

**County of San Diego  
Valle De Oro Community Planning Group  
P.O. Box 936  
La Mesa, CA 91944-0936**

**REGULAR MEETING MINUTES: December 17, 2013**

**LOCATION:** Otay Water District Headquarters  
Training Room, Lower Terrace  
2554 Sweetwater Springs Blvd.  
Spring Valley, California 91978-2004

**1. CALL TO ORDER:** 7:04 PM Jack L. Phillips, Presiding Chair

Members present: Brownlee, Feathers, Fitchett, Henderson, Hyatt, Myers, Perry, Phillips, Reith, Schuppert, Tierney, Wollitz

Absent: Chapman, Manning, Mitrovich

**2. FINALIZE AGENDA:** As shown

**3. OPEN FORUM:** None

**4. APPROVAL OF MINUTES:** November 19, 2013 **VOTE: 11-0-1 to approve.**  
Abstained: Wollitz

**5. LAND USE**

a. ABC-13-009: Type 42 license for on-sale beer and wine to be sold at a new sports bar and hookah located at 10026, 10028, & 10030 Campo Road (north side) in Casa de Oro.

Dr. Sami Jihad presented the project for the owner, Mr. Andrew Somo, who opened the Smoke Shop about a year and a half ago. He checked with SD County DPLU and the ABC to see if a Sports Bar was allowed. The County approved the Conditional Use Permit (CUP) and the papers were submitted. He stated that SD County DPLU had no objection to his proposed sports bar. Hookah smoke does not have nicotine and it is filtered through a water pipe. He paid \$12,000 for an air filtering system. The landlord would not fix up the building. Mr. Somo upgraded the building himself, remodeling the former florist shop into the proposed sport bar, a state of the art facility.

Mr. Somo said that customers would be limited to two beers per customer and wine. No hard liquor would be available. They will have valet parking. The Smoke Shop sells cigars and cigarettes and they don't sell to minors. They already put up a camera system outside which provided surveillance to the local Sheriff Department when a pedestrian was recently killed by a hit and run driver nearby.

Joanne Solstrom of 4264 Nabal Drive is a Smoke Shop customer. She is happy to see the improvement in the neighborhood. She is looking forward to the Sports Bar.

T. Hardrick is an addiction specialist. He has clients that live in the area. He believes that the bar will provide an economic boost to area with more jobs and revenue. He would like to see Campo Road get busy again. It would be a benefit.

Don Mott of 2931 Helix Street in Spring Valley stated that he doesn't smoke or drink but has observed the Smoke Shop clientele. He related that the shop owners police the area so there aren't kids hanging out on corner there, like they do on other parts of Campo Road. They have a commitment to the community. They want to run a clean and nice operation.

PHILLIPS responded that the proposed bar is next door to a Montessori school. He stated that state law prohibits the combination of a private smoking lounge and the sale of alcohol. He circulated a handout that defined a hookah and the smoking of flavored tobacco. The package also contained an opinion from the California Attorney General, Kamala Harris, ruling that "a private smokers' lounge located in or attached to a retail or wholesale tobacco shop, which serves alcoholic beverages to patrons, is not exempt from the requirements of Labor Code Section 6404.5 to maintain a smoke-free workplace." Allowing this facility would set a precedent. Either one of these uses alone is fine but not together.

HENDERSON responded that if this is State law, then we have no say.

SCHUPPERT asked if the CUP was obtained.

TIERNEY stated there have been bars with partitioned areas where smoking was allowed such as Savannah Grill and Trophy's in Grossmont Center.

PHILLIPS referred to the handout which states that bars and taverns are smoke-free workplaces.

TIERNEY believes these partitioned areas were filtered.

SCHUPPERT states that there may be designated areas which are partitioned.

HYATT asked where the closest hookah lounge is in the area.

PHILLIPS responded that we approved one in Rancho SD.

SCHUPPERT said he has never been in a smoke shop. He is concerned that they may sell drug paraphernalia and spice.

Mr. Somo responded that they carry hookah tobacco, hookahs, cigars, etc. They can't and won't sell hookahs to anyone to use with marijuana. They do not sell anything illegal. The age group is generally 25 years old and older.

HENDERSON asked if this hookah lounge is any different than the one in Rancho SD. If there are already others that exist that serve alcohol, despite State law, how can we deny this one?

Mr. Somo stated several other area businesses have hookah and liquor.

PHILLIPS said it would be allowed if they separated the smoking and alcohol facilities.

HENDERSON said the precedent, apparently, has already been set by at least four other hookah and alcohol businesses in the area.

PHILLIPS says we don't review liquor license applications that are in a low crime area, like those other locations. Casa De Oro is a high crime area so the County wants the community input.

HYATT noted that this opinion is two years old. Maybe these other facilities were grandfathered in? He questioned how many other establishments sell alcohol in this immediate area. There is a halfway house for substance abusers within a block of this location. He is also concerned that the proposed bar is across the alley from a Montessori School.

PHILLIPS doesn't think putting an alcohol facility on this corner is a problem.

BROWNLEE asked if the Montessori school was notified of this meeting. Also, she inquired if we are voting on the beer and wine license.

PHILLIPS says it is an application for a beer and wine license and a hookah lounge.

Dr. Jihad said the school was notified. Mr. Somo sent letters to everyone within 600 feet of their proposed Sports Bar. The application is for on-sale beer and wine. The hookah lounge is separate and the State issued a license for it.

Mr. Somo knows of a license at Ali Baba approved 3 days ago for hookah and hard liquor. Mr. Somo plans to open his Sports Bar at 10 AM for Sunday football, Padres games, etc. They will pay for taxis for customers that need them. Additionally, there is a hookah lounge called the Blue Flame that has alcohol in the strip mall by the Weinerschnitzel.

PHILLIPS **moves** to approve the license for a sports bar conditioned upon the hookah lounge relationship be in compliance with requirements of California Labor Code 6404.5 to maintain a smoke-free workplace. (Hyatt seconds).

Further discussion ensues.

MYERS is confused as to why we are expected to interpret State law. What do we concern ourselves with when reviewing bar licenses, given the inconsistencies in the area?

FITCHETT refers to page 6 of the handout “a private smokers’ lounge located in or attached to a retail or wholesale tobacco shop, which serves alcoholic beverages to patrons, is not exempt from the requirements of Labor Code Section 6404.5 to maintain a smoke-free workplace.”

Call for the vote. **VOTE: 7-4-1.** Motion **fails**. Henderson, Brownlee, Reith, Tierney opposed. Schuppert abstained.

HENDERSON **moves** to approve the license with the condition that all State laws are followed. (Tierney seconds). **VOTE:10-2-0.** Motion **passes**. Phillips and Fitchett opposed.

**6. UNFINISHED BUSINESS - None**

**7. NEW BUSINESS - None**

**8. CHAIRMAN’S REPORT**

Registrar of Voters has moved to the new County Operations campus at 5600 Overland Ave. Suite 100 San Diego, CA 92123-1266.

Community Planning Group training is scheduled at the Lakeside Community Center on January 4<sup>th</sup> or members can take the training on the web.

Ethics training is a 2 hour computer course. Print the certificate and notify Jarrett Ramaiya when complete.

Form 700 has been distributed to us at our meeting in the past.

At our next meeting there will be an election of officers.

**9. ADJOURNMENT at 8:35 PM**

Submitted by: Jösan Feathers