

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF
JUNE 8, 1995
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Bernet at 9:15 a.m. The meeting was recessed at 12:15 p.m. and reconvened at 1:32 p.m. Chairperson Bernet adjourned the meeting at 3:38 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Scott Bernet-present
Commissioner Karen McElliott-not present
Commissioner William Anderson-present
Commissioner Christopher Neils-present
Commissioner Verna Quinn-present
Commissioner Andrea Skorepa-present
Commissioner Frisco White-not present
Ernest Freeman, Planning Director-present
Hal Valderhaug, Chief Deputy City Attorney-present
Tina Christiansen, Department Director-not present
Ed Oliva, Assistant Director, Development Services
Department-present
Jeff Washington, Deputy Director, Long Range and Facilities
Planning-present
Mohammad Sammak, Development Coordinator, Engineering and
Development-present
Linda Lugano, Recorder-present

ITEM-1: ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD.

No one present to speak.

ITEM-2: REQUESTS FOR CONTINUANCE.

None.

ITEM-2A: DIRECTOR'S REPORT - Ernie Freeman, Planning Director informed the Commissioners that staff has been given the approval to pursue review of two entertainment facilities on San Diego's borders: one in Poway for an amphitheater proposal; and in South Bay another facility for the City of Chula Vista. A report is being prepared for the LU&H Committee to brief them relative to the impact on residents surrounding these facilities.

ITEM-3: ALCOHOLIC BEVERAGE OUTLETS ORDINANCE.

Ella Paris and Tracy Reed presented Report to the Planning Commission No. P-95-090. Dr. Cleo Malone briefed the Commission on the establishment of the Alcohol Task Force's meetings and results to date.

Testimony in favor by:

Karen Zaustinsky, California Council on Alcohol Policy and Local Prevention Provider. Advised that in conjunction with Alcohol and Drug Services, County Health Services and the Sheriff's Department a study was conducted to look at domestic violence. Results found that most cases are strongly associated with alcohol, and alcohol-use increased the level of violence. The severity of injury and domestic violence cases occurred in the areas of the highest density of alcohol outlets.

Karen Keay, representing herself. Expressed her support for this ordinance. She has been working for the Prevention Research Center in Oceanside and their researchers have been involved in researching issues of alcohol related problems and reducing trauma. Ms. Keay shared the results of a teen study recently conducted in Oceanside. The study showed that teens can buy alcohol very easily in any convenience store. Please approve this ordinance.

Judy Strang, Ninth District PTA. Wanted to advise the Commission that the PTA is very involved in this CUP process and strongly supports this ordinance.

Ray DiCiccio, representing the San Diego County Youth Access to Alcohol Policy Panel. Gave statistics regarding youth and alcohol-associated problems in schools, and homes. Recommended that the power of local communities control the number, location, density and sales practices of alcoholic beverage outlets and should be preserved and strengthened.

Guy Preuss, Paradise Hills Community Association and Skyline Planning Committee. They would like to see this ordinance moved forward to the City Council. Feels that if the industry had been doing the right thing we wouldn't be in this hearing now. We've had problems with alcohol for the past 30-50 years and the industry has done nothing to alleviate the problems, and the community now is trying to get a handle on this.

Jay Durning, San Diego County Council on Alcohol Policy. Most of the testimony given this morning is from people not affected by this ordinance, which makes him wonder what information is being provided to these people by their organizations. This ordinance is a public safety ordinance and appropriate land use ordinance and should be enforced.

Reynaldo Pisano, representing SESD Development Committee. Distributed a letter expressing their concerns regarding this ordinance. The Committee recommends support with a condition that the Planning Commission is the hearing body for CUP's for alcohol beverage outlet sales with the decision appealable to the City Council.

David Swarens, representing himself. Reviewed the document, as a member of the Southeast Planning Group. His community has a long history of alcohol problems and he supports staff's recommendation to recommend to the City Council that this ordinance is approved.

Clydie Patton, representing Linda Vista Planning Committee. The residents of Linda Vista Committee seriously and strongly endorse the approval of the alcohol beverage outlet ordinance for several reasons: there is a saturation of alcohol sale facilities in their community. There are six facilities within a two block radius. There is a high concentration of gang members and serious crime, and this ordinance will help alleviate the concentration of individuals loitering.

Michael Sprague, City Heights Area Planning Committee. If everyone takes the time to read through this ordinance before it goes before Council, they may find elements of this ordinance that may increase their business. They will have certain advantages. The community presently covered by the demonstration area is very pleased by this ordinance, it has helped greatly in many areas in the community.

Testimony in opposition by:

Stephen Zolezzi, San Diego Tavern and Restaurant Association. They are of the opinion that this should be continued as there are some points that have not been addressed completely. As far as representation on the panel is concerned, one out of 17 people is not representative of the Association. They would specifically address exemption, existing outlets, standards and requirements for this CUP as areas that should be looked into.

Robert Haisha, representing the Chaldean American Grocers Association. The process is complicated for the Association as the mechanism's placed in this ordinance are such that the triggering devices will affect existing stores. Discussed major areas of concern regarding this ordinance such as existing licensees and read from the code regarding this issue. Discussed an amendment prepared by the association. Expansion of the premises was discussed and the penalty suffered by this ordinance.

Ann Hall, representing Lucky Stores. Lucky Stores takes exception to the fact that they were told they didn't need to be in attendance as it doesn't apply to them, but it obviously applies to larger markets. They are often asked to be part of a redevelopment area which is normally a high crime area and they have to go through a lot of rules and regulations and she feels this is just one additional regulation to place on them.

Dirk Stump, representing Stump's Market. His family operates supermarkets since 1977 in San Diego, and employ 170 employees. Explained how this ordinance will affect his business as some of his stores are large enough to be included. He feels ABC restricts all the rules and regulations and they don't need more.

Linda O'Brien, representing 7-Eleven franchisees. She operates a 7-Eleven convenience store. She feels this ordinance is confusing and a nightmare to enforce and extremely discriminating against all the small convenience stores. They work diligently with the police and ABC and feel if this curtails their hours of operation they will lose a lot of business.

Steve Attisha, San Diego Southeast Merchant Association. Advised of all his memberships throughout the City, and expressed his concern about not being notified of this ordinance until the night before the meeting. His Associations are always working on ways to prevent crime and doesn't feel he needs additional rules for society's problems.

David Hallak, Moonlite Market. His family operates two stores in San Diego and he feels this issue is unfair, unjust and unconstitutional. He explained a new ABC law that already contains all the issues in the ordinance and doesn't see the need for both.

Steven Slater, Southern Wine & Spirits. This proposal for the ordinance is excessively redundant to the ABC laws that are currently in effect. ABC is exactly that - they control the use and sale of alcoholic beverages and every licensee is required to comply with that, including wholesalers. They resent some of the inferences that have been made to drugs and alcohol. Alcohol is legal and is taxed, and he is strongly

opposed to this ordinance. Feels there should be further discussion before anything is brought before City Council.

Richard R. Schwarz, President of the 7-Eleven Franchise Owners Association. Owns and operates a 7-Eleven. He is not unsympathetic to these causes but basically he just received the information on this hearing this week. They feel that this particular ordinance will unfairly impact small business people and please reconsider your approval to the Council.

Sam Attisha, representing himself. Owns several businesses in San Diego. Everyone has not been informed about this ordinance. Doesn't feel the need for this ordinance as it is just going to be more regulations.

Joseph Sefchovich, operator for ARCO AM/PM. Believes he is a responsible part of the community and he understands the concerns of citizens that outlets for alcohol create a problem. Not every single outlet is responsible for all the problems that are going on in the community, therefore he should not have to be punished.

Samir Somo, liquor store owner. He is completely against this issue. Other issues are much more important that this that should be resolved, such as drugs, divorce and other things in this society. They should be resolved first before these regulations are put into play.

Naoen Pattah, liquor store owner. He was a member of the task force and presented his business and experience. He feels this ordinance is confusing and should take the time to explain what will really happen if it is put into play. The larger grocery stores have an easy time to get a license and the grocery stores can charge lower prices; he has been trying to get a license in Oceanside for two years now.

Paulette Dewire, American Drug Stores/Sav-On. They are opposed for all the reason stated; they have nothing else to add. They currently operate stores over 15,000 square feet, but do have some stores that are 10-12,000 square feet. They are constantly evaluating their

place in the market and do look at building new stores under 15,000 square feet. So they would be affected with restrictions, an example being the hours of sale of alcohol.

Amer Karmo, President, Chaldean American Grocers Associations. They own 907 stores in San Diego County and he is very surprised to hear of this task force only two days ago, and about this hearing yesterday. They feel they should have been advised of this and represented on the task force to advise them of things they don't know. He feels only the small stores are being targeted and they are already licensed by ABC and they don't need more regulations.

Sam Salem, Mullen's and Ace Liquor. He is in opposition to this ordinance as it will be putting restrictions on future expansions of any of their stores.

Marci Chavez, Coast Distributing Co. Feels this ordinance is unfair and will only hurt small businesses in San Diego. Requested the Commission not recommend approval to the Council.

Beth Beeman, California Grocers Assoc. While they understand the importance of working with the communities they serve, they have not been allowed to be a viable part of the development of this ordinance. Totally unfair and feels this should be continued so they can be part of the process.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY QUINN TO CONTINUE TO JUNE 29, 1995 AT 1:30 P.M. FOR ADDITIONAL INFORMATION. Second by Skorepa. Passed by a 4-0 vote with Chairperson Bernet abstaining, and Commissioners McElliott and White not present.

ITEM-4: CONTINUATION OF DISCUSSION ON THE DRAFT MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) PLAN.

COMMISSION ACTION:

THIS ITEM WAS CONTINUED TO JUNE 22, 1995 AT 1:30 P.M.
DUE TO THE LACK OF TIME AT THIS HEARING.

ITEM-5: **UNOCAL W. BERNARDO DRIVE - CONDITIONAL USE PERMIT NO. 94-0432, AMENDMENT TO CONDITIONAL USE PERMIT NO. 10-3211-3.**

Gloria Pierson presented Report to the Planning Commission No. P-95-070.

Testimony in favor by:

Stephen Jamieson, representing Unocal. Their concern on the time limit comes from the business/financial aspect of it. What they would like to do on this project is a renovation of an existing business with over a half-million dollars and if this is not approved, they may not be able to get financing. Requested they consider this and approve the 20 year time limit.

Public testimony was closed.

COMMISSION ACTION:

MOTION BY QUINN TO CERTIFY THE NEGATIVE DECLARATION AND APPROVE CUP AMENDMENT NO. 94-0432 WITH CONDITIONS, WITH THE MODIFICATION TO CHANGE THE TIME LIMIT OF THIS CUP FROM 20 YEARS TO 10 YEARS; ALSO INCLUDE STAFF'S REVISIONS TO CONDITIONS 5 AND 40. Second by Skorepa. Failed by the following vote: Yeas-Skorepa, Neils, Quinn; Nays-Anderson, Bernet. Commissioners McElliott and White not present.

MOTION BY NEILS TO CERTIFY THE NEGATIVE DECLARATION AND APPROVE CUP AMENDMENT NO. 94-0432 WITH CONDITIONS, WITH THE MODIFICATION TO APPROVE STAFF'S RECOMMENDATION AND KEEP THE TIME LIMIT AT 20 YEARS, AND INCLUDE STAFF'S REVISIONS TO CONDITIONS 5 AND 40. Second by Anderson. Failed by the following vote: Yeas-Neils, Anderson, Bernet; Nays-Skorepa, Quinn. Commissioners McElliott and White not present.

TRAILED TO THE NEXT REGULAR MEETING DUE TO A LACK OF FOUR AFFIRMATIVE VOTES.

ITEM-6: REMINGTON HILLS, TENTATIVE MAP, PLANNED RESIDENTIAL DEVELOPMENT PERMIT, RESOURCE PROTECTION ORDINANCE, HILLSIDE REVIEW ORDINANCE PERMIT, AND REZONE DEP NO. 93-0140.

Terri Bumgardner and Ron Buckley gave the status of this project to date and reviewed issues raised at the last meeting.

Testimony in favor by:

Alan Haynie, representing Environmental Development Corp. Advised the Commission that his client is not in agreement with staff's alternative suggestions and that they not rehash old issues; they do not want to eliminate 35 lots from the project; and gave explanation as to the disagreements discussed as to why staff and the applicant do not agree on the other issues.

Public Testimony was closed.

COMMISSION ACTION:

MOTION BY QUINN TO APPROVE STAFF'S RECOMMENDATIONS AND DENY THE TM, PLANNED RESIDENTIAL DEVELOPMENT, RESOURCE PROTECTION ORDINANCE AND HILLSIDE REVIEW PERMIT AND ASSOCIATED REZONING AS FINDINGS NECESSARY FOR APPROVAL CANNOT BE MADE. Second by Anderson. Passed by a 4-1 vote with Commissioner Skorepa voting nay and Commissioners McElliott and White not present.

The Planning Commission was adjourned at 3:38 p.m. by Chairperson Bernet.