



Atlantis Group, LLC
2488 Historic Decatur Road, Suite 200
San Diego, CA, 92106
Phone: (619) 523-1930

MEscobarEck@AtlantisSD.com
www.AtlantisSD.com

Amanda Johnson Lee
Senior Planner
City of San Diego Development Services Department
1222 First Avenue MS 501
San Diego, CA 92101

September 11, 2013

RE: **Code Monitoring Team Agenda of September 11, 2013 – Center City PDO Amendments**

Dear Members of the Code Monitoring Team:

On behalf of the Stone Brewing Company, please accept this letter along with the attached letter outlining our concerns regarding the proposed amendments to the Center City PDO, specifically the regulations that are being amended relating to Brewpubs and Brewpub Tasting Rooms.

While we greatly appreciate the effort that staff has made to address business issues for the craft beer industry, we feel there are a few additional areas that should be evaluated.

Unfortunately, the current draft of the PDO still does not resolve the following issues:

- **A Brewpub Tasting Room as currently defined does not address the nature of the Stone Company Store.** Add a category to the proposed code for businesses that hold a "Duplicate Type 01" license with the Department of Alcohol Beverage Control from the State of California, which does not allow manufacturing on-site. If this category cannot be added, then the definition for a *Brewpub Tasting Room* as currently defined in the new proposed code change should be modified to delete the requirement to manufacture on the *premise*. As stated, under a Type 01 duplicate license, the license holder can exercise all regular Type 01 license privilege except for manufacturing on-site: they are prohibited from manufacturing beer on the premises under the terms of the license. It is classified as a non-retail license. They are allowed to have a tasting room without food. For the tasting room, they may sell their products on-site and off-site, but they cannot sell wine and/or other manufacturers' beer unless they have a bona-fide eating establishment.
- **Allow the sale of specialty high value beers.** Reduce the off-premises consumption quantities from 64 oz. to 16.9 oz. (500 milliliters). Limiting off-premise consumption quantities to more than 22 ounces does not address the core concern of impacts from public inebriation. The pricing of a single specialty beer (\$12-\$24) significantly exceeds the price of commodity brands that are larger

Center City PDO Amendments – Code Monitoring Team September 11, 2013

than 22 ounces (in some cases up to 64 ounces). This type of product is not in the target purchase price for most consumers looking for a inexpensive product.

- **Streamline the permitting process.** Modify the process for off-site consumption, to a Neighborhood Use Permit instead of a Conditional Use Permit. This keeps it as a discretionary process, thereby preserving the neighborhood's ability to appeal the request and protect neighborhood interests. An Neighborhood Use Permit is less costly and timing consuming and therefore would provide relief to businesses.

The Findings for a Neighborhood Use Permit protect all of the core neighborhood values and still allow for a public process that can be appealed to the Planning Commission if there is a dispute.

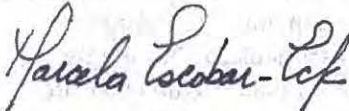
Findings for Neighborhood Use Permit Approval

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

- (a) The proposed *development* will not adversely affect the applicable *land use plan*;
 - (b) The proposed *development* will not be detrimental to the public health, safety, and welfare; and
 - (c) The proposed *development* will comply with the regulations of the Land Development Code **including any allowable deviations pursuant to the Land Development Code**¹.
- **Allow for permit deviations through a Neighborhood Use Permit.** The last Land Development Code update added language to allow deviations "*pursuant to the Land Development Code*". We request that same language be included in the Center City PDO for Neighborhood Use permits (e.g. hours of operation).

We would respectfully urge your support for the modifications that are outlined in this letter and the attached letter.

Sincerely,



Marcela Escobar-Eck
Principal
Land Use Consultant

cc: Brad Richter, Assistant Vice President-Planning, Civic San Diego
Attachment: July 23, 2013 letter from Stone Brewing Company

¹ The language "**including any allowable deviations pursuant to the Land Development Code.**" is not yet applicable in the coastal zone



STONE
BREWING CO.

July 23, 2013

Mr. Brad Richter
Asst. Vice President – Planning
Civic San Diego
401 B Street, Suite 400
San Diego, CA 92101

Dear Mr. Richter,

I am writing you in regards to some of the proposed changes for on-premise and off-premise alcohol beverage sales in Section 156.0315 of the Centre City Planned District Ordinance (CCPDO) Amendment No. 2013-02 that will be presented to the Downtown Community Planning Council on July 24, 2013. When reviewing the proposed changes, we have a major concern on how the newly proposed codes will define our business and what regulations will be imposed on the amount of beer that can be sold for off-premise alcohol sales.

According to 2013 Center City PDO Amendments July 11, 2013 matrix document, Civic San Diego has incorrectly defined a Stone Company Store as a Brewpub Tasting Room. As defined, a brewpub tasting room is “an establishment which is licensed by the California Department of Alcoholic Beverages to manufacture and sell alcoholic beverages on the premises for on-premises or off-premises consumption. A brewpub tasting room manufactures alcoholic beverages on the premises and provides on-site consumption of products manufactured by the licensee. Accessory off-site sales of alcoholic beverages the licensee manufactures may be permitted.” This definition as written is not applicable to our Stone Company Store model of business. We believe an additional category for our business type should be included in the proposed CCPDO amendment changes to help define businesses that hold a “Duplicate Type 01” license with the Department of Alcohol Beverage Control of the State of California. This license type is considered by ABC as a “non-retail” duplicate manufacturing license and, as such, does not fall into the categories of on-premise or off-premise “retail” license.

We hold an original Type 01 License at our flagship brewery in Escondido, CA. This license is a non-retail manufacturing license that allows us to manufacture malt beverages and allows for the sale of our manufactured malt beverages on premises. The Duplicate 01 License we would hold for our Stone Company Store is a “duplicate” of the original Type 01 License held in Escondido. The location of a new Stone Company Store is considered a branch office of our manufacturing plant. The duplicate license allows us all of the privileges of the original license except for the manufacturing of malt beverages. Among the privileges granted by the ABC, apart from manufacturing, the Duplicate Type 01 license allows us to sell beer for both on-premise and off-premise consumption. The Duplicate Type 01 license was created specifically to allow satellite tasting rooms for on and off-premise sales, and the license type *does not allow* for brewing to take place onsite.



STONE
BREWING CO.

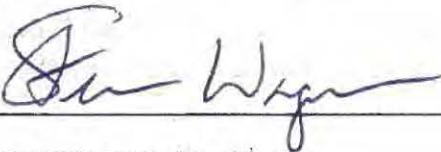
For our purposes, our Stone Company Store model serves as a brewery tasting room in which we would serve Stone Brewing Co. beers only in tasters, pints, growler fills, individual bottles, cases and kegs. This allows Stone, as an independent craft brewery, to bring our unique beer styles to patrons in San Diego. We currently operate such Stone Company Stores in the South Park neighborhood of San Diego, in downtown Oceanside, and in downtown Pasadena.

Second, for our model to work economically, it is important that the Stone Brewing Co. is able to sell a variety of Stone Brewing Co. beer sizes, ranging from individual bottles to kegs for off-premise consumption. Limiting off-premises consumption quantities to more than 22 oz. is too restrictive and would prevent us from selling our specialty high value beers that are bottled in 500 mL (which range in retail sales price from \$12 - \$24 *per bottle*). We understand Civic San Diego's concerns and reasons for having a restriction on the volume of beer that could be sold for off-site consumption in order to "reduce the impacts resulting from public inebriation as well as the availability of inexpensive alcohol to downtown's large homeless population" as noted in your July 17th, 2013 staff report. However we believe this issue is null as downtown San Diego's resident population has grown, vacant buildings occupied with new businesses and residences, and blighted areas are being redeveloped. Additionally, the pricing of a single one of our smaller packaged beers for off-premise sale can exceed the price of commodity brands in excess of 22 (or even 64) ounces.

We request that Civic San Diego and the Downtown Community Planning Council include an additional category to 2013 Center City PDO Amendments that better defines our business and activities as a "Duplicate Type 01" license holder and proceed with removing any language that volumetrically restricts that amount of beer that could be sold for off-site premise consumption.

Regards,

Stone Brewing Co.

By: 

STEVEN WAGNER, President

By: 

R. CRAIG SPITZ, CFO



Centre City
Development Corp.
JUL 23 2012
Copy To:
Copy To:

July 17, 2012

Brad Richter
Assistant Vice President
Centre City Development Corporation
401 B Street, Ste. 400
San Diego, CA 92101

RE: REQUESTING AMENDMENT TO PLANNED DISTRICT ORDINANCE 156.0315

Dear Mr. Richter:

On behalf of the San Diego Brewer's Guild (SDBG), I would like to respectfully request your consideration to amend the Centre City Development Corporation's (CCDC) Planned District Ordinance (PDO), specifically 156.0315(a)(5)(A)(B).

As you know, the specificity of the ordinance in the PDO speaks to:

Alcohol Beverage Sales – Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be requested to obtain a Conditional Use Permit in accordance with Process Three. The following conditions of approval for an off-site consumption Conditional Use Permit shall apply:

(A) No wine or distilled spirits shall be sold in containers of less than 750 milliliters.

(B) No malt beverage products shall be sold in quantities of less than a six pack or 64 ounces per sale.

As you know, the craft beer industry is growing tremendously in San Diego County & this restriction is not conducive to the growth of this burgeoning industry that creates thousand's of jobs and has a big economic impact to our community.

Furthermore, there are currently 4 (four) breweries in the downtown area that are prohibited as well as many small, medium and large markets and many restaurants with off-premise sales licenses that are prohibited from selling in smaller quantities that are preferred by customers and the local brewers alike.

We would like to request a meeting to discuss our request and work with you and / or your staff and the San Diego Police Department to address our request and find common ground and suitable changes to the PDO in an open and transparent process.

Thank you for your consideration to this matter, if we can be of further assistance please feel free to contact Marco Polo Cortes, with Cortes Communications at (619) 852-4690.

Kind regards,

Marty Mendiola
President



**EXECUTIVE BOARD
OF DIRECTORS**

OFFICERS

Ramzi Murad, Chairman
San Diego District

Andy Chhikara,
Vice Chairman
Central Valley District

Nashat Damman,
Treasurer/ Secretary
San Diego District

Bashar Ballo
Chairman of Program
Endorsement Committee
San Diego District

RETAIL DIRECTORS

Steve Abbo

San Diego District

Amad Attisha

San Diego District

Raad Attisha

San Diego District

Amer Benny

San Diego District

Bob Bhauria

Central Valley District

Gonzalo Hernandez

Los Angeles District

Saad Hirmes

San Diego District

Eisa Joby

Los Angeles District

Patrick Mahan

Northern California District

Darshan Mundy

Northern California District

Amir Oram

San Diego District

Ieam Oram

Arizona District

Basil Raffo

San Diego District

Martin Samo

San Diego District

JP Sethi

Central Valley District

Fauzi Zora

San Diego District

SUPPLIER DIRECTOR

Carl Parker

Supplier Director

CoreMark

Bobby Barrett

Supplier Director

Viejas

PRESIDENT & CEO

Mark Paul Arabo

GENERAL COUNSEL

Spencer C. Skeen, Esq.

Fisher & Phillips LLP

July 16, 2012

Brad Richter
Assistant Vice President
Centre City Development Corporation
401 B Street, Ste. 400
San Diego, CA 92101

**RE: REQUESTING AMENDMENT TO PLANNED DISTRICT ORDINANCE
156.0315(a)(5)**

Dear Mr. Richter:

On behalf of the Neighborhood Market Association (NMA) and the request of our members, I would like to respectfully request your consideration to amend the Centre City Development Corporation's (CCDC) Planned District Ordinance (PDO), specifically 156.0315(a)(5)(A)(B).

As you know, the specificity of the ordinance in the PDO speaks to:

Alcohol Beverage Sales – Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit in accordance with Process Three. The following conditions of approval for an off-site consumption Conditional Use Permit shall apply:

(A) No wine or distilled spirits shall be sold in containers of less than 750 milliliters.

The NMA is a non-profit mutual benefit corporation dedicated to empowering independent retailers all throughout California, Nevada, Arizona and the West Coast.

Our objectives are to provide representation, education, leadership, community outreach, buying power, and support to our members in order to improve their quality of life and facilitate prosperity in the neighborhoods they serve.

Our request is to hope we could find common ground and suitable changes to the PDO in an open and transparent process.

Thank you for your consideration to this matter, if I can be of further assistance please feel free to contact Jesus Cardenas from my office at (619) 464-8485.

Sincerely,

Mark Arabo

President and CEO



FOOD & BEVERAGE
ASSOCIATION
of SAN DIEGO

Brad Richter
Assistant Vice President
Centre City Development Corporation
401 B Street, Ste. 400
San Diego, CA 92101

July 3, 2012

RE: REQUESTING AMENDMENT TO PLANNED DISTRICT ORDINANCE 156.0315(a)(5)

Dear Mr. Richter:

On behalf of the Food and Beverage Association of San Diego (FBASD), I would like to respectfully request your consideration to amend the Centre City Development Corporation's (CCDC) Planned District Ordinance (PDO), specifically 156.0315(a)(5)(A)(B).

As you know, the specificity of the ordinance in the PDO speaks to:

Alcohol Beverage Sales – Establishments engaged in the sale of alcoholic beverages for off-site consumption shall be required to obtain a Conditional Use Permit in accordance with Process Three. The following conditions of approval for an off-site consumption Conditional Use Permit shall apply:

(A) No wine or distilled spirits shall be sold in containers of less than 750 milliliters.

(B) No malt beverage products shall be sold in quantities of less than a six pack or 64 ounces per sale.

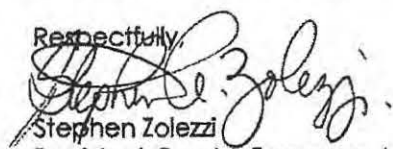
The mission of the FBASD is to support favorable public policy that mutually protects and supports the neighborhoods we serve and that of our members.

We believe that the existing language in the PDO adversely affects not only the growing craft beer industry, but that of our member's ability to provide their products for off-premise sales in the preferred size and quantity's of the craft beer makers and consumers.

We would like to request a meeting to discuss our request and work with you and / or your staff and the San Diego Police Department to address our request and find common ground and suitable changes to the PDO in an open and transparent process.

Thank you for your consideration to this matter, if I can be of further assistance please feel free to contact Marco Polo Cortes, with Cortes Communications at (619) 852-4690.

Respectfully,


Stephen Zolezzi

President, Food & Beverage Association SDC

3118 Camino Del Rio South
Suite 315
San Diego, CA 92108

Office { 619 . 228 . 2281

E-mail { thead@foodandbeverage.org

Web { www.foodandbeverage.org

Centre City
Development Corp.

JUL 09 2012

Orig To:
Copy To:



**2013 CENTRE CITY PDO AMENDMENTS
SEPTEMBER 13, 2013**

ON- AND OFF-SITE ALCOHOL SALES (CURRENT/PROPOSED BUSINESS)	Current Permit Requirements	Proposed Permit Requirements	Smaller Container Sales Allowed?¹
<i>Bona-fide eating establishments²</i>	By right	By right	N/A
Non <i>bona-fide eating establishments</i> (bar open after meal service); wine bars; bars	CUP	NUP	N/A
<i>Brewpub²</i> - no off-site sales	By Right	By Right	N/A
<i>Brewpub Tasting Room³</i> – no off-site sales	CUP	NUP	N/A
<i>Brewpub</i> , off-site sales of own product (Karl Strauss, SD Brewing Co, <i>Ballast Point</i>)	CUP	By Right	Yes
<i>Brewpub Tasting Room</i> , off-site sales of own product (Mission, Monkey Paw)	CUP	NUP	Yes
Bona-fide eating establishment, off-site sales of own product	CUP	CUP	No
Tasting Room, off-site sales of microbrew products (<i>Bottlecraft, Stone</i>)	CUP	CUP	No
Retail store/restaurants, off-site sales of alcohol (7-11's, Albertson's)	CUP	CUP	No
LIVE ENTERTAINMENT			
Bona-fide eating establishments with live acoustic music/performers until 11 p.m.	CUP	By Right	N/A
Other businesses with live acoustic music/performers	CUP	NUP	N/A
Businesses with non-acoustic music; disc jockeys; dancing	CUP	CUP	N/A
Outside live entertainment	CUP	CUP	N/A
OUTSIDE ACTIVITIES			
On-going community events, markets, etc. with live entertainment no more than 6 times per calendar year	CUP	NUP	N/A
On-going community events, markets, etc. with live entertainment and/or off-site alcohol sales	CUP	CUP	N/A

- 1 The current requirement for minimum sales of six-pack or minimum 64-oz volume per sale would be reduced to minimum 32 ounces per sale (allowing 32-oz bottles or four-packs of smaller bottles)
- 2 *Bona-fide eating establishments* are restaurants that serve made-to-order food during all business hours. This does not include restaurants that close their kitchen but continue bar service.
- 3 *Brewpubs* are *bona-fide eating establishments* (the *primary* use on the *premises*) with *accessory* alcohol manufacturing which is licensed by the California Department of Alcoholic Beverages to manufacture and sell alcoholic beverages on the *premises* for *on-premises* or *off-premises* consumption. A *brewpub* must have an *on-premises accessory* manufacturing operation and may conduct *accessory* off-site sales of alcoholic beverages the business entity manufactures.
- 4 *Brewpub Tasting Rooms* are establishments which are licensed by the California Department of Alcoholic Beverages to manufacture and sell alcoholic beverages on the *premises* for *on-premises* or *off-premises* consumption. A *brewpub tasting room* must have an *on-premises* manufacturing operation and may conduct *accessory* off-site sales of alcoholic beverages the business entity manufactures.

Typical Containers Used for Off-Site (“off-premises”) Sale of Malt Beverage Products¹

Labeled Non-Refillable Glass Bottles

12 oz (typically sold in “manufacturer pre-packaged quantities” of 4 and 6-packs totaling 48 oz. to 72 oz.) √

12.7 oz. (375 ml, typically sold individually) ¥

16.9 oz (500 ml, typically sold individually) ¥

22 oz (typically sold individually) †

25.3 oz. (750 ml, typically sold individually) ¥

32 oz. (1 quart, typically sold individually) *

40 oz. (typically sold individually) *

Labeled Refillable Containers (“growlers”)

These containers are filled (by tap) from kegs or directly from production tanks - typically glass or stainless steel, in the following sizes only:

32 oz. (1 quart) †

64 oz. (1/2 gallon) †

128 oz. (1 gallon) †

Labeled Cans

12 oz (typically sold in “manufacturer pre-packaged quantities” of 6, 12, 18, and 24-packs totaling 72 oz. to 288 oz.) √

16 oz. can (typically sold in “manufacturer pre-packaged quantities” of 4-packs) √

24 oz. (typically sold individually or in “manufacturer pre-packaged quantities” of 3-packs totaling 72 oz.) *

25 oz. (typically sold individually) *

Container Use by Size/Type of Manufacturer

† Container is used almost exclusively by craft beer manufacturers (Ballast Point, Green Flash, Karl Strauss)

* Container is used almost exclusively by large beer manufacturers (Anheuser Busch-In Bev, Miller-Coors)

√ Container/package is used by most beer manufacturers which have bottling capability

¥ Container is used almost exclusively by craft beer manufacturers for premium styles and “special release” beers

¹ Information verified by California Craft Brewers Association (CCBA)

SDDRG positions on Proposed Planned District Ordinance (PDO) Amendments July 24 2013

The Marina, Gaslamp and Centre City PDOs are among the documents that enable faster approval in Downtown since if you comply, basically it is approved. That is why modification is important. Civic is attempting to get them through before the holiday recess at City Council. Timeline here is long since it requires review by Civic, DCPC, Planning Commission, and City Council. All Downtown organizations have expressed concern that current time line too aggressive given the extensive nature of these changes. Usually the package has one or two major changes. This package has over 15. Major changes below with "controversial" ones in Bold with pro/con following each. Regular type recommend approval.

BOLD type recommend disapproval.

Italic underline type recommend approval with modification. Modification in **BOLD**

1. Definitions. Change definitions to reflect entertainment includes live performances by musicians or disc jockeys and/or provision of dancing.

2. Admin and Permits. Elimination of superior design as fourth criteria for granting Planned development Permit. Allow Dev to request many deviations and exceptions in PDP without having to get plan amendment. Lawyers say superior design not definable.

Pro: Allow Dev to request many deviations and exceptions in PDP without having to get plan amendment. Lawyers say superior design not definable.

Con: Eliminate superior design, means all Dev wanting exception will req PDP. Last three projects have all requested PDP, avoids public process of plan amendment. Many more exceptions to PDO. Developer can always request.

If superior architecture requirement dropped, then Planned Development Permit (PDP) should be dropped from PDO.

3. Neighborhood center.

A. Allows non retail commercial active use for up to 10 years where neighborhood does not have mass to support it. Uses CUP.

B. Vehichular access overlay

4. Base Dist. Regs.

A. Sidewalk Cafe. Grants admin approval vice NUP if meet City Code requirements. Reduces clear path from 8 feet to 5 feet most places and to 4 feet where sidewalks less than 12 ft.

B. Outdoor activities. New land use. Changes CUP to NUP if acitivity does not involve entertainment MORE THAN 6 TIMES PER YEAR. May allow structures inconsistent with CCPDO such as booths and other small units.

SDDRG positions on Proposed Planned District Ordinance (PDO) Amendments July 24 2013

Pro: Changes CUP to NUP if activity does not involve entertainment MORE THAN 6 TIMES PER YEAR. May allow structures inconsistent with CCPDO such as booths and other small units. May allow easier Temporary things.

Con: Shanty town. Public nuisance if not carefully managed. No standards, so no enforcement. Is six time a year too much with no public hearing?

Should be CUP for proper conditions and enforcement and avoid cost shifting to public.

C. Clarification that all assembly and entertainment uses require CUP.

5. Development Regulations.

A. Balconies. Recommending elimination of requirement for 50% of units to have balconies. More "flexibility" in design.

Pro: More "flexibility" in design. Less Cost. Easier construction, easier runoff containment.

Con: Featureless boxes, Cheap as possible design and build. No private access to San Diego wx. Variation can already be requested.

B. Private Storage. 240 Cubic feet required typ about 4x8x6-8 tall) Staff recommending halving area to 120 cubic feet and use assigned based on demand.

Pro: Save money, Construction cheaper.

Con: How to enforce? Big storage rooms, theft problems, etc. first come first served, balcony becomes storage area. Condo conversion issues.

C. Pet Open Space. Currently 100 sqft, staff recommending 100 sqft for 200 units or portion. 201 units=200sqft.

Pro: Larger numbers in bigger projects.

Con: HOA and apt managers prohibiting use of interior space.

Require space on exterior of building.

D. Roof top mechanical screening. Staff requesting waiver by design review.

Combine with eco roof to minimize impact of not having screening.

6. Separately Regulated use.

A. Live Entertainment. Current all by CUP. Staff recommending by right in bona fide eating establishments to 11 PM every night. NUP for coffee houses, bars, assembly(banquet halls) and entertainment (movie theaters) for non amped acoustical performances. CUP for amp music and/or dancing. Any Outdoor live entertainment CUP (see Definition 1. above)

SDDRG positions on Proposed Planned District Ordinance (PDO) Amendments July 24 2013

Pro: Saves time and money for new business.

Con: Removes public input/ 11PM every night BY RIGHT. shifts burden of appeal and costs to residents.

Non amplified 10 PM Sun-Thurs, 12 PM Fri-Sat, Sun before Monday holiday by right outside of Gaslamp Quarter. All other CUP.

B. On site Alcohol sale. Allow alcohol sales by right if no entertainment.

Pro: Easier for new business.

Con: Removes public input. Allows alcohol sales by right if no entertainment. Would allow bars by right everywhere. Shifts burden of appeal to residents.

C. Off site Alcohol sale. (carry out) Current 750 ml requires purchase of 2 "growlers". Staff recommends (as did DRG) allow 1 growler from micro breweris, and staff further recommends allowing sale of single 22 oz bottles.

Pro: encourages new industry.

Con: True if only from Micro breweris on site, if expanded to retail than less than 6 pack rule goes away and back to drinking on streets.

Recommend single growler permitted by right. All other sales must meet current rules.

7. Parking. Make Downtown low demand area for affordable housing reducing off street parking requirements. Change definition of "shared" parking to all something other than "in perpetuity" for restrictions.

Pro: Reduces off street parking requirements. Decreases affordable housing costs.

Con: Increases on street parking. No public transportation to schools, athletic facilities, parks, markets, Doctor/hospital, etc Why would families or "elders" give up cars?

Shared Parking. Change definition of "shared" parking to something other than "in perpetuity" for restrictions.

Pro: Impossible to cost forever so never used. Would increase use of already existing parking.

Con: Administration difficult in out years.

Allow some number of years rather than in perpetuity.

8. Mapping. Correct proposed open space location from State/Union/B/C to Front/Union/B/C consistent with other maps.

ALCOHOL POLICY PANEL

OF SAN DIEGO COUNTY

Stronger Zoning Ordinances Needed to Reduce Alcohol-Related Harm Policy Statement - June 2013

Recommendation:

In order to mitigate health and safety problems associated with the sales and service of alcoholic beverages, The Alcohol Policy Panel of San Diego County recommends cities and the County adopt the following regulations:

- Conditional Use Permits (CUPs) to regulate new alcohol outlets
- Deemed Approved Ordinances (DAOs) to establish responsible operating standards for existing or grandfathered outlets
- A Responsible Retailer Program that mandates Responsible Beverage Sales and Service training for line staff and managers of alcohol retail outlets and provides dedicated law enforcement officer(s) to assist retailers in staying in compliance with alcohol regulations. Dedicated enforcement is essential because, according to research, "if employees, managers and owners of licensed establishment believe they will be caught if they violate the law, they are more likely to be vigilant in their compliance with the law."⁽¹⁾ The compliance officer(s) could also oversee the permitting process for new alcohol outlets
- A fee to be paid by all licensed on-sale and off-sale alcohol outlets to defray the costs of dedicating law enforcement personnel needed to educate, monitor compliance, and enforce local land-use ordinances as well as state regulations

None of these policies will be completely effective on its own. But together, we believe they offer a practical solution to the alcohol-related problems our communities face. In addition, such these policies would foster a healthier business climate and help responsible retailers be more competitive.

Background:

According to the California Constitution, the State has exclusive power to regulate the sale of alcohol. However, cities and counties do have the right to regulate alcohol businesses through their land-use powers. And such regulations are needed as alcohol-related problems pose a serious threat to the health and safety of San Diego County residents.

For example, death rates due to alcohol-related causes increased between 2000 and 2007, and in four of those years, the rate of alcohol-related hospitalizations exceeded the statewide rate.⁽²⁾ Furthermore, since 2001, San Diego County's alcohol arrest rate has exceeded the state rate.⁽²⁾ In 2009, San Diego County recorded the second highest number of alcohol-involved fatal collisions in California.⁽³⁾ And in 2010, San Diego County surpassed Los Angeles and San Francisco counties in the number of DUI arrests per licensed driver.⁽⁴⁾

Fortunately, a great deal of insight has been gained over the last 25 years about how to deal with these problems. Specifically, there is a growing body of scientific research showing how environmental factors, especially alcohol availability, lead to excessive consumption and the negatives consequences that impact our communities.

Numerous studies confirm that neighborhoods with a higher concentration of alcohol outlets experience higher rates of alcohol consumption, resulting in increased alcohol-related traffic crashes and crime.⁽⁵⁾ Underage drinking is also affected by alcohol outlet density, according to scientific studies. "When all other factors were controlled, high initial levels of drinking and excessive drinking were observed among youths residing in zip codes with high outlet densities."⁽⁶⁾

When owners or servers act irresponsibly they contribute to the problem. "Many alcohol establishments have serving practices that promote risky drinking. For example, sales to underage or intoxicated individuals are known to occur in one-half-to three-quarters of all retail alcohol outlets."⁽⁷⁾ Research also shows that about 50 percent of drinking drivers start their intoxicated journey from a licensed establishment.⁽⁸⁾

The research is just as clear about potential solutions showing that policies and ordinances that regulate alcohol outlets will help reduce alcohol-related harms. We therefore urge cities and the County adopt the recommended alcohol policies.

ALCOHOL POLICY PANEL

OF SAN DIEGO COUNTY

References:

1. National Highway Traffic Safety Administration. (2005). Legal Research Report: The Role of Alcohol Beverage Control Agencies in the Enforcement and Adjudication of Alcohol Laws.
2. Center for Applied Research Solutions. (2010). Indicators of Alcohol and Other Drug Risk and Consequences for California Counties - San Diego County.
3. California Department of Highway Patrol. (2009). Annual Report of Fatal and Injury Motor Vehicle Traffic Collisions.
4. State of California Department of Motor Vehicles. (2012). Annual Report of the California DUI Management Information System.
5. Alcohol Outlet Density Issue Briefing. (2011). Case study: Changing environments and addressing alcohol outlet density through land use/zoning ordinances Cassie Greisen, Project Extra Mile (Omaha, Nebraska).
6. Chen, M., Grunewald, P.J., and Remer, L.G. (2009). Does Alcohol Outlet Density Affect Youth Access to Alcohol? Journal of Adolescent Health, 44(6): 582-589.
7. Toomey, T.L., Wagenaar, A.C., Gehan, J.P., Kilian, G., Murray, D.M., and Perry, C.L. (2001). Alcohol Risk Management to Prevent Sales to Underage and Intoxicated Patrons. Health Education & Behavior, 28(2): 186-199.
8. Mosher, J. (1996). A Public Health Approach to Alcohol and Other Drug Problems: Theory and Practice. In Principles of Public Health Practice. Scutchfield, F., & Keck, C. (Eds.). Albany, NY: Delmar Publishers.

Alcohol Policy Panel of San Diego County

Membership

Beth Sise
Policy Panel Chair
 Director
 Research and Injury Prevention Trauma Service
 Scripps Mercy Hospital

James E. Lange
 Faculty
 San Diego State University

Patricia Duke
 Assistant Sheriff
 Sheriff's Department
 San Diego County

Larry Barnett
 Public Safety Chief,
 Assistant Vice President Public Safety
 University of San Diego

Cally Bright
 Deputy District Attorney
 San Diego County

Jim Crittenden
 Project Specialist
 Office of Education
 San Diego County

David Dearie
 Command Master Chief
 Navy Region Southwest

Mack Jenkins
 Chief
 Probation Department
 San Diego County

Jovita Juarez
 Event Manager
 Third Avenue Village Association

Steve Lykins
 Executive Director
 Mothers Against Drunk Driving

Joe LaCava
 Chairman
 City of San Diego Community Planners
 Committee

Felipe Nuño
 President
 District Advisory Council
 Sweetwater Union
 High School District

Stacie Perez
 Program Director
 Episcopal Community Services
 ACCORD DUI Program

Margi Rogers
 Vice President of Claims
 Geico Insurance

Stan Stanley
 Executive Director
 Pathfinders

For more information contact:

Dan Skiles
 Executive Director, Institute for Public Strategies
 2615 Camino del Rio South, Suite 300, San Diego, CA 92108 Phone: (619) 476-9100 ext. 121 PolicyPanel@publicstrategies.org
<http://www.alcoholpolicypanel.org>

2008-2012 Violent Crime by Neighborhood, City of San Diego

This table lists the San Diego Neighborhoods with the most violent crimes between 2008 and 2012, ranked by the cumulative number of violent crimes during that period

Source: "Actual Crimes by Neighborhood," San Diego Police Department
<http://www.sandiego.gov/police/services/statistics/index.shtml>

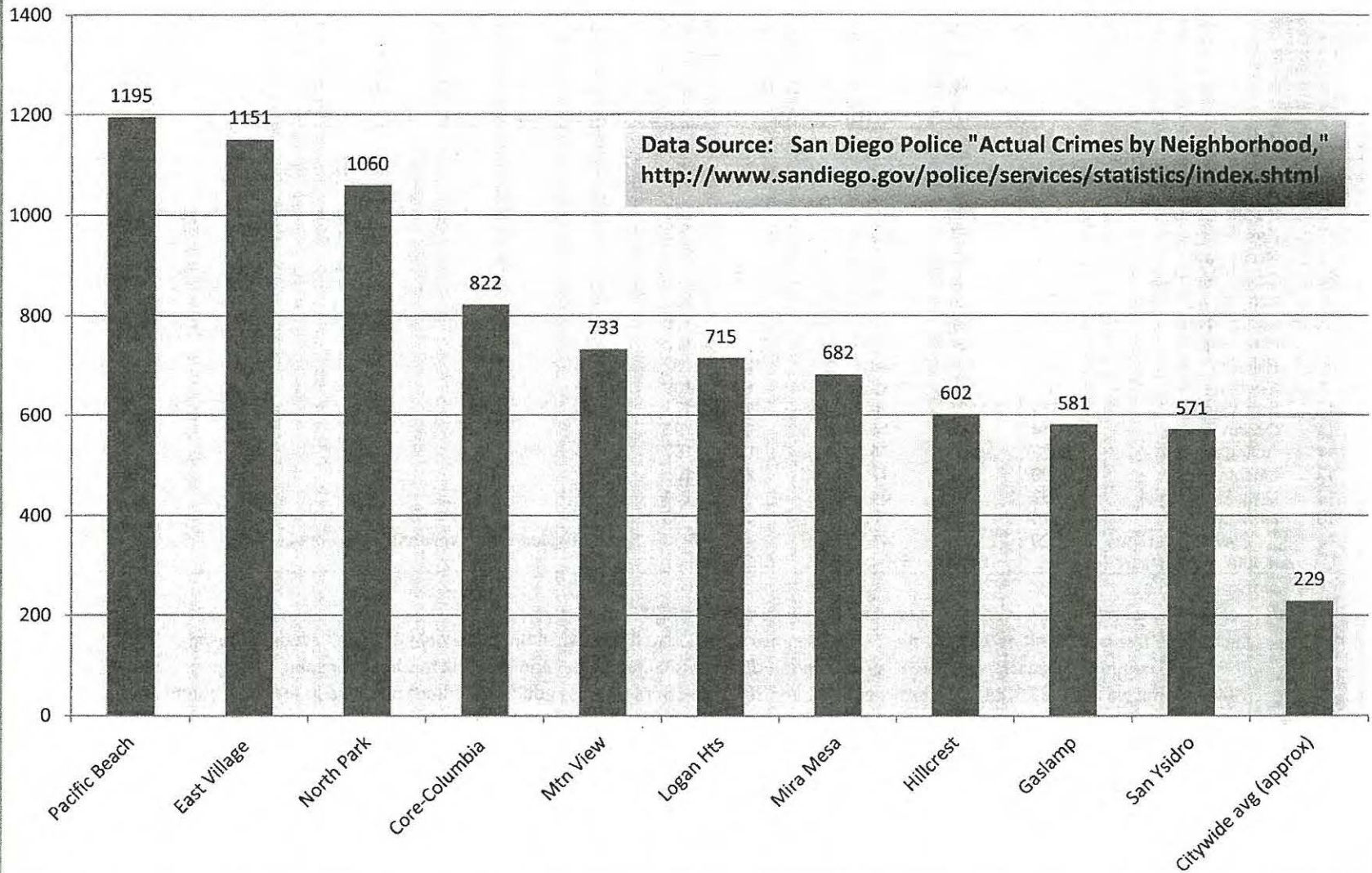
5 Yr. Rank	COMMUNITY	5 yr total	2012	2011	2010	2009	2008	NOTES
1	Pacific Beach	1195	250	215	226	278	226	PB was #1 for violent crime three out of the past five years
2	East Village	1151	260	200	253	237	201	
3	North Park	1060	202	192	256	209	201	
4	Core-Columbia	822	149	177	180	146	170	
5	Mtn. View	733	111	127	132	181	182	
6	Logan Heights	715	136	117	149	155	158	
7	Mira Mesa	682	131	101	138	139	173	
8	Hillcrest	602	124	140	115	121	102	
9	Gaslamp	581	144	115	122	91	109	
10	San Ysidro	571	125	90	94	125	137	
11	Ocean Beach	544	114	114	114	107	95	
12	Colina del Sol	526	106	75	129	109	107	
13	Lincoln Park	509	102	117	95	89	106	
14	Otay Mesa West	482	95	64	106	113	104	
15	Midway	410	102	90	91	59	68	
Citywide average		*229	45	41	46	48	50	5 year avg/total is approximate, see note below*
Citywide total VC per year			5529	5104	5616	5931	6047	

Key Points:

- Community with highest Violent Crime total for each year noted in RED.
- Each of the **five communities** with the most violent crimes in 2012 had three to five times the neighborhood average citywide.
- The top 14 communities each had more than double the citywide total for violent crime during this five year span.
- Violent crime was up 8.32 % citywide between 2011 and 2012, one third of those additional crimes occurred in the top 5 communities.
- Aggravated assaults (including bar fights) made up roughly 2/3 of violent crime in 2011 and 2012.
- *Citywide avg. total is an approximation; the number of communities as defined by the city varied slightly over the five year span.

Created by Rob Hall, North City Prevention Coalition

Top Ten San Diego Communities, Most Violent Crimes, 2008-2012



Alcohol Outlet Density and Public Health



Alcohol outlets are places where alcohol is sold, either to drink on the premises (on-sale outlets) or off the property (off-sale outlets). Alcohol outlet density indicates the number of physical locations where alcohol is sold per population or geographic area¹ such as a square mile, census tract, or city block. Alcohol outlet density is often regulated at the local level through zoning and business licensing.² State alcohol control agencies can also stipulate density levels. Numerous studies have shown that alcohol outlet density is significantly related to the level of alcohol harm that neighborhoods experience, particularly violence.

Outlet Density and Alcohol-Related Harm

- Increasing outlet density makes it easier for drinkers to obtain alcohol. High levels of outlet density also can influence how drinkers congregate, making them more aggressive or encouraging others to drink.¹
- When outlet density increases, alcohol consumption increases, and vice versa. A study examining 16 years' worth of data in Canada found that reducing off-premise density was significantly associated with a decrease in alcohol consumption.³
- An increase in alcohol outlet density is associated with increased levels of alcohol consumption among adolescents, increased levels of assault, and other harm such as homicide, child abuse and neglect, self-inflicted injury, and road traffic injuries.⁴
- Living in close proximity to alcohol outlets exposes community members to risks such as violent crimes.⁵ Alcohol outlet density is the single greatest predictor of violent crime in neighborhoods, greater than other social and economic factors.^{6,7} One study found that reducing violent crime by 1% could be achieved by reducing alcohol outlet density by less than 1%.⁶
- Cirrhosis deaths, suicide, and assaults all increase when alcohol outlet density increases.¹
- A 10% increase in off-premise alcohol outlets per square mile has been found to account for a 5.8% increase in gonorrhea rates.⁸
- Suicide rates among boys between 15 and 19 years old have been shown to increase by up to 12% when outlet density increases.⁹
- Areas with more retail alcohol outlets have been found to have higher rates of child abuse. Areas with more bars have been found to have higher rates of child neglect.¹⁰
- In California, eliminating one bar per ZIP code would lead to 290 fewer serious assaults per year.¹¹
- In a study conducted between 2003 to 2008 for each of British Columbia's 89 local health areas, each additional private liquor store per 1,000 residents 15 years or older increased local alcohol-related mortality by 27.5%, e.g., a 20% increase in private store density increased local alcohol-related mortality by 3.25%.¹²

Outlet Density, Communities of Color, and Economic Development

- Higher alcohol outlet densities, and related higher rates of alcohol-related problems, are disproportionately concentrated in low-income racial or ethnic minority communities.¹³

continued on page 2

- Alcohol availability is significantly higher around residences of minority and low-income families. Within 0.1 mile, the average number of alcohol outlets surrounding White residences = 0.21; Black residences = 0.24; Asian/Pacific Islander residences = 0.33; Hispanic residences = 0.39.¹⁴
- Because neighborhoods with high crime rates are unattractive to other types of businesses, a downward spiral occurs where more alcohol retailers move in and the outlet density and related problems continue to increase.¹⁵

Outlet Density and Underage Drinking

- Adolescent binge drinking and driving after drinking have been significantly associated with the presence of alcohol retailers within half a mile of one's home.¹⁴
- Youth who live in neighborhoods with higher alcohol outlet densities have greater access to alcohol from direct purchase; underage acquaintances; "shoulder tapping" an adult stranger and asking him or her to buy alcohol on the minor's behalf; and from home and family members.¹⁶
- Alcohol retailers are more likely to sell alcohol to minors if other alcohol outlets are nearby.¹⁶
- Youth living in census tracts with the greatest off-site outlet density have an approximately 80% increased risk for attempting and successfully buying alcohol. They are also at a 220% increased risk of reporting frequent drinking.¹⁷
- Hispanic youth who live farther from alcohol retailers are less likely to drink. Decreasing the distance to retailers is significantly associated with an increase in alcohol consumption, even when controlling for social and environmental factors.¹⁸

Bottom Line: The following bodies have recommended alcohol outlet density control as an effective tool for minimizing alcohol-related harm: World Health Organization, European Union, United States Surgeon General's Workshop on Drunk Driving, and Centers for Disease Control and Prevention's Task Force on Community Preventive Services.^{5, 19, 20, 21} The scientific evidence is overwhelming: reducing the number of alcohol outlets is an effective tool to reduce alcohol-related harm.

References

1. Campbell CA, Hahn RA, Elder R, et al. The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms. *American Journal of Preventive Medicine*. 2009;37:6:556-569.
2. Preventing Excessive Alcohol Use: Regulation of Alcohol Outlet Density. Atlanta, GA: Centers for Disease Control and Prevention, Community Guide Branch; 2007. Available at: <http://www.thecommunityguide.org/alcohol/outletdensity.html>. Accessed January 26, 2010.
3. Xie XE, Mann RE, Smart RG. The direct and indirect relationships between alcohol prevention measures and alcohol liver cirrhosis mortality. *Journal of Studies on Alcohol and Drugs* 2000;61(4):499-506.
4. World Health Organization. Global strategy to reduce the harmful use of alcohol. Geneva: WHO, 2010. Available at: http://www.who.int/entity/substance_abuse/mabalcstrategy.pdf. Accessed June 21, 2011.
5. Zhu L, Gorman DM, Horrel S. Alcohol density and violence: a geospatial analysis. *Alcohol Alcohol* 2004;39(4):369-375.
6. Speer PW, Gorman DM, Labouvie EW, et al. Violent crime and alcohol availability: Relationships in an urban community. *Journal of Public Health Policy* 1998;19(3):303-318.
7. Roncek DW & Maier PA. Bars, blocks and crimes revisited: Linking the theory of routine activities to the empiricism of "hot spots." *Criminology* 1991;29: 725-753.
8. Scribner R, Cohen D, Farley T. A geographic relation between alcohol availability and gonorrhea rates. *Sexually Transmitted Diseases*. 1998;25(10), 544-548.
9. Merkwitz S, Chatterji P, Kaestner R. Estimating the impact of alcohol policies on youth suicides. *Journal of Mental Health Policy and Economics*. 2003;6(1):37-46

continued on page 3

10. Freisthler B, Midanik L, Gruenewald P. Alcohol outlets and child physical abuse and neglect: applying routine activities theory to the study of child maltreatment. *Journal of Studies on Alcohol*. 2004;65(5), 586-592.
11. Gruenewald PJ, Remer L. Changes in outlet densities affect violence rates. *Alcoholism: Clinical and Experimental Research*. 2006;30(7):1184-93
12. Stockwell T, Zhao J, Macdonald S, et al. Impact on alcohol-related mortality of a rapid rise in the density of private liquor outlets in British Columbia: a local area multi-level analysis. *Addiction*. 2011; 106 (4); 768-776.
13. Alaniz ML. Alcohol availability and targeted advertising in racial/ethnic minority communities. *Alcohol Health & Research World*. 1998;22(4): 286-289.
14. Truong K and Sturm R. Alcohol environments and disparities in exposure associated with adolescent drinking in California. *Am J Public Health*. 2009;99(2), 264-270.
15. Skogan, W. Disorder and decline: *Crime and the spiral of decay in American Neighborhoods*. Berkeley, CA: University of California Press, 1990.
16. Chen MJ, Gruenewald PJ, Remer LG. Does Alcohol Outlet Density Affect Youth Access to Alcohol? *Journal of Adolescent Health*. 2009;44:582-589.
17. Reboussin BA, Song EY, Wolfson M. The Impact of Alcohol Outlet Density on the Geographic Clustering of Underage Drinking Behaviors within Census Tracts. *Alcoholism: Clinical and Experimental Research*. 2011; 35 (8): 1-9.
18. West JH, Blumberg EJ, Kelley NJ, et al. Does Proximity to Retailers Influence Alcohol and Tobacco Use Among Latino Adolescents? *Journal of Immigrant Minority Health*. Published online 20 Nov. 2009. Accessed January 5, 2010.
19. The Task Force on Community Preventive Services. Recommendations for Reducing Excessive Alcohol Consumption and Alcohol-Related Harms by Limiting Alcohol Outlet Density. *American Journal of Preventive Medicine*. 2009; 37(6).
20. Babor TF, Caetano R, Casswell S, et al. Alcohol: no ordinary commodity – research and public policy. Oxford: Oxford University Press, 2010.
21. World Health Organization. European Alcohol Action Plan, 2000-2005. Copenhagen: WHO, 2000.



Pacific Institute
FOR RESEARCH AND EVALUATION

PIRE

Translating Science into Practice

How Alcohol Outlets Affect Neighborhood Violence

Kathryn Stewart



Prevention Research Center
PACIFIC INSTITUTE FOR RESEARCH AND EVALUATION

www.resources.prev.org

Pacific Institute for Research and Evaluation is one of the nation's preeminent independent, nonprofit organizations merging scientific knowledge and proven practice to create solutions that improve the health, safety and well-being of individuals, communities, nations, and the world.

Introduction

Neighborhoods where bars, restaurants and liquor and other stores that sell alcohol are close together suffer more frequent incidences of violence and other alcohol-related problems, according to recent research by the Prevention Research Center and others. The strong connection between alcohol and violence has been clear for a long time – but now we know that this connection also relates to the location of places that sell alcohol.

Government agencies with authority over land-use and/or liquor licenses can help fight crime and blight and improve quality of life by controlling licenses to sell alcohol and the location of licensees. Governments can make rules that set minimum distances between alcohol outlets; they can limit new licenses for areas that already have outlets too close together; they can stop issuing licenses when a particular location goes out of business; and they can permanently close outlets that repeatedly violate liquor laws.

This paper presents some of the questions and answers about alcohol sales outlets and alcohol problems – especially the relationship between outlet location and violence.

What is the relationship between outlet density and violence?

A number of studies have found that in and near neighborhoods where there is a high density of places that sell alcohol, there is a higher rate of violence. That is, when bars, liquor stores, and other businesses that sell alcohol are close together, more assaults and other violent crimes occur.

Some of the important findings about outlet density and violence are described below.

- In a study of Camden, New Jersey, neighborhoods with alcohol outlet density had more violent crime (including homicide, rape, assault, and robbery). This association was strong even when other neighborhood characteristics such as poverty and age of residents were taken into account.¹
- In a study of 74 cities in Los Angeles County, California, a higher density of alcohol outlets was associated with more violence, even when levels of unemployment, age, ethnic and racial characteristics and other community characteristics were taken into account.²
- In a six-year study of changes in numbers of alcohol outlets in 551 urban and rural zip code areas in California, an increase in the number of bars and off-premise places (e.g., liquor, convenience

and grocery stores) was related to an increase in the rate of violence. These effects were largest in poor, minority areas of the state, those areas already saturated with the greatest numbers of outlets.³

- Violence committed by youth was more common in minority neighborhoods where there are many outlets that sell alcohol for consumption off the premises (such as liquor and convenience stores).⁴ This finding makes sense because underage drinkers are more likely to purchase alcohol in a store than in a bar or restaurant.
- In neighborhoods where there are many outlets that sell high-alcohol beer and spirits, more violent assaults occur.⁵
- Large taverns and nightclubs and similar establishments that are primarily devoted to drinking have higher rates of assaults among customers.⁶

A larger number of alcohol outlets and a higher rate of violence might be expected in poorer neighborhoods or in neighborhoods with a larger population young people. But as the research described above shows, even when levels of poverty and the age and the ethnic background of residents are taken into account, a high density of outlets is strongly related to violence regardless of a neighborhood's economic, ethnic or age status.

All of the characteristics of alcohol outlet location can be important. It is easy to see that a town with many bars, restaurants, and stores that sell alcohol could be different from one that has fewer outlets. It is also easy to see that a neighborhood that has a bar on each corner and a liquor store on each block has a completely different environment than one that has few outlets or none at all. Other characteristics of the environment make a difference, too. For example, a strip of bars near a college campus presents a different environment from a similar density of bars in an upscale city center and also different from a similar density in a poor neighborhood. But in each case, some form of increased violence would be expected as compared to comparable areas with fewer alcohol outlets. A study of changes in outlet density over time as related to violence in California found that regardless of other neighborhood characteristics, an increase in outlets increased violence. In neighborhoods with a high minority population and low incomes, the effect was more than four times greater than for the statewide sample of communities.

What accounts for the relationship between outlet density and violence?

The research that has been done so far cannot pinpoint exactly why having more outlets in a small area seems to result in more violence. Various explanations have been proposed. One is that alcohol outlets can be a source of social disorder. A liquor store parking lot full of people drinking in their cars or on the curb and broken bottles littering the area outside a bar may send a message that this is a neighborhood in which normal rules about orderly behavior are not enforced. Another possible explanation is that a neighborhood with a large number of outlets acts as a magnet for people who are more inclined to be violent or more vulnerable to being assaulted. It is also possible that a high number of outlets results in a large number of people under the influence of alcohol – which makes them both more likely to be violent and less able to defend themselves.⁷ It is most probable that all of these factors come into play.

What is the relationship of outlet density to other alcohol problems?

The density of alcohol outlets has also been found to be related to other alcohol problems such as drinking and driving, higher rates of motor vehicle-related pedestrian injuries, and child abuse and neglect.⁸⁹

How do governments regulate outlet density?

States and communities can regulate the number of bars, restaurants, and stores that sell alcohol in a given area. Sometimes the number and location of alcohol outlets is not limited at all. In some jurisdictions, the number of alcohol outlets is limited based on the population of the area – only so many outlets per thousand residents, for example. In other cases, the location of outlets is regulated – for example, some states or communities set minimum distances from schools or churches. Research increasingly finds, however, that geographic density is the key aspect of outlet location – that is, the distance between outlets. Where over-concentrations of outlets occur, greater problems arise.

Governments can use their regulatory powers to reduce violence by:

- Making rules that set minimum distances between alcohol outlets;
- Limiting new licenses for areas that already have outlets too close together;
- Not issuing a new license when a particular location goes out of business;
- Permanently closing outlets that repeatedly violate liquor laws (such as by selling alcohol to minors or to intoxicated persons or allowing illicit drug sales or prostitution on the premises).

What implications do these findings have for state and local licensing policies?

The research strongly suggests that limits on outlet density may be an effective means of reducing alcohol problems, especially violence. States and communities can use controls on the number and location of alcohol outlets as a tool for reducing violence, creating a safer and healthier alcohol environment, and improving the quality of life of a community.

What other alcohol policies are important?

Alcohol is a legal and widely consumed commodity; but it is also a commodity that can create a variety of serious health and social problems. Alcohol policies are an important tool for preventing these problems. Every day, states and communities make decisions about the sale of alcohol: who can sell it, when and where it can be sold, who it can be sold to. State and local laws and policies control many aspects of the system by which alcohol is manufactured, marketed, sold, purchased, and consumed.

Regulations serve a variety of purposes, for example, they help ensure that tax revenues are collected. But the regulation of the business of selling alcohol goes beyond economic concerns. Each element of the regulatory system provides opportunities for creating a healthier social environment with respect to alcohol. For example, regulations can prevent unsafe sales practices – such as prohibiting all-you-can-drink specials that encourage intoxication. Regulations can control advertising and promotion that appeals to minors and establish the minimum age and training qualifications for people who sell and serve alcohol. Each type of regulation has the potential to ensure that alcohol is consumed in a safe and healthy manner.

What aspects of alcohol availability can be regulated?

The regulation of alcohol sales can have an impact on the availability of alcohol – that is, how easy and convenient it is to buy. Some states and communities try to make alcohol less available by selling it only in limited places – for example, state liquor stores. Other communities sell it more freely – making it available in grocery stores, convenience stores, gas stations, laundromats, drive-through windows, and so forth. States and communities can also limit the hours and days of sale, and other aspects of the conditions of sale. The regulation of availability is important because research generally shows that when alcohol is more easily available, people drink more and more alcohol problems occur.

References

- ¹ Gorman, D., Speer, P., Gruenewald, P., and Labouvie, E. (2001) *Journal of Studies on Alcohol*, 62: 628-636.
- ² Scribner, R. et al. (1995) The risk of assaultive violence and alcohol availability in LA County, *American Journal of Public Health*, 85:335-340.
- ³ Gruenewald, P.J. and Remer, L. Changes in outlet densities affect violence rates. In review, *Alcoholism: Clinical and Experimental Research*, 2004.
- ⁴ Alaniz, M., Cartmill, R., and Parker, R. (1998) Immigrants and violence, *Hispanic Journal of Behavioral Sciences*, 20, 155-174.
- ⁵ Stevenson, R., Lind., B. and Weatherburn, D. (1999). The relationship between alcohol sales and assault in New South Wales, Australia, *Addiction*, 94(3):397-410.
- ⁶ Stockwell, T. et al. (1992) Levels of drunkenness of customers leaving licensed premises in Perth, Western Australia: a comparison of high and low "risk" premises. *British Journal of Addiction*, 87: 873-881.
- ⁷ Gorman, et al. (2001).
- ⁸ Freisthler, B., Midanik, L.T. and Gruenewald, P.J. Alcohol outlets and child physical abuse and neglect: Applying routine activities theory to the study of child maltreatment. *Journal of Studies on Alcohol*, 65, 586-592, 2004.
- ⁹ Stockwell, T. and Gruenewald, P. (2001) Controls on Physical Availability of Alcohol, in Heather, N., Peters, T., and Stockwell, T. (eds.), *International Handbook of Alcohol Dependence and Problems*, John Wiley and Sons, Ltd.

How California Restaurants Morph into Bars and What Can Be Done About It

April 4, 2013

**Alcohol Policy 16 Conference
Arlington, VA**

Friedner D. Wittman, Ph.D., CLEW Associates
Chris Albrecht, California Dept of Alcoholic Beverage Control
Doug Davidson, City of San Luis Obispo
Gregg Hanour, Business Consultant

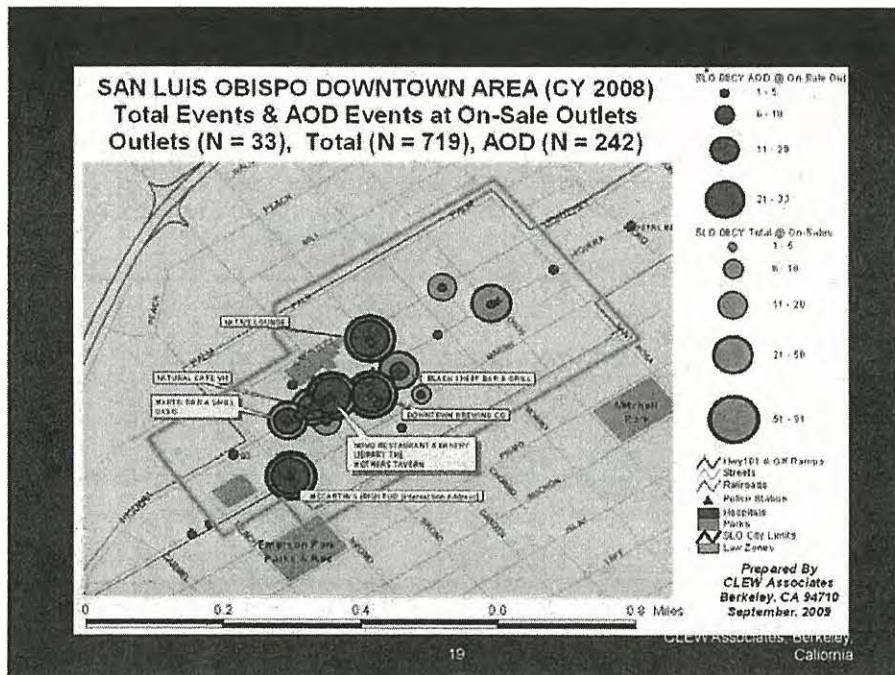
1

Saturday Night in San Francisco (late 1940s)

"Saturday night starts early...By 5 pm the rush is on, and you begin to see the people emerge – the people for whom the Saturday night binge is a sacred ritual as the Saturday night bath once was...Yes, they come from all over and they seem to get everywhere, battling the traffic and the crowds with alarming good nature...going through the time-honored paces of the pub crawl from door to door along Columbus Avenue. And always, over the whole gorgeous scene, an air of frenzied futility as the clock inches toward 2 a.m. – for as any good Saturday nighter knows, five saloons is par for the course and few break it."

(Herb Caen, *Bagdad by the Bay*, Doubleday and Company, Garden City, NY. 1949.)

2



Downtown Outlets with 10+ AOD Events
Ordered by AOD Events and Total Events, Address
On-Sales Outlets in San Luis Obispo, CY 2008

ABC Type	Establishment Address	Total Events	AOD Events	Arrests Total
48	728 Higuera	72	33	32
75	1119 Garden	83	31	39
47	1023 Chorro	78	30	26
47	725 Higuera	91	24	27
47	600 Marsh	52	23	22
48	723 Higuera	59	17	14
48	1032 Chorro	40	17	18
47	673 Higer	46	12	16



July 15, 2013

Mr. Jeff Graham, President
 Civic San Diego
 401 B Street, Suite 400
 San Diego, CA 92101

Re: East Village Association, Inc. Review of Civic San Diego Planned District Ordinance (PDO) amendments

Dear Jeff:

The East Village Association, Inc. (EVA) Board of Directors with the help of the EVA Government Relations and EVA Pre-Design Committees reviewed the Civic San Diego proposed PDO amendments and have set forth comments for Civic San Diego's consideration. As you know, this represents a process of continued communication. The EVA appreciates feedback to EVA's suggestions presented. The numbering below follows the May 8, 2013 Civic San Diego Real Estate committee memo.

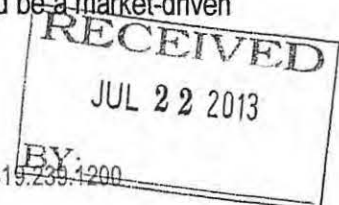
1. **Cleanup of definitions:** Entertainment includes live performances by musicians or disc jockeys and/or provision for patron dancing. EVA approves the cleanup language.
2. **Administration and Permits:** Elimination of superior design as fourth criteria. EVA approves this revision.
3. **Land use Districts: a. Neighborhood Mixed-Use center:** Allows non-retail commercial use for up to 10 years. EVA approves this revision.
b. Limited Vehicle Access Overlay. EVA requests clarification on this.
4. **Base District Use Regulations: a. Sidewalk Café.** *Permitted pursuant to Section 141.0621 shall be permitted to provide a minimum four-foot solid pavement walkway clearance when the curb to property line distance is 12 feet.* EVA recommends revising to make this a process one. Civic San Diego should further investigate eliminating fences or making movable fences.
b. Outdoor Activities *Provide accessory live entertainment no more than six times each calendar year with a Temporary Use Permit without being required to obtain a CUP.* There are several of these changes that would permit active uses of venues. The issue of noise to residential properties especially during weekdays in proximity needs to be seriously considered and monitored.
5. **Development Regulations: a. Balconies** – *Civic San Diego is recommending elimination of requirement for 50% of units to have balconies.* EVA comments are to include a percentage of public open space in lieu of balconies.

There is a civic value to a publicly visible private space; a percentage of that space needs to be incorporated into open public space in the development. Remaining 50% should be balconies.

There is a civic infrastructure value to have balconies. EVA is looking for ways to increase publicly visible private space. Another option is for Civic San Diego to leave the 50% percentage requirement in the revisions and come back with language that provides equivalent options for publicly visible private space.

b. Reduce private storage. *Civic San Diego staff is recommending a minimum of 120 square feet of personal storage for each dwelling unit.* EVA approves this recommendation. This should be a market-driven requirement.

continued page 2



c. Pet Open space: Civic San Diego recommendation is each development shall provide a minimum area of 100 square feet for every 20 dwelling units improved for use by pets clearly marked for such exclusive use. East Village approves this revision and proposes an increase due to exploding animal population. EVA proposes doubling the requirement.

Civic San Diego should explore the possibility of biodegradable products to abate pet odor e.g. special astro turf. Civic San Diego should continue to explore options for dog parks in an urban environment. Initiate a fee for dog license to help pay for public realm clean up. Please take on the subject of dog accommodation in an urban environment.

d. Roof Top Mechanical Screening: EVA recommends eliminating this requirement.

6. **Separately Regulated Uses: a. Live Entertainment:** Currently Civic San Diego covers this through the conditional use permit (CUP) process. Staff recommends by right in bona fide eating establishments to 11pm every night. EVA recommends that this be restricted to an entertainment district. There should be no amplified music outdoors, on outdoor patios, or rooftops without a CUP. EVA further proposes that any amped music is restricted to indoor only. Non-amped music outdoors would be fine. The current noise level allowed by the CUP is too loud under any circumstances in a neighborhood with a residential element.

b. On site alcohol sale: Civic San Diego recommends simplified standards. EVA approves this revision.

c. Offsite Alcohol sale: Ask Civic San Diego for clarification. Does this eliminate the San Diego Police Department process? EVA is in support of this if it encourages and supports microbreweries.

7. **Parking, Loading, Traffic and Transportation Demand Management Standards:** Civic San Diego is recommending developments within the CCPD shall utilize the Low Parking demand (L) category for the purposes of calculating the reduced parking demand housing parking ratios identified in Table 142.05D in SDMC Section 142.0527.

EVA is not in favor of this change. Define affordable housing. Very low income? Moderate income? Okay for mid to lower income if warranted by studies.

EVA recommends reducing parking only for very low income if warranted by studies.

If you or your staff has any questions, please contact Lisa Lem, Executive Director at board@EastVillageSanDiego.com or call 619.992.7525. Or you may call me directly at 619.787.9496.

Thank you for your consideration.

Sincerely,



David Hazan, President, East Village Association, Inc.

cc: Brad Richter, Vice-President