

**Pacific Beach Planning Group
Alcohol Advisory Subcommittee**

Minutes – February 1, 2010, 6:00 pm, Pacific Beach Library

Commenced: 6:00 pm

Members Present:

PBPG: Scott Chipman (chair), Marcie Beckett, Diane Faulds, Jim Krokee, Barbara Williams

PBTC: Nici Boyle, Joe Wilding

Discover Pacific Beach (BID): None

Subcommittee Introductions

Guest Introductions: Jerry Hall, Karen Kohn, John Kohn, Kathy Lippitt, Robert Zakar, Richard Garmo, Mr. Patrick, Rick Oldham, SDPD Officer Tass, Dana Stevens

Agenda Approval: Approved without objection

Minutes Approval:

Motion (Beckett/Wilding) Approve November 2, 2009 minutes. **Passed 7-0-0**

Motion (Beckett/Boyle) Approve January 4, 2010 minutes with corrected year in title and footnote. **Passed 7-0-0**

Non Agenda Public Comment:

Jerry Hall – Concerned about pub crawls. Last weekend was really bad; saw a guy crawling through the alley looking for a place to rest. Bars must be over-serving. I have created a new website for alcohol issues in Pacific Beach, PBspirits.com

Karen Kohn – I eat at Great Plaza Buffet, a nice restaurant that closes at 10 pm. They want a beer and wine license; they applied and were denied. I don't understand why this place would be denied, especially when bars are getting licenses all the time.

John Kohn – appreciates what this PBPG committee is doing, thinks it is a positive thing for the community.

Kathy Lippitt – Great Plaza Buffet is in census tract 79.03, which has crime that is 136% the city-wide average.

Off-Sale Quick Korner Presentation – Robert Zakar and Richard Garmo

Robert Zakar – My cousin (Richard Garmo) and his family have operated Qwik Korner since 1992. We have no violations for selling to minors. Our store has been on leased property for 20 years and now we want to move it next door to a building we own. We will get a Conditional Use Permit (CUP) but we want the same conditions. Vice Sgt. Andra Brown, in cycle issues report, recommends no sales of singles. But we don't want to limit singles sales; patrons will just go to 7-11 or PB Market on Cass. We have petitions from neighbors wanting us to stay. We have a letter from the Hospitality Task Force endorsing us.

Public Comment:

Mr. Patrick – I own 1029 Garnet, which Qwik Korner occupied for 18 years, until lease expired on 12/31/09. Before Qwik Corner, it was Knudsen Store and then National Fast Food. Qwik Korner is a convenience store that sells beer and wine. No consumption allowed on site, but after midnight, patrons retreat to secluded spots on property and drink, trash area, do graffiti, urinate and defecate. Need to make sure that this is not allowed to continue, need conditions on the license to address these problems.

Jim Krokee asks: Is there something that is causing these problems?

Mr. Patrick replies: The store is selling alcohol after the bars have closed.

Rick Oldham – I'm not opposed to the move, but the problem is they are selling alcohol after the bars can no longer sell. Bar last call is 1:30, store can sell until 2 am, store should not sell after bars stop serving.

SDPD Officer Tass – I work to combat drunk driving. I want to give a police perspective on this store. It is the owner's responsibility not to sell to an inebriated person. Store is in 79.01 (census tract). Operator is responsible, has been responsible, and is a model for others.

Jerry Hall – These operators do keep area clean. When they move, we need to make sure no illegal signage on Garnet. These are supposedly good operators, but we cannot count on enforcement to identify bad operators. ABC enforcement in PB the last 10 years has resulted in only 16 recorded violations.

Robert Zakar responds: Conditions on license now require graffiti to be removed within 24 hours. Retailer can get ticket for selling to minor. We are moving to a smaller location, it will not be gaudy (signage). We chose not to carry fortified wines. We are a good model.

Committee Comment:

Diane Faulds asks: 1) Can we see the petitions from neighbors? 2) You say you are involved in the community, how? 3) No parking is available. Where do delivery vehicles park?

Robert Zakar responds: 1) Have to find the petitions; 2) Going to Hospitality Task Force meetings, undergoing Vice/ABC training; 3) No parking spaces for customers, but vendors park in alley and unload through back doors. We have 6 parking spaces in back (for residents).

Barbara Williams asks: Moving to a smaller store. Will primary focus be selling alcohol? What is current alcohol sales %?

Richard Garmo responds: Currently 30% alcohol sales, expect same in new location.

Jim Krokee - How can you operate a new business without providing parking? Maybe they shouldn't sell alcohol after 1:30 am if that is creating problem.

Scott Chipman responds: Moving into an existing retail location, parking is grandfathered in.

Joe Wilding – Sales of alcohol from your store are having negative impacts on community, especially late at night.

Nici Boyle asks Mr. Patrick: Did they clean up the area in a timely manner?

Mr. Patrick responds: No.

Marcie Beckett – A responsible operator should be willing to take responsibility to mitigate negative impacts, including possibly: ending alcohol sales before bars close, hiring security, ending singles sales earlier in the evening. What are the current conditions on the license? What are the city cycle issues?

Scott Chipman responds: No current conditions on license. City wants PBPG review/input.

Scott Chipman – I went to the site a few weeks ago and saw 32 oz. beers in the refrigerator case. Went last weekend and spoke to residents of apartments next door. They said they had many problems with drinking on site, and trash and urination on their walkways. According to Municipal Code, an alcohol license is not allowed in a location with high-crime and over-saturation (with alcohol licenses) nor within 100 feet of residential. We have options, we can recommend denial of CUP, or offer conditions, or approve with no conditions. This is not an action item tonight.

Robert Zakar responds: Municipal Code applies to off-sale and on-sale separately, not combined.

Richard Garmo responds: Bar patrons are the ones making the mess, not our customers.

Jim Krokee – Consider condition to stop selling singles at 11:30 pm.

Guest Presentation – Morphing (restaurants acting like bars) - Dana Stevens (CASA - Communities Against Substance Abuse) (2 Handouts)

A type 47 alcohol license is a restaurant, a “bona fide eating place”, must have a kitchen and prepare meals, persons under 21 allowed at all times. “Morphing” occurs when, after the restaurant stops serving dinner, it becomes like a bar. Persons under 21 are still allowed. This is a

problem all over the state, especially in college towns. ABC is very concerned about this. ABC is considering imposing a higher food to alcohol ratio or a creating a hybrid license (restaurant/bar) with different conditions for each use. Legislative remedies are in the works, but not likely to be passed until next year. Need more hard data. When granting new licenses, there is a whole list of conditions that can be used to prevent morphing.

Marcie Beckett - How can we keep conditions on a license when, after 1 year, the licensee can apply to ABC to have conditions changed with little or no public notice or consideration of public input? A restaurant gets their conditions changed to allow them to stay open until midnight or 2:00 am and they morph into a bar. Over the last 20 years in Pacific Beach, many good restaurants have been replaced by restaurants that stay open late and behave like bars and nightclubs. Examples: TD Hayes is now PB Shore Club; Sizzler is now PB Ale House; Aljones Mexican Restaurant is now PB Bar and Grill; BBQ Pit is now Bub's Dive Bar; Yoli's Mexican Restaurant is now Cabo Cantina; Victory Lanes Bowling is now Typhoon Salon and Fred's Mexican Café; and there are many more examples. How do we keep this from happening?

Dana Stevens – Individuals must keep watch. It is burdensome.

Scott Chipman – We must put a structure in place to monitor and control so that licenses have appropriate conditions that stay with them.

Next meeting is on March 1, 2010, 6:00 pm

Adjourned: 7:32 pm

Submitted by Marcie Beckett