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COMMITTEE ACTION SHEET

COUNCIL DOCKET OF _____

Supplemental Adoption Consent Unanimous Consent Rules Committee Consultant Review

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O -

Alcohol-Free Beach Proposals

Reviewed Initiated By PS&NS On 10/10/07 Item No. 3

RECOMMENDATION TO:

Forward all of the versions in this item to the full City Council for consideration.

VOTED YEA: Maienschein, Young, Faulconer

VOTED NAY:

NOT PRESENT: Hueso

CITY CLERK: Please reference the following reports on the City Council Docket:

REPORT TO THE CITY COUNCIL NO.

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

City Attorney's October 5, 2007, memorandum with Draft Ordinances Versions A, B, C, and D; Jessica Luedtke's October 5, 2007, e-mail; Citizens' e-mails; SafeBeaches' October 10, 2007, PowerPoint; FreePB's October 10, 2007, PowerPoint; John Greenhalgh's July 14, 2007, letter; John Greenhalgh's April 14, 2007, letter; Windansea letter with map; Mayor's October 10, 2007, PowerPoint; packets of signatures favoring ban

COUNCIL COMMITTEE CONSULTANT

John Rivera

000003

OFFICE OF

THE CITY ATTORNEY

CITY OF SAN DIEGO

Michael J. Aguirre

CITY ATTORNEY

PS&NS OCT 1 0 2007 #3

1200 THIRD AVENUE, SUITE 1620
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October 5, 2007

REPORT TO THE COMMITTEE ON PUBLIC
SAFETY AND NEIGHBORHOOD SERVICES

ALCOHOL BAN PROPOSALS

BACKGROUND

Limiting or prohibiting the consumption of alcohol at city beaches has long been the subject of much debate and disagreement. In 1991, pursuant to a referendum action, the City Council rescinded an ordinance which would have prohibited consumption at most city beaches.¹ In 2001, the City Council enacted an eighteen month prohibition on the consumption of alcohol at Mission and Pacific beaches. By voter referendum, that prohibition was challenged and the ban was not approved in the subsequent city-wide election.² More recently, an Alcohol Task Force tasked with addressing alcohol problems in the Pacific Beach area could not reach a consensus on whether to ban alcohol at the beach.³

On Labor Day of this year, police responded to requests by City lifeguards to address a large, rowdy crowd at the area commonly referred to as Reed Street in Pacific Beach. There were 16 arrests. Alcohol contributed to the misconduct of the persons at the beach. In response, city officials are now considering further alcohol restrictions or an outright ban of alcohol at all city beaches.⁴

PROPOSALS

City-wide Year-Round Alcohol Ban

The City Attorney's Office has drafted an ordinance banning alcohol at all city beaches. The proposed ordinance is Draft A. In order to address the likelihood of displacement of those desiring to consume alcohol to adjacent parks, bluffs, and to bay areas, the draft includes a ban at those locations as well. The "keg ordinance", which bans kegs on the Fourth of July, is repealed as it would no longer be needed.

¹ See City Attorney Report to the Committee on Public Facilities and Recreation, May 21, 1991.

² See Ordinance Number 0-18938, adopted April 30, 2001, and Proposition G, March 5, 2002 election.

³ See Susan Grant, *No Consensus*,

<http://www.voiceofsandiego.org/articles/2007/08/01/government/702alcohol070307.txt>

⁴ See David E. Graham, *16 Arrested After Fight at Beach Becomes Melee*, San Diego Union Tribune, September 4th, 2007, at B2.

Special events would continue to be exempted under the proposal. Permits issued by Parks and Recreation would continue to be consistent with the Municipal Code, meaning they would not provide a permit for an event with alcohol in a beach or park that is otherwise prohibited.

City-wide, Summer Holiday Periods Only Alcohol Ban

Mayor Sanders requested the City Attorney draft an ordinance banning alcohol consumption at all city beaches for certain defined holiday periods, specifically the periods around Memorial Day, the Fourth of July, and Labor Day. The proposed ordinance is Draft B. In order to address the likelihood of displacement of those desiring to consume alcohol to adjacent parks, bluffs, and to bay areas, the draft includes a ban at those locations as well for the specified time periods. The "keg ordinance", which bans kegs on the Fourth of July, is repealed as it would no longer be needed.

Special events would continue to be exempted under the proposal. Permits issued by Parks and Recreation would continue to be consistent with the Municipal Code, meaning they would not provide a permit for an event with alcohol in a beach or park that is otherwise prohibited.

La Jolla Community Proposal

On August 27, 2007, the La Jolla Town Council Parks and Beaches Committee voted to propose extending the current ban in La Jolla to include Marine Street Park. The draft ordinance is Draft C. Because of displacement concerns, all of La Jolla beaches and adjacent parks and bluffs are included.

Special events would continue to be exempted under the proposal. Permits issued by Parks and Recreation would continue to be consistent with the Municipal Code, meaning they would not provide a permit for an event with alcohol in a beach or park that is otherwise prohibited.

District 2 Proposal

District 2 requested an ordinance banning alcohol at all city beaches. In District 2, the bay, and parks and bluffs adjacent to the beaches and bays, are included. In District 1, alcohol is banned at all city beaches, including adjacent bluffs. Adjacent parks are not included in the ban. The proposed ordinance is Draft D. The "keg ordinance", which bans kegs on the Fourth of July, is repealed as it would no longer be needed.

Special events would continue to be exempted under the proposal. Permits issued by Parks and Recreation would continue to be consistent with the Municipal Code, meaning they would not provide a permit for an event with alcohol in a beach or park that is otherwise prohibited.

Under all proposals, violations of San Diego Municipal Code section 56.54 would continue to be misdemeanors.

LEGAL ANALYSIS

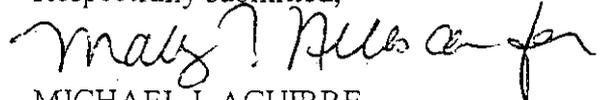
The California Constitution states "[t]he State of California . . . shall have the exclusive right and power to license and regulate the manufacture, sale, purchase, possession and transportation of alcoholic beverages within the State . . ." Cal. Const. art. XX, § 22. This section has been interpreted by the courts to mean the state has preempted the regulation of alcohol only in the specifically enumerated areas. See *People v. Brewer*, 235 Cal. App. 3d 909 (1991); *People v. Butler*, 252 Cal. App. 2d Supp. 1053 (1967). The court in *Butler* relied on its finding "that regulation of consumption of alcoholic beverages as distinguished from possession, transportation, etc., was almost studiously omitted, it seems, in article XX, section 22 of the Constitution." *Butler*, 252 Cal. App. 2d at 1057. Based on its finding, the court went on to say "there is nothing in the state law which indicates an intention to fully occupy the field relating to the consumption of alcoholic beverages in other than licensed premises, and the general rule permitting additional supplementary local regulation is, therefore, applicable." *Id.* at 1057. The decision allows cities to regulate the consumption of alcoholic beverages without running afoul of state law so long as the regulation does not infringe on those areas already controlled by the state.

The City has exercised its authority in this area and has enacted supplementary regulations which restrict the consumption of alcohol in public places. San Diego Municipal Code section 56.54 contains a broad ban which prohibits the consumption of alcohol on all public rights-of-way, including but not limited to, public streets, parking lots, sidewalks, alleys, plazas, piers and seawalls. The ordinance also restricts the consumption of alcoholic beverages in specifically named beaches and parks. This ordinance was passed after findings by the Council that the consumption of alcoholic beverages in the restricted areas could result in harm to the public safety, health, and welfare. Should City Council choose to adopt any of the proposals currently before PS&NS, (or amended or modified versions of the proposals), the Council should make similar findings.

CONCLUSION

The City Attorney's Office stands ready to assist the Committee in its discussion of these proposals.

Respectfully submitted,



MICHAEL J. AGUIRRE
City Attorney

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ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6, DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.54, AND REPEALING SECTIONS 56.70, 56.71, AND 56.72 ALL RELATING TO ALCOHOL CONSUMPTION IN CERTAIN AREAS

WHEREAS, there has been an increase in alcohol-related criminal activities, noise, violence, and dangerous, aggressive and/or offensive conduct related to the excessive use and abuse of alcohol at beach areas throughout the City of San Diego;

WHEREAS, on Labor Day 2007, an alcohol-induced melee occurred in Pacific Beach which necessitated San Diego police in riot gear to arrest sixteen people in order to restore the public peace;

WHEREAS, many citizens of the City of San Diego fear to take their families to the beach areas because of drunk and disorderly conduct;

WHEREAS, it has been the experience of other coastal communities that prohibition of alcohol at their beaches results in a decrease in violence and undesirable behavior;

WHEREAS, it is the intent of this ordinance to prohibit the consumption of alcoholic beverages at all public beaches, bays, coastal parks, and coastal access, view point, and bluff rights-of-way, in addition to prohibiting and limiting alcohol consumption at certain public parks; NOW, THEREFORE

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code [SDMC] is amended by amending section 56.54 to read as follows:

§ 56.54 **Alcoholic Beverage Consumption Prohibited in Certain Areas**

- (a) [No change in text.]
- (b) Unless the City Manager or designee has issued a special event permit, unless otherwise provided under the terms of a lease agreement with the City of San Diego, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any *alcoholic beverage* at any time, upon 1) any public property, including all public *beaches*, but not including *public parks* except as specifically listed in Appendix 56.54A, and not including Mission Bay Golf Course; and 2) public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, jetties, including on or against *seawalls*, including all sidewalks along the outer perimeters of such areas and including any sidewalks, boardwalks and other public rights-of-way at any *beach* or coastal bluff.
- (c) [No change in text.]
- (d) Section 56.54 does not prohibit:
 - (1) any person from consuming *alcoholic beverages* within the defined boundaries of a *sidewalk cafe* located on the public right-of-way, or on property leased from the City.
 - (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

**APPENDIX 56.54A
24 HOUR BAN**

Adams Community Park

Adams Elementary School/Park

Alcott Elementary School/Park

Allen, Dennis V., Neighborhood Park

Azalea Community Park

Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]

Bay Terraces Neighborhood Park

Bay Terraces Junior High School/Park

Berry Neighborhood Park

Birdland Neighborhood Park (Fletcher Elementary School/Park)

Bird Rock Elementary School/Park

Birney Elementary School/Park

Black Mountain Middle School/Park

Boone Neighborhood Park

Cabrillo Elementary School/Park

Cabrillo Mini-Park

Cabrillo Recreation Center

Cadman Community Park

Cadman Elementary School/Park

Calumet Park

Cedar Ridge Mini-Park

Central Mini-Park

Charlotte Park
Chicano Neighborhood Park
Children's Park & Pond
Chollas Canyon Park
Chollas Lake Community Park
City Heights Community Park
City Heights Mini-Park
Clay Elementary School/Park
Clay Mini-Park
Clay Neighborhood Park
Cliffridge Athletic Area
Colina del Sol Community Park
Dailard Elementary School/Park
Dana Center
Doyle Community Park
East San Diego Adult Recreation Club
Edison Elementary School/Park
Emerald Hills Neighborhood Park
Encanto Community Park
Field Elementary School/Park
Forward Elementary School/Park
Franklin Elementary School/Park
Gaslamp Square Park

Golden Hill Community Park
Gompers Neighborhood Park
Grant Elementary School/Park
Grant Hill Neighborhood Park
Hardy Elementary School/Park
Henderson, Willie, Athletic Area
Hermosa Terrace Park
Hollywood Neighborhood Park
Hoover Senior High School/Park
Horton Plaza Park
Hourglass Community Park
Howard Lane Neighborhood Park
"J" Street Mini- Park
Jerabek Neighborhood Park
Juarez Elementary School/Park
Keiller Neighborhood Park
Kellogg Park, including the boardwalk, *seawall* and La Jolla Shores Beach
Kelly Neighborhood Park
Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park
Kensington Neighborhood Park
King, Martin Luther Community Park
King, Martin Luther, Elementary School/Park "L" Street Mini-Park (at 28th Street)
La Jolla Athletic Area (Allen Field)

La Jolla Community Park

La Jolla Elementary School/Park

La Jolla Senior High School/Park

La Paz Mini- Park (undeveloped)

Laurel Street Mini-Park

Lewis Middle School/Park

Linda Vista Community Park

Lindberg Neighborhood Park; Community Park

Lomita Neighborhood Park

Maddowell Neighborhood Park

Marian Bear Memorial Park

Mata Mini- Park

Memorial Community Park

Mesa Verde Neighborhood Park

Mesa Viking Neighborhood Park

Mid-City Athletic Area

Mira Mesa Senior High School/Park

Mission Bay Park: All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, including the parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), Fiesta Island, Famosa Slough and Channel, and Fanuel Street Park

Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk, *seawall*, and the *beach*;

Mission Heights Neighborhood Park

Mission Trails Regional Park

Montclair Neighborhood Park

Montgomery-Waller Community Park

Mount Etna Neighborhood Park

Mountain View Community Park

Nestor Neighborhood Park

Nicholson's Point Park

North Clairemont Community Park

North Mountain View Mini-Park

North Park Community Park

Oak Neighborhood Park

Ocean Beach Elementary School/Park

Ocean Beach Park, including the boardwalk *seawall*, jetty, and the *beach*;

Ocean Boulevard Park (Pacific Beach Park), including the boardwalk, *seawall*, and the *beach*.

Old Trolley Barn Neighborhood Park

Pacific Beach Community Park

Pacific Beach Middle School/Park

Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)

Palisades Park North (undeveloped)

Palisades Park South (Law Street)

Palm Ridge Neighborhood Park

Pantoja Mini-Park

Paradise Hills Community Park

Park de la Cruz

Parkside Neighborhood Park
Penn Elementary School/Park (Athletic Area)
Plumosa Neighborhood Park
Point Loma Community Park
Portola Middle School/Park
Presidio Community Park
Rolando Mini-Park
Rose Canyon Park
San Diego School of Creative and Performing Arts
Santa Clara Point
Santa Isabel Mini-Park
San Ysidro Athletic Area (Larsen Field)
San Ysidro Col. Irving Solomon Center
San Ysidro Community Park
Scripps Park (Ellen Browning)
Serra Senior High School/Park
Sherman Elementary School/Park
Sherman Mini-Park
Silverwing Neighborhood Park
Skyline Community Park
Skyview Neighborhood Park
South Bay Community Park
(South) Clairemont Community Park

South Mission Beach Park, including the boardwalk, *seawall*, and the *beach*;

Southcrest Community Park

Spreckels Elementary School/Park

Standley Junior High School/Park

Sunny Slope Neighborhood Park

Sunset Cliffs Natural Park

Taylor Library Park

Tecolote Canyon Natural Park

Tierrasanta Elementary School/Park

Torrey Pines City Park

Tourmaline Surfing Park

Union Place Circle Park

Valencia Elementary School/Park

Villa del Norte Mini-Park

Vista Terrace Neighborhood Park

Wabash Mini-Park

Walker Neighborhood Park

Washington Elementary School/Park

Western Hills Neighborhood Park

Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)

Wilson Middle School/Park

Windansea Park

30th Street Mini-Park

32nd Street Mini-Park (north of Redwood)

39th Street Mini-Park

41st Street Mini-Park

All parking lots in Mission Bay Park;

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park

The Peninsula of land known as "The Clam" including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

All coastal access, view point and bluff rights-of-way.

Crystal Pier and Ocean Beach Pier.

APPENDIX 56.54B
12 HOUR BAN – 8:00 P.M. – 8:00 A.M.

That portion of Balboa Park bounded by Upas Street on the north, Highway 163 on the west, Interstate 5 on the south, and Park Boulevard on the east;

Cabrillo Heights Neighborhood Park

Carmel Creek Neighborhood Park

Carmel Del Mar Neighborhood Park

Cleator, Bill, Neighborhood Park

Collier Neighborhood Park

East Clairemont Athletic Area

Gershwin Neighborhood Park

Lake Murray Community Park

Montezuma Neighborhood Park

Mount Acadia Neighborhood Park

Murray Ridge Neighborhood Park

Ocean Beach Community Park

Olive Grove Community Park

Pioneer Park (Mission Hills)

Presidio Park

Rancho Bernardo Community Park

San Carlos Community Park

Serra Mesa Community Park

Sessions, Kate, Neighborhood Park

Solana Highland Neighborhood Park

Tecolote Community Park

Section 2. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code is amended by repealing sections 56.70, 56.71, and 56.72.

Section 3. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt under State CEQA guidelines section 15305 as a minor alteration to a land use limitation, and under State CEQA guidelines section 15061(b)(3) as an amendment to an ordinance that will not affect environmental resources.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public a day prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Kimberly Ann Davies
Deputy City Attorney

MTN KAD:lb:ca
09/27/07 **DRAFT**
Dept: City Attorney
O-2008-A

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

000019

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: UNDERLINE

(O-2008-A DRAFT)

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 56.54, AND REPEALING SECTIONS
56.70, 56.71, AND 56.72 ALL RELATING TO ALCOHOL
CONSUMPTION IN CERTAIN AREAS

§ 56.54

Alcoholic Beverage Consumption Prohibited in Certain Areas

- (a) [No change in text.]
- (b) Unless the City Manager or designee has issued a special event permit, unless otherwise provided under the terms of a lease agreement with the City of San Diego, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any *alcoholic beverage* at any time, upon 1) any public property, including all public beaches, but not including *public parks and beaches* except as specifically listed in Appendix 56.54A, and not including Mission Bay Golf Course; and 2) public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, jetties, including on or against *seawalls*, ~~and~~ including all sidewalks along the outer perimeters of such areas, and including any sidewalks, boardwalks and other public rights-of-way at any beach or coastal bluff.
- (c) [No change in text.]

(d) ~~16 Hour Ban~~

~~It is unlawful to consume alcohol in the areas listed in Appendix 56.54C between 8:00 p.m. and Noon, unless the City Manager or designee has issued a special event permit or unless otherwise permitted by Section 56.54.~~

(e)(d) . Section 56.54 does not prohibit:

- (1) any person from consuming *alcoholic beverages* within the defined boundaries of a sidewalk cafe located on the public right-of-way, or on property leased from the City.
- (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

**APPENDIX 56.54A
24 HOUR BAN**

- Adams Community Park
- Adams Elementary School/Park
- Alcott Elementary School/Park
- Allen, Dennis V., Neighborhood Park
- Azalea Community Park
- Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]
- Bay Terraces Neighborhood Park
- Bay Terraces Junior High School/Park
- Berry Neighborhood Park
- Birdland Neighborhood Park (Fletcher Elementary School/Park)
- Bird Rock Elementary School/Park
- Birney Elementary School/Park
- Black Mountain Middle School/Park
- Boone Neighborhood Park
- Cabrillo Elementary School/Park
- Cabrillo Mini-Park
- Cabrillo Recreation Center
- Cadman Community Park
- Cadman Elementary School/Park

Calumet Park

Cedar Ridge Mini-Park

Central Mini-Park

Charlotte Park

Chicano Neighborhood Park

Children's Park & Pond

Chollas Canyon Park

Chollas Lake Community Park

City Heights Community Park

City Heights Mini-Park

Clay Elementary School/Park

Clay Mini-Park

Clay Neighborhood Park

Cliffridge Athletic Area

Colina del Sol Community Park

Dailard Elementary School/Park

Dana Center

Doyle Community Park

East San Diego Adult Recreation Club

Edison Elementary School/Park

Emerald Hills Neighborhood Park

Encanto Community Park

~~Fanuel Street Park~~

Field Elementary School/Park

Forward Elementary School/Park

Franklin Elementary School/Park

Gaslamp Square Park

Golden Hill Community Park

Gompers Neighborhood Park

Grant Elementary School/Park

Grant Hill Neighborhood Park

Hardy Elementary School/Park

Henderson, Willie, Athletic Area

Hermosa Terrace Park

Hollywood Neighborhood Park

Hoover Senior High School/Park

Horton Plaza Park

Hourglass Community Park

Howard Lane Neighborhood Park

"J" Street Mini- Park

Jerabek Neighborhood Park

Juarez Elementary School/Park

Keiller Neighborhood Park

Kellogg Park, including the boardwalk, *seawall* and La Jolla Shores Beach

Kelly Neighborhood Park

Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park

Kensington Neighborhood Park
 King, Martin Luther Community Park
 King, Martin Luther, Elementary School/Park "L" Street Mini-Park (at 28th Street)
 La Jolla Athletic Area (Allen Field)
 La Jolla Community Park
 La Jolla Elementary School/Park
 La Jolla Senior High School/Park
 La Paz Mini- Park (undeveloped)
 Laurel Street Mini-Park
 Lewis Middle School/Park
 Linda Vista Community Park
 Lindberg Neighborhood Park; Community Park
 Lomita Neighborhood Park
 Macdowell Neighborhood Park
 Marian Bear Memorial Park
~~Marine Street Beach, including the beach, bluffs, stairs, and adjacent public rights-of-way between the northern property line of 274 Coast Boulevard and the westerly extension of the northern side of Westbourne Street;~~
 Mata Mini- Park
 Memorial Community Park
 Mesa Verde Neighborhood Park
 Mesa Viking Neighborhood Park
 Mid-City Athletic Area
 Mira Mesa Senior High School/Park
Mission Bay Park: All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, including the parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), Fiesta Island, Famosa Slough and Channel, and Fanuel Street Park
 Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk, and seawall, and excluding the beach; as described in Section 56.54(d) [Appendix 56.54C]
 Mission Heights Neighborhood Park
 Mission Trails Regional Park
 Montclair Neighborhood Park
 Montgomery-Waller Community Park
 Mount Etna Neighborhood Park
 Mountain View Community Park
 Nestor Neighborhood Park
Nicholson's Point Park
 North Clairemont Community Park
 North Mountain View Mini-Park
 North Park Community Park
 Oak Neighborhood Park
 Ocean Beach Elementary School/Park
 Ocean Beach Park, including the boardwalk, and seawall, jetty, and excluding the beach; as described in Section 56.54(d) [Appendix 56.54C];

Ocean Boulevard Park (Pacific Beach Park), including the boardwalk, ~~and seawall, and excluding the beach;~~ as described in Section 56.54(d) [Appendix 56.54C]
 Old Trolley Barn Neighborhood Park
 Pacific Beach Community Park
 Pacific Beach Middle School/Park
 Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)
 Palisades Park North (undeveloped)
 Palisades Park South (Law Street)
 Palm Ridge Neighborhood Park
 Pantoja Mini-Park
 Paradise Hills Community Park
 Park de la Cruz
 Parkside Neighborhood Park
 Penn Elementary School/Park (Athletic Area) Plumosa Neighborhood Park
 Point Loma Community Park
 Portola Middle School/Park
 Presidio Community Park
 Rolando Mini-Park
 Rose Canyon Park
 San Diego School of Creative and Performing Arts
 Santa Clara Point
 Santa Isabel Mini-Park
 San Ysidro Athletic Area (Larsen Field)
 San Ysidro Col. Irving Solomon Center
 San Ysidro Community Park
Scripps Park (Ellen Browning)
 Serra Senior High School/Park
 Sherman Elementary School/Park
 Sherman Mini-Park
 Silverwing Neighborhood Park
 Skyline Community Park
 Skyview Neighborhood Park
 South Bay Community Park
 (South) Clairemont Community Park
 South Mission Beach Park, including the boardwalk, ~~and seawall, and excluding the beach;~~ as described in Section 56.54(d) [Appendix 56.54C]
 Southcrest Community Park
 Spreckels Elementary School/Park
 Standley Junior High School/Park
 Sunny Slope Neighborhood Park
Sunset Cliffs Natural Park
 Taylor Library Park
 Tecolote Canyon Natural Park
 Tierrasanta Elementary School/Park
Torrey Pines City Park
Tourmaline Surfing Park

000024

Union Place Circle Park
Valencia Elementary School/Park
Villa del Norte Mini-Park
Vista Terrace Neighborhood Park
Wabash Mini-Park
Walker Neighborhood Park
Washington Elementary School/Park
Western Hills Neighborhood Park
Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)
Wilson Middle School/Park
Windansea Park
30th Street Mini-Park
32nd Street Mini-Park (north of Redwood)
39th Street Mini-Park
41st Street Mini-Park
All parking lots in Mission Bay Park;

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park;

The Peninsula of land known as "The Clam" including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

All coastal access, view point and bluff rights-of-way.

Crystal Pier and Ocean Beach Pier

APPENDIX 56.54B
12 HOUR BAN – 8:00 P.M. – 8:00 A.M.

That portion of Balboa Park bounded by Upas Street on the north, Highway 163 on the west, Interstate 5 on the south, and Park Boulevard on the east;
Cabrillo Heights Neighborhood Park
Carmel Creek Neighborhood Park
Carmel Del Mar Neighborhood Park
Cleator, Bill, Neighborhood Park
Collier Neighborhood Park
East Clairemont Athletic Area
~~Famosa Slough and Channel~~
Gershwin Neighborhood Park
Lake Murray Community Park
Montezuma Neighborhood Park
Mount Acadia Neighborhood Park
Murray Ridge Neighborhood Park

Ocean Beach Community Park
 Olive Grove Community Park
 Pioneer Park (Mission Hills)
 Presidio Park
 Rancho Bernardo Community Park
 San Carlos Community Park
 Serra Mesa Community Park
 Sessions, Kate, Neighborhood Park
 Solana Highland Neighborhood Park; ~~Tecolote Community Park~~
Tecolote Community Park

APPENDIX 56.54C
~~16 HOUR BAN 8:00 P.M. NOON~~

~~All beaches on the Pacific Ocean and adjacent parks and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park that are not included in section 56.54(b) [Appendix 56.54A]; and~~

~~All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.~~

~~All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.~~

~~§56.70~~ **Definitions**

~~Defined words appear in italics in Sections 56.70, 56.71, 56.72. The words and phrases used in Sections 56.70, 56.71, 56.72 have the meanings set forth in Section 56.70.~~

~~“Alcoholic beverage” has the same meaning as used in Section 56.54.~~

~~“Commercial special event” has the same meaning as used in Section 22.4003.~~

~~“Enforcement Services” means the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged City equipment or property; and, the cost arising from the use of any damaged City equipment in responding to or remaining at the party, gathering, or event.~~

~~“Fourth of July” means the 24-hour period encompassing the Fourth of July beginning at 12:00 am and ending at 11:59 pm.~~

~~“Keg” means any container made of any material, including but not limited to metal, plastic, or wood, capable of holding three gallons or more of an alcoholic beverage.~~

~~“Special event” has the same meaning as used in Section 22.4003.~~

~~“Special event permit” has the same meaning as used in Section 22.4003.~~

~~“Weekend” means a three day period consisting of Friday, Saturday, and Sunday.~~

~~§56.71 Kegs at Designated Areas Prohibited~~

- (a) ~~It is unlawful for any person to possess any keg containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed at any designated public area on the Fourth of July.~~
- (b) ~~For the purposes of Section 56.71(a), a designated public area includes the following areas:~~

000027

- (1) ~~All beaches on the Pacific Ocean and adjacent parts and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the Southern Boundary of Torrey Pines Park; and~~
 - (2) ~~All land areas of Mission Bay Park, including Faniel Street Park, Sail Bay, Crown Point, Bayside Walk, Ocean Beach Athletic Area (Robb Field), Dusty Rhodes Park, including parking lots, Santa Clara Point, and Bob McEvoy Youth Fields (Mission Bay Youth Fields).~~
- (e) ~~A violation of Section 56.71(a) shall be punishable as an infraction.~~
 - (d) ~~Each keg possessed shall constitute a separate and punishable violation of Section 56.71(a).~~
 - (e) ~~Section 56.71(a) does not apply to a special event or commercial special event for which a special event permit has been issued pursuant to Section 22.4004.~~

§ 56.72 Reservation of Legal Options

~~The City of San Diego does not waive its right to seek reimbursement for actual costs of enforcement services associated with the enforcement of Sections 56.70, 56.71, 56.72 through other legal remedies or procedures. The procedure provided for in Sections 56.70, 56.71 and 56.72 is in addition to any other statute, ordinance, or law. Sections 56.70, 56.71 and 56.72 in no way limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by Sections 56.70, 56.71, and 56.72, nor do they limit in any way the prosecution's ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the application of Sections 56.70, 56.71, 56.72.~~

MTN KAD:lb:ca
09/26/07 DRAFT
Dept: City Attorney
O-2008-SO A

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O- _____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 56.54, AND REPEALING SECTIONS
56.70, 56.71, AND 56.72 ALL RELATING TO ALCOHOL
CONSUMPTION IN CERTAIN AREAS

An ordinance to amend Chapter 5, Article 6, Division 0 of the San Diego Municipal Code by amending section 56.54, titled "Alcohol Beverage Consumption Prohibited in Certain Areas" to add all public beaches, bays, coastal parks, and coastal rights-of-way to the list of public property covered by the existing 24-hour ban. This ordinance also repeals sections 56.70, 56.71, and 56.72, all relating to the previously existing 16-hour beach alcohol ban and the Fourth of July keg ban.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public prior to the day of passage.

This ordinance shall take effect and be in full force on the thirtieth day from and after its final passage.

000030

(O-2008-A DRAFT)

A complete copy of the Ordinance is available for inspection in the Office of the City
Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street,
San Diego, CA 92101.

KAD:ca
09/27/07
Or.Dept:City Attorney
O-2008-Draft A

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6, DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.54, AND REPEALING SECTIONS 56.70, 56.71, AND 56.72, ALL RELATED TO ALCOHOL CONSUMPTION IN CERTAIN AREAS ON THE MEMORIAL DAY, FOURTH OF JULY AND LABOR DAY HOLIDAY PERIODS

WHEREAS, there has been an increase in alcohol-related criminal activities, noise, violence, and dangerous, aggressive and/or offensive conduct related to the excessive use and abuse of alcohol at beach areas throughout the City of San Diego;

WHEREAS, alcohol-related criminal activities and excessive noise, violence, and dangerous, aggressive and/or offensive conduct related to the excessive use and abuse of alcohol at beach areas are known to increase in the summer months, and especially on the Memorial Day, Fourth of July, and Labor Day holidays;

WHEREAS, on Labor Day 2007, an alcohol-induced melee occurred in Pacific Beach which necessitated San Diego police in riot gear to arrest sixteen people in order to restore the public peace;

WHEREAS, many citizens of the City of San Diego fear to take their families to the beach areas because of drunk and disorderly conduct;

WHEREAS, it has been the experience of other coastal communities that prohibition of alcohol at their beaches results in a decrease in violence and undesirable behavior; and

WHEREAS, it is the intent of this ordinance to prohibit the consumption of alcoholic beverages at all public beaches, bays, coastal parks, and coastal access, view point, and bluff

rights-of-way on the Memorial Day, Fourth of July, and Labor Day Holiday periods, in addition to prohibiting and limiting alcohol consumption at certain public parks and beaches throughout the year; NOW, THEREFORE

BE IT ORDAINED, by the Council of the City of San Diego as follows:

Section 1. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code is amended by amending section 56.54 to read as follows:

§56.54 Alcoholic Beverage Consumption Prohibited in Certain Areas

(a) [No change in text.]

(b) [No change in text.]

(c) [No change in text.]

(d) [No change in text.]

(e) **Memorial Day, Fourth of July and Labor Day Holiday Periods Ban:**

Unless the City Manager or designee has issued a special event permit; unless otherwise provided under the terms of a lease agreement with the City of San Diego; or unless otherwise permitted by section 56.54, it is unlawful to consume alcohol in the areas listed in Appendix 56.54 D on the following dates:

(1) Memorial Day Holiday Period: Between 12:01 a.m. Saturday and 11:59 p.m. Memorial Day Monday;

(2) Fourth of July Holiday Period:

- (A) If July 4th falls on a Monday, between 12:01 a.m. Saturday immediately prior to the holiday and 11:59 p.m. Monday;
 - (B) If July 4th falls on a Tuesday, between 12:01 a.m. Saturday immediately prior to the holiday and 11:59 p.m. Tuesday;
 - (C) If July 4th falls on a Wednesday, between 12:01 a.m. Wednesday and 11:59 p.m. Sunday immediately following the holiday;
 - (D) If July 4th falls on Thursday, between 12:01 a.m. Thursday and 11:59 p.m. Sunday immediately following the holiday;
 - (E) If July 4th falls on a Friday, between 12:01 a.m. Friday and 11:59 p.m. Sunday immediately following the holiday.
- (3) Labor Day Holiday Period: Between 12:01 a.m. Saturday and 11:59 p.m. Labor Day Monday.
- (f) Section 56.54 does not prohibit:
- (1) any person from consuming *alcoholic beverages* within the defined boundaries of a *sidewalk cafe* located on the public right-of-way, or on property leased from the City.
 - (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

APPENDIX 56.54A

24 HOUR BAN [No change in text.]

APPENDIX 56.54B

12 HOUR BAN – 8:00 P.M. – 8:00 A.M. [No change in text.]

APPENDIX 56.54C

16 HOUR BAN – 8:00 P.M. – NOON [No change in text.]

APPENDIX 56.54D

MEMORIAL DAY, FOURTH OF JULY, AND LABOR DAY HOLIDAY PERIODS BAN

All public *beaches*.

The following shoreline parks:

Calumet Park

Charlotte Park

Hermosa Terrace Park

Mission Bay Park: All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, including the parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), Fiesta Island, Famosa Slough and Channel, and Fanuel Street Park, but excluding Mission Bay Golf Course

Nicholson's Point Park

Scripps Park (Ellen Browning)

Sunset Cliffs Natural Park

Torrey Pines City Park

Tourmaline Surfing Park

Windansea Park

All coastal access, view point and bluff rights-of-way.

Crystal Pier and Ocean Beach Pier.

Section 2. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code is amended by repealing sections 56.70, 56.71, and 56.72.

Section 3. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt under State CEQA Guidelines section 15305 as a minor alteration to a land use limitation, and under State CEQA Guidelines section 15061(b)(3) as an amendment to an ordinance that will not affect environmental resources.

Section 4. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been available to the City Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Kimberly Ann Davies
Deputy City Attorney

KAD:ca

09/20/07

Or.Dept: City Attorney

O-2008-B

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: UNDERLINE

(O-2008-B DRAFT)

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6, DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.54, AND REPEALING SECTIONS 56.70, 56.71, AND 56.72, ALL RELATED TO ALCOHOL CONSUMPTION IN CERTAIN AREAS ON MEMORIAL DAY, FOURTH OF JULY AND LABOR DAY HOLIDAY PERIODS

§56.54 Alcoholic Beverage Consumption Prohibited in Certain Areas

(a) [No change in text.]

(b) [No change in text.]

(c) [No change in text.]

(d) [No change in text.]

(e) Memorial Day, Fourth of July and Labor Day Holiday Periods Ban:

Unless the City Manager or designee has issued a special event permit; unless otherwise provided under the terms of a lease agreement with the City of San Diego; or unless otherwise permitted by section 56.54, it is unlawful to consume alcohol in the areas listed in Appendix 56.54 D on the following dates:

(1) Memorial Day Holiday Period: Between 12:01 a.m. Saturday and 11:59 p.m. Memorial Day Monday;

(2) Fourth of July Holiday Period:

(A) If July 4th falls on a Monday, between 12:01 a.m. Saturday immediately prior to the holiday and 11:59 p.m. Monday;

(B) If July 4th falls on a Tuesday, between 12:01 a.m. Saturday immediately prior to the holiday and 11:59 p.m. Tuesday;

(C) If July 4th falls on a Wednesday, between 12:01 a.m. Wednesday and 11:59 p.m. Sunday immediately following the holiday;

(D) If July 4th falls on Thursday, between 12:01 a.m. Thursday and 11:59 Sunday immediately following the holiday;

(E) If July 4th falls on a Friday, between 12:01 a.m. Friday and 11:59 p.m. Sunday immediately following the holiday.

(3) Labor Day Holiday Period: Between 12:01 a.m. Saturday and 11:59 p.m. Labor Day Monday.

(e) (f) Section 56.54 does not prohibit:

(1) any person from consuming *alcoholic beverages* within the defined boundaries of a *sidewalk cafe* located on the public right-of-way, or on property leased from the City.

(2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

000039

APPENDIX 56.54A

24 HOUR BAN [No change in text.]

APPENDIX 56.54B

12 HOUR BAN – 8:00 P.M. – 8:00 A.M. [No change in text.]

APPENDIX 56.54C

16 HOUR BAN – 8:00 P.M. – NOON [No change in text.]

APPENDIX 56.54D

MEMORIAL DAY, FOURTH OF JULY, AND LABOR DAY HOLIDAY PERIODS BAN

All public beaches

The following shoreline parks:

Calumet Park

Charlotte Park

Hermosa Terrace Park

Mission Bay Park: All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach

Athletic Area (Robb Field) and Dusty Rhodes Park, including the parking lots, Santa Clara Point,

Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), Fiesta Island, Famosa Slough

and Channel, and Fanuel Street Park, but excluding Mission Bay Golf Course

Nicholson's Point Park

Scripps Park (Ellen Browning)

Sunset Cliffs Natural Park

000040

Torrey Pines City Park

Tourmaline Surfing Park

Windansea Park

All coastal access, view point and bluff rights-of-way

Crystal Pier and Ocean Beach Pier

~~§56.70~~ **Definitions**

~~Defined words appear in italics in Sections 56.70, 56.71, 56.72. The words and phrases used in Sections 56.70, 56.71, 56.72 have the meanings set forth in Section 56.70.~~

~~“Alcoholic beverage” has the same meaning as used in Section 56.54.~~

~~“Commercial special event” has the same meaning as used in Section 22.4003.~~

~~“Enforcement Services” means the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged City equipment or property; and, the cost arising from the use of any damaged City equipment in responding to or remaining at the party, gathering, or event.~~

~~“Fourth of July” means the 24 hour period encompassing the Fourth of July beginning at 12:00 am and ending at 11:59 pm.~~

~~“Keg” means any container made of any material, including but not limited to metal, plastic, or wood, capable of holding three gallons or more of an alcoholic beverage.~~

~~"Special event"~~ has the same meaning as used in Section 22.4003.

~~"Special event permit"~~ has the same meaning as used in Section 22.4003.

~~"Weekend"~~ means a three day period consisting of Friday, Saturday, and Sunday.

~~§56.71~~

~~Kegs at Designated Areas Prohibited~~

- (a) ~~It is unlawful for any person to possess any keg containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed at any designated public area on the Fourth of July.~~
- (b) ~~For the purposes of Section 56.71(a), a designated public area includes the following areas:~~
 - (1) ~~All beaches on the Pacific Ocean and adjacent parts and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the Southern Boundary of Torrey Pines Park; and~~
 - (2) ~~All land areas of Mission Bay Park, including Fanuel Street Park, Sail Bay, Crown Point, Bayside Walk, Ocean Beach Athletic Area (Robb Field), Dusty Rhodes Park, including parking lots, Santa Clara Point, and Bob McEvoy Youth Fields (Mission Bay Youth Fields).~~
- (c) ~~A violation of Section 56.71(a) shall be punishable as an infraction.~~
- (d) ~~Each keg possessed shall constitute a separate and punishable violation of Section 56.71(a).~~
- (e) ~~Section 56.71(a) does not apply to a special event or commercial special event for which a special event permit has been issued pursuant to Section 22.4004.~~

~~§ 56.72~~

~~Reservation of Legal Options~~

~~The City of San Diego does not waive its right to seek reimbursement for actual costs of enforcement services associated with the enforcement of Sections 56.70, 56.71, 56.72 through other legal remedies or procedures. The procedure provided for in Sections 56.70, 56.71 and 56.72 is in addition to any other statute, ordinance, or law. Sections 56.70, 56.71 and 56.72 in no way limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of~~

000042

~~conduct regulated by Sections 56.70, 56.71, and 56.72, nor do they limit in any way the prosecution's ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the application of Sections 56.70, 56.71, 56.72.~~

KAD:ca
9/20/07 DRAFT
Dept: City Attorney
O-2008-SO

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6, DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.54, AND REPEALING SECTIONS 56.70, 56.71, AND 56.72 ALL RELATING TO ALCOHOL CONSUMPTION IN CERTAIN AREAS ON THE MEMORIAL DAY, FOURTH OF JULY AND LABOR DAY HOLIDAY PERIODS

An ordinance to amend Chapter 5, Article 6 of the San Diego Municipal Code by amending section 56.54, titled "Alcohol Beverage Consumption Prohibited in Certain Areas" to add a ban on alcohol consumption at all public beaches, bays, coastal parks, and coastal rights-of-way on the Memorial Day, Fourth of July, and Labor Day Holiday periods. This ordinance also repeals sections 56.70, 56.71, and 56.72, all relating to the previously existing 16-hour beach alcohol ban and Fourth of July keg ban.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public prior to the day of passage.

This ordinance shall take effect and be in full force on the thirtieth day from and after its final passage.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

KAD:ca
09/27/07
Or.Dept:City Attorney
O-2008-Draft B

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6, DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.54, ALL RELATING TO ALCOHOL CONSUMPTION IN CERTAIN AREAS

WHEREAS, it has been the experience of the La Jolla coastal communities that at those beaches where alcohol has been prohibited, there has been a decrease in violence and undesirable behavior;

WHEREAS, on Labor Day 2007, an alcohol-induced melee occurred in Pacific Beach which necessitated San Diego police in riot gear to arrest sixteen people in order to restore the public peace;

WHEREAS the La Jolla Town Council Park and Beaches Committee voted on August 27, 2007, to ban alcohol consumption at Windansea Beach, from the Westbourne Street demarcation for Marine Street Beach to the pocket beaches south of the pink wall;

WHEREAS, it is the intent of this ordinance to prohibit the consumption of alcoholic beverages at all public beaches, coastal parks, and coastal access, view point, and bluff rights-of-way in La Jolla; NOW, THEREFORE

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code [SDMC] is amended by amending section 56.54 to read as follows:

§ 56.54 Alcoholic Beverage Consumption Prohibited in Certain Areas

(a) [No change in text.]

- (b) [No change in text.]
- (c) [No change in text.]
- (d) [No change in text.]
- (e) [No change in text.]

**APPENDIX 56.54A
24 HOUR BAN**

Adams Community Park

Adams Elementary School/Park

Alcott Elementary School/Park

Allen, Dennis V., Neighborhood Park

Azalea Community Park

Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]

Bay Terraces Neighborhood Park

Bay Terraces Junior High School/Park

Berry Neighborhood Park

Birdland Neighborhood Park (Fletcher Elementary School/Park)

Bird Rock Elementary School/Park

Birney Elementary School/Park

Black Mountain Middle School/Park

Boone Neighborhood Park

Cabrillo Elementary School/Park

Cabrillo Mini-Park

Cabrillo Recreation Center

Cadman Community Park
Cadman Elementary School/Park
Calumet Park
Cedar Ridge Mini-Park
Central Mini-Park
Charlotte Park
Chicano Neighborhood Park
Children's Park & Pond
Chollas Canyon Park
Chollas Lake Community Park
City Heights Community Park
City Heights Mini-Park
Clay Elementary School/Park
Clay Mini-Park
Clay Neighborhood Park
Cliffridge Athletic Area
Colina del Sol Community Park
Dailard Elementary School/Park
Dana Center
Doyle Community Park
East San Diego Adult Recreation Club
Edison Elementary School/Park
Emerald Hills Neighborhood Park

Encanto Community Park
Field Elementary School/Park
Forward Elementary School/Park
Franklin Elementary School/Park
Gaslamp Square Park
Golden Hill Community Park
Gompers Neighborhood Park
Grant Elementary School/Park
Grant Hill Neighborhood Park
Hardy Elementary School/Park
Henderson, Willie, Athletic Area
Hermosa Terrace Park
Hollywood Neighborhood Park
Hoover Senior High School/Park
Horton Plaza Park
Hourglass Community Park
Howard Lane Neighborhood Park
"J" Street Mini- Park
Jerabek Neighborhood Park
Juarez Elementary School/Park
Keiller Neighborhood Park
Kellogg Park, including the boardwalk, *seawall* and La Jolla Shores Beach
Kelly Neighborhood Park

Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park

Kensington Neighborhood Park

King, Martin Luther Community Park

King, Martin Luther, Elementary School/Park "L" Street Mini-Park (at 28th Street)

La Jolla Athletic Area (Allen Field)

La Jolla Community Park

La Jolla Elementary School/Park

La Jolla Senior High School/Park

La Strand Park

La Paz Mini- Park (undeveloped)

Laurel Street Mini-Park

Lewis Middle School/Park

Linda Vista Community Park

Lindberg Neighborhood Park; Community Park

Lomita Neighborhood Park

Macdowell Neighborhood Park

Marian Bear Memorial Park

Mata Mini- Park

Memorial Community Park

Mesa Verde Neighborhood Park

Mesa Viking Neighborhood Park

Mid-City Athletic Area

Mira Mesa Senior High School/Park

Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d)[Appendix 56.54C]

Mission Heights Neighborhood Park

Mission Trails Regional Park

Montclair Neighborhood Park

Montgomery-Waller Community Park

Mount Etna Neighborhood Park

Mountain View Community Park

Nestor Neighborhood Park

Nicholson's Point Park

North Clairemont Community Park

North Mountain View Mini-Park

North Park Community Park

Oak Neighborhood Park

Ocean Beach Elementary School/Park

Ocean Beach Park, including the boardwalk and *seawall*, and excluding the *beach*; as described in 56.54(d)[Appendix 56.54C]

Ocean Boulevard Park (Pacific Beach Park), including the boardwalk, *seawall*, and excluding the *beach*, as described in Section 56.54(d)[Appendix 56.54C]

Old Trolley Barn Neighborhood Park

Pacific Beach Community Park

Pacific Beach Middle School/Park

Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)

Palisades Park North (undeveloped)

Palisades Park South (Law Street)
Palm Ridge Neighborhood Park
Pantoja Mini-Park
Paradise Hills Community Park
Park de la Cruz
Parkside Neighborhood Park
Penn Elementary School/Park (Athletic Area)
Plumosa Neighborhood Park
Point Loma Community Park
Portola Middle School/Park
Presidio Community Park
Rolando Mini-Park
Rose Canyon Park
San Diego School of Creative and Performing Arts
Santa Clara Point
Santa Isabel Mini-Park
San Ysidro Athletic Area (Larsen Field)
San Ysidro Col. Irving Solomon Center
San Ysidro Community Park
Scripps Park (Ellen Browning)
Serra Senior High School/Park
Sherman Elementary School/Park
Sherman Mini-Park

Silverwing Neighborhood Park

Skyline Community Park

Skyview Neighborhood Park

South Bay Community Park

(South) Clairemont Community Park

South Mission Beach Park, including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d)[Appendix 56.54C]

Southcrest Community Park

Spreckels Elementary School/Park

Standley Junior High School/Park

Sunny Slope Neighborhood Park

Sunset Cliffs Natural Park

Taylor Library Park

Tecolote Canyon Natural Park

Tierrasanta Elementary School/Park

Torrey Pines City Park

Union Place Circle Park

Valencia Elementary School/Park

Villa del Norte Mini-Park

Vista Terrace Neighborhood Park

Wabash Mini-Park

Walker Neighborhood Park

Washington Elementary School/Park

Western Hills Neighborhood Park

Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)

Wilson Middle School/Park

Windansea Park

30th Street Mini-Park

32nd Street Mini-Park (north of Redwood)

39th Street Mini-Park

41st Street Mini-Park

All parking lots in Mission Bay Park.

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park.

The Peninsula of land known as "The Clam" including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

All La Jolla beaches, including adjacent parks, together with perimeter sidewalks and stairs, and all coastal access, view point and bluff rights-of-way between the northern boundary of Tourmaline Surfing Park (at Sea Ridge Lane) and the southern boundary of Torrey Pines State Park.

APPENDIX 56.54B

12 HOUR BAN – 8:00 P.M. – 8:00 A.M. [No change in text.]

APPENDIX 56.54C

16 HOUR BAN – 8:00 P.M. – NOON [No change in text.]

000055

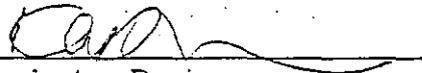
Section 2. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt under State CEQA guidelines section 15305 as a minor alteration to a land use limitation, and under State CEQA guidelines section 15061(b)(3) as an amendment to an ordinance that will not affect environmental resources.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public a day prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Kimberly Ann Davies
Deputy City Attorney

MTN KAD
10/01/07 DRAFT
Dept: City Attorney
O-2008-C

000056

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: UNDERLINE

(O-2008-C DRAFT)

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 56.54, ALL RELATED TO ALCOHOL
CONSUMPTION IN CERTAIN AREAS

§56.54 Alcoholic Beverage Consumption Prohibited in Certain Areas

- (a) [No change in text.]
- (b) [No change in text.]
- (c) [No change in text.]
- (d) [No change in text.]
- (e) [No change in text.]

APPENDIX 56.54A

24 HOUR BAN

- Adams Community Park
- Adams Elementary School/Park
- Alcott Elementary School/Park
- Allen, Dennis V., Neighborhood Park
- Azalea Community Park
- Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]
- Bay Terraces Neighborhood Park
- Bay Terraces Junior High School/Park

000059

Berry Neighborhood Park
Birdland Neighborhood Park (Fletcher Elementary School/Park)
Bird Rock Elementary School/Park
Birney Elementary School/Park
Black Mountain Middle School/Park
Boone Neighborhood Park
Cabrillo Elementary School/Park
Cabrillo Mini-Park
Cabrillo Recreation Center
Cadman Community Park
Cadman Elementary School/Park
Calumet Park
Cedar Ridge Mini-Park
Central Mini-Park
Charlotte Park
Chicano Neighborhood Park
Children's Park & Pond
Chollas Canyon Park
Chollas Lake Community Park
City Heights Community Park
City Heights Mini-Park
Clay Elementary School/Park
Clay Mini-Park
Clay Neighborhood Park
Cliffridge Athletic Area
Colina del Sol Community Park
Dailard Elementary School/Park
Dana Center
Doyle Community Park
East San Diego Adult Recreation Club
Edison Elementary School/Park
Emerald Hills Neighborhood Park
Encanto Community Park
Fanuel Street Park
Field Elementary School/Park
Forward Elementary School/Park
Franklin Elementary School/Park
Gaslamp Square Park
Golden Hill Community Park
Gompers Neighborhood Park
Grant Elementary School/Park
Grant Hill Neighborhood Park
Hardy Elementary School/Park
Henderson, Willie, Athletic Area
Hermosa Terrace Park
Hollywood Neighborhood Park
Hoover Senior High School/Park
Horton Plaza Park
Hourglass Community Park

000060

Howard Lane Neighborhood Park
"J" Street Mini- Park
Jerabek Neighborhood Park
Juarez Elementary School/Park
Keiller Neighborhood Park
Kellogg Park, including the boardwalk, *seawall* and La Jolla Shores Beach
Kelly Neighborhood Park
Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park
Kensington Neighborhood Park
King, Martin Luther Community Park
King, Martin Luther, Elementary School/Park "L" Street Mini-Park (at 28th Street)
La Jolla Athletic Area (Allen Field)
La Jolla Community Park
La Jolla Elementary School/Park
La Jolla Senior High School/Park
La Strand Park
La Paz Mini- Park (undeveloped)
Laurel Street Mini-Park
Lewis Middle School/Park
Linda Vista Community Park
Lindberg Neighborhood Park; Community Park
Lomita Neighborhood Park
Macdowell Neighborhood Park
Marian Bear Memorial Park
Marine Street Beach, including the *beach*, bluffs, stairs, and adjacent public rights-of-way between the northern property line of 274 Coast Boulevard and the westerly extension of the northern side of Westbourne Street
Mata Mini- Park
Memorial Community Park
Mesa Verde Neighborhood Park
Mesa Viking Neighborhood Park
Mid-City Athletic Area
Mira Mesa Senior High School/Park
Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d) [Appendix 56.54C]
Mission Heights Neighborhood Park
Mission Trails Regional Park
Montclair Neighborhood Park
Montgomery-Waller Community Park
Mount Etna Neighborhood Park
Mountain View Community Park
Nestor Neighborhood Park
Nicholson's Point Park
North Clairemont Community Park
North Mountain View Mini-Park
North Park Community Park
Oak Neighborhood Park
Ocean Beach Elementary School/Park

000061

Ocean Beach Park, including the boardwalk, and *seawall*, and excluding the *beach*; as described in Section 56.54(d) [Appendix 56.54C]
Ocean Boulevard Park (Pacific Beach Park), including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d) [Appendix 56.54C]
Old Trolley Barn Neighborhood Park
Pacific Beach Community Park
Pacific Beach Middle School/Park
Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)
Palisades Park North (undeveloped)
Palisades Park South (Law Street)
Palm Ridge Neighborhood Park
Pantoja Mini-Park
Paradise Hills Community Park
Park de la Cruz
Parkside Neighborhood Park
Penn Elementary School/Park (Athletic Area) Plumosa Neighborhood Park
Point Loma Community Park
Portola Middle School/Park
Presidio Community Park
Rolando Mini-Park
Rose Canyon Park
San Diego School of Creative and Performing Arts
Santa Clara Point
Santa Isabel Mini-Park
San Ysidro Athletic Area (Larsen Field)
San Ysidro Col. Irving Solomon Center
San Ysidro Community Park
Scripps Park (Ellen Browning)
Serra Senior High School/Park
Sherman Elementary School/Park
Sherman Mini-Park
Silverwing Neighborhood Park
Skyline Community Park
Skyview Neighborhood Park
South Bay Community Park
(South) Clairemont Community Park
South Mission-Beach Park, including the boardwalk and *seawall*, and excluding the *beach*, as described in Section 56.54(d) [Appendix 56.54C]
Southcrest Community Park
Spreckels Elementary School/Park
Standley Junior High School/Park
Sunny Slope Neighborhood Park
Taylor Library Park
Tecolote Canyon Natural Park
Tierrasanta Elementary School/Park
Torrey Pines City Park
Union Place Circle Park
Valencia Elementary School/Park
Villa del Norte Mini-Park

000062

Vista Terrace Neighborhood Park
Wabash Mini-Park
Walker Neighborhood Park
Washington Elementary School/Park
Western Hills Neighborhood Park
Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)
Wilson Middle School/Park
Windansea Park
30th Street Mini-Park
32nd Street Mini-Park (north of Redwood)
39th Street Mini-Park
41st Street Mini-Park

All parking lots in Mission Bay Park.

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park.

The Peninsula of land known as "The Clam" including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

All La Jolla beaches, including adjacent parks, together with perimeter sidewalks and stairs, and all coastal access, view point and bluff rights-of-way between the northern boundary of Tourmaline Surfing Park (at Sea Ridge Lane) and the southern boundary of Torrey Pines State Park.

APPENDIX 56.54B

12 HOUR BAN -

8:00 P.M. - 8:00 A.M. [No change in text.]

APPENDIX 56.54C

16 HOUR BAN - 8:00 P.M. - NOON [No change in text.]

KAD
10/01/07 DRAFT
Dept: City Attorney
O-2008-C-SO

000064

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 56.54, ALL RELATING TO ALCOHOL
CONSUMPTION IN CERTAIN AREAS

An ordinance to amend Chapter 5, Article 6, Division 0 of the San Diego Municipal Code by amending section 56.54, titled "Alcohol Beverage Consumption Prohibited in Certain Areas" to add all La Jolla (Council District 1) public beaches, coastal parks, and coastal rights-of-way to the list of public property covered by the existing 24-hour ban.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public prior to the day of passage.

This ordinance shall take effect and be in full force on the thirtieth day from and after its final passage.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

KAD
10/01/07
Or.Dept:City Attorney
O-2008-Draft C

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 56.54, AND REPEALING SECTIONS
56.70, 56.71, AND 56.72 ALL RELATING TO ALCOHOL
CONSUMPTION IN CERTAIN AREAS

WHEREAS, there has been an increase in alcohol-related criminal activities, noise, violence, and dangerous, aggressive and/or offensive conduct related to the excessive use and abuse of alcohol at beach areas throughout the City of San Diego;

WHEREAS, on Labor Day 2007, an alcohol-induced melee occurred in Pacific Beach which necessitated San Diego police in riot gear to arrest sixteen people in order to restore the public peace;

WHEREAS, many citizens of the City of San Diego fear to take their families to the beach areas because of drunk and disorderly conduct;

WHEREAS, it has been the experience of other coastal communities that prohibition of alcohol at their beaches results in a decrease in violence and undesirable behavior;

WHEREAS, it is the intent of this ordinance to prohibit the consumption of alcoholic beverages at all public beaches, bays, and coastal access, view point, and bluff rights-of-way, and all coastal parks in Council District Two (all coastal parks south of Tourmaline Surfing Park), in addition to prohibiting and limiting alcohol consumption at certain public parks; NOW, THEREFORE

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code [SDMC] is amended by amending section 56.54 to read as follows:

000067

§ 56.54 Alcoholic Beverage Consumption Prohibited in Certain Areas

- (a) [No change in text.]
- (b) Unless the City Manager or designee has issued a special event permit, unless otherwise provided under the terms of a lease agreement with the City of San Diego, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any *alcoholic beverage* at any time, upon 1) any public property, including all public *beaches*, but not including *public parks* except as specifically listed in Appendix 56.54A, and not including Mission Bay Golf Course; and 2) public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, jetties, including on or against *seawalls*, including all sidewalks along the outer perimeters of such areas and including any sidewalks, boardwalks and other public rights-of-way at any *beach* or coastal bluff.
- (c) [No change in text.]
- (d) Section 56.54 does not prohibit:
 - (1) any person from consuming *alcoholic beverages* within the defined boundaries of a *sidewalk cafe* located on the public right-of-way, or on property leased from the City.
 - (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

**APPENDIX 56.54A
24 HOUR BAN**

Adams Community Park

Adams Elementary School/Park

Alcott Elementary School/Park

Allen, Dennis V., Neighborhood Park

Azalea Community Park

Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]

Bay Terraces Neighborhood Park

Bay Terraces Junior High School/Park

Berry Neighborhood Park

Birdland Neighborhood Park (Fletcher Elementary School/Park)

Bird Rock Elementary School/Park

Birney Elementary School/Park

Black Mountain Middle School/Park

Boone Neighborhood Park

Cabrillo Elementary School/Park

Cabrillo Mini-Park

Cabrillo Recreation Center

Cadman Community Park

Cadman Elementary School/Park

Cedar Ridge Mini-Park

Central Mini-Park

Chicano Neighborhood Park

000069

Children's Park & Pond
Chollas Canyon Park
Chollas Lake Community Park
City Heights Community Park
City Heights Mini-Park
Clay Elementary School/Park
Clay Mini-Park
Clay Neighborhood Park
Cliffridge Athletic Area
Colina del Sol Community Park
Dailard Elementary School/Park
Dana Center
Doyle Community Park
East San Diego Adult Recreation Club
Edison Elementary School/Park
Emerald Hills Neighborhood Park
Encanto Community Park
Field Elementary School/Park
Forward Elementary School/Park
Franklin Elementary School/Park
Gaslamp Square Park
Golden Hill Community Park
Gompers Neighborhood Park

Grant Elementary School/Park

Grant Hill Neighborhood Park

Hardy Elementary School/Park

Henderson, Willie, Athletic Area

Hollywood Neighborhood Park

Hoover Senior High School/Park

Horton Plaza Park

Hourglass Community Park

Howard Lane Neighborhood Park

"J" Street Mini- Park

Jerabek Neighborhood Park

Juarez Elementary School/Park

Keiller Neighborhood Park

Kellogg Park, including the boardwalk, *seawall* and La Jolla Shores Beach

Kelly Neighborhood Park

Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park

Kensington Neighborhood Park

King, Martin Luther Community Park

King, Martin Luther, Elementary School/Park "L" Street Mini-Park (at 28th Street)

La Jolla Athletic Area (Allen Field)

La Jolla Community Park

La Jolla Elementary School/Park

La Jolla Senior High School/Park

La Paz Mini- Park (undeveloped)

Laurel Street Mini-Park

Lewis Middle School/Park

Linda Vista Community Park

Lindberg Neighborhood Park; Community Park

Lomita Neighborhood Park

Macdowell Neighborhood Park

Marian Bear Memorial Park

Mata Mini- Park

Memorial Community Park

Mesa Verde Neighborhood Park

Mesa Viking Neighborhood Park

Mid-City Athletic Area

Mira Mesa Senior High School/Park

Mission Bay Park: All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, including the parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), Fiesta Island, Famosa Slough and Channel, and Fanuel Street Park

Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk, *seawall*, and the *beach*;

Mission Heights Neighborhood Park

Mission Trails Regional Park

Montclair Neighborhood Park

Montgomery-Waller Community Park

Mount Etna Neighborhood Park

Mountain View Community Park

Nestor Neighborhood Park

North Clairemont Community Park

North Mountain View Mini-Park

North Park Community Park

Oak Neighborhood Park

Ocean Beach Elementary School/Park

Ocean Beach Park, including the boardwalk *seawall*, jetty, and the *beach*;

Ocean Boulevard Park (Pacific Beach Park), including the boardwalk, *seawall*, and the *beach*

Old Trolley Barn Neighborhood Park

Pacific Beach Community Park

Pacific Beach Middle School/Park

Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)

Palisades Park North (undeveloped)

Palisades Park South (Law Street)

Palm Ridge Neighborhood Park

Pantoja Mini-Park

Paradise Hills Community Park

Park de la Cruz

Parkside Neighborhood Park

Penn Elementary School/Park (Athletic Area)

Plumosa Neighborhood Park

Point Loma Community Park

Portola Middle School/Park
Presidio Community Park
Rolando Mini-Park
Rose Canyon Park
San Diego School of Creative and Performing Arts
Santa Clara Point
Santa Isabel Mini-Park
San Ysidro Athletic Area (Larsen Field)
San Ysidro Col. Irving Solomon Center
San Ysidro Community Park
Serra Senior High School/Park
Sherman Elementary School/Park
Sherman Mini-Park
Silverwing Neighborhood Park
Skyline Community Park
Skyview Neighborhood Park
South Bay Community Park
(South) Clairemont Community Park
South Mission Beach Park, including the boardwalk, *seawall*, and the *beach*;
Southcrest Community Park
Spreckels Elementary School/Park
Standley Junior High School/Park
Sunny Slope Neighborhood Park

Sunset Cliffs Natural Park

Taylor Library Park

Tecolote Canyon Natural Park

Tierrasanta Elementary School/Park

Tourmaline Surfing Park

Union Place Circle Park

Valencia Elementary School/Park

Villa del Norte Mini-Park

Vista Terrace Neighborhood Park

Wabash Mini-Park

Walker Neighborhood Park

Washington Elementary School/Park

Western Hills Neighborhood Park

Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)

Wilson Middle School/Park

30th Street Mini-Park

32nd Street Mini-Park (north of Redwood)

39th Street Mini-Park

41st Street Mini-Park

All parking lots in Mission Bay Park;

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park

The Peninsula of land known as "The Clam" including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

All coastal access, view point and bluff rights-of-way.

Crystal Pier and Ocean Beach Pier.

APPENDIX 56.54B
12 HOUR BAN – 8:00 P.M. – 8:00 A.M.

That portion of Balboa Park bounded by Upas Street on the north, Highway 163 on the west, Interstate 5 on the south, and Park Boulevard on the east;

Cabrillo Heights Neighborhood Park

Carmel Creek Neighborhood Park

Carmel Del Mar Neighborhood Park

Cleator, Bill, Neighborhood Park

Collier Neighborhood Park

East Clairemont Athletic Area

Gershwin Neighborhood Park

Lake Murray Community Park

Montezuma Neighborhood Park

Mount Acadia Neighborhood Park

Murray Ridge Neighborhood Park

Ocean Beach Community Park

Olive Grove Community Park

Pioneer Park (Mission Hills)

Presidio Park

Rancho Bernardo Community Park

San Carlos Community Park

000076

Serra Mesa Community Park
Sessions, Kate, Neighborhood Park
Solana Highland Neighborhood Park
Tecolote Community Park

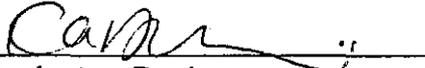
Section 2. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code is amended by repealing sections 56.70, 56.71, and 56.72.

Section 3. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt under State CEQA guidelines section 15305 as a minor alteration to a land use limitation, and under State CEQA guidelines section 15061(b)(3) as an amendment to an ordinance that will not affect environmental resources.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public a day prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Kimberly Ann Davies
Deputy City Attorney

MTN KAD:lb:ca
10/04/07 DRAFT
Dept: City Attorney
O-2008-D

000077

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

000078

STRIKEOUT ORDINANCE

OLD LANGUAGE: STRIKEOUT
NEW LANGUAGE: UNDERLINE

(O-2008-D DRAFT)

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 56.54, AND REPEALING SECTIONS
56.70, 56.71, AND 56.72 ALL RELATING TO ALCOHOL
CONSUMPTION IN CERTAIN AREAS

§ 56.54

Alcoholic Beverage Consumption Prohibited in Certain Areas

- (a) [No change in text.]
- (b) Unless the City Manager or designee has issued a special event permit, unless otherwise provided under the terms of a lease agreement with the City of San Diego, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any *alcoholic beverage* at any time, upon 1) any public property, including all public beaches, but not including public parks and beaches except as specifically listed in Appendix 56.54A, and not including Mission Bay Golf Course; and 2) public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, jetties, including on or against seawalls, and including all sidewalks along the outer perimeters of such areas, and including any sidewalks, boardwalks and other public rights-of-way at any beach or coastal bluff.
- (c) [No change in text.]

000079

(d) 16 Hour Ban

It is unlawful to consume alcohol in the areas listed in Appendix 56.54C between 8:00 p.m. and Noon, unless the City Manager or designee has issued a special event permit or unless otherwise permitted by Section 56.54.

(e)(d) Section 56.54 does not prohibit:

- (1) any person from consuming *alcoholic beverages* within the defined boundaries of a sidewalk cafe located on the public right-of-way, or on property leased from the City.
- (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

**APPENDIX 56.54A
24 HOUR BAN**

Adams Community Park
Adams Elementary School/Park
Alcott Elementary School/Park
Allen, Dennis V., Neighborhood Park
Azalea Community Park
Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]
Bay Terraces Neighborhood Park
Bay Terraces Junior High School/Park
Berry Neighborhood Park
Birdland Neighborhood Park (Fletcher Elementary School/Park)
Bird Rock Elementary School/Park
Birney Elementary School/Park
Black Mountain Middle School/Park
Boone Neighborhood Park
Cabrillo Elementary School/Park
Cabrillo Mini-Park
Cabrillo Recreation Center
Cadman Community Park
Cadman Elementary School/Park

000080

Cedar Ridge Mini-Park
Central Mini-Park
Chicano Neighborhood Park
Children's Park & Pond
Chollas Canyon Park
Chollas Lake Community Park
City Heights Community Park
City Heights Mini-Park
Clay Elementary School/Park
Clay Mini-Park
Clay Neighborhood Park
Cliffridge Athletic Area
Colina del Sol Community Park
Dailard Elementary School/Park
Dana Center
Doyle Community Park
East San Diego Adult Recreation Club
Edison Elementary School/Park
Emerald Hills Neighborhood Park
Encanto Community Park
~~Fanuel Street Park~~
Field Elementary School/Park
Forward Elementary School/Park
Franklin Elementary School/Park
Gaslamp Square Park
Golden Hill Community Park
Gompers Neighborhood Park
Grant Elementary School/Park
Grant Hill Neighborhood Park
Hardy Elementary School/Park
Henderson, Willie, Athletic Area
Hollywood Neighborhood Park
Hoover Senior High School/Park
Horton Plaza Park
Hourglass Community Park
Howard Lane Neighborhood Park
"J" Street Mini- Park
Jerabek Neighborhood Park
Juarez Elementary School/Park
Keiller Neighborhood Park
Kellogg Park, including the boardwalk, *seawall* and La Jolla Shores Beach
Kelly Neighborhood Park
Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park
Kensington Neighborhood Park
King, Martin Luther Community Park
King, Martin Luther, Elementary School/Park "L" Street Mini-Park (at 28th Street)

La Jolla Athletic Area (Allen Field)
 La Jolla Community Park
 La Jolla Elementary School/Park
 La Jolla Senior High School/Park
 La Paz Mini- Park (undeveloped)
 Laurel Street Mini-Park
 Lewis Middle School/Park
 Linda Vista Community Park
 Lindberg Neighborhood Park; Community Park
 Lomita Neighborhood Park
 Macdowell Neighborhood Park
 Marian Bear Memorial Park
~~Marine Street Beach, including the beach, bluffs, stairs, and adjacent public rights-of-way between the northern property line of 274 Coast Boulevard and the westerly extension of the northern side of Westbourne Street;~~
 Mata Mini- Park
 Memorial Community Park
 Mesa Verde Neighborhood Park
 Mesa Viking Neighborhood Park
 Mid-City Athletic Area
 Mira Mesa Senior High School/Park
Mission Bay Park: All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, including the parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), Fiesta Island, Famosa Slough and Channel, and Fanuel Street Park
 Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk, and seawall, and excluding the beach; as described in Section 56.54(d) [Appendix 56.54C]
 Mission Heights Neighborhood Park
 Mission Trails Regional Park
 Montclair Neighborhood Park
 Montgomery-Waller Community Park
 Mount Etna Neighborhood Park
 Mountain View Community Park
 Nestor Neighborhood Park
 North Clairemont Community Park
 North Mountain View Mini-Park
 North Park Community Park
 Oak Neighborhood Park
 Ocean Beach Elementary School/Park
 Ocean Beach Park, including the boardwalk, and seawall, jetty, and excluding the beach, as described in Section 56.54(d) [Appendix 56.54C];
 Ocean Boulevard Park (Pacific Beach Park), including the boardwalk, and seawall, and excluding the beach; as described in Section 56.54(d) [Appendix 56.54C]
 Old Trolley Barn Neighborhood Park
 Pacific Beach Community Park

000082

Pacific Beach Middle School/Park
Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)
Palisades Park North (undeveloped)
Palisades Park South (Law Street)
Palm Ridge Neighborhood Park
Pantoja Mini-Park
Paradise Hills Community Park
Park de la Cruz
Parkside Neighborhood Park
Penn Elementary School/Park (Athletic Area) Plumosa Neighborhood Park
Point Loma Community Park
Portola Middle School/Park
Presidio Community Park
Rolando Mini-Park
Rose Canyon Park
San Diego School of Creative and Performing Arts
Santa Clara Point
Santa Isabel Mini-Park
San Ysidro Athletic Area (Larsen Field)
San Ysidro Col. Irving Solomon Center
San Ysidro Community Park
Serra Senior High School/Park
Sherman Elementary School/Park
Sherman Mini-Park
Silverwing Neighborhood Park
Skyline Community Park
Skyview Neighborhood Park
South Bay Community Park
(South) Clairemont Community Park
South Mission Beach Park, including the boardwalk, and seawall, and excluding the beach, as described in Section 56.54(d) [Appendix 56.54C]
Southcrest Community Park
Spreckels Elementary School/Park
Standley Junior High School/Park
Sunny Slope Neighborhood Park
Sunset Cliffs Natural Park
Taylor Library Park
Tecolote Canyon Natural Park
Tierrasanta Elementary School/Park
Tourmaline Surfing Park
Union Place Circle Park
Valencia Elementary School/Park
Villa del Norte Mini-Park
Vista Terrace Neighborhood Park
Wabash Mini-Park
Walker Neighborhood Park

000083

Washington Elementary School/Park
Western Hills Neighborhood Park
Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)
Wilson Middle School/Park
30th Street Mini-Park
32nd Street Mini-Park (north of Redwood)
39th Street Mini-Park
41st Street Mini-Park
All parking lots in Mission Bay Park;

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park;

The Peninsula of land known as "The Clam" including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

All coastal access, view point and bluff rights-of-way.

Crystal Pier and Ocean Beach Pier

APPENDIX 56.54B

12 HOUR BAN - 8:00 P.M. - 8:00 A.M.

That portion of Balboa Park bounded by Upas Street on the north, Highway 163 on the west, Interstate 5 on the south, and Park Boulevard on the east;
Cabrillo Heights Neighborhood Park
Carmel Creek Neighborhood Park
Carmel Del Mar Neighborhood Park
Cleator, Bill, Neighborhood Park
Collier Neighborhood Park
East Clairemont Athletic Area
~~Famosa Slough and Channel~~
Gershwin Neighborhood Park
Lake Murray Community Park
Montezuma Neighborhood Park
Mount Acadia Neighborhood Park
Murray Ridge Neighborhood Park
Ocean Beach Community Park
Olive Grove Community Park
Pioneer Park (Mission Hills)
Presidio Park
Rancho Bernardo Community Park
San Carlos Community Park
Serra Mesa Community Park

000084

Sessions, Kate, Neighborhood Park
Solana Highland Neighborhood Park; Tecolote Community Park
Tecolote Community Park

APPENDIX 56.54C
~~16 HOUR BAN 8:00 P.M. NOON~~

~~All beaches on the Pacific Ocean and adjacent parks and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park that are not included in section 56.54(b) [Appendix 56.54A]; and~~

~~All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.~~

~~All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.~~

~~§56.70~~ Definitions

~~Defined words appear in italics in Sections 56.70, 56.71, 56.72. The words and phrases used in Sections 56.70, 56.71, 56.72 have the meanings set forth in Section 56.70.~~

~~“Alcoholic beverage” has the same meaning as used in Section 56.54.~~

~~“Commercial special event” has the same meaning as used in Section 22.4003.~~

~~“Enforcement Services” means the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured~~

~~police officers or other code enforcement personnel; the cost of repairing any damaged City equipment or property; and, the cost arising from the use of any damaged City equipment in responding to or remaining at the party, gathering, or event.~~

~~"Fourth of July" means the 24 hour period encompassing the Fourth of July beginning at 12:00 am and ending at 11:59 pm.~~

~~"Keg" means any container made of any material, including but not limited to metal, plastic, or wood, capable of holding three gallons or more of an alcoholic beverage.~~

~~"Special event" has the same meaning as used in Section 22.4003.~~

~~"Special event permit" has the same meaning as used in Section 22.4003.~~

~~"Weekend" means a three day period consisting of Friday, Saturday, and Sunday.~~

§56.71

~~Kegs at Designated Areas Prohibited~~

(a) ~~It is unlawful for any person to possess any keg containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed at any designated public area on the Fourth of July.~~

(b) ~~For the purposes of Section 56.71(a), a designated public area includes the following areas:~~

- (1) ~~All beaches on the Pacific Ocean and adjacent parts and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the Southern Boundary of Torrey Pines Park; and~~

- (2) ~~All land areas of Mission Bay Park, including Fanuel Street Park, Sail Bay, Crown Point, Bayside Walk, Ocean Beach Athletic Area (Robb Field), Dusty Rhodes Park, including parking lots, Santa Clara Point, and Bob McEvoy Youth Fields (Mission Bay Youth Fields).~~
- (c) ~~A violation of Section 56.71(a) shall be punishable as an infraction.~~
- (d) ~~Each keg possessed shall constitute a separate and punishable violation of Section 56.71(a).~~
- (e) ~~Section 56.71(a) does not apply to a special event or commercial special event for which a special event permit has been issued pursuant to Section 22.4004.~~

~~§ 56.72~~ **Reservation of Legal Options**

~~The City of San Diego does not waive its right to seek reimbursement for actual costs of enforcement services associated with the enforcement of Sections 56.70, 56.71, 56.72 through other legal remedies or procedures. The procedure provided for in Sections 56.70, 56.71 and 56.72 is in addition to any other statute, ordinance, or law. Sections 56.70, 56.71 and 56.72 in no way limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by Sections 56.70, 56.71, and 56.72, nor do they limit in any way the prosecution's ability to initiate and prosecute a criminal prosecution for any violation of a criminal offense arising out of the same circumstances necessitating the application of Sections 56.70, 56.71, 56.72.~~

MTN KAD:lb:ca
 10/04/07 DRAFT
 Dept: City Attorney
 O-2008-SO Rev D

000088

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6, DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.54, AND REPEALING SECTIONS 56.70, 56.71, AND 56.72 ALL RELATING TO ALCOHOL CONSUMPTION IN CERTAIN AREAS

An ordinance to amend Chapter 5, Article 6, Division 0 of the San Diego Municipal Code by amending section 56.54, titled "Alcohol Beverage Consumption Prohibited in Certain Areas" to add all public beaches, bays, and coastal rights-of-way, and all coastal parks in Council District Two (all coastal parks south of Tourmaline Surfing Park) to the list of public property covered by the existing 24-hour ban. This ordinance also repeals sections 56.70, 56.71, and 56.72, all relating to the previously existing 16-hour beach alcohol ban and the Fourth of July keg ban.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public prior to the day of passage.

This ordinance shall take effect and be in full force on the thirtieth day from and after its final passage.

A complete copy of the Ordinance is available for inspection in the Office of the City
Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street,
San Diego, CA 92101.

KAD:ca
10/04/07
Or.Dept:City Attorney
O-2008-Draft D

PS&NS OCT 10 2007 #3

000090

From: "Jessica Luedtke" <jluedtke@projects.sdsu.edu>
To: "Manuel Ed Ketcham" <MKetcham@sandiego.gov>
Date: 10/5/2007 10:18:58 AM
Subject: For record: Oppose beach alcohol ban

For record: Oppose beach alcohol ban:

I am a 9-5 worker and will be unable to make the meeting regarding the beach ban, as will many of my friends and co-workers who feel this is an important topic but cannot attend because they are professionals working during the day. I would still like to have my voice heard.

As a resident of the Pacific Beach community, I do not support a beach ban on alcohol. I think that most residents are responsible about their use of alcohol on the beaches in both their actions at the beach and cleaning up after themselves when leaving the beach. Please don't let a few people who come to the beach on holidays ruin it for those of us who reside in the community and do our part on a regular basis. I see many people, young and old, in groups and with families, enjoying the right to have alcohol on the beach on a regular basis, and these people should not have this right taken away due to the actions of a few.

Living in PB for 10 years, I do not see the need for added restrictions at the beach for those responsible adults that behave. I would suggest that the target here should not be the ban of alcohol for everyone, but should instead address what to do about those specific people that are getting overintoxicated. I would support tougher fines and actions for those that do create problems as a first step toward lowering potential problems. I would also support a ban on items that tend to be used in drinking games and drinking parties and may lead to overintoxication like ping pong tables, slip N slides, etc. I do not support any restrictions on alcohol at this point.

Thank you,

Jessica Luedtke

Jessica L. Luedtke, M.A.
Project Manager & Data Processing Manager
Social Science Research Lab, Research Services
San Diego State University
Tel: 619 594-1361
Fax: 619 594-7836
Email: jluedtke@projects.sdsu.edu
<http://ssrl.sdsu.edu>

-----Original Message-----

From: Manuel Ed Ketcham [<mailto:MKetcham@sandiego.gov>]
Sent: Friday, October 05, 2007 8:50 AM
To: jluedtke@projects.sdsu.edu
Cc: John Rivera
Subject: October 10, 2007 PS&NS Committee Mtg. Public Comments

000091

Jessica * At the PS&NS Committee meeting, there are In Favor and Opposed speaker slips which persons can fill out in order to speak on a certain item for the designated amount of time. You may wish to e-mail us your comments, which will be placed in the file as part of the record; or while the meeting is in progress, you may call in to the meeting (619-533-4001) to make your comment when your name is called. Please let us know your wishes.

Ed Ketcham
Committee Consultants' Assistant
Telephone: (619) 533-3984

CC: "John Rivera" <JRivera@sandiego.gov>

PSENS 10/10/07 #3

000092

From: "Josh Schlessler" <josh@activenetwork.com>
To: <scottpeters@sandiego.gov>
Date: 10/6/2007 1:25:15 PM
Subject: proposed alcohol ban on our beaches

Mr. Peters,

I am a resident that lives within houses of windansea beach and I am opposed to a general ban on Alcohol on our beaches. If a ban must be seriously considered why not ban alcohol at specific events that are known to have problems or require those events to pay for adequate security and policing. Most of san diego is responsible enough to enjoy a few beers at the beach on a sunny day or a glass of wine at sunset with friends or to create a special moment with a loved one. Those are some of the reasons why san diego is such an enjoyable place to live. Why should a few crazy kids in PB at a well known yearly wild party ruin it for the rest of the residents and our many visitors each year.

Respectfully,
Joshua Schlessler
330 Bonair Street
La Jolla

CC: <mketcham@sandiego.gov>, <jrivera@sandiego.gov>

000094

Manuel "Ed" Ketcham - October 10, 2007 Public Meeting regarding alcohol beach ban.

From: "Stephanie Kuecken" <stephkuecken@hotmail.com>
To: <mketcham@sandiego.gov>
Date: 10/8/2007 11:34 AM
Subject: October 10, 2007 Public Meeting regarding alcohol beach ban.
CC: <jrivera@sandiego.gov>

Hello,

My name is Stephanie Kuecken and I am a 29-year old resident of North Pacific Beach. Due to my work schedule, I am unable to attend the October 10th meeting regarding the proposed alcohol beach ban but would like to express my views via email.

I have enjoyed the freedom of being allowed to drink on San Diego's beaches and have a great respect for this freedom. My friends and family drink responsibly and I feel we are representative of the majority of the beach community. I agree with and support the sentiments of Freepb.org.

I am opposed to the ban and I believe some more effective measures would be to enforce existing laws against underage drinkers and gatherings of 25 or more people on the beach. Increase the police visibility and presence on major holidays in the beach communities specifically. Implement the recommendations of Faulconer's BATF.

Thank you,

Stephanie Kuecken

Climb to the top of the charts! Play Star Shuffle: the word scramble challenge with star power. [Play Now!](#)

000095

Manuel "Ed" Ketcham - October 10, 2007 Public Meeting regarding alcohol beach ban

From: <misskwist@aol.com>
To: <MKetcham@sandiego.gov>
Date: 10/5/2007 5:54 PM
Subject: October 10, 2007 Public Meeting regarding alcohol beach ban

Dear Mr. Ketcham,

My name is Krystina and I am a San Diego native. I am 22 years old and I think this 'ban' is ridiculous. People come to San Diego for the beaches and they get so excited when they know they can drink on the beaches because no where else can they do that! That is what makes us special! Please consider.

Thank you for your time

Krystina

Email and AIM finally together. You've gotta check out free [AOL Mail!](#)

000096

From: "Jay" <jguillou@gmail.com>
To: "scottpeters@sandiego.gov" <scottpeters@sandiego.gov>, "mketcham@sandiego.gov" <mketcham@sandiego.gov>
Date: 10/6/2007 1:17:01 PM
Subject: Proposed alcohol ban

Dear Mr. Peters,

As a long time resident of La Jolla I wanted to register my concern over the proposed alcohol ban on the beaches here. Having a drink on the beach has always been one of the great things about living here.

I am all for enforcing the laws against drunkenness and could even understand a one day ban for the 4th but I would be very disappointed to have a law on the books that would punish all for the missbehavior of the few, especially when there are already laws against their specific behavior, e.g. Public drunkenness.

Best regards,
Sarah Farber

Gravilla Pl.
La Jolla, CA 92037

CC: "jrivera@sandiego.gov" <jrivera@sandiego.gov>

000097

October 9, 2007

Dear Mayor, Chief, & Council members/committee:

I am writing to you because I oppose banning alcohol on all San Diego beaches. I am current Pacific Beach resident that is strongly taking a stance. My career is marketing/graphic designer with a bachelor degree from SUNY University at Buffalo. I would like to start off by saying, having this meeting at 2pm downtown is not a fair time or location for working people. This meeting is mainly going to be attended by senior citizens or stay at home parents. We might get lucky and people will be able to get out of work. To the main issue; it would not be fair or right for all of us that do respect the law and abide by it on a daily basis to ban alcohol. I was there the day of the "beach brawl". I saw how some hundreds of people did get out of hand and totally disrespected the police officers. I do not agree with what happened on the beach that day. I have heard rumors and eye witnesses accounts that what actually started the whole thing was a good sumerative trying to get a quad out of the water that a police officer left. I have no idea if this is true but what I heard from many eyewitnesses. I was on the boardwalk so I didn't actually see what started the whole thing. All I know is if you guys jump the gun and do a ban on alcohol it will just create problems elsewhere and continue on the beach regardless. Think about it! People will start pre-drinking at the bars and their houses. People will still bring alcohol to the beaches. Maybe not in a Budweiser can but maybe a Gatorade bottle. You will never be able to enforce it completely. Do me a favor and go to the beach on any given weekend. Look around at all the people. You will see people sun tanning, relaxing, and yes a few drinking and having fun. You don't see "riots" on the beach ever. In fact, KUSI said they couldn't recall this ever happening before. So if this is a one-time thing then why should we ban it because of one incident? Since doing a lot of research I have talked to many tourists. They love the fact that they can drink on our beaches. Tourists equal money so lets add that into the equation. I strongly oppose banning alcohol on the beach. I go down there almost every weekend and I like the fact I can drink a few beers while socializing with my friends or simply relaxing with my girlfriend. I don't drink every weekend on the beach but I like that luxury of having a choice. So please think long and hard before you ban alcohol on San Diego beaches. I DO NOT support this ban and nor does everyone I have talked too. As you probably already know there is a great support to ban alcohol. Honestly, the people that want the ban are the senior citizens, bars (because it will give them business) and homeowners that live in PB, MB, OB. I am 29 years old from NY that moved here two years ago. I knew prior to moving to PB that it was a party town and a lot of young people. So with that comes the immaturity of course. I did that partying years ago and now I am calmer. Yeah, I do get annoyed at seeing and hearing some of the drunk people in PB go by my apartment or when I walk by them from the bars. However, I do know that maybe in a year or two it will be time for me to leave the area and go to where there is less young people and more mature citizens. What I am getting at is if these people that are for the ban don't like it then move. I know you are probably thinking, well they shouldn't have to. Your right, they shouldn't have to move but that is the way of PB and has been for years. It is a young crowd and if you can't handle what young people do then why would you move there in the first place. So please consider everything I have said in this letter. Take to heart and listen from my heart as a PB resident. Many others and I are not for banning alcohol. This isn't the solution, police enforcement of existing laws is. I have and will oppose this proposal until it goes into effect and I will do anything in my power to prevent it from becoming a law. It is not fair to lose what we enjoy because of one bad incident. This is America home of freedom. You already banned smoking on the beaches and parks. Please don't turn this city and state into a dictatorship!

Sincerely,
Tom Zarcone
1222 Reed Ave.
Pacific Beach

000098

October 9, 2007

Dear Mayor, Chief, & Council members/committee:

I am writing to you because I oppose banning alcohol on all San Diego beaches. I am current Pacific Beach resident that is strongly taking a stance. My career is marketing/graphic designer with a bachelor degree from SUNY University at Buffalo. I would like to start off by saying, having this meeting at 2pm downtown is not a fair time or location for working people. This meeting is mainly going to be attended by senior citizens or stay at home parents. We might get lucky and people will be able to get out of work. To the main issue, it would not be fair or right for all of us that do respect the law and abide by it on a daily basis to ban alcohol. I was there the day of the "beach brawl". I saw how some hundreds of people did get out of hand and totally disrespected the police officers. I do not agree with what happened on the beach that day. I have heard rumors and eye witnesses accounts that what actually started the whole thing was a good sumerative trying to get a quad out of the water that a police officer left. I have no idea if this is true but what I heard from many eyewitnesses. I was on the boardwalk so I didn't actually see what started the whole thing. All I know is if you guys jump the gun and do a ban on alcohol it will just create problems elsewhere and continue on the beach regardless. Think about it! People will start pre-drinking at the bars and their houses. People will still bring alcohol to the beaches. Maybe not in a Budweiser can but maybe a Gatorade bottle. You will never be able to enforce it completely. Do me a favor and go to the beach on any given weekend. Look around at all the people. You will see people sun tanning, relaxing, and yes a few drinking and having fun. You don't see "riots" on the beach ever. In fact, KUSI said they couldn't recall this ever happening before. So if this is a one-time thing then why should we ban it because of one incident? Since doing a lot of research I have talked to many tourists. They love the fact that they can drink on our beaches. Tourists equal money so lets add that into the equation. I strongly oppose banning alcohol on the beach. I go down there almost every weekend and I like the fact I can drink a few beers while socializing with my friends or simply relaxing with my girlfriend. I don't drink every weekend on the beach but I like that luxury of having a choice. So please think long and hard before you ban alcohol on San Diego beaches. I DO NOT support this ban and nor does everyone I have talked too. As you probably already know there is a great support to ban alcohol. Honestly, the people that want the ban are the senior citizens, bars (because it will give them business) and homeowners that live in PB, MB, OB. I am 29 years old from NY that moved here two years ago. I knew prior to moving to PB that it was a party town and a lot of young people. So with that comes the immaturity of course. I did that partying years ago and now I am calmer. Yeah, I do get annoyed at seeing and hearing some of the drunk people in PB go by my apartment or when I walk by them from the bars. However, I do know that maybe in a year or two it will be time for me to leave the area and go to where there is less young people and more mature citizens. What I am getting at is if these people that are for the ban don't like it then move. I know you are probably thinking, well they shouldn't have to. Your right, they shouldn't have to move but that is the way of PB and has been for years. It is a young crowd and if you can't handle what young people do then why would you move there in the first place. So please consider everything I have said in this letter. Take to heart and listen from my heart as a PB resident. Many others and I are not for banning alcohol. This isn't the solution, police enforcement of existing laws is. I have and will oppose this proposal until it goes into effect and I will do anything in my power to prevent it from becoming a law. It is not fair to lose what we enjoy because of one bad incident. This is America home of freedom. You already banned smoking on the beaches and parks. Please don't turn this city and state into a dictatorship!

Sincerely,
Tom Zarcone
1222 Reed Ave.
Pacific Beach

000099

From: John Rivera
To: Ketcham, Manuel "Ed"
Date: 10/10/2007 9:56:19 AM
Subject: Fwd: PB alcohol ban

>>> "Rupert, Nathan" <nrupert@qualcomm.com> 10/10/2007 9:30 AM >>>
Hello John,

I normally don't get too involved in politics but I just wanted to express my thoughts about this subject. First of all, I find it odd that this meeting is being held in the middle of the day when most students and younger people of PB have other priorities to go to. I think you should reschedule this to the weekend.

Besides that, I don't think it is fair to punish the entire San Diego population for the actions of a few people. This is like if one person got a parking ticket and you punish the entire neighborhood with parking meters.

It is sad that our city is taking more and more of our freedoms away. Everyone should be able to enjoy a beer or glass of wine on the beach and watch a beautiful sunset. I'm sure even you enjoy one every now and then. Please don't put this ban into place.

Thanks,

Nathan Rupert

Product Support Associate

ext. 11658

nrupert@qualcomm.com

000100

From: John Rivera
To: Ketcham, Manuel "Ed"
Date: 10/10/2007 9:56:42 AM
Subject: Fwd: Beach Ban

>>> "Dobransky, Claire" <Claire.Dobransky@bumblebee.com> 10/10/2007 9:33 AM >>>
Hi Mr. John Rivera,

I cannot be at the City Council meeting today because I must work.

As a homeowner in Pacific Beach, I would like to voice my support for only a partial ban of alcohol on our beaches, during holidays.

Please do not punish the residents of Pacific Beach year round for the actions of visitors on major holidays.

Thank you,

Claire Dobransky

858.715.4045

858.715.4345 (fax)

858.926.9036 (mobile)

000101

From: John Rivera
To: Ketcham, Manuel "Ed"
Date: 10/10/2007 9:55:22 AM
Subject: Fwd: Letter In Support of Alcohol Ban- Oct 10, 2007.doc

>>> "Thomas J. Lochtefeld" <loch@waveloch.com> 10/10/2007 7:42 AM >>>

October 10, 2007

Jim Madaffer, Chairman

Public Safety and Neighborhood Services Committee

202 'C' Street

San Diego, CA 92101

RE: Comments In Support of Alcohol Ban, Committee Agenda of October 10, 2007

Dear Committee Members:

As a building owner and operator of Belmont Park and Wave House San Diego, it is important that I share some of my recent experience regarding alcohol at the beach.

When I took over this iconic Mission Beach leasehold in 2002, there were serious crime and alcohol related problems. To change this negative, I initiated a clean-up, physical make-over and introduced a family

000102

friendly atmosphere at Belmont Park. Most importantly, I invested heavily into attractions that promoted the clean healthy lifestyle associated with surfing, flowboarding, and aquatics. Public response was immediate and a dramatic improvement was evidenced in the park and the surrounding community. The alcohol provoked criminal element that previously infected this area is now minimized. The gross tenant revenues at Belmont Park have increased from \$9 million to \$22+ million. I am proud to say that the lives of my tenants and surrounding community are improved.

We attribute three factors responsible for our success: (1) creating a controlled environment for responsible drinking to occur - i.e., the Wave House Bar & Grill; (2) providing an outlet for youthful exuberance through athletics; and (3) increasing our internal security and staff safety training.

In light of our experience at Belmont Park, uncontrolled alcohol on the beach is a serious problem. Consequently, we are in support of an alcohol ban. However, a ban without a provision for controlled alternatives and increased security may not achieve the objectives that you seek.

At the current level of funding, despite the heroic efforts of the Beach Team, the San Diego Police Department does not have the resources to enforce a ban of alcohol on the beach. Imposing a ban without providing additional resources, including positively controlled alcohol alternatives, are not be an advisable course of action.

We remain supportive of the community's efforts to enhance public safety at the beach, and will do everything we can to assist in these efforts. We would also welcome an opportunity to discuss the additional proactive measures that are required to achieve success in restricting alcohol consumption on San Diego's beaches.

Sincerely,

Thomas J. Lochtefeld

Cc. John Rivera, Committee Consultant



000104

Year-Round Beach and Bay Alcohol-Free Ordinance

Presented to the Public Safety and Neighborhood Services
Committee of the San Diego City Council

by SafeBeaches.org
Scott Chipman and Jerry Hall
October 10, 2007

PS&NS 10/10/07 #3

We Support Councilmember Faulconer's Call For Year-Round Alcohol-Free Beaches and Bay

000105

Other groups support alcohol-free beaches:

- Pacific Beach Town Council
- Mission Beach Town Council
- Clairemont Town Council
- Pacific Beach Community Planning Committee
- A growing list of hotels, restaurants, realtors, retailers, neighborhood businesses, churches and individuals from all parts of the city.

Beach Alcohol

000106

- Threat to Public Safety year-round
- Drain on our Public Safety resources
- Bad for San Diego's Image

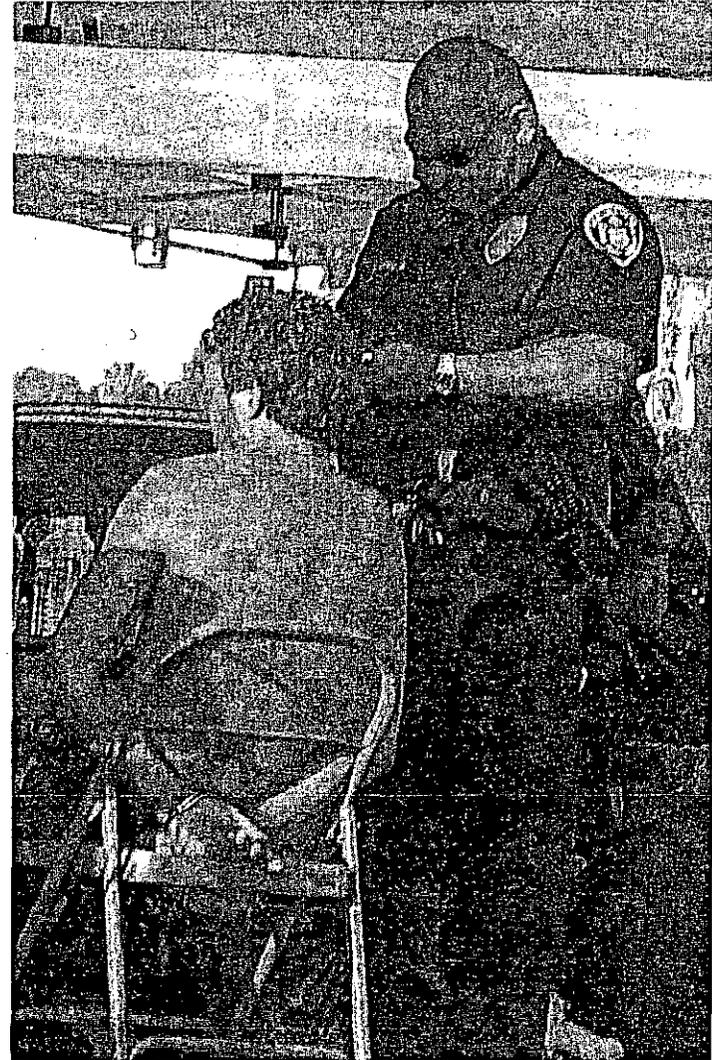


What is Public Safety?

00-0107

Many alcohol-related crimes directly impact public safety:

- Public Drunkenness
- Drunk Drivers, Hit and Runs, Vehicle-Related Deaths
- Underage Drinking
- Other Illegal and Criminal Behavior
 - Assaults
 - Sexual Crimes
 - Public Urination
 - Open Container
 - Vandalism & Graffiti



Where We Are, and How We Got Here

00-108

- The last attempt to control beach alcohol problems failed by a tiny margin.
- Proposition G fragmented the beaches and the voters.
- Many who voted against Prop. G have now changed their minds.

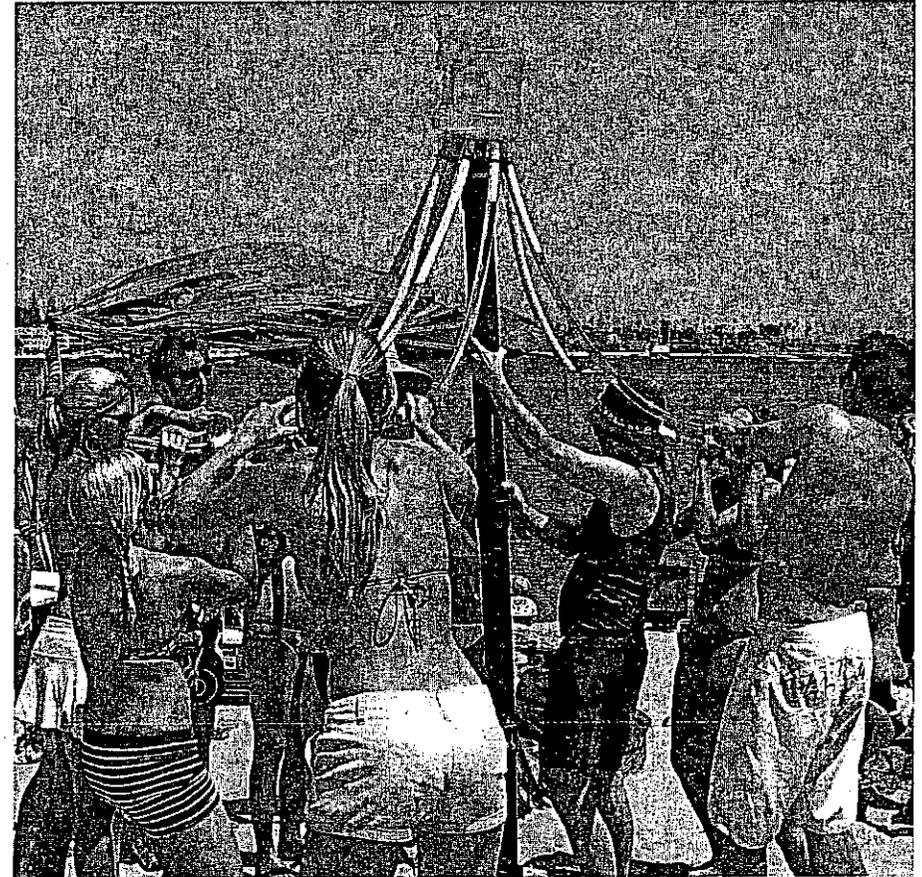
Proposition G. Alcohol Consumption in Beach Areas
-- City of San Diego (*Municipal Code Amendment*)
74220 / 48.6% Yes votes
78338 / 51.3% No votes

Shall the San Diego Municipal Code be amended to prohibit alcohol consumption twenty-four hours per day in substantially all of Mission Beach and specified beach areas of Pacific Beach from June 1, 2001, through December 31, 2002?

Our Beaches are a Magnet for Binge and Underage Drinking

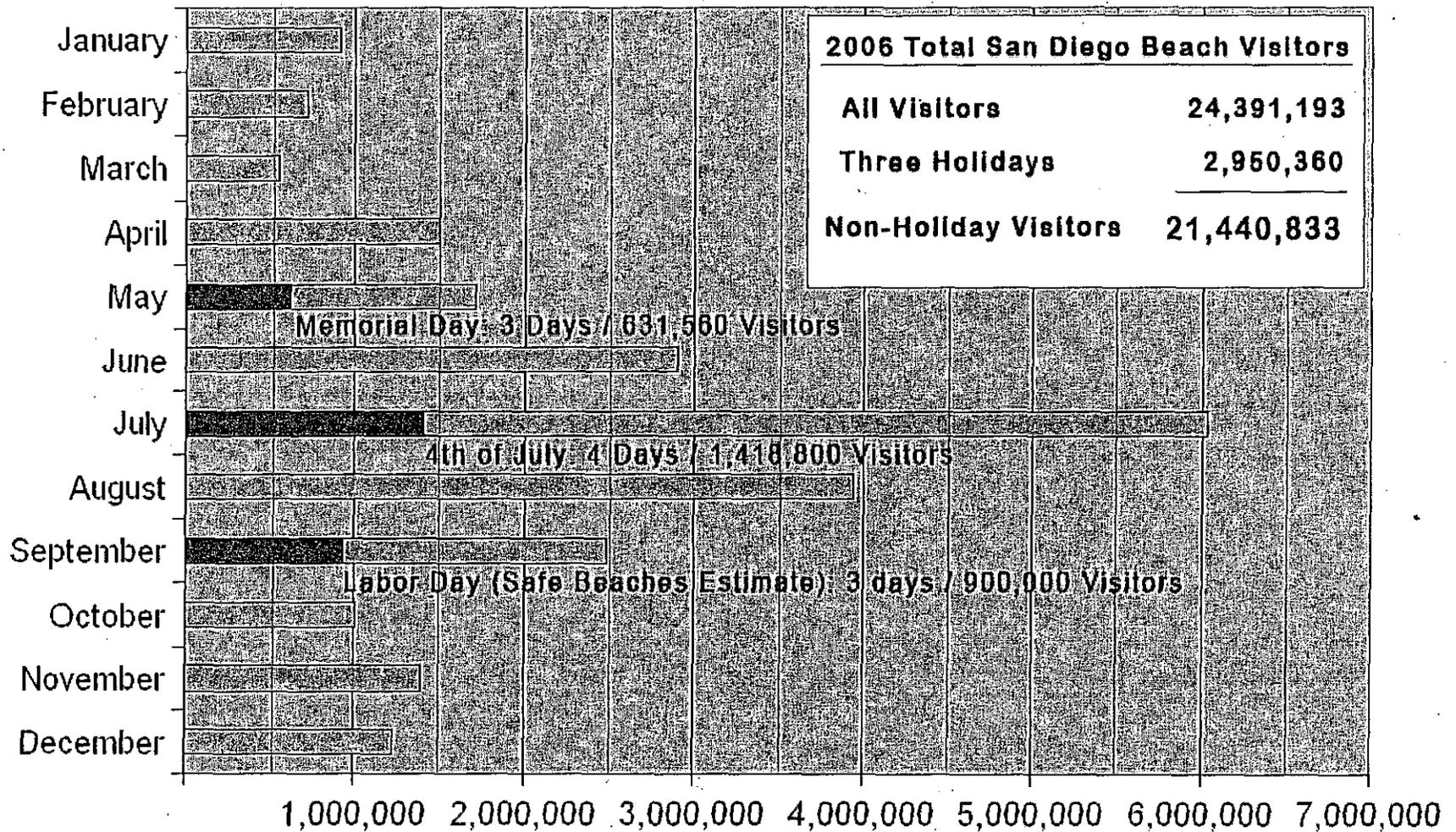
000109

- Drinking games
 - Get drunk faster
- Easy access for minors



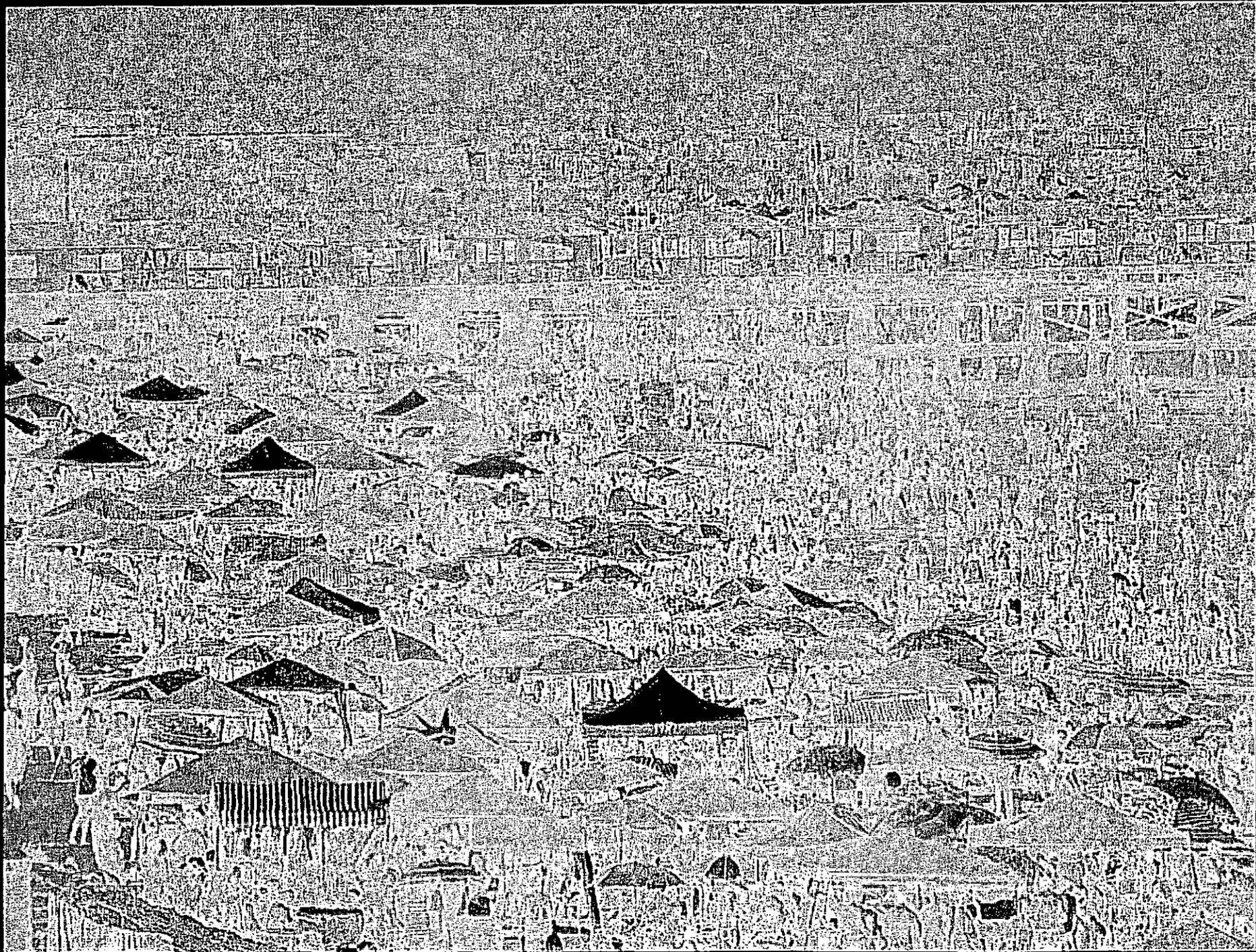
2006 Year-Round Beach Visitors

000110



Source: San Diego Lifeguards 2006 Stats Final
Includes SafeBeaches.org Labor Day Population Estimate

2006 San Diego Beach Visitors



009111

Labor Day Incident

000112

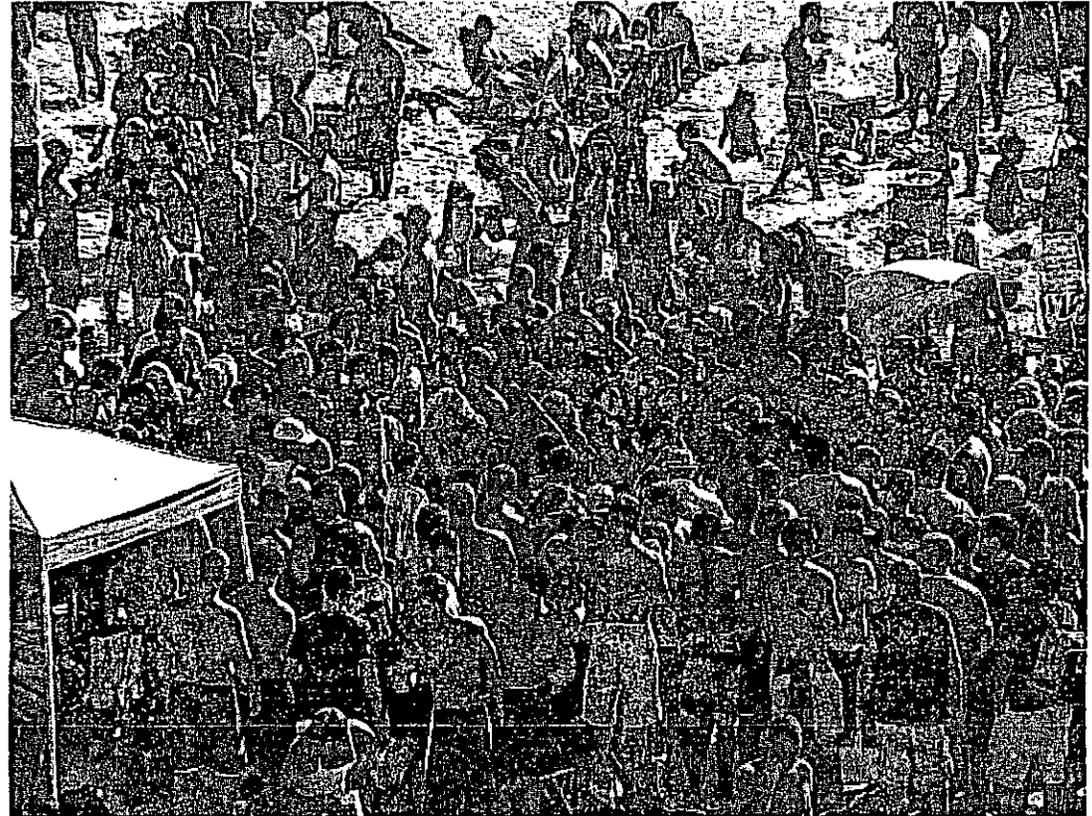
- Police response by-the-book and as trained
- 70 police; 40 Mobile Field Force in riot gear
- Could have been far more than 15 arrests.
- 7 were underage; 6 of these drunk in public
- Was not an isolated incident



Public Safety Issue Year-Round

009113

- Year-round epidemic of alcohol-related crimes
- Dealing with large crowds of drinkers puts the safety of our lifeguards, fire and rescue and police officers at risk.
- Neighborhoods suffer year-round



High Year-Round Alcohol-Related Crime

000114

- In 2005, police made 667 DUI arrests in Mission Beach, Pacific Beach, and Mission Bay Park (1)
- In 2005 on these three beaches 813 minors were arrested for possession of alcohol. (1)
- Alcohol-related crime in Mission Beach and Mission Bay is 34 times the citywide average; and in coastal Pacific Beach it's 26 times the citywide average. (2)
- Common factor in those areas: Large beaches where alcohol is allowed.

Source:

- (1) San Diego Police: Arrests and Citations Beaches Service Area 2005
- (2) Policing Beach Communities February 24, 2007 Captain Boyd Long

Adequate Policing Not Feasible Alcohol-Free Beaches Work!

000115

- The beach is an open bar.
- Impossible to check IDs.
- No security, no doormen to monitor behavior of drinkers.
- Alcohol-free beaches require far fewer police resources.
- La Jolla Shores 80% Reported Crime and 43% Arrest Reductions (1)

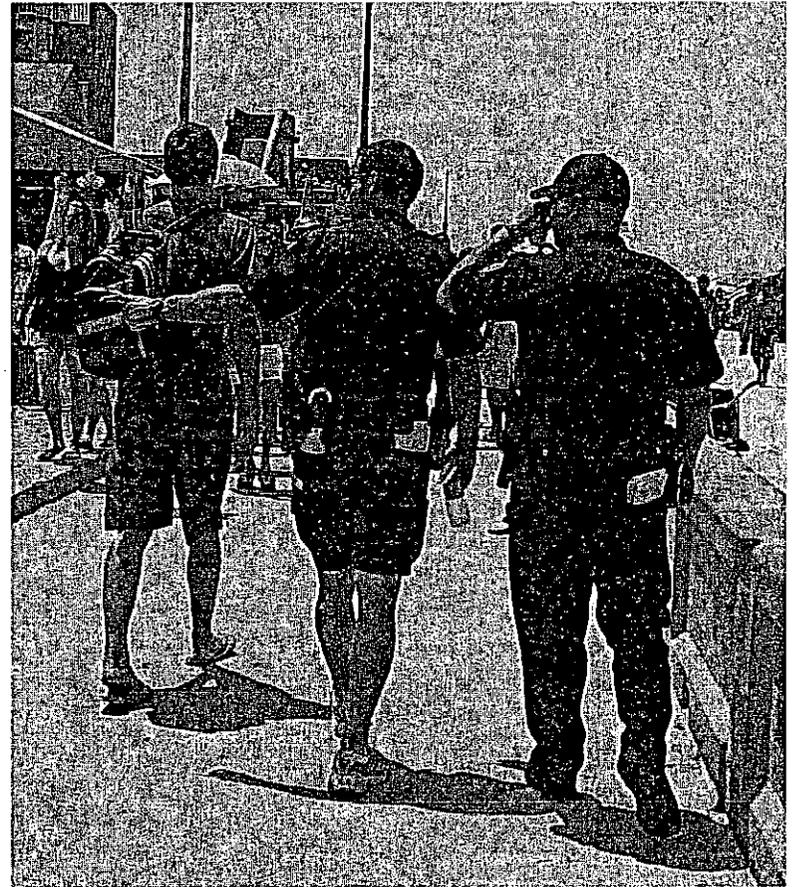


Source: (1) SD Union Tribune February 13, 2002

Drain on Resources

009116

- Police allocated 13,140 officer-hours to Pacific Beach in 2006.
- But police used about 33,600 hours to respond to calls in that area.
- More than 20,000 officer hours were diverted from other beats in the City.
- Police aren't in citywide neighborhoods because they're babysitting beach drunks. No matter where you live – that's not fair!

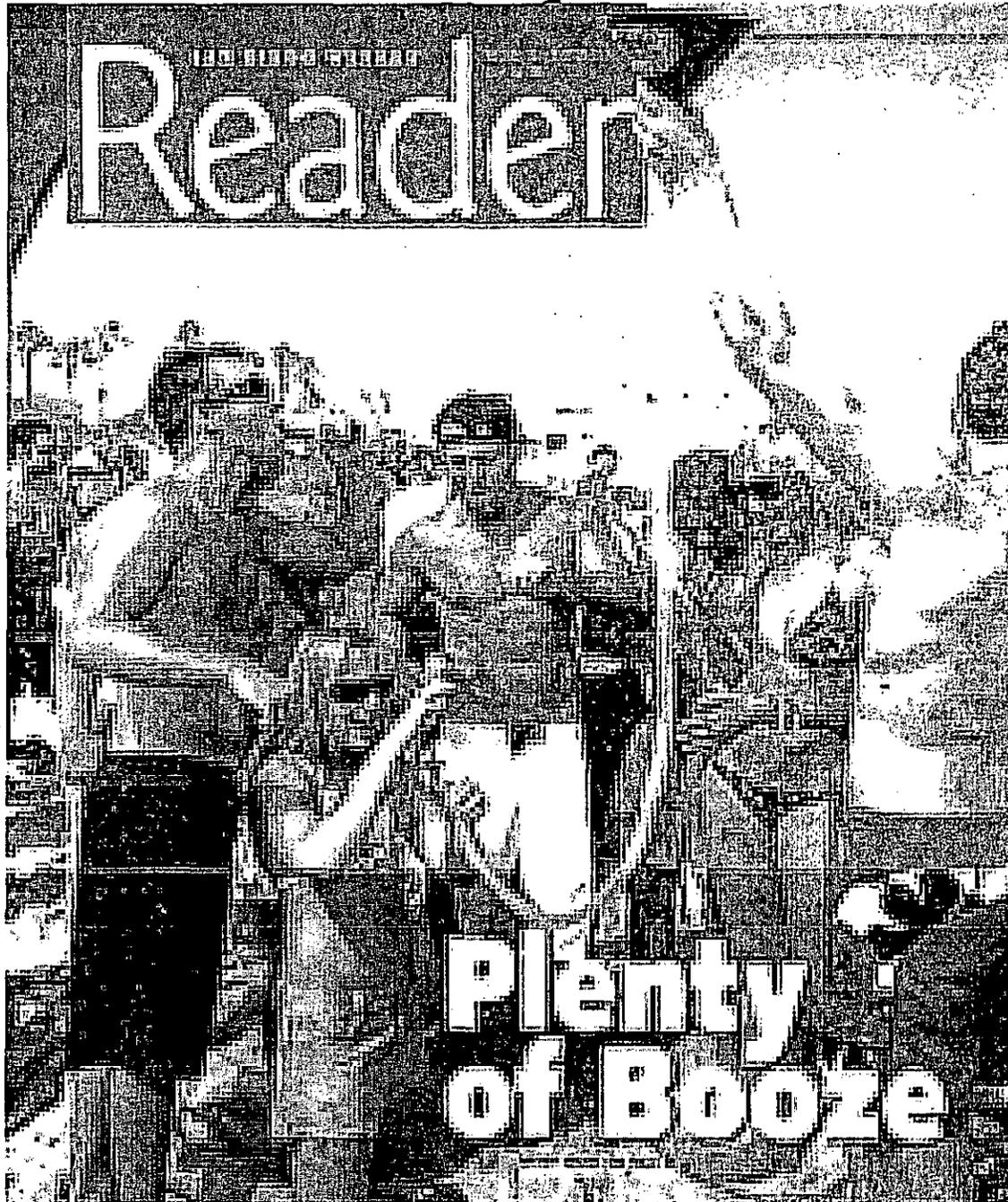


Source: San Diego Police Department - 2006 Police Out-of-Service Hours

Beach Alcohol Costs San Diego Tourism Dollars

000117

- Video of the Labor Day incident was broadcast around the world; city's reputation damaged
- Pacific Beach is THE place to drink on the beach... just check the Internet: MySpace.com, YouTube.com, Wikipedia etc.
- People will avoid San Diego as a vacation destination all year long.



000118

Alcohol-Free Beaches Will Benefit San Diego

003119

- Tourism will increase.
- Citywide drunk driving will decrease.
- Alcohol-related citations will decrease.
- San Diego's other communities will have more police resources available.
- Minors will have less access to alcohol.
- Alcohol problems won't be pushed inland.

A Major Change Must Happen

- Public safety is the important issue.
- We all deserve to feel safe at the beach.
- We've treated the symptoms, not the cause of the problem.
- Alcohol-free beaches work everywhere.



Thank you from SafeBeaches.org

Questions?

24 Hour Ban at Windansea Beach

Dear Committee Members;

About 6 months ago a group of us that live around the Windansea Beach area got together because of the steady deterioration of conditions at the Beach. As a result of making La Jolla Shores and Marine St. Beaches alcohol free more and more people were coming to Windansea. This migration has increased the incidences of:

- Public drunkenness.
- Rowdiness and physical altercations.
- Urination on nearby private property.
- Increased trash and litter including broken glass and sharp edged cans.
- Intimidation of both adults and youngsters to the point where one has to be wary in approaching the Beach area.

By the way, residents around La Jolla Shores and Marine St. say their lives and beach experiences have GREATLY IMPROVED WITHOUT THE NEED FOR ALCOHOL! It was not difficult to find that a vast majority of residents were being impacted by these changes. We have a petition of more than 120 residents and many in attendance today who favor banning alcohol at Windansea.

Our group first presented our case to the La Jolla Town Council Parks and Beaches Committee on 8/27 where we received unanimous support; the vote was 11-0-2 with a room vote of 35-1-3. At the full La Jolla Town Council on 9/13 the motion to ban alcoholic beverages at Windansea Beach passed unanimously on Consent. We were on our way to, hopefully, coming before this Sub Committee and then to Council to gain approval to ban alcoholic beverages from the South Boundary of the Marine St. ban to the point where Camino De La Costa turns landward, including Windansea Beach and all "Pocket Beaches" in between before the major incident on Pacific Beach.

TODAY, WE STRONGLY SUPPORT VERSION "D", BANNING ALCOHOL ON LA JOLLA BEACHES AND ALL PARKS AND BEACHES IN COUNCIL DISTRICT 2.

IF THAT MEASURE IS NOT FORWARDED WE WOULD REQUEST THAT OUR PROPOSAL, THAT HAS ALREADY RECEIVED COMMUNITY APPROVAL AND SUPPORT FROM OUR COUNCILMEMBER BE ENACTED AS AN EXTENSION OF ORDINANCE 56.54 FROM MARINE ST. BEACH SOUTH TO THE TURN OF CAMINO DE LA COSTA, AS INDICATED ON THE MAP.

THANK YOU

000123

SAN DIEGO - LA JOLLA UNDERWATER PARK

76

77

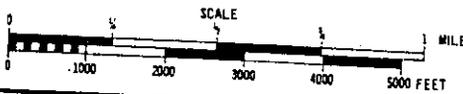
78

79

0



PACIFIC OCEAN



EXPLANATION OF MAP SYMBOLS

- | | | | | |
|---|---|---|---|--|
| <ul style="list-style-type: none"> NEW ROAD PAVED ROAD UNPAVED ROAD PRIVATE DRIVE ROAD RAILROAD FREIGHTY PARK FREIGHTY UNDER CONSTRUCTION PROPOSED FREIGHTY | <ul style="list-style-type: none"> SHOPPING CENTERS COMMUNITY REGIONAL | <ul style="list-style-type: none"> CITY BOUNDARY COUNTY BOUNDARY PLACER NUMBER BRIDGE OFF RAMP NUMBER PROPOSED FREIGHTY | <ul style="list-style-type: none"> SCHOOLS: PUBLIC HIGH PUBLIC HIGH PUBLIC JUNIOR HIGH PUBLIC ELEMENTARY PARDCHIAL ELEMENTARY | <ul style="list-style-type: none"> HIGHWAY SYMBOLS: SCENIC COUNTY STATE FEDERAL INTERSTATE |
|---|---|---|---|--|

- 1 GARDEN
- 2 HIBISCUS
- 3 JASMINE
- 4 FUCHSIA
- 5 ELYSIUM
- 6 GARDEN
- 7 MANNE W

000124

Presentation to the

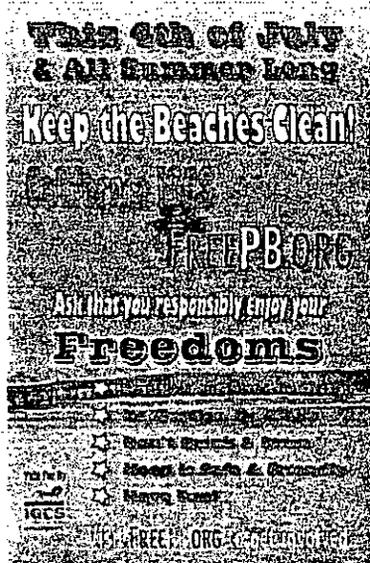
**Public Safety and
Neighborhood Services Committee**

October 10, 2007

FREEPB.ORG
free parks - free beaches

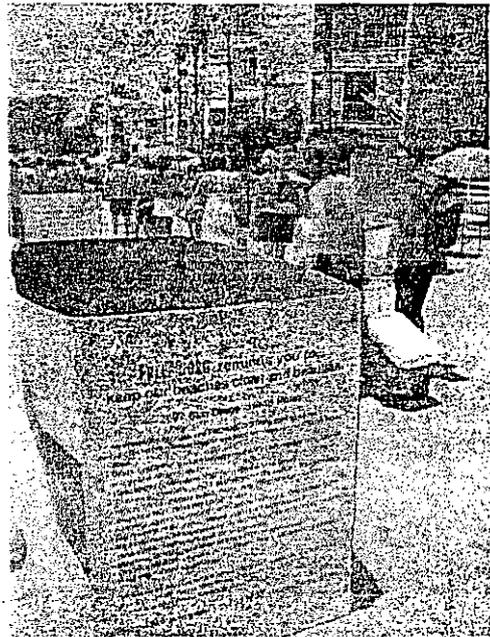
What we do

- Public Education



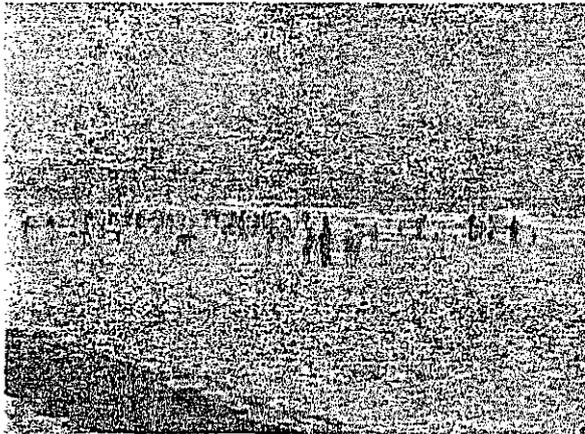
What we do

- Public Education



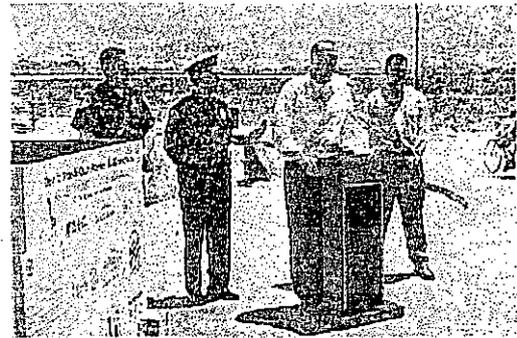
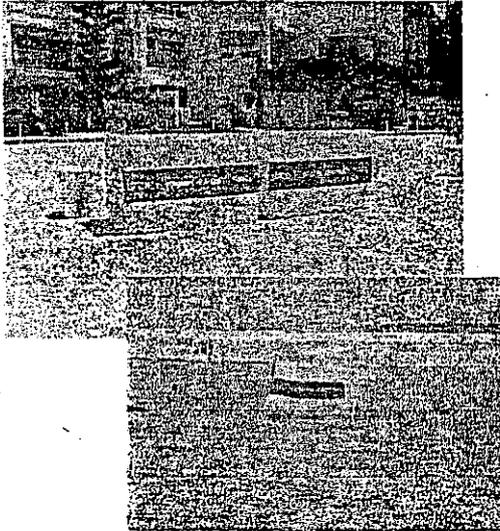
What we do

- Volunteer



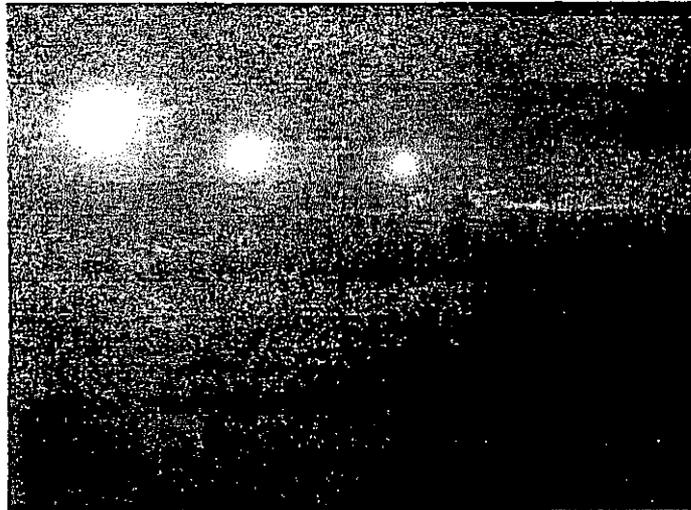
What we do

- Tackle Trash



What we do

- New Ideas – Real Solutions



How did we get here today?

- 1991 Referendum
- 2002 Referendum
 - Defeated City Wide
 - Defeated Overwhelmingly in Pacific Beach, Mission Beach and Ocean Beach
- Beach Alcohol Task Force (BATF)
- Labor Day 2007

009131

Whose ban is this?

- Small Minority of PB/MB Area Residents
- Prevention Community
- Hyper-Sensitive
- Misinformed/Uninformed

Whose ban is this NOT?

- Majority of San Diego residents
- Majority of residents in PB, MB and OB
- 20 million people who used our beaches last year
- People who enjoy a beer or wine at Sunset

BATF

- Topics Covered

- Alcohol Licenses
- Public Convenience and Necessity
- Conditional Use Permits
- Entertainment Permits
- Neighborhood House Parties
- Community Assisted Party Program (CAPP) and other police tools
- Crime Statistics
- Maintenance Assessment District
- Alcohol at the beach

- Resources Used

- Alcoholic Beverage Control
- SD Police Department Vice Division
- Police Chief Lansdowne
- Officers from Northern and Southern Divisions
- Lifeguards
- Community Input and Suggestions

BATF ACTION ITEMS

- Fund Additional SDPD Patrols
- Beach Specific Neighborhood Code Compliance Officers
- Implement Administrative Fines in Beach Communities
- SDPD: Out of Cars and Into Bars
- Continue/Expand Beach Area Community Court
- SDPD: Bicycle Patrol Beach Areas
- DUI Kits for All Patrol Cars
- Security Cameras in Pacific Beach
- Mandatory Security Plan Submittal for All On-Site Liquor Establishments
- Crime Statistic Information Gathering by SDPD
- Public Opinion Baseline Survey
- Promote Taxi Cab Use Through Incentives
- Designated Driver Program
- Drunk Driving Education Program
- Concise Web Page with Pertinent Enforcement Phone Numbers
- University Participation for Student House Parties
- Increase Number of Beach Team Officers
- Increase Trash Receptacles
- *Concrete Barriers for Lifeguard Emergency Routes*
- SDPD Trailer in PB
- Increase Seasonal Restrooms

000135

BATF DID NOT

- Recommend an Alcohol Ban at the Beaches, Bays, Parks of San Diego.

000136

Labor Day 2007

- Isolated Incident
- Perspective
 - 16 of over 100,000+
 - Existing Laws to cover behavior
- Media Portrayal
- Ban Proponents
- 2007 Overall

000137

Beach Area Overall

- 362
- Major Holidays
- Thomas Ave to PB Drive

Beach Area Myths

- Crime is out of control
 - Historical Trend is Down in PB, MB, OB
 - Slightly Higher than City Average
 - » Does NOT Account for 20+million Tourists
 - » *Crime Lower Accounting for Visitors*
- Alcohol Related Crime
 - MIP, Underage Drinking, DUI
 - High Enforcement Area
 - NOT Directly Related to Beach Alcohol Use

Beach Area Myths

- SD ≠ LA, OC, Ft. Lauderdale
 - State Beaches
 - Northern California
- Cost of Enforcement
 - You Cannot Ban July 4th.

Solutions

- **Enforce Existing Laws**
 - §63.0102 – Beach Specific
 - §56.27 Disorderly or Offensive Conduct in Public Places — Prohibited
 - §56.30 Seditious Language — Prohibited
 - §56.50 Loud Noises or Disturbances as Threats —
 - §56.53 Nudity on Public Lands
 - §56.54 Alcoholic Beverage Consumption Prohibited in Certain Areas
 - §56.55 Urinating/Defecating in Public Prohibited
 - §56.56 Open Alcoholic Beverage Containers Prohibited on Posted Premises
 - §56.61 Consumption of Alcohol by Minor Prohibited in Public Place, Place Open to Public, or Place Not Open to Public
 - §56.62 Hosting, Permitting, or Allowing a Party, Gathering, or Event Where Minors Consuming Alcoholic Beverages Prohibited
 - §56.71 Kegs at Designated Areas Prohibited
 - §63.20.7 Driving Vehicles On Beach Prohibited; Exceptions; Speed Limit On Beach
 - §63.20.11 Camping, Sleeping Overnight Prohibited
 - §63.20.12 Dogs Prohibited
 - §63.20.20 Sale or Rental of Merchandise, Goods, Property, Etc. Prohibited
 - §63.20.19 Weapons, Firearms Prohibited
 - §63.20.28 Endangering Aquatic Activities
 - §63.50 Restricting The Use Of Mission Beach Park
 - §59.5.0501 General Prohibitions
 - §43.1001 Smoking Prohibited

Solutions

- Enforce Existing Laws
- Act on BATF recommendations
- Work together
- Analyze successes and failures every year

000142

Thank You

FREEPB.ORG
free parks - free beaches

000144

April 14, 2007

John R. Greenhalgh
724 Zanzibar Ct.
San Diego, Ca. 92109
858-488-4168

Dear Councilmember, Mayor, City Attorney,

I have been a resident of Pacific Beach and Mission Beach for the past 27 years. The current situation of allowing alcohol to be consumed on our beaches is not working. Our beaches have been turned into outdoor bars and it is an embarrassment to our community and our city.

I have heard all the arguments that support allowing alcohol to be consumed on our beaches and will continue to ask, **"Do we really need alcohol to enjoy the beach environment?"**

On March 11, 2007 at 5:10 p.m my 13 year old daughter walked back to the garage to get her surfboard and looked towards our back gate. She witnessed a man urinating on our back gate. When I asked her if she said anything to him she said she called him a disgusting pig and told him that restrooms are at Pacific Dr. When I asked her if he said anything back to her, she said he just laughed. Her 13 year old sister hearing of this made a sign on posted it on our gate that said **"Please do not urinate here, Restrooms are located at Pacific Beach Drive"**

When living sixty steps to the beach, and I have my children say **"Daddy we don't want to go to the beach today, there are too many drunk people"**, something has to be done.

I would also like to suggest that the Mayor, City Council, City Attorney, Police Chief, Fire Chief and Lifeguard Chief do a field trip on a sunny July afternoon, on Sunday at three o'clock, to the foot of Pacific Beach Dr., in Pacific Beach. I would welcome them to tell me that the allowing alcohol on our beaches is the right thing for the City of San Diego.

Thank you for taking the time out of your busy schedule to hear my concerns. Please feel free to contact me if you have any questions.

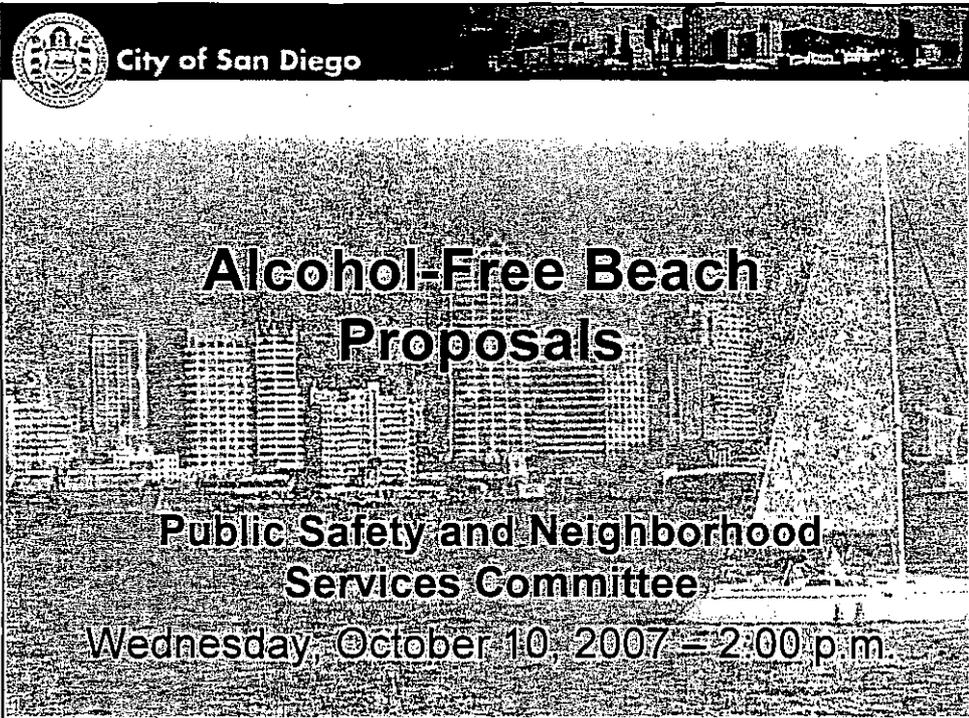


John R. Greenhalgh

000146



City of San Diego



Alcohol-Free Beach Proposals

Public Safety and Neighborhood Services Committee

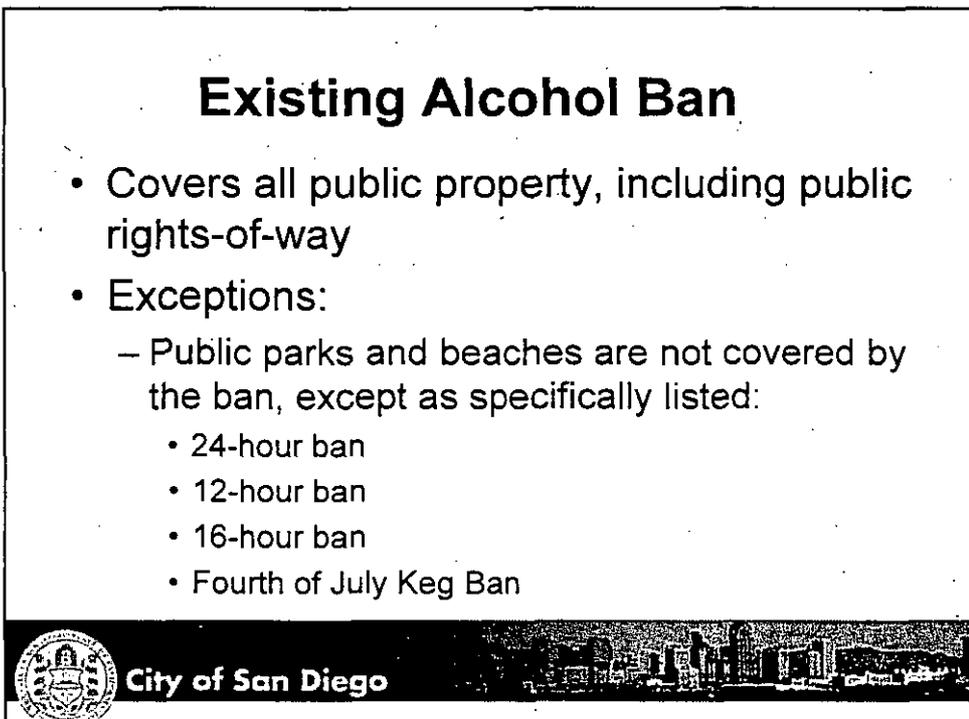
Wednesday, October 10, 2007 - 2:00 p.m.

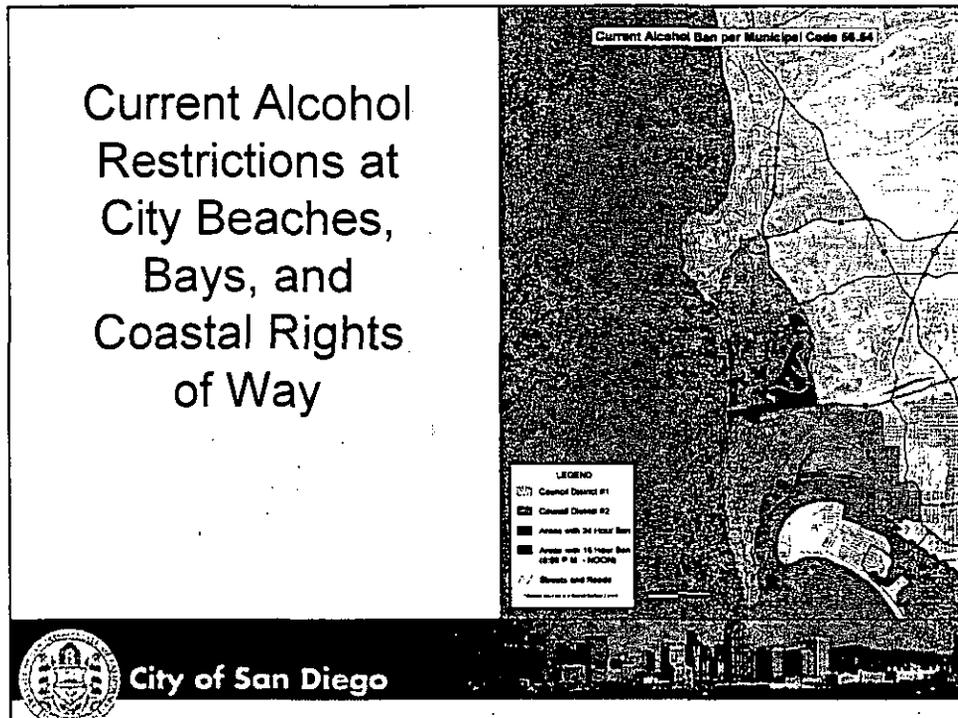
Existing Alcohol Ban

- Covers all public property, including public rights-of-way
- Exceptions:
 - Public parks and beaches are not covered by the ban, except as specifically listed:
 - 24-hour ban
 - 12-hour ban
 - 16-hour ban
 - Fourth of July Keg Ban



City of San Diego





Alcohol-Free Beach Proposals

- **Version A:** All beaches, bays, coastal rights-of-way, and coastal parks (year-round ban)
- **Version B:** All beaches, bays, coastal rights-of-way, and coastal parks, on Memorial Day, Fourth of July and Labor Day holiday periods
- **Version C:** All La Jolla beaches, coastal rights-of-way, and coastal parks (year-round)
- **Version D:** All beaches, bays, and all coastal rights-of-way in Council Districts 1 and 2, and all coastal parks in Council District 2 (year-round)



City of San Diego

Version A: Citywide Ban

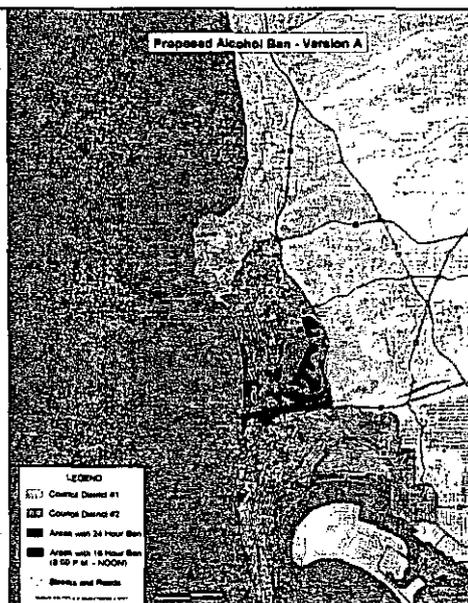
- Adds all public beaches, bays, coastal parks, and coastal rights-of-way to the list of public property covered by the existing 24-hour ban.
- Repeals existing 16-hour beach alcohol ban and the Fourth of July Keg Ban.



City of San Diego



Version A: All beaches, bays, coastal rights-of-way, and coastal parks (year-round ban)



City of San Diego



Version B: Holiday Period Ban Mayor's Recommendation

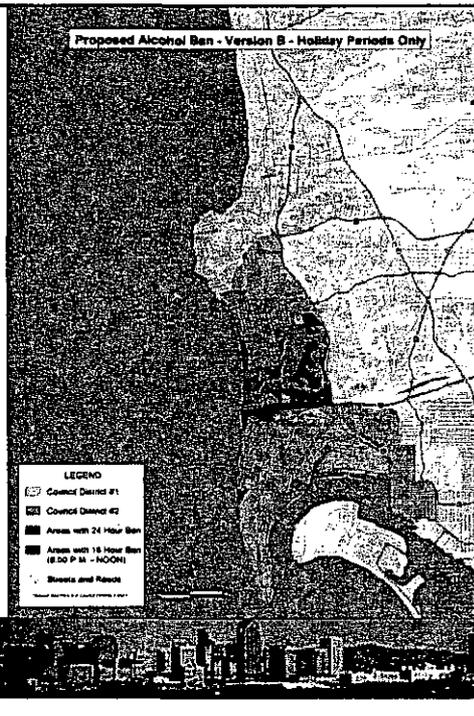
- Adds a prohibition against alcohol at all public beaches, bays, coastal parks, and coastal rights-of-way during the Memorial Day, Fourth of July, and Labor Day Holiday periods.
- Repeals Fourth of July Keg Ban.



City of San Diego



Version B: All beaches, bays, coastal rights-of-way, and coastal parks, on Memorial Day, Fourth of July and Labor Day holiday periods



City of San Diego



Version C: La Jolla Ban

- Adds all La Jolla (Council District 1) public beaches, coastal parks, and coastal rights-of-way to the list of public property covered by the existing 24-hour ban.

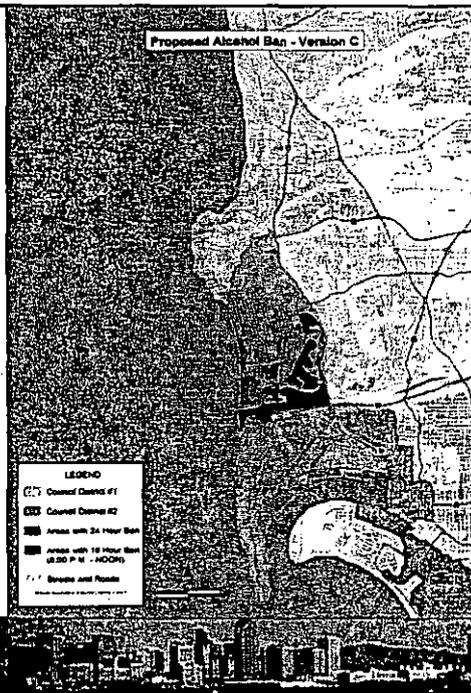


City of San Diego



Version C: All La Jolla beaches, coastal rights-of-way, and coastal parks (year-round)

Proposed Alcohol Ban - Version C



City of San Diego



Version D: Citywide Ban Councilmember Faulconer's Recommendation

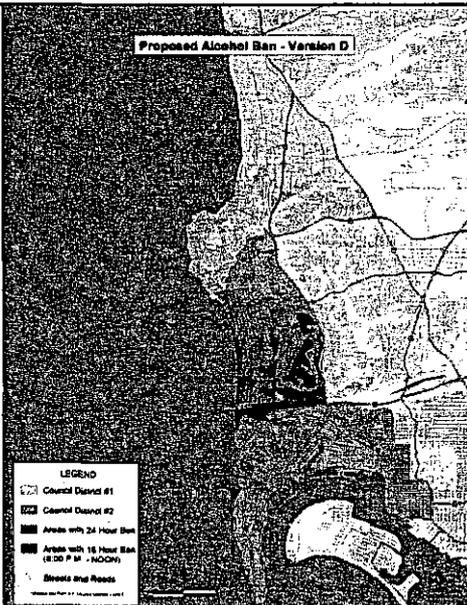
- Adds all public beaches, bays, and coastal rights-of-way in Districts 1 and 2, and all coastal parks in District 2 (all coastal parks south of Tourmaline Surfing Park) to the list of public property covered by the existing 24-hour ban.
- Repeals existing 16-hour beach alcohol ban and the Fourth of July Keg Ban.



City of San Diego



**Version D: All
beaches, bays,
and all coastal
rights-of-way in
Council
Districts 1 and
2, and all
coastal parks in
Council District
2 (year-round)**



City of San Diego



Fourth of July Holiday



City of San Diego

Northern Division Population*

<u>Community</u>	<u>Population</u>	<u>Sq. Mileage</u>
Beach	87,582	22.85
Inland	168,962	41.85
Total	256,544	64.70

* Excludes Ocean Beach and Sunset Cliffs area

Population Source: 2004 estimates compiled for SDPD by SANDAG



City of San Diego

Northern Division – Beach Communities Population and Square Mileage*

<u>Community</u>	<u>Population</u>	<u>Sq. Mileage</u>
Mission Beach	5,356	.59
Pacific Beach	41,621	4.40
Mission Bay Park	879	2.65
La Jolla	29,725	8.39
La Jolla Village	5,584	.55
Torrey Pines	4,417	6.27

* Excludes Ocean Beach and Sunset Cliffs area

Population Source: 2004 estimates compiled for SDPD by SANDAG



City of San Diego



Holiday Period Population

- During the summer, beach populations swell every day and significantly on weekends and holidays
- The July 4th holiday draws people to the beaches and bays:
 - 2007 – 650,000 people (1.8 million 6-day period)
 - 2006 – 600,000 people (1.4 million 4-day period)
 - 2005 – 544,000 people (1.1 million 3-day period)
 - 2004 – 540,000 people



City of San Diego



000154

PAST ARREST AND CONTACT ACTIVITY FOR HOLIDAY PERIODS

Activity Type	2007 W	2006 T	2005 M	2004 S
Felony Arrests	23	21	22	33
Misdemeanor Arrests to jail	145	79	43	94
Misdemeanor Citations*	799	795	1294	1131
Juvenile Contacts	0	0	1	1
Detentions to Detox	112	94	79	** Inc. M-Jail
Field Interviews	302	337	193	257
Traffic Citations	600	760	923	523
Parking Citations**	1669	494	616	1066
Vehicle Impounds**	98	84	106	68
Totals	3748	2577	3276	3172



City of San Diego

Call for Service – 4th of July
12:01 a.m. to 11:59 p.m.

	2004	2005	2006	2007
Calls	587	556	602	610
Crowd Count	540,000	544,000	600,000	650,000

* Reflects Police Beats 121, 122, 123, Mission Beach, Pacific Beach, and Mission Bay Park



City of San Diego

000155

Highest Calls for Service on 4th of July

- Disturbing the peace
- Illegal parking
- Suspect in custody
- Disturbing the peace with violence
- Loud party
- Fireworks



City of San Diego

Photos from 4th of July

Pacific
Beach near
Reed Street



City of San Diego

000156

Photos from 4th of July

E.B. Scripps
Park in La
Jolla

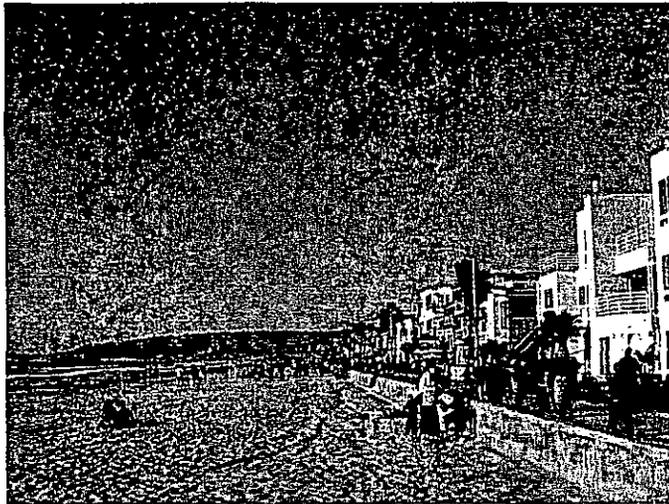


City of San Diego



Photos from Weekend of October 6-7th

Mission
Beach near
Ventura
Place



City of San Diego



Photos from Weekend of October 6-7th

Windansea
Beach in La
Jolla



City of San Diego



Photos from Weekend of October 6-7th

Sail Bay
(Mission
Bay Park)
near Fanuel
Street



City of San Diego



Photos from Weekend of October 6-7th

E.B. Scripps
Park in La
Jolla



City of San Diego



Photos from Weekend of October 6-7th

Pacific
Beach near
Diamond
Street



City of San Diego



Mayor's Recommendation Version B: Holiday Period Ban

- Adds a prohibition against alcohol at all public beaches, bays, coastal parks, and coastal rights-of-way during the Memorial Day, Fourth of July, and Labor Day Holiday periods.
- Repeals Fourth of July Keg Ban.

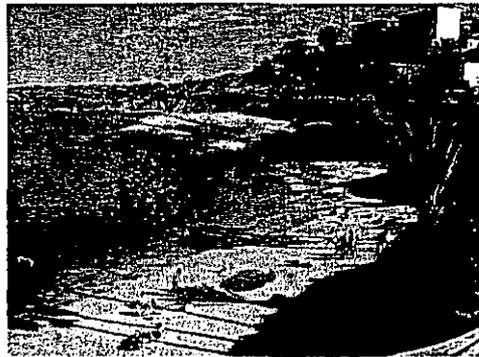


City of San Diego



Public Safety and Neighborhood Services Committee

Wednesday, October 10, 2007



City of San Diego



000160

July 14, 2007

John R. Greenhalgh
724 Zanzibar Ct.
San Diego, Ca. 92109
858-488-4168

Dear Chief Lansdowne,

I would like to commend the officers that were assigned to the Mission Beach and Pacific Beach areas during the July 4th holiday. I would also like to commend those dispatchers that were working that day. While listening to the command frequency during that day and into the night, I was amazed at the number of calls they were required to respond to, and how professional they were.

I would like to request a copy of the North City West dispatch tape that was used as the command frequency during July 4, 2007, from 1200 p.m. to 1200 a.m. I have enclosed a CD. I believe, based on the Freedom of Information Act I have a right to this information.

During the news interviews after July 4th, Captain Long (who does an outstanding job) stated how successful it was. I could not disagree more. I know it is difficult for your officers to be everywhere, every time, however, if your officers were able to patrol the alleys in the beach area they would have seen, and cited or arrested individuals, who were vomiting, urinating, and defecating in our neighborhoods. Many of my neighbors could not protect their property and had to let this disrespectful behavior occur, due to their concern for their safety.

I would also like to ask you, if you would support opening La Jolla Shores and Marine St. in La Jolla, to alcohol use?

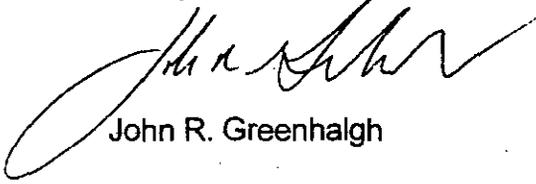
You have stated that by allowing alcohol to be consumed on the beaches of Pacific Beach, Mission Beach and Ocean Beach it is easier for your officers to monitor problems, and if alcohol were to be banned it would drive the problems inland. If alcohol was banned at all city beaches and problems arose inland, wouldn't they arise at a residence with an address, renter, land lord, or owner, and aren't there current programs in place to deal with those problems?

I have been a resident of Pacific Beach and Mission Beach for the past 27 years. The current situation of allowing alcohol to be consumed on our beaches is not working. Our beaches have been turned into outdoor bars and it is an embarrassment to our community and our city.

009161

This is not just a July 4th holiday problem, it a problem all the time, and something has to be done.

Thank you for taking the time to listen to my concerns and I look forward to hearing from you soon. In your response please include all those copied.



John R. Greenhalgh

Cc: Mayor Sanders
City Attorney Mike Aguirre
City Council President Peters
City Councilmember Faulconer
City Councilmember Atkins
City Councilmember Young
City Councilmember Maienschein
City Councilmember Frye
City Councilmember Madaffer
City Councilmember Hueso

Attachment: Letter sent, April 14, 2007, to Mayor Sanders, City Attorney Mike Aguirre, and All City Councilmember's

PS&NS 10/10/07 #3

000162

From: "Sherri Lightner" <sherri@lightner.net>
To: <jrivera@sanidiego.gov>, "Brian Maienschein" <bmaienschein@sanidiego.gov>, "Kevin Faulconer" <KevinFaulconer@sanidiego.gov>, "Tony Young" <AnthonyYoung@sanidiego.gov>, "Ben Hueso" <BenHueso@sanidiego.gov>, "Keely Sweeney" <KSweeney@sanidiego.gov>, "Scott Peters" <scottpeters@sanidiego.gov>
Date: 10/10/2007 10:11:23 AM
Subject: PS&NS

Dear Brian Maienschein and PS&NS Committee Members,

The La Jolla Shores Association appreciates the positive public benefit of the year round alcohol ban at Kellogg Park and the Shores Beach. We do not want that changed.

Attached is a letter sent to Council District One Office earlier today.

Best Regards,

Sherri Lightner
Chair, La Jolla Shores Association

--

Sherri S. Lightner
P: (858) 551-0770
F: (858) 551-0777

009163

LJSA
LA JOLLA SHORES ASSOCIATION
P. O. BOX 64
La Jolla, CA 92038

Council President Scott Peters
Council District 1
202 "C" Street, MS #10A
San Diego, CA 92101

October 10, 2007

Via Facsimile and email: (619) 236-6999

Subject: Alcohol Ban at Kellogg Park Positive Benefit – Want it Retained

Attachment: September 19, 2007 Minutes for the LJSA

Dear Council President Peters:

The Board of the La Jolla Shores Association (LJSA) at their regularly scheduled and publicly noticed September 19, 2007 meeting approved the following motion by a vote of 5-3:

MOTION: LJSA to write a letter to the Council Office stating that the alcohol free status of Kellogg Park is a positive benefit for our community, as attested to by the SDPD after holiday weekends, and the LJSA would like Kellogg Park to remain alcohol free.

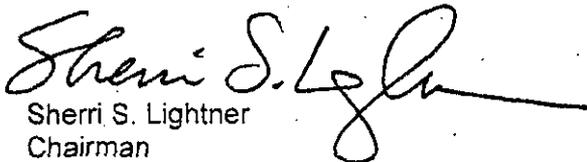
No Votes:

1. Does not have a problem with drinking alcohol.
2. The motion implies that we support an alcohol ban.
3. Same as 2 and it is calling attention to our special status. Do not want to jeopardize that.

We appreciate and want to retain the alcohol free status at Kellogg Park. Since it was instituted in 1992, it has been a positive benefit for our community and the hundreds of thousands of beachgoers who use the Park and adjacent beach. We do not want that changed.

If the LJSA can be of further assistance, please contact me at 858.551.0770 or ljsa@san.rn.com.

Best Regards,


Sherri S. Lightner
Chairman

cc: w/ att LJSA Files
PS&NS Committee
Keely Sweeney, Council District 1
w/o att LJSA Board

LA JOLLA SHORES ASSOCIATION (LJSA) Meeting Minutes September 19, 2007

Next Meeting: LJSA Meeting Wednesday, October 10, 2007 7 pm at Martin-Johnson House (Bldg T-29) at Scripps Institution of Oceanography. Present: Mary Coakley, Andrea Dahlberg, Shirley Goddard, Jim Heaton, Todd Lesser, Sherri Lightner, John Metzger, Pat Nissan, Greg Salmon. Absent: Andy Coy, Joe Dicks, Carol DuPont, Ken King, Sharon Luscomb, Isabelle Tihanyi, Sue Weissman. Audience: approx. 20+ attendees. CHAIR Sherri Lightner called the meeting to order at 7:00 pm. Attendance was recorded. The agenda will be modified to take action items after a quorum is achieved.

1. **UCSD Representative:** Milt Phegley was not in attendance and there were no questions to be relayed to him.
2. **Police Report:** Alan Alvarez represented the San Diego Police Dept for Lt. Brian Ahern. He reported on the crime statistics in the commercial area by comparing the statistics for March through August in 2006 and 2007 in the area defined by a half-mile radius from La Jolla Shores Drive and Vallecitos. The statistics show either the same amount or a decrease in crime from 2006 to 2007. The crimes compared included: Car prowls; Auto theft; Residential burglary; Nonresidential burglary and robbery. Residents are requested to report all incidents in their neighborhood – it will help if all crime is recorded. **He believes that the 20% decrease in car prowls is the result of the increased police presence in the beach parking lot, especially on the weekend.** There was a question about whether the SDPD planned to use Segue's for patrolling. Alvarez responded that for the beach area bike patrols are more efficient and flexible for chase situations.
3. **Minutes – There were no corrections and they were deemed approved.**
4. **Treasurer's Report-** Beg. Balance of \$4,960.87, additions of \$250. and subtractions of (\$0) for a net balance of \$5,210.87 as of end of August 2007.
5. **Public Comment:**
 - a. **Aaron McMullen** – Presented information on a proposed 5 K run, "Race Judicada," on Saturday, February 23, 2008. The proceeds will be used for cancer research. Presentation of the route showed that it is not in the Shores. No action by the Board.
 - b. **Jeff Gong** – Gary Pence (City of San Diego Traffic Engineer) informed him that the proposed traffic island at Hidden Valley Road and Via Capri would not be approved by the Fire Department. Consensus of the Board was to request clarification and documentation of the Fire Department's objection to the island. Need to have a discussion with the Mayor's office, the Fire Department and Traffic – hopefully at next week's T&T meeting. Why this late in the process is the solution for traffic calming nixed?
 - c. **Daira Paulson** - There are trailers parked on Torrey Pines Lane that are being used for storage? This is also the location where the homeless man with the gas powered scooter with trailer. SDPD will check both out.
6. **Chair's Report**
 - a. **Site 653-**Decision should be considered final by now. The environmental document was found to be inadequate, all resolutions and permits were rescinded, but the Judge allowed the sale to stand. There will be a decision on whether to appeal this decision soon.
 - b. **Neighborhood Code Compliance Issues-**There are new issues with 2168 Avenida de la Playa – the outdoor barbecuing is not a permitted use and the Health Department is also involved.
 - c. **Children's School-**Because the School is not a public school; it is required to abide by the SDMC and the Planned District Ordinance. The City Attorney and Neighborhood Code Compliance is involved with determining what permits are required. There could be a problem with the preschool use.
 - d. **Chabad Update-** No word as yet on when the project will be heard at either Traffic & Transportation or the La Jolla Shores Permit Review Committee. So far there has not been a traffic study available for public review. Since it is now only a week before the T&T meeting, it will not be heard at T&T and should not be heard by the LJSPRC until it has been reviewed by T&T.
 - e. **Advisory Board-**The LJSA Board has previously approved the recommendation of Sara Moser for the vacancy on the Advisory Board. Consensus was that Ms. Moser's name could be submitted again.
 - f. **UTC DEIR-** The draft environmental document for the expansion of UTC/Westgate Plaza is out for public comment. There is a model of the proposal near the food court at the Plaza. It does not show the location of the residential towers that are proposed to be 35

stories tall. The project will require another amendment to the University City Community Plan.

- g. **Nominations for LJSA Board Positions** – Andrea Dahlberg has agreed to chair this committee. Pat Nissan and Ken King will be on this committee. Anyone else who would like to work on this is encouraged to contact Ms. Dahlberg or the Chair. Board members are encouraged to recruit candidates from their neighborhoods.
 - h. **Community Parking Board** – There was a meeting of the Parking Board this morning. The information the Chair emailed was discussed, although there was a new document at the meeting. The chair will scan that document and forward it to the Board. The Parking Board approved paid on street parking and will be taking this to the San Diego City Council soon.
 - i. **Areas of Special Biologic Significance** – Public comment was requested on the plan. The Chair provided some input.
 - j. **Dead Trees in the Median of L Jolla Scenic Drive North** – the Council Office and Urban Forester are checking this out. Karen Boger indicted that her HOA did water these trees.
 - k. **Gas Station Substantial Conformance Review** – The Encon station is requesting an SCR for changes they made to the parking and landscaping on the site. This may be the result of a code compliance referral from the LJSA a number of years ago.
 - l. **Glider Port** – The Torrey Pines Glider Port may be in jeopardy with development (Stem Cell Research Center) that will soon be proposed for the UC owned site on the west side of Torrey Pines Road.
 - m. **Water Department Lot** – Next month's agenda will include discussion of the Water Department Lot at the corner of Hidden Valley/Ardath Road/ La Jolla Parkway. The Board will make a recommendation for this site's future use.
- A. **Crime in La Jolla Shores** – discussed earlier
 - B. **Kayak Permit Program** – continued to the October meeting.
 - C. **Committee Reports**
 - a. Land Use – No report
 - b. Traffic & Transportation – No report
 - c. Parks & Beaches –
The Map fabrication has been delayed. It will start in January and take about 10 weeks. So far \$250,000 has been raised – need about \$50,000.
The committee is moving forward on surveillance cameras in Kellogg Park. There is a possibility that this use may be expanded to the commercial center. This will be on the October agenda.
There is a solar powered compacting trashcan that we might be able to get for a demonstration project.
The Cliffridge restrooms will proceed once contracting difficulties have been resolved.
 - d. **Parking Board** – No report
 - D. **CD 1 Representative – Keely Sweeney**
 - a. The Kellogg Park restrooms are being held up to consider the City's constraints on sole sourcing. Ali Darvishi is the project manager and the contractor will be Louis Beacham. Mr. Beacham will do it at cost, so it is not clear if sole sourcing will be a problem since the City has dealt with him on a similar project.
 - b. Sara Moser's name will be forwarded and it should proceed fairly quickly.
 - c. The concrete has been poured for the repair of the La Jolla Parkway crash cushion. It should be complete soon.
 - d. What is going on with the Kayak permits? Will there be Diving School permits as well? This is in the Mayor's office and will be on the agenda of the LJSA next month. The LJSA should pursue this if they want the regulation to happen.
 - e. The La Jolla Shores Commercial Center Plan should be implemented by the end of October. Chair to send Ms. Sweeney the correct version of the plan.
 - f. Please send any requests for sidewalk or street light repairs to Ms. Sweeney.
 - g. Mr. Peters' position on the Chabad project is given in an article in the LJ Light. He does not think that an institutional use for that corner is a good idea.
 - E. **Proposed Lights at Allen Field and 7 AM start time for field use.**

MOTION: The La Jolla Shores Association does not support any changes to the existing lease at Allen Field. (Heaton/Dahlberg: 4-1-3)

000166

No Vote: If lease is opened it should be to consider other aspects of the lease, not just the two proposed by LJ Youth.

Abstention: One because member was not present at the July meeting, another had been employed by both organizations, which had differing opinions on the proposal and the third declined to state.

ROOM VOTE: 13-3-3 The room vote did not include the votes of the Board.

ACTION: Real Estate Assets Department to be contacted about subleases written for times, which are earlier than the lease allows.

NOMINATING Committee – Andrea Dahlberg

The Board members that are termed out are: Carol du Pont and Ken King.

The Board members that can run for another term are: Mary Coakley, Andy Coy, Joe Dicks, Shirley Goddard, Jim Heaton, Todd Lesser, John Metzger, and Izzy Tihanyi.

Please let Ms. Dahlberg know if you are willing to continue and send the committee any suggestions for additional candidates.

F. Alcohol Ban for Beaches

Discussion about taking a position on this citywide issue.

MOTION: LJSA to write a letter to the Council Office stating that the alcohol free status of Kellogg Park is a positive benefit for our community, as attested to by the SDPD after holiday weekends, and the LJSA would like Kellogg Park to remain alcohol free.

(Dahlberg/Coakley: 5-3-0)

No Votes:

1. Does not have a problem with drinking alcohol.
2. The motion implies that we support an alcohol ban.
3. Same as 2 and it is calling attention to our special status. Do not want to jeopardize that.
- G. Meeting was adjourned at 8:50 by acclamation

Submitted by Sherri Lightner/Andrea Dahlberg

John Rivera - Alcohol Free Beach Proposals

From: "Joel Ramsower" <jramsower@gmail.com>
To: <JRivera@sandiego.gov>
Date: 10/10/2007 10:08 AM
Subject: Alcohol Free Beach Proposals

OPPOSED

Hi Mr. Rivera,

As a San Diego native and resident of Pacific Beach for the last 5 years I wanted to write a quick note to you regarding today's meeting. I am generally opposed to creating more laws to punish the many for the actions of a few, so I would oppose any alcohol ban as a means of controlling delinquent behavior at the beach. The culture and number of liquor licenses would still attract the same crowd, only now they would be forced onto the streets instead of the beach, where they would be more of a threat to motorists and pedestrians and the police would have even less monitoring ability than on the sand. That being said, if a law must be passed today, please consider Version B. Go to the beach on any Sunday afternoon and you won't see the kinds of cartoonish behavior that you see on the holidays. The problem is two-fold, one being the sheer number of people these holidays attract and the other being the people that flock to the beaches and cause problems are people who are NOT residents who would have to live with a ban restricting their freedoms everyday, but tourists who come to the beach specifically to make a mess of themselves and the beach.

Please don't create more laws to restrict the freedoms of the tax-paying residents of the beaches 24/7/365 when we aren't the problem, tourists and crowds on a couple days a year are. Thank you for your time.

Sincerely,
Joel Ramsower

000168

John Rivera - Alcohol Ban

From: "Regan Wright" <wrightregan@yahoo.com>
To: <jrivera@sandiego.gov>
Date: 10/10/2007 10:12 AM
Subject: Alcohol Ban

OPPOSED / WANTS
COMPROMISE

Please reconsider banning alcohol on the public beaches of San Diego. It is incomprehensible to me that once again, our society's laws are changing based on the actions of a small small minority of people. One of the most amazing parts about our city is the beach culture that has survived in spite of the land and area being taken over by rich home owners and vacationers. If we ban alcohol, San Diego will become another LA....with empty, dirty beaches.

Most importantly, 90% of the people at the beach with alcohol are good, law abiding people enjoying the best San Diego has to offer. Why are we punished because a few angry boys got rowdy. It is the equivilant of stopping beer sales at the Chargers game because Raider fans are violent. DON'T PUNISH EVERYONE FOR THE ACTIONS OF A FEW!

If it is important to have alcohol free beaches available for families and vacationers, why not designate some San Diego beaches as alcohol free? Why must it be all or nothing? It would be a good compromise to set aside La Jolla or Del Mar or Ocean Beach as alcohol free while allowing the others to have alcohol. This would satisfy both needs.

THank you.
Regan Daniel.

Be a better Globetrotter. [Get better travel answers](#) from someone who knows.
Yahoo! Answers - Check it out.

000169

John Rivera - Proposed Alcohol Ban on San Diego Beaches

From: "Kelly Turner" <kellyturner7@gmail.com>
To: <JRivera@sandiego.gov>
Date: 10/10/2007 10:19 AM
Subject: Proposed Alcohol Ban on San Diego Beaches

OPPOSED

To Whom It May Concern:

I am writing to you concerning the beach alcohol ban on San Diego city beaches, more specifically, Pacific Beach.

As a PB resident under 25, I have participated in holiday beach festivities on more than a couple of occasions. I am here to tell you that it IS possible to have fun in a responsible way while drinking on the beach. Most of the time the people that are taking advantage of our situation are from out of town and don't ever get to see the long term ramifications of their drunken rages on the beach. Most PB residents agree that we have to clean up after ourselves and "play nice" if we would like our way of life to continue.

If you ban alcohol on the beach it will NOT stop the drinking on the beach, it will just make it harder for cops to control it. People will still drink, whether it is disclosed in a different kind of container or in their car on the next block. Also, it will increase the amount of alcohol related overdoses because now instead of drinking beer (which is VERY hard to get alcohol poisoning from) people will be forced to drink hard liquor because they can disclose it easier in a Gatorade bottle or bottle of juice. You will also have A LOT more underage drinking because now instead of walking around to check ID's cop's efforts will be concentrated on checking EVERY container of liquid on the beach. This will, in the long run, cost the taxpayers more money because you will need a larger beach cop force to patrol to make this at all feasible.

As a PB, taxpaying resident, I say please don't punish us for the ridiculous actions of out-of-towners. A simple solution to this would be to ban drinking on the beach on major holidays. This has worked in cities like Sacramento where they have a similar ban on the American River. The major problems occur on holidays, not normal days, so if we cut out drinking on holidays then most of our major problems will go away.

Thank you for your time!

Best Regards,

*Kelly Turner
1427 Grand Ave.
San Diego, Ca 92101*

916-838-0425

000170

John Rivera - Against Alcohol ban

From: "Godwin, Saya" <Saya.Godwin@amylin.com>
To: <JRivera@sandiego.gov>
Date: 10/10/2007 10:19 AM
Subject: Against Alcohol ban

OPPOSED

Dear Mr. John Rivera

I strongly OPPOSE Council Member Faulconer's proposal to criminalize alcohol at all San Diego beaches, parks and bays. I urge you to REJECT this over-reaction to one isolated incident in an otherwise problem-free year at our beaches.

Thank you,

Saya

Saya Mehta Godwin
Senior Manager, Supply Agreements
Amylin Pharmaceuticals
858-309-7604 direct
858-822-7086 fax
858-232-1588 mobile
saya.godwin@amylin.com

000171

John Rivera - Alcohol ban

From: "Fontana, Jill" <jillf@qualcomm.com>
To: <JRivera@sandiego.gov>
Date: 10/10/2007 10:25 AM
Subject: Alcohol ban

OPPOSED

Mr. Rivera,

Please consider this email in lieu of personal attendance of today's City Council's Public Safety and Neighborhood Services committee meeting. I do not agree with the ban of alcohol on the beaches. A ban would create more issues than it would solve. Yes, people should be responsible for their actions. In order to support the ban a larger police presence would be needed. Why not use that larger police presence to take care of drunk and disorderly people and leave the responsible people to enjoy themselves.

Thank you,
Jill Fontana

00-1172

John Rivera - Regarding Alcohol Ban on Beaches

From: "Christine Huff" <chuff21@gmail.com>
To: <jrivera@sandiego.gov>
Date: 10/10/2007 11:19 AM
Subject: Regarding Alcohol Ban on Beaches

OPPOSED

Hello,

I am writing to voice my concern about the proposed alcohol ban on the San Diego Beaches. I believe a ban is an infringement on our rights and our freedom. I understand the situation that occurred in PB got out of hand and I absolutely DO NOT condone the actions of those involved but I do not believe that those of us that are responsible drinkers should suffer the consequences.

I think the proper solution to this matter is better policing on the beaches. What I mean by this is that instead of the police getting involved during a situation they should get involved before it CAN happen. Start monitoring drinkers and their behavior, start arrests sooner than later, cut people off just as would be the case in a bar. I know there aren't enough police officers available for this to happen so why not employ lifeguards with further authority?

I always see police patrolling the beach after 8pm to ensure alcohol is not being consumed after hours, so why can't they patrol up and down the beaches during the day? Now I know PB is a little different (I for one rarely go there because of the mass amount of young rowdy college kids) but there needs to be some more policing. The beach I go to (OB) does not have this problem and I don't see why beachgoers at OB should have to suffer for the actions of those at PB and MB?? I don't however propose to only ban alcohol at those 2 beaches as that would only send them to drink at OB.

Please DO NOT ban alcohol and take away our freedom. There is nothing like enjoying a nice cold beer with friends on a beautiful hot sunny day on the beach. We should not have to suffer the price for the actions of others. Please provide more policing and monitoring on PB and MB and start CARDING people and arresting those that are underage!

Thanks for your time.

Sincerely,

A concerned citizen of District 6

000173

John Rivera - Alcohol at the beach

From: "QueLan" <quelan@hotmail.com>
To: <jrivera@sandiego.gov>
Date: 10/10/2007 11:48 AM
Subject: Alcohol at the beach

O P P O S E D

Dear Mr. Rivera,

I have been directed to you to address my concern regarding the banning of alcohol at the beach in PB.

I am a resident near the beach, at Kendall and Reed. I like to be able to bike a beer or two over to the beach and relax with a drink. I think it is unfair to be prohibitive to the masses when the few have taken to wild abandon. It is true that this area becomes the Mecca for every Tom, Dick, and Harry from all over who come to relive spring break every weekend. However, in spite of that, the privilege that has been responsibly enjoyed by everyone else, should not be taken away. I like to think in a reasonable world, that if drinking were allowed at every beach, then the extreme excesses would not be funneled to PB alone. However, that does not occur because of the state's view on public drinking. Drinking has been manageable in PB and should remain a local right.

Cheers,
Quelan Nguyen
408 386 1128
1804 Reed Ave

Windows Live Hotmail and Microsoft Office Outlook – together at last. [Get it now!](#)

RECEIVED
NOV 12 10 10 10
SAN DIEGO

000174

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

Dear Mayor Jerry Sanders, Council Members Scott Peters, Kevin Faulconer, Toni Atkins, Tony Young, Brian Maienschein, Donna Frye, Jim Madaffer, Ben Hueso, City Attorney Mike Aguirre and Police Chief William Lansdowne,

/We strongly support safe beaches for all who live in or visit San Diego by making all San Diego beaches and bays alcohol-free all year long.

/We urge you to make every effort to see that this outcome is achieved through the creation and implementation of a new city-wide ordinance.

Sincerely,

Signature: Theresa I. Liang Date: Sept. 26, 2007

Please print:
Name: Theresa I Liang

Organization or Business (if applicable): self

Address: 5224 Clairemont Mesa Blvd. Apt. 2

Phone: 858-874-4305 San Diego, CA 92117-7218

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

Please circle your answer:

Is it OK to post your comments and business name on the SafeBeaches.org web site? **YES** NO

Please return letters to info@safebeaches.org or fax to (612) 233-2121 and they will be copied and delivered to the city officials listed above.

Thank You!

000175

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

Dear Mayor Jerry Sanders, Council Members Scott Peters, Kevin Faulconer, Toni Atkins, Tony Young, Brian Maienschein, Donna Frye, Jim Madaffer, Ben Hueso, City Attorney Mike Aguirre and Police Chief William Lansdowne,

I/We strongly support *safe beaches* for all who live in or visit San Diego by making *all San Diego beaches and bays alcohol-free all year long.*

I/We urge you to make every effort to see that this outcome is achieved through the creation and implementation of a new city-wide ordinance.

Sincerely,

Signature: Betty Little Date: 9-24-07

Please print:

Name: BETTY LITTLE

Organization or Business (if applicable): _____

Address: 2229 VIA MUNERA LA JOLLA CA 92037

Phone: 858-456-0917

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

I want to be able to take my grandchildren to mission Beach!

Please circle your answer:

Is it OK to post your comments and business name on the SafeBeaches.org web site? YES NO

Please return letters to info@safebeaches.org or fax to (612) 233-2121 and they will be copied and delivered to the city officials listed above.

Thank You!

LM

000176

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I/We urge you to make every effort to see that this outcome is achieved through the creation and implementation of a new city-wide ordinance.

Sincerely,

Signature: Barbara A. Jolley Date: 9.21.07

Please print:
Name: Barbara A. Jolley

Organization or Business (if applicable): _____

Address: _____

Phone: _____

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

Please circle your answer:

Is it OK to post your comments and business name on the SafeBeaches.org web site? YES NO

Please return letters to info@safebeaches.org or fax to (612) 233-2121 and they will be copied and delivered to the city officials listed above.

Thank You!

000177

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I/We urge you to make every effort to see that this outcome is achieved through the creation and implementation of a new city-wide ordinance.

Sincerely,

Signature: Patricia Ann Price Date: 9-20-07

Please print:

Name: PATRICIA ANN PRICE

Organization or Business (if applicable): _____

Address: 2172 Blackmore Ct. SD 92109

Phone: 858 220 1665

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

LM

Please circle your answer:

Is it OK to post your comments and business name on the SafeBeaches.org web site? **YES NO**

Please return letters to info@safebeaches.org or fax to (612) 233-2121 and they will be copied and delivered to the city officials listed above.

Thank You!

000178

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

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I/We urge you to make every effort to see that this outcome is achieved through the creation and implementation of a new city-wide ordinance.

Sincerely,

Signature: Helen Stegg Date: 26 Sept 07

Please print: Name: Helen STAGG

Organization or Business (if applicable): Resident

Address: 5841 Box Canyon Rd

Phone: 858-459-6992

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

Don't go on the beach on holidays - It's impossible,

Please circle your answer:

Is it OK to post your comments and business name on the SafeBeaches.org web site? YES NO *LM*

Please return letters to info@safebeaches.org or fax to (612) 233-2121 and they will be copied and delivered to the city officials listed above.

Thank You!

000179

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The undersigned strongly support Council Member Kevin Faulconer's proposal to prohibit alcohol year-round at all San Diego beaches and bays. We urge you to make every effort to see that this outcome is achieved through the creation and implementation of a new city-wide ordinance.

Thank you for your attention and support.

Sincerely,

Signature: Michael Delgado Date: 09/05/07

Please print:
Name: Michael Delgado

Organization or Business (if applicable): SMH

Address: 7901 Frost St - San Diego 92123

Phone: 858-959-3374

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.
Thank You!

000180

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Thank you for your attention and support.

Sincerely,

Signature: Lucie Conley Date: 09-16-07

Please print:
Name: LUCIE CONLEY

Organization or Business (if applicable): SMH

Address: SDC.

Phone: 619-939-5400

Email: N/A

Additional Comments (Feel free to add your own reasons and/or experiences):

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.
Thank You!

000182

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

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Thank you for your attention and support.

Sincerely,

Signature: *Lynn Sparks* Date: *9/13/07*

Please print:
Name: *LYNN SPARKS (NURSE)*

Organization or Business (if applicable): _____

Address: *1154 TURQUOISE ST.*

Phone: *(858) 478 8601*

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.
Thank You!

000183

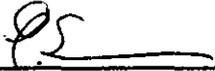
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Thank you for your attention and support.

Sincerely,

Signature:  Date: 9/15/07

Please print:
Name: EVA Skinner nurse

Organization or Business (if applicable): _____

Address: 835 Oliver Ave. San Diego CA 92109

Phone: _____

Email: Emurakam@yahoo.com

Additional Comments (Feel free to add your own reasons and/or experiences):

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.
Thank You!

000184

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Thank you for your attention and support.

Sincerely,

Signature: GILBERT ROBLES JR Date: 9/16/04

Please print:

Name: Gilbert Robles Jr nurse

Organization or Business (if applicable): Sharp Memorial Hospital

Address: 7901 Frost st S.D. 92123

Phone: 858-939-3374

Email: gilbertrobles@cox.net

Additional Comments (Feel free to add your own reasons and/or experiences):

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.
Thank You!

000185

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

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Thank you for your attention and support.

Sincerely,

Signature: _____

Date: _____

Please print:

Name: _____

Organization or Business (if applicable): _____

Address: _____

Phone: _____

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.

Thank You!

000186

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Thank you for your attention and support.

Sincerely,

Signature: _____

Date: _____

Please print:
Name: _____

Organization or Business (if applicable): _____

Address: _____

Phone: _____

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.
Thank You!

000187

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Thank you for your attention and support.

Sincerely,

Signature: Maria Danblaus Date: 9-16-07

Please print:
Name: Maria Danblaus nurse

Organization or Business (if applicable): Sharp Memorial

Address: 7901 Frost St.

Phone: 939 3616 (878)

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.

Thank You!

000188

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

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Thank you for your attention and support.

Sincerely,

Signature: R. Reinbold Date: 9/30/07

Please print:
Name: Russell L. Reinbold

Organization or Business (if applicable): E.R. physician

Address: 5523 Ladybird Lane La Jolla CA 92037

Phone: 858-456-6468

Email: RREINBOLD@SAN.RR.COM

Additional Comments (Feel free to add your own reasons and/or experiences):

Alcohol @ the beach promotes + enables crime,
underage drinking and lewd behavior.

Get rid of it!

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.

Thank You!

000189

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Thank you for your attention and support.

Sincerely,

Signature: Linda B. Smith, MD

Date: 9/30/07

Please print:
Name: Linda B. Smith, MD

Organization or Business (if applicable): Physician

Address: 950 Oliven Ave SD, CA 92109

Phone: (858) 273-9279

Email: LSmith950@hotmail.com

Additional Comments (Feel free to add your own reasons and/or experiences):

Remove alcohol from the beach
and return it to the residents
Faulconer

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.

Thank You!

000190

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

Dear Mayor Jerry Sanders, Council Members Scott Peters, Kevin Faulconer, Toni Atkins, Tony Young, Brian Maienschein, Donna Frye, Jim Madaffer, Ben Hueso, City Attorney Mike Aguirre and Police Chief William Lansdowne,

The undersigned strongly support Council Member Kevin Faulconer's proposal to prohibit alcohol year-round at all San Diego beaches and bays. We urge you to make every effort to see that this outcome is achieved through the creation and implementation of a new city-wide ordinance.

Thank you for your attention and support.

Sincerely,

Signature: Terry Townsend Date: 9/14/07

Please print:
Name: TERRY TOWNSEND

Organization or Business (if applicable): P B WATER STORE

Address: 4450 LAMONT ST SD 92109

Phone: 858 - 692 - 5210

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

WE SUPPORT THIS BAN FOR ALL FAMILY'S IN AND AROUND PACIFIC BEACH.

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.

Thank You!

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

Dear Mayor Jerry Sanders, Council Members Scott Peters, Kevin Faulconer, Toni Atkins, Tony Young, Brian Maienschein, Donna Frye, Jim Madaffer, Ben Hueso, City Attorney Mike Aguirre and Police Chief William Lansdowne,

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Thank you for your attention and support.

Sincerely,

Signature: _____

Date: _____

Please print:

Name: _____

Organization or Business (if applicable): _____

Address: _____

Phone: _____

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.

Thank You!

001192
IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

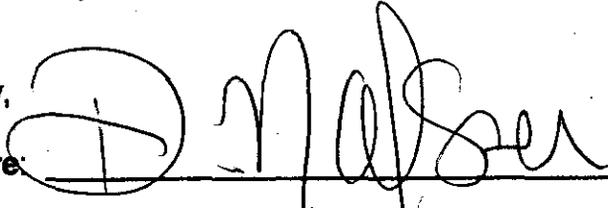
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Thank you for your attention and support.

Sincerely,

Signature:



Date:

9-13-07

Please print:
Name:

DEBI NIELSEN

Organization or Business (if applicable):

(B Tan Salon)

Address:

4384 Moraga St.

Phone:

Email:

Additional Comments (Feel free to add your own reasons and/or experiences):

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.
Thank You!

000193

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

Dear Mayor Jerry Sanders, Council Members Scott Peters, Kevin Faulconer, Toni Atkins, Tony Young, Brian Maienschein, Donna Frye, Jim Madaffer, Ben Hueso, City Attorney Mike Aguirre and Police Chief William Lansdowne,

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Thank you for your attention and support.

Sincerely,

Signature: _____

Date: _____

Please print

Name: _____

Organization or Business (if applicable): _____

Address: _____

Phone: _____

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

Plus PUT PARKING METERS IN BEDMONT PARK
NO Alcohol on Beach

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.
Thank You!

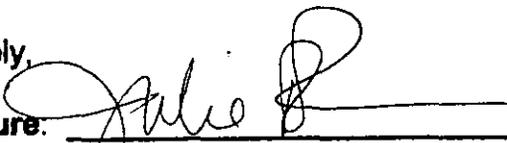
IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

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Thank you for your attention and support.

Sincerely,

Signature:  Date: 9-14-07

Please print:
Name: Julie Robinson

Organization or Business (if applicable): Notorious for Hair

Address: 3025 Canon St SD CA 9206

Phone: 619 222-3212

Email: 

Additional Comments (Feel free to add your own reasons and/or experiences):

It's a long time in coming!!

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.

Thank You!

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

Dear Mayor Jerry Sanders, Council Members Scott Peters, Kevin Faulconer, Toni Atkins, Tony Young, Brian Maienschein, Donna Frye, Jim Madaffer, Ben Hueso, City Attorney Mike Aguirre and Police Chief William Lansdowne,

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Thank you for your attention and support.

Sincerely,

Signature: Janine Decker Date: 9-13-07

Please print:
Name:

Janine Decker

Organization or Business (if applicable):

Notorious For Hair

Address:

895 Granger St. San Diego, CA 92154

Phone:

619 271-3106

Email:

Janine.9@cox.net

Additional Comments (Feel free to add your own reasons and/or experiences):

Obviously alcohol adds to violence on the beach - get smart - be safe!

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.

Thank You!

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

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Thank you for your attention and support.

Sincerely,

Signature: Pamela Grant Date: 9.12.07

Please print:

Name: Pamela Grant

Organization or Business (if applicable): Hair Shapes (Hair Salon)

Address: 4288 Cass St.

Phone: 858-483-6721

Email: N/A

Additional Comments (Feel free to add your own reasons and/or experiences):

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.

Thank You!

000197

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

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Thank you for your attention and support.

Sincerely,

Signature: _____

Date: _____

Please print:

Name: _____

Organization or Business (if applicable): _____

Address: _____

Phone: _____

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

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Thank You!

000198

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Thank you for your attention and support.

Sincerely,

Signature: Bruce Townsend Date: 9-14-07

Please print:
Name: Bruce Townsend

Organization or Business (if applicable): P.B. Water Stone

Address: 4450 Lamont St

Phone: 658692-5710

Email: _____

Additional Comments (Feel free to add your own reasons and/or experiences):

IT'S about Time

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.

Thank You!

IT'S TIME TO GET ALCOHOL OFF SAN DIEGO BEACHES!

Dear Mayor Jerry Sanders, Council Members Scott Peters, Kevin Faulconer, Toni Atkins, Tony Young, Brian Maienschein, Donna Frye, Jim Madaffer, Ben Hueso, City Attorney Mike Aguirre and Police Chief William Lansdowne,

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Thank you for your attention and support.

Sincerely,

Signature: Christine Date: 9-12-007

Please print:
Name: Christine Mischen

Organization or Business (if applicable): Christine Skin-Care

Address: 4764 Cass Street S. Diego, CA, 92109

Phone: (858) - 273-7405

Email: —

Additional Comments (Feel free to add your own reasons and/or experiences):

There is too much crime with alcohol on the beach.

Please return letters to www.safebeaches.org and they will be copied and delivered to the city officials listed above.

Thank You!