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Application Number: 6-12-061

Submitted by: Jerry Hall

Position: Opposed

July 7, 2013

TO: California Coastal Commission

FR: Jerry Hall, Resident

RE: Applicant: Grand & Strand LLC, Thursday July 11, 2013

I am opposed to this proposed expansion for several reasons. They include in summary:

1. The **chronic noise volumes emanating from the existing business** – day and night – for the last several years with no regard to the public’s enjoyment of their beach.
2. The **blatant disregard of conditions placed upon the establishment** by the Alcoholic Beverage Control and the San Diego Police.
3. The **disregard for the safety of their patrons** – especially in light of their applying for an expansion.

Introduction

I have tried very hard to being a good steward of this amazing beach community for our residents, all business owners - including those that don't sell alcohol –and especially our guests from the area, region, nation and from around the world.

I have served as a director or officer on our Business Improvement District board, Town Council, Rotary club and several non-profit organizations. I have lived in the area for over twenty-three years and have spent at least the last seven years actively working to stem our growing array of community issues – many directly attributable to several of our bar and restaurant proprietors that have seemed to ignore the needs of the greater community.

My belief is that as community leaders we have a responsibility to provide a tranquil environment so that everyone can have the amazing experience of visiting their oceans and beaches with their loved ones – and playing or relaxing as they see fit. The beach offers amazing opportunities for so many people but, there’s a price we have to pay – and that is that we cannot tolerate businesses that have little regard for others.

Some business owners seem to believe that a year-round spring-break atmosphere is where we should be headed. Rather than actively engage the community these businesses, including this establishment have taken many steps to block community efforts to address the chronic alcohol-related crime issues we live with every day. Rather than use their influence over their patrons, many who cause a lot of

negative issues in our community and city, they seem to have put their profits far ahead of any interest in our millions of visitors annually.

Along with the items cited below I am submitting a video presentation that includes several clips I personally shot. I also included a section that includes clips found online that are being used to illustrate my points in this letter. All of these items can also be viewed online at pbspirits.com/2013/07/08/pbsc/.

Chronic Noise Issues

The high sound-levels of music coming from this establishment, typically hosting a disk jockey mid-day through the evenings, affects every single person walking along our boardwalk. This establishment is sitting in the nexus of our beach and boardwalk. To avoid this negative experience, one would have to walk inland a blocks distance to avoid the noise and at times negative issues from this establishment. It is simply impossible for our guests and resident's to walk by this establishment and not notice the offensive experience as compared to the rest of their walk through the remaining part of the beach area. Anyone unknowingly placing their beach blankets and umbrellas within several hundred feet of the establishment soon find out they will have to tolerate the noise or move.

Although I used a sound meter for over a year to measure the chronic noise issues and tried to present that evidence at the ABC hearing for this proposed expansion it was denied as suitable evidence by the ABC-employed judge. This evidence is included with this presentation and I hope you will consider it strongly. The enclosed map illustrates the distances I personally witnessed and recorded the music coming directly from this establishment.

http://www.pbspirits.com/wp-content/uploads/2013/07/SoundRangeMap_measurements.pdf

I am not a scientist but, I am a concerned citizen and am trying to make it clear that I believe it is not fair for a business to literally pollute the entire several hundred-foot north and west-facing radius with noise. This noise is not only from their disk-jockey's speaker's music but, the occasional banter exchanged by patrons with people walking by and sadly from two other bars (technically also restaurants) within a hundred feet of this establishment who have also added to the problem .

Add to this the very clear impression made upon the young kids that walk by this place which is concerning. The last thing we need is for these young people to be fascinated with this kind of atmosphere. I'm not against drinking or having fun – actually I encourage it - but, I am very concerned with dangling this kind of environment in our kid's faces, expecting no negative influence.

Public Relations vs. Actual Practices

The establishment's proprietor's concern for the community, evidenced by their list of donations and constant reminders as to the amounts given to various groups, is in conflict with their actual behind-the-scenes business practices.

They have made great fanfare about donating a thousand tacos here, and \$5k there, as well as other donations for various events. But, these donations are used for various public relations efforts and my concern is that they should not influence your decision as to the viability of this application.

At one meeting in 2010 an owner claimed their establishment paid \$356k in sales tax revenues to the state which implies their effective gross sales equal nearly \$4.6m.

http://www.pbspirits.com/wp-content/uploads/2013/07/2010-07-21_shore-club-presentation.pdf

So, it was fascinating to learn that, behind the scenes, after a story by an investigative journalist went to print, this establishment was shortchanging our Business Improvement District for years – paying the minimum annual fee, reiterated annually through a declaration form, all based on their claim of employing three employees, when in fact they employed seventy. Why would they go through all this

effort to not pay a few hundred dollars in additional assessments? Maybe because no one was looking. More frustrating, one of the owners sat on the board of the Business District at the time, hearing regular reports as to how financially challenged it has been.

<http://voiceofsandiego.org/2012/02/23/the-bars-that-cant-count-in-pb/>

Not Providing a Safe Atmosphere

It was also strange that, just days before their ABC hearing to approve this project, seven people were arrested coming out of this establishment for violent assaults, one a felony - over-intoxication and other crimes. Since reporting systems between agencies are sluggish at best this establishment has been operating with impunity.

http://www.pbspirits.com/wp-content/uploads/2013/07/12-2011_cpra_response.pdf

<http://www.pbspirits.com/wp-content/uploads/2013/07/Declaration-Incident-Reports121011.pdf>

Not Following ABC and State Laws

Only two months later, after the ABC hearing where the establishment's owners were confronted with this information, which they waved off as inconsequential, this establishment became one of the few alcohol licensees in the entire state (sixty-six of eighty-five thousand licensees) cited by the ABC for over-serving an obviously intoxicated patron. After paying a \$3k fine they're back in business without losing a beat. Lack of citations from the ABC or police doesn't imply good business practices but, reflects an overall incapability of either agency to keep up with the enforcement demands statewide.

http://www.abc.ca.gov/reports/Actions2013/ActionsFinal_2-27-13.pdf (Page 2 Accusation and POIC)

<http://www.abc.ca.gov/Annualreports/Annual%20Workload%20Summary%202011-12.pdf> (CA Metrics)

Conclusion and Request for Denial

My well-researched belief is that this establishment, like many of their peers taking advantage of a broken system, will do as little as possible to follow the laws of our city and the State of California. They make enormous amounts of money by selling as much alcohol as possible then throw some crumbs to the community to try and mitigate their poor business practices. We've pleaded for their participation in helping establish good local policy and enforcement mechanisms but, they've resisted any such dialog.

This establishment's drunk patrons are difficult to control as seen in the middle of the day with a just kicked-out patron laying on a person's moving vehicle. Noise levels will not go away – and will only increase. They claim they will not have music outside the existing structure but, they've thumbed their noses at the requirement to live within our noise ordinance limitations for years. Noise emanating from a bar attracts customers, even if it insults ten-thousand visitors walking by.

I truly wish I could paint a different picture but, the evidence has been overwhelmingly consistent that this will become a lasting issue with this current configuration.

When our city exercises its authority to take local control over our licensees, and when we are able to install customized controls and backed with an enforcement mechanism that will not continue the excessive burden on our police – to ensure that our licensees follow the laws – then, I will gladly reconsider this application. However, until then I cannot see why this establishment – as well as many others in our community and city – will not continue to push the limits as far as they can – with little or no regard to the long-lasting negative impression it will make on our current and future guests as well as our community's reputation.

Please feel free to contact me with any questions or concerns at enjoypb@gmail.com or 858-344-1104.

Thank you very much!