both alcohol-related crime and general crime. Alcohol-related crime includes DUI, drunk in public, alcohol-related disorderly conduct,

open container, minors in possession, and other alcohol-related violations. General crime includes murder, rape, robbery, assault and motor vehicle theft.

In 2008, all Pacific Beach census tracts with alcohol licenses had high alcohol-related crime, and most had high general crime. Census tract 79.01 (western-central business district) has the most alcohol licenses and the highest crime, with alcohol-related crime at 1916% of the city-wide average, and general crime at 450% of the city-wide average. Census tracts 79.03 and 79.04 (Garnet Avenue), which are also over-concentrated with alcohol licenses, had high alcohol crime (344% and 375%) and high general crime (113% and 148%).

Census tract 80.01, which includes the northern business area, is over-concentrated with alcohol licenses, had high alcohol crime (169%), but low general crime (71%). This finding suggests that the number of alcohol licenses is not the sole determinate of crime, but that other factors, such as business models and operations, and patron attitudes and level of drinking, may also influence crime (Treno et al., 2008). The two census tracts with no alcohol licenses had very low crime.

The second map in Figure 1 provides a graphic representation of the level of alcohol-related crime in each census tract. In this map, the more red the color, the more alcohol crime. Comparing the two maps in Figure 1, it is apparent that the areas with higher concentrations of alcohol licenses tend to have higher crime.

Comparison of Crime 2008 to 2010

Tables 2 and 3 provide a comparison of crime data for each census tract over the years 2008, 2009 and 2010. Crime statistics are fairly consistent over these years. Alcohol-related crime in census tract 79.01 ranges from 1746% to 1916% of the city-wide average, and general crime in that census tract ranges from 450% to 509% of the city-wide average. There appears to be a general correlation between the number of alcohol licenses and the incidence of crime. Census tracts with alcohol licenses tend to have high alcohol and general crime, while the census tracts without alcohol licenses have low crime.

Connection between Alcohol Outlets and Crime

A significant body of research supports an association between the number and density of alcohol outlets (businesses that sell/serve alcohol) within a community and the incidence and type of crime in that community. These studies indicate the more alcohol licenses you have, whether they are restaurants, bars or stores, the more crime you have.

- The more stores, bars and restaurants selling alcohol, the more crime and violent assaults. (Zhu et al, 2004; Alaniz et al, 1998)
- The more alcohol-serving restaurants and bars, the more violent crime (Gorman et al, 2001; Scribner et al, 1995)
- The more bars, the more severe assaults/violence. (Lipton & Gruenewald, 2002)
- The more alcohol-serving restaurants, the more DUIs and traffic crashes. (Gruenewald et al, 2002)
- The more bars, the more pedestrian injuries (LaScala et al, 2001)

Table 2. Alcohol-related Crime in Pacific Beach by Census Tract and Year*

	2008			2009		2010	
Census Tract	# of Alcohol Licenses (2008)	# Alcohol Crimes	% of City Census Tract Average	# Alcohol Crimes	% of City Census Tract Average	# Alcohol Crimes	% of City Census Tract Average
79.01	64	1176	1916%	1083	1746%	1116	1807%
80.01	20	104	169%	85	137%	81	131%
79.04	18	230	375%	227	366%	229	371%
79.03	11	211	344%	191	308%	208	337%
78.00	10	195	318%	202	326%	211	342%
77.00	5	269	438%	260	419%	237	384%
80.02	None	11	18%	16	26%	29	47%
83.01	None	2	3%	10	16%	8	13%

* Crime statistics and alcohol license data obtained from SDPD Vice. Alcohol crime includes DUI, drunk in public, alcohol-related disorderly conduct, open container, minors in possession, and other alcohol-related violations.

Table 3. GENERAL Crime in Pacific Beach by Census Tract and Year*

	2008			2009		2010	
Census Tract	# of Alcohol Licenses (2008)	# Crimes (General)	% of City Census Tract Average	# Crimes (General)	% of City Census Tract Average	# Crimes (General)	% of City Census Tract Average
79.01	64	1203	450%	1254	509%	1226	501%
80.01	20	190	71%	287	117%	264	108%
79.04	18	397	148%	420	171%	416	170%
79.03	11	302	113%	392	159%	398	163%
78.00	10	412	154%	413	168%	457	187%
77.00	5	343	128%	349	142%	337	138%
80.02	None	62	23%	69	28%	79	32%
83.01	None			62	25%	66	27%

* Crime statistics and alcohol license data obtained from SDPD Vice. General crime is FBI Parts 1 and 2 and includes murder, rape, robbery, assault, burglary and motor vehicle theft.

Over-Service of Alcoholic Beverages

Most alcohol servers in San Diego County receive training in responsible beverage service (RBS), which is designed to prevent service to minors, and over-service of alcoholic beverages and potential over-intoxication of customers. The ABC has this to say about its own RBS training program: “A coalition including representatives from non-profit agencies, the hospitality industry, education and ABC have begun the work of updating (RBS) training standards that can help reduce alcohol-related injuries and deaths in the State of California.” (<http://www.abc.ca.gov/programs/RBS.html>, 2011).

In 2009, John Clapp, et al. of San Diego State University published a study of 839 patrons (428 men, 411 women); average age 24.7 years, attending 30 local bars and restaurants that “catered to young adults.” Although not reported in the published article, many of the bars and restaurants studied were located in Pacific Beach. Seventy-two percent (72%) of participants reported drinking prior to going to the bar or restaurant and their average blood alcohol was half the legal (driving) limit upon entry. Pseudo-patrons were used to assess over-serving. Over 90% of servers sold excessive amounts of alcohol to pseudo-patrons in short periods of time: 2 Long Island Ice Teas, 1 beer and 1 shot of vodka (equivalent to 8 shots of liquor) in less than 50 minutes.

This study’s findings indicate that current RBS training is not effective in preventing over-service of alcohol. In addition, patrons who have been drinking prior to going to a bar or restaurant may also increase the likelihood of over-service. Treno et al. (2008) found that higher peak drinking levels were associated with greater hostility and aggression. Therefore, the prevalence of over-service may be leading to more patrons who are highly intoxicated and more likely to commit crimes.

Visitor Population and Crime

Some people have suggested that the high crime in Pacific Beach is due to the high number of visitors to the community. However, millions of people visit the San Diego Zoo and Sea World each year, yet these attractions do not have high crime. La Jolla is another local community that attracts millions of visitors each year. In 2010, the La Jolla business district (census tract 82.00), with its many bars, restaurants and active nightlife, had alcohol and general crime that were 118% and 132% of the city-wide average, respectively. In that same year, the Pacific Beach business district (census tract 79.01) had alcohol and general crime that were 1807% and 501% of the city-wide average, respectively. These comparisons indicate that a high number of visitors does not necessarily result in high crime. Other factors, such as business models and operations and visitor attitudes and intoxication levels may be influencing the incidence of crime (Treno et al., 2008).

Driving Under Influence (DUI)

Driving under the influence (DUI) is a well documented and studied crime. It is unique in that it is virtually never reported as a crime unless there is an accident or a stop and arrest. In Pacific Beach (zip code 92109), DUI arrests typically number approximately 600 each year. In 2009, there were 591 DUIs in Pacific Beach and a total 3714 DUIs in all of San Diego (SDPD crime

statistics). This means that Pacific Beach, with just 4% of the city’s population, is generating about 17% of the city’s DUIs. Pacific Beach has 4 times as many DUIs per year as the community with the next highest DUIs, East Village, which has about 150 DUIs per year (SDPD crime statistics). In 2007, SDPD Lt. Brian Ahearn reported that 73% of the people arrested for DUIs in Pacific Beach did not live in Pacific Beach. Since 2005, DUIs in Pacific Beach have resulted in at least 6 deaths and numerous serious injuries (from observation).

DUI Checkpoint Arrests - Figure 2 reflects the number of DUI checkpoint arrests from 2000 to 2007 in Pacific Beach and in nearby cities (data from www.arjis.org). DUI arrests at Pacific Beach checkpoints far exceed those occurring in nearby cities.

DUIs by Time of Day - Figure 3 shows DUI arrests in Pacific Beach (zip code 92109) by time of day for November 2008 through October 2009 (data from www.arjis.org). Most DUI arrests occurred between the hours of 11:00 pm and 6:00 am. There were 629 DUIs during that 12-month period.

DUIs by Month of the Year - Figure 4 shows the number of DUI arrests in Pacific Beach (zip code 92109) each month from November 2008 through October 2009 (data from www.arjis.org). All months show significant numbers of DUIs, with November and May being the highest.

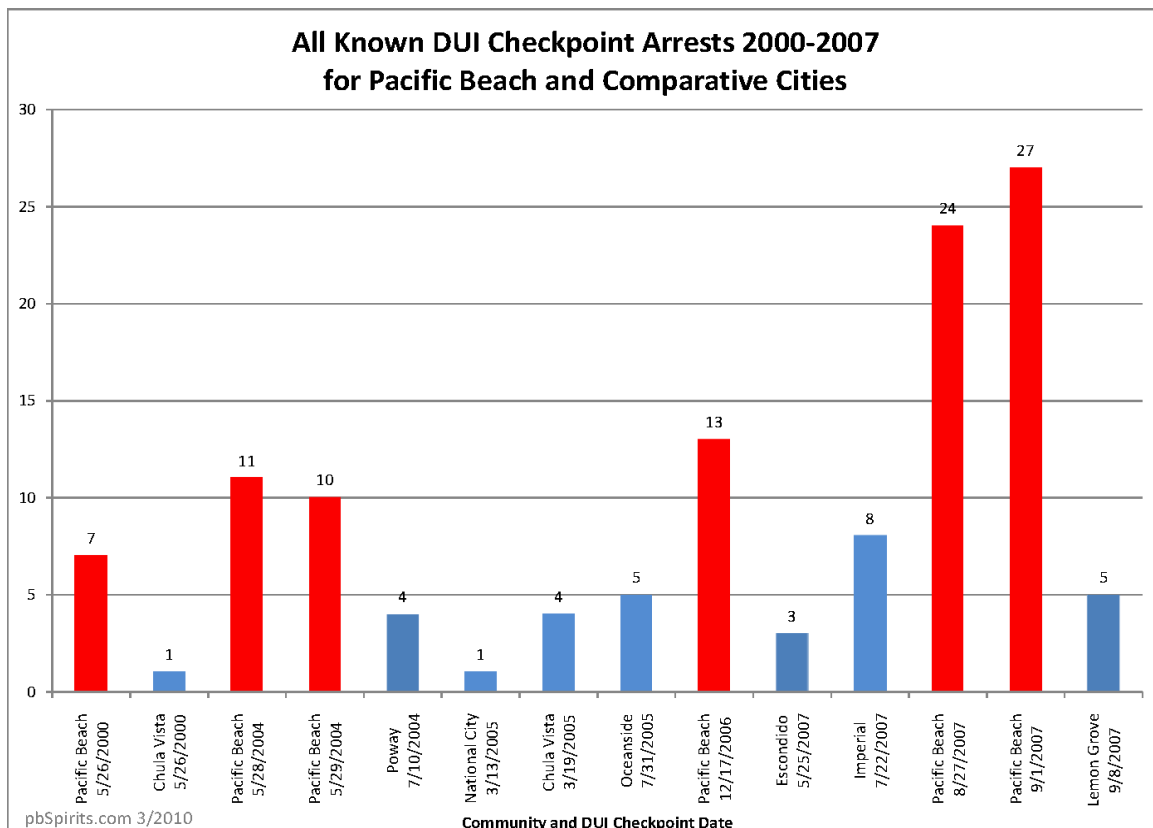


Figure 2. DUI checkpoint arrests from 2000 to 2007 in Pacific Beach (red) and in nearby cities (blue). (from www.pbspirits.com)

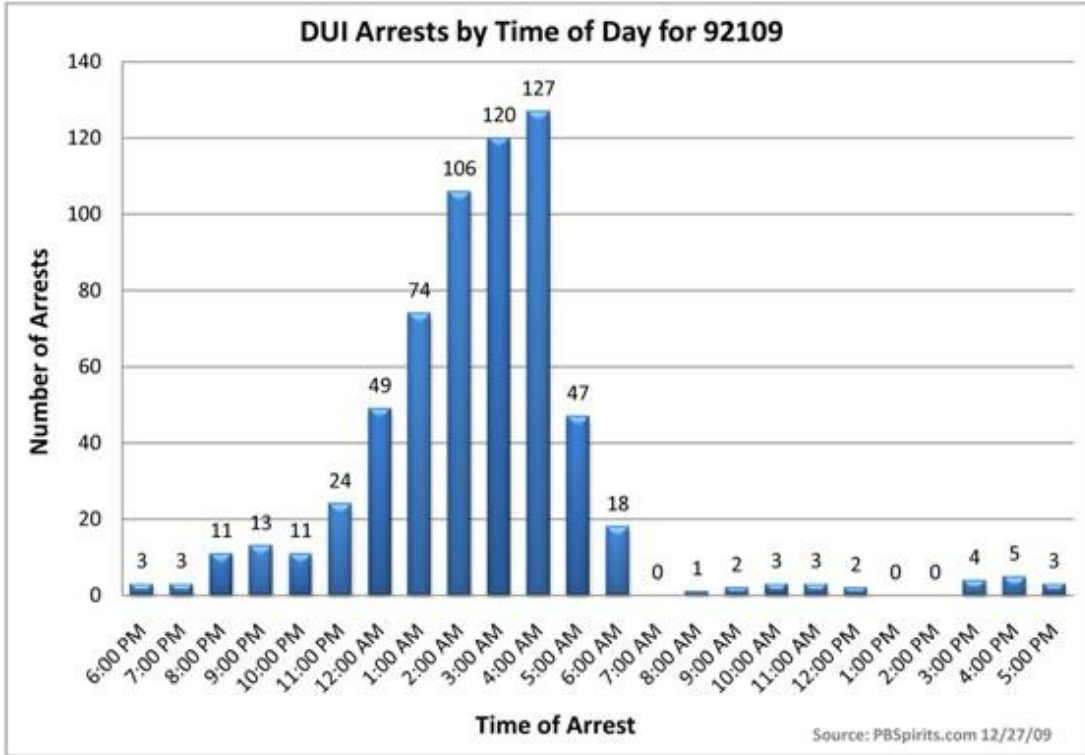


Figure 3. DUI arrests in Pacific Beach (zip code 92109) by time of day for November 2008 through October 2009. (data from www.arjis.org)

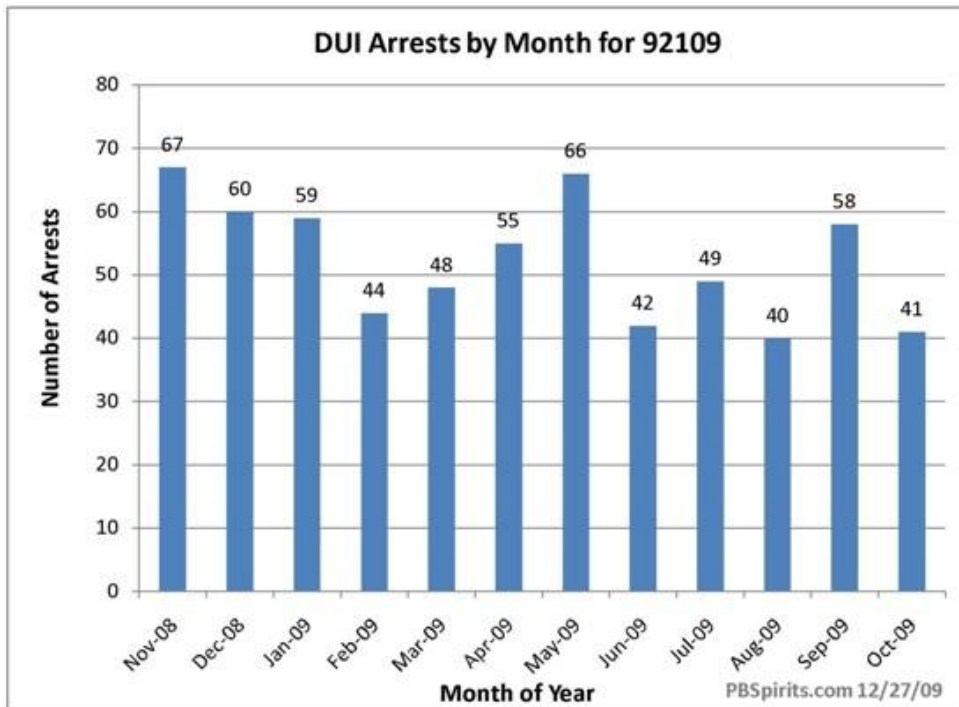


Figure 4. DUI arrests in Pacific Beach (zip code 92109) by month for November 2008 through October 2009. (Data from www.arjis.org)

DUI statistics from California Office of Transportation Safety:

Information on DUIs (2008) obtained from the California Office of Traffic Safety website (http://www.ots.ca.gov/Media_and_Research/Rankings/default.asp) indicates that among the 13 largest California cities, with data adjusted for vehicle miles driven, San Diego ranked

- #1 for drivers between 21 and 34 that had been drinking
- #2 for alcohol-involved vehicle fatalities and injuries
- #4 for drivers under 21 that had been drinking

(The 13 largest cities were Los Angeles, San Diego, San Jose, San Francisco, Fresno, Long Beach, Sacramento, Oakland, Santa Ana, Anaheim, Bakersfield, Riverside, and Stockton)

Given that Pacific Beach DUIs comprise about 17% of all San Diego DUIs, and are far greater than in any other San Diego community, it becomes apparent that Pacific Beach DUIs may be large factor contributing to San Diego's high state-wide DUI rankings.

Insurance.com DUI Survey:

A recent study by the insurance information website, Insurance.com, was reported by Channel 10 News on September 27, 2010 (<http://www.10news.com/news/25186201/detail.html>). The study was based on information reported by users seeking auto insurance premium quotes over the last three years, and its findings included:

- "San Diego has the highest percentage of drivers with alcohol-related driving violations among the nation's 20 largest cities"
- Three other California cities were on the list — San Jose was second, Los Angeles seventh and San Francisco eighth.
- "Though factors such as proximity to colleges or popular urban night-life centers might affect a city's level of alcohol-related violations, strict law enforcement also could play a key role, the study notes."

In recent years, SDPD has devoted considerable resources to DUI enforcement in Pacific Beach, via DUI checkpoints and "saturation patrols", where extra officers in vehicles are deployed in the community during anticipated high DUI times. This high level of enforcement may contribute to this survey's finding that San Diego has a high percentage of drivers with DUIs. However, San Diego's rank as the #2 city in California for DUI fatalities and injuries, confirms that San Diego's high number of DUIs is not merely due to high enforcement.

Place of Last Drink (POLD) Survey

The POLD Survey is a voluntary and anonymous questionnaire completed by DUI offenders (North Coastal Prevention Coalition, 2008). The survey is given to people who are attending a safe driver education program after being arrested for DUI. Questions include location of last drink, how much they had to drink, and how long they drank.

Recent POLD Survey results (Responsible Hospitality Coalition, 2010) show:

- For the last six months of 2009, 53% of the DUIs in Pacific Beach reported their last drink was at a bar or restaurant; and 73.3% of the DUIs in Pacific Beach were committed by people did not live in Pacific Beach.

- For the 1st quarter of 2010, 111 drunk drivers named Pacific Beach bars and restaurants as where they got their last drink: 77 were restaurants (69%); and 34 were bars (31%).

Effect of High Crime on Communities

A community that is known for high crime rates may be perceived as dangerous. According to an article in The Police Chief magazine (Harkins & Whitcomb, Jan, 2010), “when a neighborhood is perceived to be dangerous, businesses will suffer, property values will plummet, and the local economy will decline.” This article also reports that fear of crime influences people to limit where they go and what they do (especially with children), and this degrades their quality of life.

Even though the high crime in Pacific Beach is concentrated around certain business areas, and the residential areas tend to have low crime, the image of Pacific Beach as having high crime is being perpetuated. For example, Lew Breeze, a local realtor, ranked 33 San Diego neighborhoods on violent crime from 2002 to 2008 and displayed the results on his website, <http://sandiegodowntown.info/crime2.html>. Pacific Beach ranked the worst (most violent crime) of 33 neighborhoods for the years 2005 to 2008. From 2002 to 2004, Pacific Beach ranked second and third worst of 33 neighborhoods. This type of information is likely to discourage some prospective residents, especially families with children.

Noise associated with some alcohol-licensed establishments and late night noise generated by inebriated bar/restaurant patrons walking through residential neighborhoods to get to their cars can have serious negative impacts on residents’ quality of life. Some Pacific Beach residents have chosen to move away rather than tolerate being awakened at 2:00 am by loud drunks. These drunks are also known to commit acts of vandalism, littering, public urination and other such crimes that are rarely reported but may make life miserable for residents. Thus, the real and perceived high crime in Pacific Beach may reduce the community’s attractiveness to current and prospective residents.

The changing face of the Pacific Beach business district in recent years may be a result of increasing crime and the current high crime, which affects its attractiveness to businesses and customers. Over the years, many good community-serving retail businesses, such as See’s Candy, Walker Scotts (department store), Susan’s Toys, and The Highlander (men’s clothing) have left the community. At the same time, the number of tattoo parlors and smoke shops has steadily increased. Thus, the real and perceived high crime in Pacific Beach may reduce the community’s attractiveness to retail businesses and customers.

ABC Enforcement

ABC enforcement is complaint driven and is constrained by staffing and budgets. According to local ABC official Melissa Beach, the ABC has 4 field officers to cover 3,500 licenses in San Diego County. That translates into 875 alcohol licenses per investigative officer. This situation creates an unfair and unrealistic burden on community members to monitor establishments for over-serving and other violations, and it means that not many ABC complaints are likely to be made. Also, many alcohol-related negative effects and crimes occur after a patron has left an

alcohol establishment. Crimes or calls for service to the police do not get passed on to the ABC as complaints. Even an assault or stabbing related to an establishment, with a police response, doesn't generate a complaint to ABC unless a citizen actually files an ABC complaint. All of these factors mean that the ABC is unlikely to get many complaints, and this makes ABC enforcement unlikely as well.

Analysis of alcohol license records on the ABC website (www.abc.ca.gov) shows that from 2002 to 2010, ABC issued 27 citations to alcohol-licensed establishments in Pacific Beach. Given the number of alcohol-selling businesses in Pacific Beach (128), this rate of enforcement action is equivalent to 1 citation per 42 years of establishment operations.

SDPD Enforcement

SDPD enforcement is also constrained by staffing and budgets. SDPD devotes tremendous resources to Pacific Beach. Extra beat officers, such as the Beach Team, are often assigned to patrol the business district at night. Officers on bikes, on foot and in cars can be seen cruising down Garnet Avenue at night. Saturation patrols, which include extra officers from the County Sheriff's department and other nearby cities, are conducted regularly to catch drunk drivers. Regular DUI checkpoints are conducted as well. In August of 2009, SDPD even used a 30-foot tall mobile observation tower at the corner of Garnet Avenue and Bayard Street. The community is certainly grateful for these extraordinary police efforts, yet crime remains high in certain business areas in Pacific Beach.

SDPD Vice works with the Hospitality Task Force (HTF, a subcommittee of DPB) which is made up of representatives from some of the alcohol-licensed establishments in Pacific Beach. There has been an emphasis on servers being trained in responsible beverage service. SDPD Vice conducts undercover operations to detect serving to minors and over-serving. However, the Clapp study (2009), which included many Pacific Beach establishments, found that over-service is prevalent, despite RBS training. The HTF has a Community Covenant, signed by some bars and restaurants, that is designed to encourage better business practices and to reduce negative impacts on the community. In 2010, however, the HTF amended the covenant to relax its stance on prohibiting cheap drink specials.

Many alcohol licenses in Pacific Beach have no conditions. But some do have conditions, such as restrictions on hours of serving alcohol, no alcohol service on a sidewalk patio, no live entertainment or amplified music, and maintaining a specified food to alcohol sales ratio. License conditions are not available on the ABC website but are supposedly held with the license at each establishment. SDPD Vice does not maintain a data base of conditions for all licenses. Thus, license conditions may not be readily known to SDPD officers and are certainly not easily known by the public. Vice is responsible for all communities and many crime types besides alcohol license-related violations. In addition, SDPD Vice turnover is high – there have been 9 different Vice Sergeants in the last 8 years. These combined factors may result in inadequate enforcement of alcohol license conditions.

Recent reductions in SDPD staffing city-wide and the likelihood of further cuts, may result in less police enforcement in Pacific Beach. Under these conditions and considering the

extensive enforcement efforts already used in Pacific Beach, it is clear that enforcement alone cannot mitigate the high crime and other alcohol-related negative impacts in Pacific Beach.

ABC Policies

ABC Mission Statement: The mission of the Department of Alcoholic Beverage Control is to administer the provisions of the Alcoholic Beverage Control Act in a manner that fosters and protects the health, safety, welfare, and economic well being of the people of the State.

The ABC website (abc.ca.gov) displays several statements regarding its mission, basic principle, and vision. These statements emphasize the ABC's commitment to work in cooperation with local communities, to protect the health and safety of the people, and to operate with impartiality and with the highest degree of concern for the people of the state. Despite this expressed intent, ABC policies have been unable to protect public health, safety and welfare in Pacific Beach.

ABC policy is governed by state law (ABC Act, California Business and Professions Code, sections 23000-23047). For the purposes of this report, ABC alcohol license policy was determined from state law, the ABC website (abc.ca.gov), ABC Director Jennifer Hill's responses to a list of questions posed by the ALRC (Appendix 4), conversations with ABC officials, and through research into the history of ABC decisions made in Pacific Beach.

ABC policies are best understood in the context of the process for reviewing and making decisions on alcohol license applications. A summary of ABC policies and process is given below.

In 1994, the State legislature passed the Callard bill, which allows cities to have some control over the number of bars and stores (but not restaurants) selling alcohol in areas of high crime or over-concentration (Ventura County Limits, 2005). In those areas, the city is given the authority to make the finding for Public Convenience or Necessity (PCN) for a new bar or store. If the city does not find PCN, the ABC is obligated to deny the new bar or store license. The ABC retains sole authority over decisions on all restaurant alcohol licenses, regardless of location.

The Decision Makers

- **In areas that are not high crime or over-concentrated, ABC has the sole authority to make decisions on all alcohol licenses (including bars, stores and restaurants).**
- **In areas that are high crime or over-concentrated, a finding that the license would serve public convenience or necessity (PCN) must be made in order to grant the license.**
 - **For bars and stores, cities can determine PCN, and ABC must abide by the city's decision**
 - **For restaurants, ABC determines PCN**
 - **If a finding is made for PCN, the new license can be granted despite the existing conditions of high crime or over-concentration**

New Licenses: This category also includes license applications to change to a different license type, such changing from a type 41 (restaurant serving beer & wine) to a type 47 (restaurant

serving full spirits), and licenses transferred to new locations. When an individual or business makes an application for a new license, they are required to post on-site for 30 days a notice of intent to sell alcohol. The posting of the notice is self-reported by the applicant to ABC. In addition, the applicant is required to mail a notice to the property owners of all addresses within 100 feet of the premises (also self-reported). Citizen protests can be filed by mail or FAX within 30 days of the notice. The protestant is notified that the protest is received and that if a hearing is scheduled a notice of the hearing date and time will be sent. ABC sends a notice of the application to SDPD Vice within the 30-day period and SDPD has a certain window of time to submit its recommendations.

Once an alcohol license is issued it becomes personal property and remains active indefinitely. Licenses may be sold or transferred at any time, with nothing more than a criminal background check of the new owner. Business models, operations and menus can change at any time (except when prescribed by conditions on the license.)

Alcohol licenses for restaurants require the operation to be a "bona fide public eating place" which has a kitchen and regularly serves meals (ABC Act, section 23038), but there are no required food/alcohol sales ratios (e.g., 50/50 or 70/30), unless these are imposed as conditions on the license. All alcohol licenses allow serving/selling alcohol until 2:00 am, unless conditions on the license specify otherwise.

Modifications: Modifications of licenses or license conditions, such as premises expansions (larger serving area/capacity), serving on a sidewalk patio, increasing hours of service and adding a dedicated bar, are considered with an informal process and may not require public notice postings and mailings. Official protestants of the original license may be notified of an application for modifications. Applicants pay a \$100 fee to file an application for modifications.

Protest Hearings: If SDPD or citizens protest an application, a hearing is scheduled. The hearing may occur months or years after the application was filed. In Pacific Beach, there is evidence that some applicants have withdrawn their applications after receiving protests, and then filed another application months later for the same purpose, apparently in an effort to avoid public notice and protest. Protestants are required to attend the hearing, and if they do not, their protest is dropped. Hearings are scheduled during work hours. Hearings may last many hours and be spread over more than one day. A recent (April, 2010) hearing took approximately 6 hours over a two-day period. The administrative law judges, who preside over these hearings, are paid by the ABC and are often ex-employees of ABC.

San Diego Police Policies Regarding Alcohol Licenses in Pacific Beach

For the purposes of this report, SDPD alcohol license policy was determined through research into the history of decisions made in Pacific Beach, through Vice Sergeant Andra Brown's responses to a list of questions posed by the ALRC (Appendix 5), and through conversations with other SDPD Vice officers. SDPD policies are best understood in the context of past SDPD decisions and the current SDPD process for reviewing and making decisions on alcohol license applications, which are described below.

A History of SDPD Decisions and Policies

In recent years, there have been some documented SDPD efforts to curtail the issuance of new alcohol licenses in Pacific Beach. Below are excerpts from 2003 and 2008 newspaper articles and a press release reflecting these SDPD efforts.

2003

“Cops try to dry Pacific Beach - Denial of new liquor licenses aimed at area’s high rate of alcohol-related crime.” The San Diego Union Tribune, Angela Lau, San Diego, Calif.: Sep 27, 2003.

- “The suspension of new alcohol licenses began 5 1/2 years ago when San Diego police, concerned about Pacific Beach’s high rate of alcohol-related crime, began protesting all applications for new licenses in that area,” vice Lt. Robert Kanaski said.
- This year alone, police have protested five licenses in Pacific Beach.
- “The police carry a lot of weight with us,” said Steven Ernst, district administrator of the state Department of Alcoholic Beverage Control. “We work extremely closely with the Vice unit.”
- Once again, alcohol, blamed for disproportionately high crime rates in Pacific Beach, is at the forefront of the community’s conscience.
- The number of available licenses is determined by population. State regulators approved liquor permits despite an excessive concentration of the licenses because no one foresaw the problems that such a practice would bring, officials said.
- For instance, the heart of the community’s tourist district — Garnet and Grand avenues and Mission Boulevard — has 69 liquor licenses for restaurants, bars and liquor stores where there should only be 10, Kanaski said.
- Pacific Beach and Mission Beach are supposed to be allowed 61 licenses, Kanaski said. But the two communities have 129.
- Pacific Beach, with a population of 41,068, is served by 48 markets, 92 restaurants and 22 bars that offer alcohol, Ernst said.
- Recognizing the ill effects of past policies and faced with limited police power in lean budget years, police changed their tactics, Kanaski said.
- “For about the last 5 1/2 years, we have protested all new licenses,” Kanaski said. “Even if it’s restaurants, it’s like adding a drop to the bucket that’s already full.
- “(When) people come to dinner, they drink at the restaurant before they hit the clubs or the beach. We become stuck in the middle. What I look at is whether I have the law enforcement capability to properly patrol the area. I don’t have that in Pacific Beach.”

2008

“Police keeping liquor licenses bottled up,” The San Diego Union Tribune, San Diego, Calif.: Mar 7, 2008.

This article revealed that SDPD blocked 41 of 84 applications from September 2006 through March 1, 2007. “Police Chief Lansdowne said the department doesn’t have enough officers to handle the potential problems alcohol can create.”

Press Release, Mayor Jerry Sanders, March 22, 2008

“SDPD Fact Sheet - Mayor, Police Department announce city conditions for alcoholic beverage licenses.” “These conditions attempt to strike a balance between the City’s economic

development needs and public safety concerns. In addition, the guidelines seek to ensure that restaurants which apply for an alcohol license remain a restaurant and do not morph into a bar or nightclub.”

“SD Police end protest on 40 liquor licenses,” The San Diego Union Tribune, San Diego, Calif.: Mar 22, 2008.

Police Chief “Lansdowne, who cited lack of resources for the department’s sweeping protests, said that while he hasn’t been given a commitment for any new officers, he reversed his stance after discussions with various officials.” Three conditions will be imposed on all new restaurant licenses to ensure that these restaurants do not become a source of alcohol-related crimes: no live entertainment, no to-go liquor sales, and 50-50 liquor and food sales. Additional conditions are to be imposed on Gaslamp restaurants. Jennifer Hill, ABC San Diego District Administrator, said “she considers the three conditions just a starting point for discussion. The state weighs each application on its own, so these conditions may not apply in some cases or they might recommend tougher conditions or a denial.” “Hill said it’s unlikely that any new licenses would be issued in Pacific Beach or Mission Beach, which are permeated with bars and drain police resources.”

Note: Despite these SDPD efforts in 2003 and 2008, new alcohol licenses continue to be issued in Pacific Beach and existing licenses continue to be modified to allow serving more and “harder” liquor, over longer hours, later at night, to more patrons (see later in this report: Recent Alcohol License Decisions and Pending Applications).

Current SDPD Decisions and Policies

On his webpage, San Diego Police Chief William Lansdowne states, “I believe there is a shared responsibility between our police and our communities to continue improving the quality of life for the citizens of this fine city.” (<http://www.sandiego.gov/police/about/chief/index.shtml>) Despite, this expressed commitment to improving citizens’ quality of life, and the expenditure of tremendous police resources, the police have not been able to mitigate the high crime and negative impacts on quality of life related to the over-concentration of alcohol licenses in Pacific Beach.

SDPD Vice Department is responsible for making the police recommendations on alcohol license applications (e.g., new license, transfer of license to new location, modification of license conditions). Vice recommendations can be to protest (deny) the license, to approve the license, or to approve the license with a set of specific conditions. SDPD Vice submits their recommendations to the ABC, and the ABC has sole authority to make the final decision.

In areas, such as Pacific Beach, that have high crime or are over-concentrated, a finding of Public Convenience or Necessity (PCN) is necessary to allow a new alcohol license (ABC Act, section 23958.4). Since state law changed in 1994, the city (SDPD) has had the authority to determine PCN in these circumstances for new bar and store licenses, and the ABC must abide by the city’s decision. **However, the ABC still has the sole authority to determine PCN and make decisions for new restaurant alcohol licenses located in high crime or over-concentrated areas.**

Stores selling liquor in high-crime or over-concentrated areas also need to obtain a city-issued Conditional Use Permit (CUP) in order to operate. The CUP is land-use permit processed through the City's Development Services Department (DSD). Conditions may imposed that govern the way the business operates (e.g., stop serving alcohol at 11:00 pm). Local community planning groups are entitled to review and advise the city on CUP applications. SDPD may submit their recommendations to DSD during the CUP process. The CUP decision is made during a DSD hearing and is appealable to the City's Planning Commission.

Restaurant and bar licenses do not require a city CUP and thus do not undergo any city land-use review process and are not reviewed by local planning groups.

Vice considers alcohol license applications individually and generally without consideration for cumulative impacts or community license history. SDPD Vice turnover is high – there have been 9 different Vice Sergeants in the last 8 years – and this makes it even more difficult for Vice to consider cumulative impacts or community license history. Vice evaluates whether the location is high crime and/or over-concentrated with licenses. Vice evaluates the record of the establishment, including calls for service to that location and previous SDPD enforcement actions. Even in high-crime or over-concentrated areas such as Pacific Beach, Vice may recommend approving a new license with specific conditions. If an existing licensee wants an upgraded license (e.g., upgrading from beer & wine to full spirits) or relaxed conditions (e.g., to serve alcohol later) or to serve alcohol on expanded premises, Vice will often approve as long as the applicant's business has not had previous violations or generated calls for police service.

If Vice protests a license, it may go to a hearing, at which Vice makes its case before an ABC hearing officer or judge. If ABC decides to approve the license that the police have protested, the license may be issued without any conditions. If it appears that ABC is going to approve the license despite the police protest, Vice sometimes withdraws its protest in return for conditions being imposed, so as not to have ABC approve the license without any conditions at all.

If the police protest a license and the ABC denies the license, the applicant can still appeal the ABC decision. Appeal hearings are held before an administrative law judge (selected by ABC). At these hearings, all parties (ABC, SDPD, applicant, applicant's lawyer, protestants of record) make their arguments and the judge decides whether to issue the license. Historically, it appears that virtually all license applications that go to an appeal hearing end up being issued.

Although SDPD has the right to protest a new license or modification, or to make recommendations for license conditions, ABC makes the final decision. SDPD, however, bears the responsibility to enforce laws and respond to the high crime that may be generated by an over-concentration of alcohol licenses and/or inadequate license conditions.

A Case Example of ABC and SDPD Policies in Action:

In April of 2010, an application for a new license (type 41, restaurant, beer & wine) in Pacific Beach's most over-concentrated census tract (79.01) with the highest alcohol crime (1916% of citywide average) went to a hearing. Members of the community had protested the license and attended the hearing. SDPD protested the license. The ABC's San Diego office also protested

the license. The hearing took place over two days and many hours were spent discussing the applicant's character and the food menu. The decision of the administrative law judge was to grant the license with conditions, one of which was no TV. The next day, the applicant requested a condition change to allow one TV and that request was granted.

The applicant's good character and good menu are commendable, but they do not ensure good operations or mitigation of negative impacts, because 1) the applicant is free to change their business model or menu at any time; and 2) ABC regulations allow an alcohol license to be sold or transferred to a different person with a different business model and a different menu, with only a criminal background check of the new owner.

This case example leads to the conclusion that although state and ABC policy seem to dictate a limit to the number of alcohol licenses allowed in an area, in reality, there appears to be no limit to the number of restaurant licenses that are issued. And, even when SDPD and the local ABC deny a license, an ABC judge can approve it anyway.

Structural Deficiencies in Alcohol License Policies

Upon review of current ABC and SDPD alcohol license policies and their application in Pacific Beach, the following structural deficiencies were identified.

1. The community has no control over new licenses and condition modifications, but must bear the brunt of the associated negative impacts.
2. If a new restaurant license is granted with conditions imposed to prevent it from operating like bar, these conditions can be modified or removed with little or no public notice.
3. Even when an area has high crime and over-concentration, new licenses and condition relaxations may be approved.
4. Licenses are easily transferred to different owners, with different business models. A background check of the new owner is all that is required.
5. Most existing restaurant licensed operations have few conditions and ABC regulations allow them to function like bars.
6. Current policies do not account for the cumulative effect of adding additional licenses and modifications over time.
7. Lack of public notice of pending applications
8. Due to the nature of ABC website and SDPD Vice turn-over, it is impossible for the public to fully monitor: license applications, decisions made, conditions imposed or relaxed, and history of a license or of licenses in a community.

9. Lack of public input and consideration of public input during ABC decision-making on new licenses and condition modifications.
10. There are insufficient resources to do effective monitoring of business operations, conditions compliance, food to alcohol ratios, or investigations.
11. Complaints to SDPD about alcohol-licensed establishments are not sent to ABC.
12. Penalties for violations are seldom imposed and are often not sufficient to be a deterrent.
13. The protest process is so burdensome that it generally precludes public participation
14. Even when police protest, an application may be approved by the local ABC.
15. Even when police and local ABC protest, an application is likely to be approved by an ABC administrative law judge.
16. Although state policy sets a limit of one license per 2,000 residents, the reality in PB is there is no limit. (PB has about one license for every 326 residents)

Evolution of Alcohol Licenses in Pacific Beach

Pacific Beach is fortunate to have many good restaurants that serve alcohol and do not create negative impacts, and are exactly the kinds of businesses we want more of in Pacific Beach. In fact, the ALRC mission statement is very clear that the ALRC seeks to “support new or transferred alcohol licenses with appropriate conditions for desirable businesses.” Unfortunately, the operations of some alcohol-licensed businesses in Pacific Beach have evolved over the years in a way that has led to increasing crime, DUI and other negative impacts on the community.

In 2007, local ABC District Administrator Jennifer Hill told the BATF that Pacific Beach has had about the same number of licenses for the past 30 years. This statement was confusing to many long-time residents who have witnessed a marked change in the business district over those same years. Years ago, prior to the designations of high crime and over-concentration in certain areas of Pacific Beach, there was much less concern for adding additional alcohol licenses. It was common for licenses to be issued for restaurants with few or no conditions (e.g., no time limit for alcohol service, no food/alcohol sales ratios.) Over the years some of these restaurants (and some bars also) have been sold to new owners with different business models and operations, that have allowed them to use the same alcohol license to serve more alcohol and harder alcohol, over more hours, to more people.

Here are several scenarios for how this can happen:

- 1) A small sit-down eatery with table service for 40 patrons, serving beer with meals and closing at 10:00 pm has a restaurant alcohol license with no conditions that was issued in the 1960's. In the 1990's, the license is sold to a new owner. The new owner has a different business model, and chooses to serve primarily alcohol, with some food, in a bar-style setting which

accommodates 100 people and stays open until 2:00 am (all allowed under ABC regulations). The new owner gets the license upgraded to sell full spirits. The business expands into the retail space next door, which doubles the occupancy, and obtains a license modification to serve in the expanded premises, and is now serving 200 people. Thus, a 1500 square-foot sandwich shop selling primarily food and closing at 10:00 pm can become a 3,000 square-foot, full-spirits bar selling primarily alcohol and open until 2:00 am. This pattern of evolution has created alcohol establishments in Pacific Beach that serve more alcohol, harder alcohol, over greater hours, and in larger premises to more people.

2) A bar, selling full-spirits to a maximum occupancy of 80 people until 2:00 am expands into the retail space next door and increases its occupancy to 200 patrons.

3) A bowling alley with a restaurant alcohol license serves food and full spirits in a small part of the establishment to 50 bowlers until 2:00 am. A new owner demolishes the bowling facilities and converts the entire space to a sports bar that serves 300 patrons full spirits until 2:00 am.

4) A sit-down, Mexican restaurant, that serves full spirits to 80 diners until 12:00 am, and has an entertainment permit for live and amplified music, is bought by a new owner. The business becomes a “bar & grill” style operation, builds a large outdoor patio and expands into adjacent property to create a dancing club. The new business now serves 400 persons full spirits until 2:00 am, with music and DJs blaring into the neighborhoods.

All of these scenarios are entirely permissible under ABC regulations. None of these scenarios involve an increase the actual number of licenses in the community, however, the net increase in alcohol service may have the same effect as adding new licenses.

When restaurants function like bars, it is called “morphing.” Morphing has been happening in Pacific Beach and it has been characterized by 1) change of ownership; 2) restaurant that sells beer and wine upgrades their license to sell full spirits; 3) restaurant that once closed at 10:00 or 11:00 pm being replaced by a restaurant that stays open until 2:00 am; and 4) premise expansions that allow for much greater occupancy. Smaller family-oriented restaurants have become larger bar-style restaurants. It is common for the owners of some of these restaurants to refer to their establishments as “their bar” confirming that in their mind they run a bar. Morphing can also occur by time of day, when restaurants function like bars after the dinner hours. Currently, Pacific Beach has 77 restaurants with alcohol licenses and only 17 bars. However, a growing number of these restaurants, particularly in census tract 79.01, are functioning like bars and serving far more alcohol to far more people later into the night, which is generating high crime, DUI and other negative impacts on the community. Table 4 shows some of the past and present businesses in Pacific Beach and how the license and/or business operations have changed.

Table 4. Pacific Beach Alcohol License Evolution

These are some examples of past and present businesses at same location in Pacific Beach. Over time, restaurants that used to close at 10 pm have been replaced with restaurants that serve full spirits until 2:00 am. Some restaurants and bars have also expanded (next door, decks, patios) to serve more patrons.

PAST	PRESENT (June 2010)	Current License	Closes
Aljones (Mexican restaurant)	PB Bar and Grill	Restaurant, full spirits	2:00 am
BBQ Pit	Bub's Dive Bar and Grill	Restaurant, full spirits	2:00 am
Bangkok Thai & Vegetarian Cuisine	Dirty Birds	Restaurant, beer/wine	2:00 am
Guilio's (Italian restaurant)	Nick's at the Beach	Restaurant, full spirits	1:00 am
Hooters	Beachwood	Restaurant, full spirits	?
Improv	Moondoggies	Restaurant, full spirits	1:00 am
La Chamine (French restaurant)	RT's Longboard Grill	Restaurant, full spirits	1:30 am
Moonlight Café (Chinese restaurant)	Bare Back Grill	Restaurant, full spirits	1:00 am
Night Owl Dry Cleaners	Expansion of Tavern at the Beach	Bar, full spirits	2:00 am
Pizzeria UNO	Miller's Field Plates & Pints	Restaurant, full spirits	2:00 am
Sizzler	PB Ale House	Restaurant, brewery	2:00 am
TD Hayes	PB Shore Club	Restaurant, full spirits	2:00 am
Victory Lanes Bowling	Typhoon Saloon & Fred's Mexican Café	Restaurant, full spirits	2:00 & 1:30 am
Woolworths	Johnny V	Restaurant, full spirits	2:00 am
Yoli's (Mexican restaurant)	Cabo Cantina	Restaurant, full spirits	12:00 am

Some Case Examples in Pacific Beach:

1. BBQ Pit (Figure 5) – BBQ Pit operated for about 30 years as a BBQ sandwich shop that served beer with the sandwiches and closed after the dinner hours. After a couple of sales starting in about 1997, the hours of operation extended until 2:00 am, the license was changed from beer and wine to full spirits and the premise was expanded into the space next door. It is now Bub's Dive Bar and Grill.

2. Hooters (Figure 6) – Prior to Hooters, the location was a McCormick & Schmidt restaurant, and then San Diego's, a Mexican restaurant. In 2007, Hooters upgraded its license from beer & wine to full spirits. In 2008, Hooters got a license expansion to serve alcohol on the ground floor (in addition to the second floor and roof deck). At the time, they had a 3-drink maximum, no dedicated bar and closed at 11 pm. They said they wanted to attract more families with a ground floor presence. They appealed to the PBTC board to send a letter of support to SDPD Vice and their request was granted. After the license expansion was approved, they operated the ground floor as "Hooters After Dark," a bar-style operation with advertised drink specials. Even though they did not operate as promised, there was no recourse for the community or the police because no condition restrictions (such as stop serving alcohol at 11:00 pm) were placed on the license in exchange for the license upgrade or premise expansion approval. In 2010, the license was sold to a new operator, Beachwood. The ground floor of BeachWood is now called Reds Saloon. Beachwood serves alcohol on all three floors until 2:00 am every night. There can be no protests of the new operation because they are simply operating under the old license which may have few if any conditions.

3. TD Hays (Figure 7) –TD Hays, which closed down in 2002, was a fine-dining restaurant that stayed open until 10:00 pm on weekends. After a sale, the location began to operate as a bar open until 2:00 am. After a fatal stabbing and another sale it became the PB Shore Club. Their website refers to their interior as the "North Bar" and the "South Bar." The kitchen closes at 10:00 pm but their "bars" are open until 2:00 am every night. They advertise beer pong on Monday nights from 9:00 pm to closing, gold fish racing on Wednesday nights, reverse happy hours and various drink specials.

Restaurants "morphing" into bars is not illegal. Bars and restaurants expanding premises and hours, to serve more people for longer periods, is also permissible under current ABC and SDPD alcohol license policies. Older licenses with few or no conditions make these changes easier and more likely. However, even licenses with conditions, such as stop serving alcohol at 11:00 pm, have been able to get conditions relaxed (e.g., serving extended to 1:00 am). Operators cannot be blamed for taking advantage of current policies. However, due to the unintended negative consequences of these policies, such as high crime and DUI, we must consider whether policy changes are necessary to reduce our crime and DUI down to city averages.

The BBQ Pit (PB location closed in 1997)

	Fletcher Hills 2388 Fletcher Parkway El Cajon, CA 92020 (619) 462-5434 (619) 462-5449 Fax	National City 920 East Plaza Boulevard National City, CA 91950 (619) 477-2244 (619) 262-0331 (619) 477-3820 Fax	Hours of Operation 10:30 am - 9:00pm (Monday-Saturday) Closed on Sundays
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NATIONAL CITY LOCATION

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 Family owned and operated since 1947, The Barbecue Pit Restaurant has developed a reputation for the very best Texas Style Pit Barbecue around.

Bub's Dive Bar and Grill

Bub's Dive Bar & Grill

1030 Garnet Avenue, San Diego, CA 92109-2833
 (858) 270-7269
 ★★★★★ 72 reviews
[Directions](#) [Search nearby](#) [more ▼](#)
 Category: Bars
 Hours: Today 11:30am – 2am
 Transit: [Garnet Av & Cass St](#) (108 ft) 27, ...



citysearch.com



"The wings are good but I love cheap deep fried" - yelp.com ... "It's seedy, it's cheap and just a tad scummy" - citysearch.com ... "The Sam Adams pitchers are large and provide a solid value" - typepad.com ... "Very cordial welcoming environ.." - citysearch.com ... "Bub's is a fun place to hang out if you bring your own party" - insiderpages.com

Sunday Specials

Posted on 24. May, 2010 by admin in Promotions

Late Night Happy Hour 9pm – 1am

Friday and Saturday Specials

Posted on 24. May, 2010 by admin in Promotions

7pm – 9pm Half Price Pitchers and \$1 Chicken Tacos

Friday Daytime Specials

Posted on 24. May, 2010 by admin in Promotions

All Day Happy Hour from 11am – 7pm

1/2 Price Apps

\$3 Wells and Drafts



Figure 5. BBQ Pit is now Bub's Dive Bar & Grill (same alcohol license, same location.)

Hooters Restaurant in PB (2001 to 2009)

Hooters had a 3-drink maximum and no bar.

Hooters upgraded from a beer/wine license to full spirits.

Hooters got a license expansion to serve alcohol on 1st floor.

Hooters sold their license to Beachwood



Beachwood replaces Hooters (2010)

“The Beachwood, a three-story bar and restaurant”

“We’ve hired a lot of bartenders that have established bases and followings in San Diego.”

“the first level will be a ‘Sinatraesque’ dark bar with a beach lounge feel to it”

Beach & Bay Press, Mar 4, 2010

www.beachandbaypress.com | DINING & ENTERTAINMENT | 11 | Thursday, March 4, 2010

Beachwood will serve up drinks with a view in May

By ANTHONY GENTILE | Beach & Bay Press

Just in time for summer, beachgoers will have a new place to enjoy a rooftop drink at sunset. The Beachwood, a three-story bar and restaurant, is set to open at the Promenade in Pacific Beach in May.

“The foundation is going to be our food and our staff,” said general manager Justin Lopez. “You can get a beer or cocktail anywhere.”

If the name sounds familiar, it’s not a coincidence. The management team at the Beachwood is the same as the Fleetwood bar and restaurant downtown, and Lopez said the similarities to the downtown venue start with the food.

“You come to the beach and at a lot of the places it’s out of the bag, out of the fryer, basket-type food,” Lopez said. “We’re not going to bring in snobby-type food. It’s going to be fresh, from scratch bar food — everything is going to be fresh.”

In addition to bar fare, Lopez said Beachwood will feature California cuisine involving seafood and comfort dishes from the Fleetwood, including a short ribs dish that he calls a pot roast on steroids.

“A lot of people think Fleetwood is just this bar and nightclub,” Lopez said. “But we actually have great food and that was the gist of it.”

The Beachwood also plans to distinguish itself in Pacific Beach with its service. This includes well-known bartenders from around San Diego.

“We’ve hired a lot of bartenders that have established bases and followings here in San Diego,” Lopez said. “We’ve pulled from different locations here in San Diego and so we get a different crowd in every night when a bartender is working.”

The Beachwood signed a 20-year lease to move into the three levels previously occupied by Hooters. Lopez said the first level will be a “Sinatraesque” dark bar with a beach lounge feel to it.

“You’re going to know you’re at the beach,” Lopez said.

The second level, where the main Hooters restaurant was, will house the Beachwood’s restaurant and bar, utilizing the current floor to ceiling windows to capitalize on the views. A circle bar facing the ocean and a retractable roof will also highlight the second floor.

On top, the Beachwood will spruce up the previously underutilized patio. An L-shaped bar and circle booths will face the ocean, which is less than a block away.

“We’re going to put a couple of beds and outdoor booths and seating out there just to look at the sunset,” Lopez said.

Beachwood also has a bit more of a Pacific Beach connection. Lopez himself was general manager of MoonDoggies when it first opened.

“A lot of our core management team got their start in the biz here, so it’s kind of like we have our roots here,” Lopez said. “Even though PB rotates often, we’ve built our roots here.”

Beachwood will be located at 4190 Mission Blvd. For more information, visit www.thebeachwood.com or e-mail info@thebeachwood.com.

The Beachwood is expected to open in May at the former Hooters’ location in the Promenade. The second level will house a restaurant and bar, utilizing the floor to ceiling windows to capitalize on the view.

The top deck of The Beachwood will include an L-shaped bar and circle booths facing the ocean.

Figure 6. Hooters is now BeachWood (same alcohol license, same location.)

TD Hays Restaurant (closed in 2002)



TD Hay's Restaurant
maps.google.com
 4315 Ocean Boulevard
 San Diego, CA 92109-3923
 (858) 270-6850
[Get directions - Feedback](#)
 1 review
 Open Mon-Thu, Sun 8am-9pm; Fri-Sat 8am-10pm
[More information »](#)

T D Hay's Restaurant

4315 Ocean Boulevard, San Diego, CA 92109-3923
 (858) 270-6850
[Directions](#) [Search nearby](#) [more ▾](#)
Category: Restaurant
Hours: Today 8am – 9pm
Transit: [Mission Bl & Hornblend St](#) (0.1 mi) 8, 30

Details

Cuisine: American, Seafood, Steak
Meal Served: Dinner

Cost: Moderate
Products And Services: Alcoholic Beverages, Beer, Cocktail Lounges, Cocktail Parties, Mixed Drinks, Wines

[SuperPages.com](#), [restaurant-guide.com](#), [DiningGuide.com](#)
[More details »](#)

PB Shore Club (2010)



Pacific Beach Shore Club
www.pbshoreclub.com
 4343 Ocean Boulevard
 San Diego, CA 92109-3923
 (858) 272-7873
[Get directions - Feedback](#)
 63 reviews
 Open Weekdays 11am-2am; Weekends 8am-2am
[More information »](#)

<p>MONDAY ALL YOU CAN EAT 5PM-CLOSE NACHOS BEERPONG! 9PM-CLOSE</p>	<p>TUESDAY \$3.50 DOS EQUIS 1/2 PRICE APPS 5PM-CLOSE</p>
<p>WEDNESDAY RIBNIGHT 5PM-CLOSE GOLDFISH RACES FIRST RACE AT 9PM</p>	<p>THURSDAY \$3.50 2 for 1 BURGERS 5PM-CLOSE \$3 U-CALL-ITS 5PM-CLOSE</p>
<p>FRIDAY 2 for 1 FISH 'N' CHIPS 5PM-CLOSE DJs News & Sports</p>	<p>SATURDAY & SUNDAY \$3 TACOS ALLDAY BREAKFAST 8am-2pm DJs News & Sports</p>



Figure 7. TD Hays is now PB Shore Club (same alcohol license, same location.)

Recent Alcohol License Decisions and Pending Applications

Pacific Beach is over-concentrated with alcohol licenses, and both the police and ABC have made public statements indicating that new licenses are unlikely to be issued in Pacific Beach. However, recent alcohol license decisions listed below indicate that new and modified licenses continue to be issued, even in the census tract (79.01) that is the most over-concentrated and has the highest crime. In addition, pending license applications (see below) indicate there is significant upward pressure for more. Thus, under current policies, Pacific Beach is likely to get more new licenses and more evolution of existing licenses.

Note: These lists had to be developed through observation, and so they may not include all decisions or applications.

Recent Alcohol License Decisions and Developments:

(Census tract location for each license is shown in parentheses)

- **Recent New Licenses**
 - 2011 – Café Yen (79.01) – new 41 license, restaurant beer & wine
 - 2010 - Zanzibar (79.01) – new 41 license, restaurant beer & wine
 - 2010 – PB Qwik Corner market (79.01) – moved next door, new store license
 - 2010 - Great Plaza Buffet (79.03) – new 41 license, restaurant beer & wine
 - 2007 - Mama Mia’s (79.04) – new 41 license, restaurant beer & wine

- **Recent Modifications and Upgrades to Licenses**
 - 2010 - Olde City Grill (79.01) – extend alcohol service hours from 11:00 pm to 1:00 am; add dedicated bar; serve beer pitchers
 - 2010 - Dirty Birds (79.01) – upgrade from 41 to 47 license, restaurant, full spirits
 - 2009 – PB Ale House (79.01) – extend patio/deck serving hours to 1:00 am
 - 2008- Hooters (79.01) – expansion of alcohol serving area
 - 2007 - Bare Back Grill (79.01) – upgrade from 41 to 47 license, restaurant, full spirits
 - 2007 - Bub’s Dive Bar (79.01) – upgrade from 41 to 47 license, restaurant, full spirits
 - 2007- Hooters (79.01) – upgrade from 41 to 47 license, restaurant, full spirits
 - 2004 – Bub’s Dive Bar (79.01) – expansion of alcohol serving area

- **Inadequate Conditions Imposed on New or Modified Licenses**
 - 2010 - PB Qwik Corner Market (79.01) – Even though the PBPG recommended CUP conditions to stop selling alcohol at midnight and limit alcohol display to 10% of shelf space, the CUP and ABC license did not include these conditions, meaning that this convenience store can sell alcohol until 2:00 am and could fill 100% of its shelf space with alcohol products.
 - 2010 - Dirty Birds (79.01) – This is a restaurant that upgraded its license to full spirits; but no conditions were imposed that would mitigate negative impacts, such as reducing the stop serving time from 2:00 am to midnight.

- **Sale of License**

- 2010 - Hooters to Beachwood – Despite a radical change in business model, the sale of this license provides no opportunity for police or community review or control.

Pending Applications for New and Modified Alcohol Licenses:

(Census tract location for each license is shown in parentheses)

1. Latin Chef (79.01) – New 41 license (restaurant beer & wine)
2. PB Shore Club (79.01) - Expand alcohol service to new outside deck (add occupancy: 126 persons) on existing 47 license (restaurant full spirits) that serves until 2:00 am every night
3. Woodstock Pizza (79.01) – Extend alcohol service on sidewalk patio to 12:00 am on existing 41 license (restaurant beer & wine)
4. Cabo Cantina (79.01) – Extend serving hours to from midnight to 2:00 am on existing 47 license (restaurant full spirits).
5. Diego’s Finest (79.01) - New 41 license (restaurant beer & wine)
6. The Dog (79.01) - Move existing 48 license (bar full spirits) from 4479 Everts Street to 1253 Garnet Avenue, Ste A.
7. Mama Mias (79.04) – Expand alcohol serving area on existing 41 license (restaurant beer & wine; granted in 2007)
8. Fig Tree Café (80.01) - New 41 license (restaurant beer & wine)
9. Blazing Grill (80.01) - New 41 license (restaurant beer & wine)

Cumulative Impacts

Recently, applicants wanting a new license or modification of conditions have come to a variety of community groups, such as the PBTC, DPB, HTF and PBCAC, to get “community” support. None of these community groups have done research on existing community conditions, concentration of licenses, crime statistics, alcohol license policy, or how other communities have addressed alcohol-related issues. Generally the arguments used by an applicant include: “I’m a good guy, I run a clean business, you can ask the police; I haven’t had any complaints or violations so I deserve a condition modification; I send my employees to training; I give back to the community.” These may all be legitimate and accurate statements. What is being portrayed is that none of the businesses seeking new licenses or modifications will contribute in any way to the alcohol-related crime, DUI or other negative impacts to the community. In reality, the cumulative impact of adding new licenses and relaxing conditions on existing licenses is that more alcohol is being served to more people for longer hours and later into the night. These cumulative impacts are responsible for the high crime and DUI in our community and must not be ignored.

The Restaurant Dilemma

There is general agreement in the community about wanting good restaurants in Pacific Beach to be able to obtain an alcohol license and be successful. The mission statement of the ALRC conveys this objective clearly. However, under current alcohol license policies, ABC has sole control over whether new restaurant licenses are issued and what if any conditions are placed on those licenses. Furthermore, once the license is issued, ABC has sole control over how that license is used and modified. With little or no public notice, and no local control, licenses can be transferred to new owners, businesses models can change, conditions can be relaxed, and restaurants can act like bars – all of which is perfectly legal within ABC policies. This scenario has already played out dozens of times in Pacific Beach, and has resulted in increased crime and damage to the community. Clearly, the ALRC cannot fulfill its mission statement under the current flawed policies.

Preliminary Conclusions

- We want to allow good restaurants to come to Pacific Beach, obtain alcohol licenses and be successful, but under current alcohol license policies, we have no control over whether a restaurant is granted an alcohol license or over how that license is used after it is issued.
- With little or no public notice, and no local control:
 - Licenses can be sold or transferred to new owners
 - Business models can change
 - Conditions can be modified or relaxed
 - Restaurants are allowed to act like bars
 - All of which can result in more crime and damage to our community
- Even the local ABC is not able to protect the community: Within the last year, an ABC judge granted a new restaurant alcohol license in Pacific Beach’s most over-concentrated and high crime area, over the objections of both the local ABC and SDPD.
- We cannot fulfill the ALRC mission statement under current alcohol license policy, because
 - We cannot “support new or transferred alcohol licenses with appropriate conditions for desirable businesses” because we cannot be assured these conditions will be imposed or will stay in place, due to the ABC having sole authority over the imposition and modification of license conditions.
 - We cannot “review all proposed modifications to conditions on existing alcohol licenses in Pacific Beach and make recommendations to minimize negative impacts” because there is little or no public notice of the applications for such modifications and because we know that these conditions are subject to change at the sole discretion of the ABC.
- Current alcohol license policy will continue to result in additional new licenses and condition modifications that will increase crime and other negative impacts in Pacific Beach
- Reductions in crime and subsequent improvement in public perception of Pacific Beach as a safe place to live and visit will benefit both residents and businesses. Therefore, we hope that all facets of the community will work together to achieve solutions to these problems.

What Other Communities Have Done

There are many other communities in California that have faced similar issues and have taken steps to gain local control of alcohol license policies. Most have done so with land use policies. Here are some policies that other communities have used:

- **CUP – Conditional Use Permit:** A land-use permit that allows cities to place conditions on the location, design and operation of new businesses to protect the health, safety and well-being of the community. When a CUP is required for alcohol-licensed businesses, new alcohol-licensed businesses must have a CUP to operate and must abide by the conditions of the CUP. The city enforces the CUP. Applications for a new CUP or for changes to an existing CUP are processed through the city’s normal land-use permitting process, which includes public notice and review, public hearings, and decisions made by city officials.
- **DAO – Deemed Approved Ordinance:** When a CUP is established, a companion ordinance called a DAO, allows the “grandfathering in” of existing alcohol-licensed businesses so they can keep operating as they have been. The DAO may have provisions for requiring businesses that commit serious violations to obtain a CUP.
- **RBS – Responsible Beverage Service:** Alcohol serving practices that reduce the availability of alcohol to minors and prevent the service of alcoholic beverages to obviously intoxicated persons. (ABC; <http://www.abc.ca.gov/programs/RBS.html>)

Here are some communities that have implemented such policies:

- Huntington Beach – No drinking games
- Berkeley – DAO, RBS
- Fullerton - CUP
- Garden Grove - CUP
- Oakland – CUP, DAO
- Oxnard – CUP, DAO, RBS
- Rohnert Park – CUP, DAO, RBS
- Santa Rosa – CUP, DAO
- Vallejo – CUP, DAO
- Ventura – CUP, DAO, RBS

Specific Examples of Cities, Issues and Policies

Huntington Beach

Surf City Bans Beer Pong, The Orange County Register, Jan. 29, 2010, Annie Burris.

In January of 2010, Huntington Beach city leaders voted to outlaw alcohol games such as beer pong at new restaurants coming to downtown. This rule is in addition to new regulations the police chief enacted in September that banned these games at existing restaurants with entertainment permits citywide. The beer pong ban is included in a list of regulations for downtown Huntington Beach and is the city's latest effort to clean up the nightclub atmosphere and improve the image of downtown.

Fullerton

Fullerton Aims to Rein in Rowdy Revelers, LATimes, Mar.16, 2008, Dave McKibben.

In 2008, in response to increased crime, public drunkenness, and high numbers of DUIs, Fullerton realized they were **spending \$1.5 million annually to provide security and enforcement to a business district that was only bringing in \$560,000 in sales tax revenue.** The city council enacted noise limits, and a CUP for restaurants that transform into nightclubs after 10 pm. Fullerton Police Sgt. Linda King said: “There’s so many places close to each other, people are doing pub crawls from place to place.” Police say most of those arrested on suspicion of being intoxicated, urinating in public, vandalism or assault are not from Fullerton.

Oxnard

Oxnard Limits Liquor Licenses to Reduce Crime, Ventura County Star, June 28, 2009, Scott Hadly.

In the early 1990’s, the city had almost 300 liquor sales outlets, about one for every 525 residents. “The City (Oxnard) has embraced the fact – supported by dozens of studies – that a concentration of bars, liquor stores, and restaurants selling alcohol brings crime.” Now the city requires more up-front compliance – as many as 46 conditions – compared with as few as four or five a decade ago.” Former police commander and now Oxnard City Councilman Bran MacDonald went so far as to say in a paper titled, “Where Alcohol Policy Transformed a City,” **that the city’s crime rate is less than half of what it was 20 years ago**, in large measure because of changes in its policies regarding the sale of alcohol.

Ventura

In October of 2005, the Ventura City Council approved an Alcohol Sales Permit Ordinance. The ordinance contains a CUP, whereby conditions can be imposed on alcohol-licensed businesses and enforcement can take place if there are violations of the conditions. The ordinance also funds a dedicated police officer for management, monitoring, and enforcement. Alcohol-licensed businesses pay a sliding-scale fee to cover the cost of this police officer. Ventura also implemented a voluntary Responsible Retailer Program, to train alcohol-licensed businesses in safe and responsible business practices. As a result of implementing these policies, **Ventura has seen a 62% drop in arrests at alcohol businesses; a 42% drop in calls for service related to alcohol businesses; and a 31% drop in DUI related crashes.**

Ventura Policies in Detail

As described by Ventura Police Officer Derrick Donswyk’s during the PBPG Community Presentation on June 14, 2010:

In October of 2005 the Ventura City Council approved an Alcohol Sales Permit Ordinance. The ordinance was established to provide for the regulation of alcohol licenses and establishments within the City of Ventura. The ordinance was initiated by the City Council to govern the Conditional Use Permit (CUP) process, whereby conditions of operation can be imposed and enforcement can take place if there are violations of those conditions. The ordinance also funds a Ventura Police Officer who manages, monitors, and enforces the CUP and alcohol-related incidents throughout the City.

Prior to the ordinance being enacted, alcohol-licensed establishments in the City of Ventura needed only to obtain a California Department of Alcohol Beverage Control (ABC) license to sell alcohol. Under the new ordinance, new alcohol-licensed businesses are required to obtain a

CUP from the city in order to operate. Existing alcohol-licensed businesses are grandfathered in with a Deemed Approved Ordinance (DAO), but repeated violations can invoke a CUP. All businesses that sell liquor pay an annual, sliding-scale fee to pay for a dedicated police officer to administer the CUP and serve as a liaison with local businesses, our Police Department, the City of Ventura, ABC, and others on issues as they pertain to ABC licensing.

Additionally, our Department, in conjunction with Ventura County Behavioral Health Department, Ventura Adult/Continuing Education and the ABC recently implemented the Responsible Retailer Program (RRP). The RRP is designed to provide Alcohol Beverage Establishments (ABEs) with valuable information in order to maintain a safe and responsible business as it pertains to the sale and service of alcoholic beverages.

Fee Components

Fee Components are determined by a tiered category of low to high for each of the following four components as described below: Potential Risk, Hours of Operation, Annual Wholesale Purchases of alcohol, and Entertainment (if applicable). A business is then assigned a value of high, medium (excluding risk), or low for each category. The alcohol permit fee can range from \$250 to \$1400.

Risk

The City determines whether an alcohol-licensed establishment is Low or High Risk.

Hours

Determined by the latest hour in which a business sold alcohol on any day in the previous year.

Volume

The dollar volume of a business' wholesale alcohol purchases for the previous calendar year.

The hours and volume components are divided into three categories:

CATEGORY	HOURS COMPONENT	VOLUME COMPONENT
Low	No later than 10:00 pm	Zero to \$50,000.00
Medium	No later than midnight	\$50,000.00 to \$100,000.00
High	After midnight	Over \$100,000.00

Alcohol Sales Permit Category Fees based on the various components:

CATEGORY	RISK	HOURS	VOLUME
Low	\$100.00	\$50.00	\$100.00
Medium	N/A	\$100.00	\$300.00
High	\$400.00	\$300.00	\$700.00

Entertainment Permit

In the event a business provides entertainment, an Entertainment Permit fee in the amount of

\$300 is also required.

Ventura's Dedicated Police Officer

Officer Derek Donswyk is currently Ventura's dedicated police officer who oversees all alcohol-licensed businesses and their ABC licenses and alcohol sales permits within the City of Ventura. Officer Donswyk works with businesses and assists them with ABC rules and regulations, licensing, liquor sales, employee sales of alcohol, making sure they understand and are in compliance with their alcohol permit, enforces non-compliant businesses, educates local businesses regarding such issues as underage drinking and sales to minors, and oversees entertainment permits. Additionally, Officer Donswyk assists the ABC with compliance, education, and enforcement efforts.

CUP Conditions for Alcohol-Licensed Businesses

Under a CUP, a city can place conditions on the permit to regulate where and how an alcohol-licensed business operates. Conditions can be used to encourage best business practices and to minimize negative impacts from alcohol-licensed businesses. For example, to keep a restaurant from functioning like a bar, it might have a CUP condition that it stop serving alcohol at 11:00 pm and that it maintain a 70/30 food to alcohol sales ratio. Appendix 6 provides a list of some potential CUP conditions for new restaurants in areas of high crime or over-concentration. If a business wants to change its CUP conditions, it must make an application through the city's CUP process, which is an open and public process, with decisions made by city officials.

PBPG/ALRC Community Presentation - June 14, 2010

On June 14, 2010, a PBPG Community Presentation, entitled "Alcohol License Policy and Issues in Pacific Beach," was held at 6:30 pm at the Pacific Beach Middle School auditorium. The ALRC reported its findings via a PowerPoint slideshow and 4-page handout to an audience of approximately 175 people, including local residents and business people, police officers, ABC officers, and city officials. (The presentation was an abbreviated version of this report.) A guest presenter, Ventura Police Officer is Derek Donswyk, provided information about how Ventura has successfully addressed problems similar to those facing Pacific Beach.

Community Feedback

Community feedback was obtained in three ways: 1) an audience survey form; 2) blank index cards provided for written comments; and 3) verbal public comment at the end of the meeting. The survey form, a detailed tally of survey responses, and written public comments are provided in Appendices 7, 8 and 9, respectively.

Summary of Audience Survey Responses

The audience returned 132 completed survey forms. Respondents were residents (116), business owners/operators (16) and commercial property owners (3) (the total is more than 132 because some respondents belonged to more than one category). Respondents' ages were 60 years and up (46%); 50-59 (20%), 40-49 (20%), and under 40 (14%).

In response to the six survey questions, most respondents (84%) agreed that Pacific Beach suffers serious negative impacts from alcohol-licensed businesses. Most respondents (84% or more) are in favor of: 1) a change in alcohol license policies; 2) preventing restaurants from acting like bars; 3) Pacific Beach having a land-use policy CUP to get local control; 4) not issuing licenses until the CUP is in place; and 5) having alcohol-licensed businesses pay a sliding-scale fee to fund a dedicated police officer.

CONCLUSIONS

Pacific Beach is over-concentrated with alcohol licenses. It has restaurants that function like bars, and it has bars and restaurants that have been continually allowed to change so that they serve more alcohol, to more people, later into the night. Many areas of Pacific Beach are suffering from high crime and DUI and significant negative impacts to residents' quality of life. These conditions are likely to get worse under existing alcohol license policies.

Under current alcohol license policies, ABC is the decision maker and communities and cities have little or no control over the number, location, and operations of alcohol-licensed businesses. Current alcohol license policies allow: 1) communities to become over-concentrated with alcohol-licenses, 2) restaurants to function like bars; and 3) licenses to be modified in ways that increase negative impacts. Current alcohol license policies do not protect communities from alcohol license-related high crime and DUI and damage to residents' quality of life.

Under current alcohol license policies, a community like Pacific Beach that wants to encourage good restaurants with appropriately conditioned alcohol licenses cannot do so because there is no local control over restaurant license issue or conditions; or over subsequent condition modifications. The result is that the community cannot be certain that new restaurants will not function like a bars and impact the community negatively.

ABC and SDPD enforcement alone cannot solve these problems. Despite tremendous SDPD resources being spent in Pacific Beach, the crime and DUI remain unacceptably high. ABC does not have sufficient resources or regulations to stop these negative impacts.

Many other communities and cities have faced these same issues and have successfully addressed them through land-use policies, like a CUP, that establish local control over where and how alcohol-licensed businesses can operate. Some have also established a dedicated enforcement officer that is funded by reasonable, sliding-scale fees paid by the alcohol-licensed businesses.

Pacific Beach will not be able to solve its high crime and DUI under the current alcohol license policies. Instead, the solution will require local control via a land-use policy (CUP) that governs where and how alcohol-licensed businesses can operate, and that both protects communities and supports business. Community feedback at a community presentation of this report was overwhelmingly in favor of pursuing these changes in policies.

RECOMMENDATIONS

- Create a land-use policy (based on the Ventura model) for the Pacific Beach over-lay zone that requires new alcohol-licensed businesses to obtain a Conditional Use Permit (CUP) that sets forth the conditions under which the business can operate.
- Create a Deemed Approved Ordinance (DAO) (based on the Ventura model) for the Pacific Beach over-lay zone that “grandfathers in” the alcohol-licensed businesses currently operating in Pacific Beach.
- Establish a cost-recovery funding mechanism (based on the Ventura model), with reasonable, sliding scale fees paid by all alcohol-licensed businesses in Pacific Beach, that will provide for a dedicated SDPD police officer to administer the CUP; determine, monitor and enforce conditions; work with businesses to encourage best and proper practices; and pursue an overall goal of reducing negative impacts such as crime and DUI, while supporting a vibrant and healthy local economy.
- Delay granting new alcohol licenses and condition modifications until the CUP is in place.

Options for PBPG Action

- PBPG to post this report on www.pbplanning.org
- PBPG to accept ALRC Report
- PBPG to request that the City Council and Mayor pursue the recommendations of this report for a CUP, DAO, and funding for dedicated police officer for alcohol-licensed restaurants and bars in Pacific Beach. PBPG to work with City Council and Mayor to craft and implement the new policies.

Respectfully submitted,

Scott Chipman, PBPG, ALRC Chair

Marcie Beckett, PBPG, ALRC

Nici Boyle, PBTC, ALRC

Diane Faulds, PBPG, ALRC

Joe Wilding, PBTC, ALRC

References

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APPENDIX 1

Timeline of Alcohol License Issues and Developments in Pacific Beach

2003

Sept. 27, 2003 - “Cops try to dry PB...” San Diego Union Tribune (SDUT) article revealed that San Diego Police Department (SDPD) has been protesting all new licenses in Pacific Beach (PB) for 5-1/2 years due the community’s high rate of alcohol crime and not wanting to add “a drop to the bucket that’s already full.”

The Pacific Beach Town Council (PBTC) devoted two general meetings to the issue. At the end of the second meeting, PBTC members voted in favor of allowing new licenses for restaurants, but not for bars.

Subsequent to these meetings, the business improvement district, Discover Pacific Beach (DPB), created a subcommittee, the Hospitality Task Force (HTF), in an effort to bring alcohol licensees and community members together to seek solutions. In HTF meetings, community members proposed a conditional-use permit (CUP) as a potential solution, but it was not pursued by HTF.

2005

Oct. 3, 2005 - At a candidate forum with 14 candidates for Council District 2, all candidates identified “alcohol-related problems” as the most serious issue facing Pacific Beach.

2007-2008

Council Member Kevin Faulconer convened the Beach Alcohol Task Force (BATF), with appointed members representing commercial and residential interests in Pacific Beach, Mission Beach and Ocean Beach. BATF met for nine months and developed a list of consensus recommendations that did not include any changes in alcohol license policy. The CUP idea was discussed by BATF and most members agreed that a CUP should be explored, however, two members objected (a bar owner and a FreePB.org member) and the CUP idea was dropped from the list.

March 7, 2008 – SDUT article, “Police keeping liquor licenses bottled up,” revealed that SDPD blocked 41 of 84 applications from September 2006 through March 1, 2007. “Police Chief Lansdowne said the department doesn’t have enough officers to handle the potential problems alcohol can create.”

March 22, 2008 –

- a) Press Release: “SDPD Fact Sheet - Mayor, Police Department announce city conditions for alcoholic beverage licenses.” “These conditions attempt to strike a balance between the City’s economic development needs and public safety concerns. In addition, the guidelines seek to ensure that restaurants which apply for an alcohol license remain a restaurant and do not morph into a bar or nightclub.”
- b) SDUT article: “SD police end protest on 40 liquor licenses.” Police Chief “Lansdowne, who cited lack of resources for the department’s sweeping protests, said that while he hasn’t been given a commitment for any new officers, he reversed his stance after discussions with various officials.” Three conditions will be imposed on all new restaurants licenses to ensure that these restaurants do not become a source of alcohol-related crimes: no live entertainment, no to-go liquor sales, and 50-50 liquor and food sales. Additional conditions are to be imposed on Gaslamp restaurants. Jennifer Hill of the ABC said “she considers the three conditions just a starting point for discussion. The state weighs each application on its own, so these conditions may not apply in some cases or they might recommend tougher conditions or a

denial.” “Hill said it’s unlikely that any new licenses would be issued in Pacific Beach or Mission Beach, which are permeated with bars and drain police resources.”

July 17, 2008 - SDPD Vice Sgt. Howard LaBore presented at a Pacific Beach Town Council (PBTC) general meeting a list of all existing alcohol licenses in Pacific Beach census tracts, the number of new licenses pending and the number of licenses “allowed” by state guidelines. Sgt. LaBore suggested that applicants for alcohol licenses should go to the PBTC to get community support. Shortly thereafter, alcohol license applicants, who may be dues-paying members of the PBTC, began asking for support at PBTC board meetings, which were closed to the public. These applicants included Fig Tree Café, PB Shore Club, PB Ale House, and Hooters.

Oct – Nov, 2008 - Scott Chipman, of the Pacific Beach Planning Group (PBPG), began discussion of PBPG sponsored Alcohol Advisory Board (AAB) to review community alcohol license applications. Proposed AAB would have members from PBPG, PBTC and DPB, and would make recommendations for vote by full PBPG board. Chipman presented the idea to PBPG, PBTC board, and Council Member Kevin Faulconer. PBTC issued a letter in support of the PBPG-AAB concept. Council Member Faulconer met with Chipman and representatives from DPB and HTF. Everyone at that meeting supported the proposed mission statement for AAB, but DPB and HTF did not support the final decisions being made by full PBPG board because they believed it was too heavily residential. (PBPG is composed of 20 members elected to 15 residential and 5 commercial seats.)

2009

March 25, 2009 – Pacific Beach Planning Group (PBPG) voted (12-0-1) to have PBPG participate in the review of alcohol license applications in PB.

April 22, 2009 – PBPG voted (12-0-0) to establish a PBPG subcommittee, the Alcohol Advisory Board (AAB), composed of 3 members from the PBPG, 2 members from PBTC, 2 members from Discover Pacific Beach, (business improvement district), and 2 at-large community members. (In order to comply with PBPG by-laws, composition was later modified to have 5 members from the PBPG, see August 26, 2009)

May 2009 -

- a) On May 5, 2009, the DPB board voted in support of the PB Special Events Committee (PBSEC) expanding its role to include advising on alcohol license applications.
- b) HTF issued a letter recommending that alcohol license applicants not go to the PBPG-AAB for review.

July 22, 2009 - PBPG voted (10-0-0) to send letter to Development Services Department with a copy to SDPD Vice, expressing intent to form PBPG subcommittee to review alcohol license applications in PB.

August 26, 2009 – PBPG voted (9-0-0) to change Alcohol Advisory Board subcommittee composition in order to comply with by-laws requirement that a majority of subcommittee members must be from the PBPG. The new subcommittee composition was 5 members from the PBPG, 2 from PBTC and 2 from DPB. Subsequently, the 5 PBPG members were appointed by the PBPG Chair.

November 2, 2009 – PBPG Alcohol Advisory Board subcommittee began its monthly meetings. The PBTC sent two representatives, but DPB did not send representatives. In order to lay the groundwork for an objective, criteria-based review process, initial meetings were dedicated to researching current alcohol license policies and conditions in the community, including having speakers from state Alcohol Beverage Control (ABC) and SDPD Vice Department.

2010

January 2010 – The PB Special Events Committee (PBSEC), a subcommittee of DPB, changed its name to PB Community Advisory Committee (PBCAC) and subsequently began advising on license applications such as PB Qwik Korner, Olde City Grill and Woodstock's Pizza.

Feb & Mar, 2010 – ALRC reviewed the PB Qwik Korner application to change location (which was equivalent to an application for a new alcohol license.) Unlike on-sale licenses (restaurants and bars), off-sale licenses (stores) located in high crime or over-concentrated areas (such as PB) require a land-use Conditional Use Permit (CUP) and a city-required review by the local planning group, PBPG.

March 2010 – The PBPG Alcohol Advisory Board subcommittee changed its name to Alcohol License Review Committee (ALRC) in order to avoid confusion with the recently renamed PB Community Advisory Committee.

See Appendix 2 for a comparison of the ALRC and PBSEC (now PBCAC) advisory boards.

April 2010 – ALRC came to the conclusion that a summary report should be written and a community presentation done to inform the community about its findings regarding current alcohol license policies and community conditions and to solicit community feedback.

April 28, 2010 – ALRC submitted to the PBPG an outline of a proposed report of its research and findings. PBPG voted (9-0-1) to have the ALRC write the report of their research and findings and to present it at a special PBPG community meeting in June (draft report to be submitted to PBPG at May meeting).

May 26, 2010 – Draft ALRC report submitted to PBPG

June 14, 2010 – PBPG Special Community Meeting, Alcohol License Policy and Issues in Pacific Beach, was held at 6:30 pm at the Pacific Beach Middle School auditorium. The ALRC report was presented in a PowerPoint slideshow to approximately 130 community members and city officials and community feedback was gathered. The presentation and handouts are available at www.PBPlanning.org

February 23, 2011 – Complete ALRC report submitted to PBPG

APPENDIX 2
Comparison of ALRC and PBSEC (now PBCAC) Advisory Boards

PBPG	PBSEC/PBCAC
<p>Representation</p> <ul style="list-style-type: none"> • 9-member alcohol advisory subcommittee composed of 5 PBPG members and 2 members each appointed by PBTC and DPB • Full PBPG board has 15 residential (1-2 from each census tract) and 5 commercial members • Board members must be endorsed by 25 other community members and be publicly elected <p>Regulation</p> <ul style="list-style-type: none"> • PBPG has city-approved by-laws and is regulated by City Council Policy 600-24 • Governed by the Brown Act • Publicly-noticed meetings & elections • Overseen by City planning department • Indemnified by City • City provides regular training seminars on planning issues and Brown Act <p>2nd Level of Oversight</p> <ul style="list-style-type: none"> • Alcohol advisory subcommittee conducts in-depth review of alcohol license application and brings summary and advice to the full PBPG board for further review and final advisory vote. This 2nd level of oversight significantly reduces the possibility of manipulation of the process or committees. <p>History of Alcohol License Review</p> <ul style="list-style-type: none"> • PBPG currently reviews off-sale alcohol license applications and has reviewed on-sale alcohol license applications in the past • The ALRC subcommittee researches and documents alcohol license policy, community conditions, and becomes knowledgeable on the effective policies and strategies other communities have used to mitigate problems associated with alcohol licenses. 	<p>Representation</p> <ul style="list-style-type: none"> • 9-member board composed of 2 members each appointed by DPB, PBTC and PBPG; plus 3 at-large members elected by the appointed members. • No requirement for resident representation <p>Regulation</p> <ul style="list-style-type: none"> • PBSEC self-drafted by-laws • No city oversight of by-laws • Not required to follow the Brown Act • Some elections not publicly noticed • Insurance provided by DPB <p>2nd Level of Oversight</p> <ul style="list-style-type: none"> • PBSEC is the only review <p>History of Alcohol License Review</p> <ul style="list-style-type: none"> • None

APPENDIX 3

Glossary of Alcohol License Terms

ABC: California Department of Alcoholic Beverage Control

Alcohol-related crime or alcohol crime: Alcohol-related crime includes DUI, drunk in public, alcohol-related disorderly conduct, open container, minors in possession, and other alcohol-related violations.

Census Tract: Land areas containing approximately the same number of residents (4,000 people) (http://www.census.gov/geo/www/cob/tr_metadata.html) The ABC and local police analyze number of licenses and crime statistics per census tract in order to determine over-concentration and high crime.

CUP – Conditional Use Permit: A land-use permit that allows cities to place conditions on the location, design and operation of new businesses to protect the health, safety and well-being of the community. If a CUP is required for alcohol-licensed businesses, new businesses must have a CUP to operate and must abide by the conditions of the CUP. The city enforces the CUP. Applications for a new CUP or proposed changes to an existing CUP are processed through the city’s normal land-use process, which includes public notice and review.

DAO – Deemed Approved Ordinance: When a CUP is established, a companion ordinance called a DAO allows the “grandfathering in” of existing alcohol-licensed businesses. The DAO may have provisions for requiring businesses that commit serious violations to obtain a CUP.

General Crime: General crime is FBI Crime Parts 1 and 2, which includes murder, rape, robbery, assault, burglary and motor vehicle theft.

High Crime: A census tract is high crime when the number of crimes in that census tract is equal to or greater than 120% of the city-wide census tract average.

License Types:

41 On-sale Beer & Wine – Eating Place (Restaurant) Sells beer and wine for consumption on or off the premises. No Distilled spirits. Must operate and maintain premises as a bona fide eating place. Must make actual and substantial sales of meals, during the normal meal hours, at least five days a week. Normal mealtimes are 6:00 a.m. - 9:00 a.m., 11:00 a.m. - 2:00 p.m., and 6:00 p.m. - 9:00 p.m. Minors allowed.

42 On-sale Beer & Wine – Public Premises (Bar, Tavern) Sells beer and wine for consumption on or off premises. No distilled spirits. Food service not required. Minors not allowed.

47 On-sale General – Eating Place (Restaurant) Sells beer, wine and distilled spirits for consumption on or off premises. Must operate and maintain premises as a bona fide eating place. Must make actual and substantial sales of meals, during the normal meal hours at least five days a week. Normal mealtimes are 6:00 a.m. - 9:00 a.m., 11:00 a.m. - 2:00 p.m., and 6:00 p.m. - 9:00 p.m. Premises that are not open five days a week must serve meals on the days they are open. Minors allowed.

48 On-sale General – Public Premises (Bar, Night Club) Sells beer, wine and distilled spirits for on and off premise consumption. Food service not required. Minors not allowed.

Morphing: Shifting business operation type from a restaurant (serving primarily food) to a bar (serving primarily alcohol). This shift can occur during the day or night or over time as the business model changes.

Over-concentration: For restaurant and bar alcohol licenses, a census tract is over-concentrated when it has more than one license for every 2000 residents. For store alcohol licenses, a census tract is over-concentrated when it has more than one license for every 2500 residents (ABC Act, section 23958.4)

PCN - Public Convenience or Necessity: A finding of PCN can be made if the license applicant shows that public convenience or necessity would be served by the issuance of the license (ABC Act, section 23958.4). In areas of high crime or over-concentration, a finding of PCN must be made in order to issue a new license. The city (SDPD Vice) determines PCN for bars and stores. The ABC determines PCN for restaurants and hotels.

RBS – Responsible Beverage Service: Alcohol serving practices that reduce the availability of alcohol to minors and prevent the service of alcoholic beverages to obviously intoxicated persons. (ABC; <http://www.abc.ca.gov/programs/RBS.html>)

APPENDIX 4 ABC Responses to ALRC Questions

Ms. 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 responded to the following questions (*answers in italics*):

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.*

APPENDIX 5

SDPD Vice Responses to ALRC Questions

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 responded to the following questions (*answers in italics*):

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.*

APPENDIX 6
Potential CUP Conditions for New Restaurants

Conditions to consider for new restaurants located in areas of high crime or over-concentration:

- Kitchen remains in full service during all hours of operation.
- 80/20 or 70/30 food/alcohol sales ratio and a method for auditing sales
- Stop serving alcohol at 10:00 or 11:00 pm
- No upgrade from type 41 (beer & wine) to type 47 (full spirits)
- No alcohol on sidewalk café
- No open windows allowing public viewing/hearing of drinking and drunken behavior, or limit hours of open windows
- No cheap drink specials
- No participation in pub crawls
- No drinking games
- No coin-operated games, video machines, pool or billiard tables
- No dancing
- No fortified alcoholic beverages (no greater than 15% by volume)
- No sale of alcohol for consumption off the premises
- No entertainment permits
- No live entertainment including music, disc jockey, karaoke or other performers
- No amplified music or audible noise outside the premises
- No alcohol advertising (or very limited and only in association with food/meal advertizing)
- No outside promoters hosting events
- Annual review Conditional Use Permit
- Conditional Use Permit has expiration date

APPENDIX 7
Audience Survey Form, June 14, 2010

Pacific Beach Planning Group Special Meeting – June 14, 2010

SURVEY

***** Please Complete and Return this Survey Before You Leave! *****

1. What is your connection to Pacific Beach (PB)? Check All that Apply:

- PB resident
 PB business owner/operator
 PB residential property owner
 PB commercial property owner
 Other _____

2. If you are a resident, how long have you lived in PB? _____ yrs

3. If you have a business or property in PB, how long have you had it? _____ yrs

4. What is your age?

- Less than 20 yrs
 20 to 29 yrs
 30 to 39 yrs
 40 to 49 yrs
 50 to 59 yrs
 60 yrs and above

5. Please give us your email address so we can keep you informed on these issues via email (we will not share your email address):

Your Email address: _____

6. Does PB suffer serious negative impacts from alcohol-licensed businesses? YES NO

7. Do alcohol license policies in PB need to be changed? YES NO

8. Should PB be able to prevent restaurants from acting like bars? YES NO

9. Should PB have a land-use policy (CUP) that permits local control of alcohol licenses? YES NO

10. Should PB stop all new and modified alcohol licenses until a land-use policy (CUP) is in place? YES NO

11. Should alcohol-licensed businesses in PB pay a sliding-scale fee to fund a dedicated police officer and police enforcement? YES NO

12. What other solutions/changes regarding alcohol license issues and policies should PB pursue?

ADDITIONAL COMMENTS? (Continue on other side)

THANK YOU for Completing the Survey! * Visit PBPG at www.pbplanning.org**

APPENDIX 8
Audience Survey Responses, June 14, 2010

Surveys Received: 132

Survey Respondents:

116 residents (57% own their home)

16 business owner/operators

3 commercial property owners

(Total is more than 132 because some respondents belong to more than one category)

<u>Age</u>	<u>#</u>	<u>%</u>
60+	61	46%
50-59	26	20%
40-49	26	20%
<39	19	14%
132	100%	

Responses to Survey Questions:

6. Does PB suffer serious negative impacts from alcohol-licensed businesses?

YES: 117 (84%) **NO:** 10 (7%)

7. Do alcohol license policies in PB need to be changed?

YES: 117 (84%) **NO:** 9 (6%)

8. Should PB be able to prevent restaurants from acting like bars?

YES: 122 (88%) **NO:** 9 (6%)

9. Should PB have a land-use policy (CUP) that permits local control of alcohol licenses?

YES: 120 (84%) **NO:** 10 (7%)

10. Should PB stop all new and modified alcohol licenses until a land-use policy (CUP) is in place?

YES: 118 (85%) **NO:** 13 (9%)

11. Should alcohol-licensed businesses in PB pay a sliding-scale fee to fund a dedicated police officer and police enforcement?

YES: 122 (88%) **NO:** 6 (4%)

12. What other solutions/changes regarding alcohol license issues and policies should PB pursue?

Answers to question 12 and all comments written on the separate comment cards are provided in Appendix 9.

APPENDIX 9
Public Comments, June 14, 2010

At the June 14, 2010, community presentation, the audience was invited to write their comments on blank index cards or on the survey form. Here are the comments submitted (sorted by topic):

Moratorium on alcohol licenses

- We need city council to issue a moratorium on alcohol licenses in PB.
- The only practical answer appears to be 1) moratorium on new and transferred licenses, (2 citizen patrols.
- No new alcohol sales at business.
- Limit number of bars.
- Limited number of bars in PB area, less than we currently have
- Limit the number of alcohol licenses
- Somehow we need to manage to reduce the number of alcohol licenses in PB but I don't know how it can be done.
- Limit the number of licenses
- Freeze all license until a reduction in bars happens. Two licenses must go before new one is approved
- Just follow existing laws, no more expansions, require more tax dollars from restaurants/bars
- Could an effort be made to gradually change some existing alcohol licenses business basis to different business?

DUI's

- Take away DUI drivers' licenses and make sure they wear the monitors.
- Random checks of drivers getting into cars as they leave bars, hold bar responsible for DUI
- Increase policemen and have more DUI checkpoints
- Bi-monthly DUI sweeps
- Alcohol related damages initiative www.caasn.org
- More DUI checkpoints
- We need to volunteer to patrol streets and report potential DUI's

Liquor Licenses not automatically transfer at sale or modification

- Licenses should not transfer with the business when sold. New owner should reapply and go thru process. Alcohol issues in Pacific Beach affect Mission Beach also
- Non transferable licenses to start should be a given and no new owners
- Change the sale of alcohol licenses as non transferable once bought is sold to one person, one owner only.
- Change ratio of license to residents. Licenses should not transfer; new owner criteria needs to be reconsidered based on the new ratio.

- Do not reissue alcohol licenses beyond a clearly defined limit. Do not allow the automatic transfer of licenses as previously approved businesses without formal review to determine
- Don't allow alcohol licenses to be sold.
- Business morphing into bars is destroying PB

Hours alcohol may be served

- Bars should close earlier
- All alcohol establishments close by 11:00 pm
- No alcohol in restaurants/bars after 11 pm
- No alcohol sales after midnight
- Restaurants should be forced to close at 10 pm
- Limit number and no alcohol after 11 pm at restaurants
- Restaurants have ban after midnight for alcohol.

Fees/Penalties

- More fees to pay for our ABC person for PB
- Sliding scale fee should also be assessed for trash pickup close to bars and to fund port a potties like those in downtown S Francisco. Bars could issue tokens for entrance to these public restrooms
- Civil fines by police for violators, like citations.
- Need full enforcement of underage drinking, arrest public drunkenness, severe penalty for drunk driving.
- Severe fines and or loss of license for violators

Conditional Use Permit (CUP)

- Pursue community change. Use Ventura's police responsible retail program, every six months new permit. I want it to go forward.
- Push for CUP
- An officer point of contact to review licenses every six months serves as single point of contact for community, implement conditional use permit
- Use the model from Ventura
- Need CUP for all existing new and modified licenses, CUPs to fund enforcement officer.

Suggestions

- Drive home services paid by restaurants and bars
- Vice should visit problem bars 1 hr before closing time.
- Use On-site breathalyzers.
- Taxi drive car home services
- Curtail sidewalk/open front bars

- More street lights on Emerald might help
- Bars should provide clean-up if their customers trash the neighborhood.
- Look for a “Residents” only parking district.
- Damages charged to bar/restaurants to mitigate against alcohol related problems
- Force all establishments to maintain a clean frontage and adhere to signage policies, no blocking sidewalk, no signs on outside rails, etc.
- Put a lot of distance between bars and residents
- PB Town council should fund a walk/bike/foot police patrol
- Limit the alcohol drinks to the public
- Enforce existing conditions; CUP will lead only to litigation. Less government, incentivize with tax breaks licensee to voluntarily accept conditions. Include the off-premise representatives who sell 80% of 92109 alcohol.

Government agencies

- Why doesn't our city council rep do something about this?
- We need to contact city officials and get started on CUP policy for PB
- Need local control, somehow get it away from ABC
- Local law enforcement should be allowed to restrict ABC licenses.
- Complete overhaul of ABC
- The Planning Group & ABC should not allow any more alcohol licenses under any circumstances.
- New ordinance requiring report of alcohol complaints made to SDPD is also made to ABC so ABC will be aware of all complaints.
- How to change ABC policies?
- Higher fees for policing
- Where is the ABC Board?
- Enforce state laws, ABC laws. Community does not want PB to be a party city
- Push for legislation requiring community approval before any alcohol license is transferred or to a new operator.
- Establish a positive relationship with CA state board of Equalize ion to influence their decisions regarding issuing new liquor licenses.
- Need to consider a ban on the “boat” drinking to discourage floatopia events
- Need additional RSVP alcohol wardens to direct police to problems. Maximize arrests and citations

Need other Types of Businesses in PB

- Need more family restaurants with outdoor seating, less tattoo parlors and resale, also more family oriented businesses.
- Reduce the number of bars and tattoo parlors.
- Encourage better class of merchants into PB, too many bars and tattoo sites.

- What has been research about impact of PB being a “one stop shop” for access to alcohol consumption, tattoo parlors, medical marijuana? This is not what we enjoy in our community or the direction we want for our community and children.
- What about the medical dope and Bong shops? Need to shut them down.

Kate Sessions Park

- Enforce/Create/Require alcohol permit at Kate Sessions Park
- Ban alcohol from the best family park, Kate Sessions
- Work on getting Kate session back to the family park it was meant to be, not the keg mess it has become
- Ban alcohol without a permit in Kate Sessions Park, with emphasis on stopping drinking games in the park.
- Stop drinking in Kate Sessions Park. We live there and all the beach drinking just moved up the hill.
- Kate Sessions Park must have Alcohol permit to drink
- No drinking in parks, beaches, parking lots.
- 24 hr ban alcohol at all city parks
- 24 hr ban alcohol at Kate Sessions
- Should have a DUI checkpoint up by Kate Sessions Park on Saturday after 6pm
- Fix Kate Sessions binge drinking and excessive inappropriate behavior associated with alcohol

Other

- Education to local colleges let them know their effect on the community
- Public weekly ABC address so people can be aware where to complain
- Add more street security.
- North Park has “Please be quiet” signs, are they working? If yes, let’s get some.
- Accountability
- We need to organize as a community and discourage alcohol abuse (picketing?)
- Interactive processes with local licensees and business improvement district along with addressing alcohol issues unrelated to licensees.
- Follow intent of the law
- How did the beach booze ban impact the bars?
- As a community, we don’t support tax increases. It is unlikely that a dedicated tax (property, business, alcohol) will be approved by voters. Even if it does, within a few years it will get absorbed into the general fund to support SDPD deficits or SD city government deficits.
- Am here for information as North Park is having the same problems.