

Valley Center Community Planning Group

Approved Minutes for a regular meeting held on **December 9, 2019** at 7:00 p.m. in the Valley Center Community Hall, 28246 Lilac Road, Valley Center, California 92082.

Oliver Smith, **Chair**; Jeana Boulos, **Vice-Chair**; James Garritson, **Secretary**

A=Absent; **Ab**=Abstention; **DRB**=Valley Center Design Review Board; **N**=Nay; **P**=Present; **R**=Recused; **VCCPG**=Valley Center Community Planning Group; **VCPRD**=Valley Center Parks & Recreation District; **Y**=Yea

A. Roll Call

- Meeting was called to order at **7:02 p.m.** and a Quorum was established with **13 members present**. Chair Smith called Roll because the secretary arrived at 7:05 p.m.
- Lisa Adams - **P**
- Jeana Boulos - **P**
- ~~William Del Pilar~~ - **A**
- Susan Fajardo - **P**
- James Garritson - **P**
- Dina Gharmalkar - **P**
- Delores ChavezHarmes-**P**
- Steve Hutchison - **P**
- Susan Janisch - **P**
- LaVonne Norwood - **P**
- James Radden - **P**
- Kevin Smith - **P**
- Oliver Smith - **P**
- Renee Wolf - **P**
- ~~Vacant~~

B. Pledge of Allegiance - Hutchison

C. Approval of Minutes from Regular Meeting of November 11, 2019

- **Motion: To delay the approval of the November 11, 2019 Minutes until the January 13, 2020 meeting.**
- **Maker/Second:** K. Smith/Garritson
- **Motion Carries 12-0-1 (Y-N-A). Ms. Fajardo arrived after the vote was taken.**

D. Public Communication/Open Forum Members of the public may address the Planning Group on any topic not on the agenda.

- Chair Smith shared that Jon Vick sent another email to the Planning Group today.
- Ms. ChavezHarmes requested that the Chair end all further discussion about this matter. The Planning Group has spent hours addressing this issue and need to focus on our community.
- Mr. Garritson suggested that the minutes from the October meeting were problematic in how they were presented. We should have only outlined the discussion of the meeting.
- Ms. Fajardo states that this topic has become a personal matter between Mr. Vick and Mr. Del Pilar to resolve between the two of them and not have this continue to be a part of the planning group discussion.
- Ms. Adams states enough time has been spent on this matter, this is not community business and a waste of the group's time.
- Ms. Norwood would like to end discussion because there are pressing community issues.
- Mr. Gharmalkar would like to end this matter because it now has become a conflict between different personalities.
- The Chair will indicate that the email sent from Jon Vick was received.

E. Action Items (VCCPG advisory vote may be taken on the following items.)

1. Presentation and Discussion with County Code Compliance, including updates on the former Tuscany Hills retreat on Circle R Way, grading concerns, and unpermitted wedding/event venues. (O. Smith)

- Brent Panas is the Chief of the County Planning Development Services and introduced a PowerPoint that explained Code Compliance. Three County code compliance officials were introduced. Code Enforcement Officers work as a team to encourage voluntary compliance. Code compliance works to investigate, educate, document, schedule, facilitate, and ask property owners for voluntary compliance.
- Brandy Contreras, a Code Compliance Officer, was the main speaker. Special Events such as commercial wedding events were discussed. Weddings are classified as Participant Sports and Recreation Permits. Mr. Garritson asked for further clarification about private versus commercial wedding events. Families are able to hold weddings on their properties without a permit if they are infrequent and are not-for-profit.
- One County official explained how to file a complaint with the County.
- Ms. Adams asked how a property owner is able to verify if a code compliance officer is really a County official. Ms. ChavezHarmes asked how many events a property owner can have a year. The officer will discuss this information with a property owner on a case by case basis.
- An audience member asked how long a person has to bring a property into compliance. It is always a case by case basis.
- Mr. Hutchison asked about what happens when a compliance official investigates a property and then sees other code violations. Officers generally focus on the complaint, but if another violation is located next to the area, it will also be cited.
- AirBnB are not currently regulated by the County. Code compliance will regulate amenities when events are included as part of a vacation rental property.
- Brandy Contreras toured the property of the former Tuscany Hills retreat on Circle R Way. Brent Panas and another Planner also visited this property. Medical packages were on the property, but they were unused. The County Code Officer stated that medical use is not allowed on the Tuscany Hills property. An administrative warning was issued to the property owner. He was already cited once.
- Diane O'Toole (audience) did not have a problem with the owner using the resort as an inn. She has concerns about trash and would like the owner to conform to the original property zoning. She wants the County to seriously take her concerns. Brent Panas shared that the property owner is classifying his treatment as a CTE (Chronic Traumatic Encephalopathy) facility and this fits under the spa treatment aspect of Tuscany Hills retreat.
- Marlene Pompetti (audience) has concerns that the facility is being used as a sober living facility.
- County Code Enforcement can escalate violation concerns to a court hearing after it has worked with the property owner many times to bring it into compliance. It is necessary that multiple citations occur before the County will bring a case before a judge.

2. Presentation and discussion only- Safeguard our San Diego Countryside Initiative. The SOS initiative if passed will require a vote of all of the citizens in San Diego when a General Plan Amendment is approved by the Board of Supervisors in Semi Rural and Rural Lands areas in the unincorporated area. Details (and the text of the initiative) can be found at <https://saveourscountryside.org>, as more background still on this Facebook page: <https://www.facebook.com/saveourscountryside>. (O. Smith) [APPENDIX]

- Mr. Mark Jackson made a presentation in support of this SOS initiative. This initiative might help developers quickly build more homes in certain regions if it is approved.
- Ms. Boulos asked how this initiative will help future home buyers. There was discussion between some Planning Group members and Mr. Jackson.
- Ms. ChavezHarmes shared her concerns that this ballot measure allows people in different parts of the County to make decisions about Valley Center issues.
- Mr. Jackson believes it is fair for voters in La Jolla, for example, to vote on Valley Center issues, as they pay taxes to the county.
- Mr. Hutchison shared that he agrees with the comments made by Mr. Jackson.
- Carmen CiFuentes (audience) asked about who is funding this measure.
- Betsy Oragana (audience) shared that years ago the Supervisor was attempting to build Lilac Hills Ranch. Voters in the County voted down this project.
- Dorothy Kennedy (audience) has concerns that South County might vote for a garbage dump that goes into rural parts of North County. She would like the initiative to only apply to the community where a voter lives.
- Ms. Norwood shared her thoughts about how the measure to approve Lilac Hills Ranch was voted down.
- Ms. ChavezHarmes does not favor the tenets of either position, for or against.
- Regina McKee (audience) shared that she has reservations about this measure. She asked about upzoning and whether this can change.
- Julia Feliciano (audience) discussed how she helped inform people about the Lilac Hills Ranch ballot measure.

3. Discussion and vote to approve VCCPG Chair initiated appeal of Rite-Aid Valley Center ABC License Type 21 approval by the County of San Diego. Project PDS2019-ABC-19-002, address is 28535 Cole Grade Rd, Valley Center, CA 92082. (O. Smith) [APPENDIX]

- Chair Smith shared background about the appeal application he has filled out.
- Ms. ChavezHarmes asked David Cook, a County official, about the reasons that the ABC Type 21 license was approved after the Planning Group made the recommendation to approve only a Type 20 license. The County looks at three criteria and the ABC License Type 21 met all of them.
- There was discussion among members about how the director makes the decision to approve a Type 21 license. Multiple members asked questions about the County approval process. Mr. Hutchison asked for clarification of the difference between convenience and necessity. Mr. Radden asked a hypothetical question if the Planning Group had delivered a "No Vote," would the director have still approved a Type 21 license. The county official believes that such a vote would have had the same result.
- **Motion: To approve the Appeal Application by the Chair.**
- **Maker/Second:** O. Smith/Hutchison
- **Motion Carries 12-1-0 (Y-N-Ab)**
- Lisa Adams - Y
- Jeana Boulos - Y
- Susan Fajardo - Y
- James Garritson - N
- Dina Gharmalkar - Y
- Delores ChavezHarmes-Y
- Steve Hutchison - Y
- Susan Janisch - Y
- LaVonne Norwood - Y
- James Radden - Y
- Kevin Smith - Y
- Oliver Smith - Y
- Renee Wolf - Y

4. Update on Cole Grade Road Improvement Project. (Gharmalkar) [APPENDIX]

- The Chair shared that SDG&E will begin undergrounding or placing either steel poles or fire

hardened poles along the entire stretch of Cole Grade Road between SR 76 and Valley Center Road.

5. Update on Valley Center Rd Corridor Study. (Gharmalkar)

- Mr. Gharmalkar spoke with Kevin Johnston in advanced planning about this study. This project was delayed because of the Community Plan Update. This project will begin in early February 2021. A possible roundabout was discussed at the Valley Center Road and Miller Road intersection. Mr. Hutchison shared that Caltrans will now consider roundabouts as an option at any proposed intersection. The County will settle most of the mitigation issues before the end of 2020.

6. Discussion and possible vote on Discretionary permit application regarding brushing and clearing project PDS2019-AD-19-027. Proposed Ag clearing permit being applied to correct current code violation. (Chavez Harmes)

- Ms. ChavezHarmes shared background about the unpermitted clearing. Jose Robles of San Jose, paid the fines of \$3,613 that were incurred by the previous property owner for non-permitted ag clearing.
- There was discussion among members about how the property was sold without the buyer knowing about the fines.

- **Motion: To approve Discretionary Permit Application: PDS2019-AD-19027/PDS2019-ER-19-09-007 without conditions.**

Project Name: 26336 No. Lake Wohlford Rd. Valley Center, CA 92082

Property owner, Jesus Robles of San Jose, CA, purchased property in 2017.

Unpermitted clearing had taken place by previous owner prior to Mr. Robles purchase of property in 2017. Notice of code violation for unpermitted clearing had been sent to previous owner on multiple occasions. Previous owner chose to ignore all notices. Eventually, the notices stopped coming.

Upon purchase of property, County reinstated notice of unpermitted clearing to new owner. Mr. Robles chose to pay the past owners fines and apply for the discretionary permit to make the problem go away.

Respectfully Submitted,

Delores Chavez Harmes

Director

- **Maker/Second:** ChavezHarmes/Boulos
- **Motion Carries 13-0-0 (Y-N-Ab)**

7. Update on Valley Center Community Plan update process- Infrastructure Study. (Hutchinson)

- Mr. Hutchinson shared a brief update about the process.

8. Update on County PDS Planning Commission Workshop moved from November 19 to December 13. (O. Smith)

- The Chair shared a brief update about this workshop.

9. Discussion and possible vote on Cell Tower Modification Project- Major Use Permit PDS2019-MUP-08-007W1. Applicant is making no changes or modifications to this existing Wireless Communications Facility and only wish to renew their existing Major Use Permit,

Case No.:P08-007. (K. Smith)

- Mr. K. Smith shared that the cell tower was built over ten years ago and it is still in use. He did visit the property and the cell tower is not visible from multiple locations. The cell tower is disguised to look like a palm tree and stands in the middle of an avocado grove.
- **Motion: To approve the Major Use Permit.**
- **Maker/Second:** K. Smith/Norwood
- **Motion Carries 13-0-0 (Y-N-Ab)**

F. Group Business**1. Candidate review for vacancy of Seat #15, term ending January 1, 2021. (Fajardo)**

- The Chair explained that after the Planning Group selects a candidate to a vacant seat, it is not official until the Board of Supervisors review and confirm the candidate.
- **Action: Move to recommend Julia Feliciano as the VCCPG candidate for Seat #15.**
- **Motion Carries 13-0-0 (Y-N-Ab)**
- Lisa Adams - Y
- Jeana Boulos - Y
- Susan Fajardo - Y
- James Garritson - Y
- Dina Gharmalkar - Y
- Delores ChavezHarmes-Y
- Steve Hutchison - Y
- Susan Janisch - Y
- LaVonne Norwood - Y
- James Radden - Y
- Kevin Smith - Y
- Oliver Smith - Y
- Renee Wolf - Y

2. Revision of the VCCPG standing rules based on member inputs. (O. Smith).

- Mr. Hutchison would like to modify the rules about publishing subcommittee notices 72 hours before a meeting. He would like all Planning Group members notified about a meeting.
- The Chair made this standing rules proposal:
 - The Chair of the Subcommittee shall publish the meeting time and location at least 72 hours in advance to Subcommittee members, interested parties, and Planning Group Members.

3. County annual training, annual Form 700 submission, and biennial Ethics training requirements (O. Smith).

- The Chair explained these requirements. All members need to submit a signed copy of Form 700 to the County.

4. Meeting updates: Next Regular Monthly VCCPG meeting: January 13, 2020**I. Adjournment**

- **The meeting adjourned at 8:21 p.m.**
- **Minutes were approved on January 13, 2020.**

James Garritson, Secretary

YES ON SOS

Safeguard Our San Diego Countryside

**A better choice to provide San Diego County
cost effective housing**
December 9, 2019
Mark Jackson

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General Plan is the County's Regional "blueprint" for Housing and Infrastructure

- The General Plan took 13 years and cost \$ 18 million
- 26 Unincorporated County Communities mapped **30% growth**, where Infrastructure Plans (Roads, Schools, Sewer, Fire & Police) support it
- General Plan Amendments (GPA's) allow SPRAWL DEVELOPERS to make much higher returns

SOS ensures that growth is where Infrastructure exists so that taxpayers won't subsidize Sprawl

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SOS Limits Sprawl County General Plan Amendments (GPA's)



YES on SOS defends the General Plan – Requires Voters to approve Sprawl

- **No Changes** to existing land entitlements
- **Does not apply to**
 - Any Affordable Housing requirements
 - GPA's within existing Villages and Specific Plans – areas where infrastructure is funded
 - GPA's proposing less than current entitlements + 6 units
- **Applies only** to GPA's upzoning Residential Development on Rural and Semi-Rural land

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60,000 homes can be built today without a GPA

Designation	Projected Units (2011 - 2050)		Building Permits Issued (2011 - 2018)	
	Units	Percent	Units	Percent of Projected by Reg. Category
Rural	6,511	10.0%	243	3.8%
Semi-Rural	19,046	28.8%	1,351	7.1%
Village	25,918	39.2%	963	3.7%
Specific Plan Area	14,469	21.9%	1,270	8.8%
	66,044	100.0%	3,827	6.0%

- Even with a green light, Affordable Homes are not being built. Why is that?
- “.. increased housing production over current trends.”

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YES on SOS benefits San Diego's

- Home Buyers – Build the 60,000 homes!
- Taxpayers – General Plan saves the cost of remote regional roads, sewers, schools, fire and other services sprawl GPA's require
- The General Plan limits Traffic gridlock and pollution caused by sprawl GPA's
- Merchant Builders – faster revenue by following the General Plan
- Developers – faster revenue and lower risk following the rules
- Public Safety – fewer homes in Very and High Fire Severity zones

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YES on SOS is endorsed by 107,000 petition signers and:



- 14 Additional Planning, Environmental, and Professional Non-Profit Organizations
- Former San Diego County Supervisor Pamela Slater-Price and Planning Commission Chair Phillip Pryde
- City Council members: Kristine Alessio, La Mesa; Esther Sanchez, Oceanside; Randy Walton, San Marcos; and Dwight Worden, Del Mar

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YES ON SOS

Safeguard Our San Diego Countryside

For more info:

<https://saveoursdcountryside.org>

Follow [Facebook@saveoursdcountryside.org](https://www.facebook.com/saveoursdcountryside.org)

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County of San Diego, Planning & Development Services
APPEAL APPLICATION
 ZONING DIVISION

APPEAL TO:

- Board of Supervisors
- Planning Commission
- Administrative Appeal
 (Requires Deposit & [PDS-346](#))

FOR OFFICIAL USE ONLY		
Thomas Guide Map	Code _____ Fee _____	Record ID _____
Community Plan Area _____		
General Plan Designation _____	Zone _____	

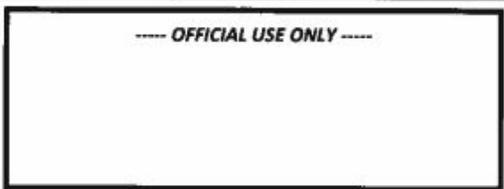
APPELLANT FILL IN BELOW THIS LINE, THIS SIDE ONLY – PLEASE PRINT OR TYPE

Valley Center Community Planning Group				PDS2019-ABC-19-002	
Site Address	<i>Number</i>	<i>Street</i>	<i>City</i>	<i>Zip</i>	Assessor's Parcel Number
Oliver Smith, Chair, VCCPG				Rite Aid	
Appellant's Name				Owner's Name	
<i>Last First Middle</i>				<i>Last First Middle</i>	
PO Box 127					
Mailing Address				Mailing Address	
<i>Number Street</i>				<i>Number Street</i>	
Valley Center, CA 92082					
<i>City Zip</i>				<i>City Zip</i>	
760-703-1455 oliver.smith@philips.com					
Telephone				Telephone	

REQUEST: Clearly define all items requested in the appeal. Submit plans if necessary, to illustrate request.
 Appeal of the decision made by PDS Director Mark Wardlaw on November 15, 2019 regarding his determination to allow Rite Aid project PDS2019-ABC-19-002 to obtain an ABC Type 21 permit to sell beer, wine, and distilled spirits.

JUSTIFICATION: Attach additional sheets if necessary.
 Vote of VCCPG documented in Minutes of VCCPG Regular Meeting held on October 14, 2019

 _____ Signature of Appellant	Chair, VCCPG _____ If Company Officer – indicate Company Name and function (Please print)
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5510 OVERLAND AVE, SUITE 110, SAN DIEGO, CA 92123 • (858) 565-5981 • (888) 267-8770
[HTTP://WWW.SDCPG.ORG](http://www.sdcpg.org)





County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
(858) 505-6445 General • (858) 694-2705 Codes • (858) 565-5920 Building Services
www.SDCPDS.org

KATHLEEN A. FLANNERY
ASSISTANT DIRECTOR

November 15, 2019

PROJECT NAME: Rite-Aid Valley Center ABC
RECORD ID: PDS2019-ABC-19-002
PROJECT ADDRESS: 28535 Cole Grade Road, Valley Center
APN: 188-250-19

RE: DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY

Dear Thrifty/Rite Aid:

This letter is to inform you that, pursuant to Section 23958.4 of the Business and Professions Code, the County of San Diego has determined that public convenience or necessity will be served by the issuance of a Type 21 License for the Rite-Aid #6750 located at 28535 Cole Grade Road, Valley Center in the Valley Center Planning Area, Assessor's Parcel Number 188-250-19.

This determination is based on the following criteria as required in the County of San Diego Board of Supervisors Policy I-121:

1. The Sheriff's Department has determined that approval of the proposed alcoholic beverage license sought by the retail outlet will not negatively influence the rate of criminal activity in the neighborhood.

On September 11, 2019 the San Diego County Sheriff's Department provided a letter indicating that when properly conditioned by the State ABC, there would be no reason to believe that the issuance of this license will have a negative influence on crime in the area. The conditions suggested were regarding the hours of sale of alcoholic products, quantities and sizes of alcoholic products, and prohibiting the sale of single servings of alcoholic beverages.

2. The County has determined that the proposed alcoholic beverage license is compatible with neighborhood character and would be of benefit to the neighborhood.

Planning & Development Services has determined that the proposed alcoholic beverage license is compatible with the neighborhood character and would be of benefit to the neighborhood due to the following factors:

- There are two (2) other establishments selling alcohol within 1,000 feet of the Rite-Aid. These establishments are convenience markets with a Type 20 (off-sale Beer and Wine)

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November 15, 2019

and a Type 21 (off-sale Beer, Wine, and Spirits). This is not an excessive number of outlets selling alcohol.

- There are no schools or playgrounds within 1,000 feet of the Rite-Aid. There is one (1) park, Cole Grade Park, within approximately 700 feet of the Rite-Aid.
- There are no residential dwelling units within 1,000 feet of the Rite-Aid.
- The Rite-Aid will not be the only establishment with a Type 21 License in the immediate area but due to the wide variety of products it sells, it offers a public convenience.
- On September 19, 2019 the Valley Center Fire Protection District stated they had no comment on the proposed permit.

3. The Director of Planning & Development Services has verified that the establishment for which the alcoholic beverage license is requested has no active Building Code or Health Code violations of record, and is permitted by the applicable use regulations of the County Zoning Ordinance.

Planning & Development Services has verified that the subject property has no health or building code violations. The off-sale of Beer, Wine, and Spirits (Type 21 License) is consistent with the Eating and Drinking Establishment Use Type which is permitted in the (C36) General Commercial Use Regulation.

NOTICES

The applicant shall agree to operate their establishment pursuant to any requirements placed on the alcoholic beverage license, which will be implemented by the state Department of Alcoholic Beverage Control.

PERMITS

Please note that building permits are required to construct, enlarge, alter, repair, move, improve, remove, convert, or demolish a building or structure. Permits are also required for plumbing, electrical, and mechanical work. A permit must be obtained prior to construction and prior to occupancy. Failure to obtain a building permit is a violation of the County of San Diego Ordinances.

The issuance of this determination by the County of San Diego does not authorize the applicant for said permit to violate any Federal, State or County laws, ordinances, regulations or policies including, but not limited to the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

APPEAL PROCEDURE

Within ten calendar days after the date of this Determination of the Director, the determination may be appealed to the Planning Commission in accordance with Section 7200 of the County Zoning Ordinance. An appeal shall be filed with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, FORM PDS-369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the determination of

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November 15, 2019

If you have any questions regarding this determination, please contact David Cook at (858) 505-6429, or at David.Cook@sdcounty.ca.gov.

PLANNING & DEVELOPMENT SERVICES
MARK WARDLAW, DIRECTOR

By: 

Bronwyn Brown, Planning Manager
Project Planning Division

MW:BB:dc

cc: Department of Alcoholic Beverage Control, 1350 Front Street, Room 5056, San Diego,
CA 92101
Valley Center Community Planning Group

email cc:

Bronwyn Brown, Planning Manager, Bronwyn.Brown@sdcounty.ca.gov
Jim Akers, jakers@riteaid.com

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject

Procedure for Determining Public Convenience or Necessity for Alcoholic Beverage License Applications

**Policy
Number**

I-121

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Purpose

To establish criteria and a procedure for making determinations of public convenience or necessity for alcoholic beverage license applications consistent with the requirements of Section 23958.4 of the State Business and Professions Code.

Background

In 1994, the Legislature added Section 23958.4 to the State Business and Professions Code which provides that cities and counties review certain alcoholic beverage license applications in areas having an "undue concentration" of such beverage licenses. Local jurisdictions are to determine whether public convenience or necessity would be served by the issuance of these licenses and inform the State Department of Alcoholic Beverage Control.

Policy

It is the policy of the Board of Supervisors that the Director of Planning & Development Services or, upon appeal, the Planning Commission, shall determine public convenience or necessity for alcoholic beverage license applications. The following criteria and procedure shall be used in making such determinations:

Criteria:

1. The Sheriff's Department has determined that approval of the proposed alcoholic beverage license sought by the retail outlet will not negatively influence the rate of criminal activity in the neighborhood. In making this determination, the Sheriff has considered factors such as the incidence of:
 - a. Loitering and vandalism.
 - b. Public drinking and drunkenness.
 - c. Illegal drug usage and sales.
 - d. Theft and violent behavior.

2. The County has determined that the proposed alcoholic beverage license is compatible with neighborhood character and would be of benefit to the neighborhood. In making this determination, the Director of Planning & Development Services or the Planning Commission has considered factors such as:
 - a. Proximity and number of other retail outlets selling alcohol.
 - b. Proximity of the retail outlet to schools, playgrounds, and other facilities serving young people.

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject

Procedure for Determining Public Convenience or Necessity for Alcoholic Beverage License Applications

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- c. Proximity of the retail outlet to residential neighborhoods.
- d. Whether the alcoholic beverage license provides: (1) a wide range of desirable goods and services; or (2) a unique type of goods or services.

3. The Director of Planning & Development Services has verified that the establishment for which the alcoholic beverage license is requested has no active Building Code or Health Code violations of record, and is permitted by the applicable use regulations of the County Zoning Ordinance.

Procedure:

1. The applicant shall file with Planning & Development Services: a) the application form from the State Department of Alcoholic Beverage Control; b) the County application form and fee; and c) a statement as to why the license application should qualify for a determination of public convenience or necessity.

2. A copy of the application shall be sent to the Sheriff's Department for comment. The Sheriff's response to Planning & Development Services will include their determination as to whether the proposed license will negatively influence the rate of criminal activity in the neighborhood.

3. A copy of the application shall also be sent to the applicable planning or sponsor group and to the Department of Environmental Health and the Health and Human Services Agency. The planning or sponsor group shall have 30 days to provide a recommendation with regard to compliance of the application with Policy Criterion #2 concerning neighborhood compatibility.

4. Planning & Development Services shall verify that the establishment requesting the license has no active Building or Health Code violations of record and conforms to the applicable Zoning Ordinance use regulations. A site visit may be made.

5. The Planning Director shall make a decision as to whether a determination of public convenience or necessity can be made based on the criteria above. This decision shall be made within 35 days of the date of filing of a complete application unless a written request for postponement has been received from the applicant.

6. The Director of Planning & Development Services' decision shall be transmitted in writing to the State Department of Alcoholic Beverage Control, the applicant, and the planning or sponsor group.

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject Procedure for Determining Public Convenience or Necessity for Alcoholic Beverage License Applications	Policy Number	Page
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- 7. The decision of the Director of Planning & Development Services may, within ten days of the date of that decision, be appealed in writing by the applicant or the planning or sponsor group to the Planning Commission. An applicant shall pay the appeal fees specified by the County Administrative Code.
- 8. When the appeal is received by Planning & Development Services, the Secretary of the Planning Commission shall schedule the matter for next available Planning Commission meeting. The Director shall provide the Planning Commission with a written brief on the matter and the written appeal.
- 9. The Planning Commission shall consider the matter and render a decision regarding the determination of public convenience or necessity. The decision of the Planning Commission shall be final.
- 10. The decision of the Planning Commission shall be transmitted in writing to the State Department of Alcoholic Beverage Control and to the license applicant.
- 11. Planning & Development Services will take no further action concerning a license application. However, a planning or sponsor group shall not be prevented by this Policy from appealing directly to the State Department of Alcoholic Beverage Control following a Planning Commission decision.

Sunset Date
This Policy will be reviewed for continuance by December 31, 2024.

- Board Action
- 5/15/96 (4)
 - 06-23-04 (12)
 - 12-09-08 (33)
 - 11-10-10 (7)
 - 09-25-12 (11)
 - 12-06-17 (6)

- CAO Reference
- 1. Planning & Development Services
 - 2. Sheriff's Department
 - 3. Health and Human Services Agency
 - 4. Department of Environmental Health

