

# Minutes of the Ocean Beach Planning Board General Meeting 12/4/13

**6:04: Meeting called to order.** Present: Scott Therkalsen, Tom Gawronski, Pete Ruscitti, Bill Bushe, C. Kevin Becker, Ginese Quann, Barbara Schmidtknecht, Raeanon Hartigan, Ronny Shamoun, Drew Wilson, Gio Ingolia, John Ambert (joined late)

**Minutes: Rea moves to approve the minutes, Scott seconds. Vote 10-0-1**

**Agenda modification: Barbara makes a motion to bring back the CVS alcohol control license, seconded by Kevin.** Gio voices concern for people in the other room, Scott voices concern for lack of public notice (though officially the meeting was legally noticed the fact that the original timeframe to re-discuss the item was changed was not well understood throughout the community). **Vote 11-0-0**

**Treasurers Report:** 219.83

**Relevant Representative Reports:** John (Faulconer's Rep) - Gio should be nominated to Mission Bay Park Committee this week or next.

**Action Item #1: Certify Appointed Members:** None

**Action Item #2 (moved from agenda item #5): Alcoholic Beverage Control License Type 21 – CVS Pharmacy**

*Gretchen Kinney:* explained that the OBMA and OBTC worked together with CVS to come up with a community benefits package as outlined in the worksheet titled "Proposed OB Community Benefits Package" (Attached at the end of this document) CVS agreed to everything that the Town Council asked for.

*CVS representative:* After hearing the concerns we've attempted to clarify items and we are happy to be a good community member. Please refer to the list of restrictions, our request for the permit will include these items. Addressing a question – yes we will sell single bottles smaller than 32 ounces

*Denny Knox:* refreshing to see a corporation wanting to fit into the community, they offer high paying jobs and can potentially bring locals from other CVS stores back to the community. The OBMA board has not voted on the item yet but no disagreement has been heard yet.

*Jane Gawronski:* the last meeting I saw no value to the community but after reading the "manifesto" I have changed my mind and now support the CVS.

*Saad Hirmez:* We welcome CVS because they can't sell food that we will be happy to provide the community and thus we feel we can compete against them.

*Frank Gormlie:* will the parking be free and available to the public? CVS answer: we are not sure at the present time but we are willing to work with the community

*Nate:* What guarantees do we have for this document? CVS Representative- the best we can offer is our word and the restrictions on the alcohol permit will be controlled by the permit.

Public: what will be hours of operation? CVS rep – 7:00-10:00

*Board Comments:*

Ginese: What about the signage? CVS response: signs will be in code with what the city allows.

*Rae:* Thanks for all the work. I'm pleased.

*Gio:* as a member of the OBTC I was not involved with this. I am encouraged to see that CVS has stepped up. Also happy CVS favors the plastic bag plan.

*Kevin:* Satisfied with the benefits package

*Pete:* wish there was a different tenant as everyone does but at the same time all we can vote on is the alcohol permit and since that's all we are voting on then I'd have to favor it.

*Drew:* initial reaction was to vote against but if it is only the license it would be hard to deny it.

*Scott:* appreciates the work that community organizations have done with CVS. The representative from CVS has stated that nothing has changed since the last meeting; why would opinions change at all. They have not addressed the major concerns from last time, especially in regards to their lack of any fresh food for the community. CVS has done reasonable things you would expect of any business without addressing the real concerns raised at the last meeting and since this meeting was slipped in at the last minute without as much community interest I'm going to vote for those community members who didn't hear about this meeting and I will not support the license.

*Barbara:* what is the projected lease date? CVS – proposed opening is late 2014

*Ronny:* when the Appletree moved out ideally a new supermarket would go in but today's rents will not allow any supermarket to go in there. I'm supportive of the CVS but with the liquor license the one issue is that we are adding a new license. So while I support CVS I think there should be further restrictions on the license.

*Drew:* We have to think about the long term vision of this community instead of focusing on getting something in there now. Markets, will come and go but if we have patience we may be able to get a tenant that the community actually supports. We already have a Rite Aid. I don't think this proposal is anything anybody wants. If I can prevent it then I will vote against it.

*Saad (Appletree) response:* our lease expired in 2011 and I paid \$20k a month to stay, meanwhile a sign was put up to rent the place to anyone and plus the year we've been gone it has been 3 years and no one wants to go in there. We are going to provide a great store for the community.

*Bill:* what planning board members were involved in these meetings? None. Why was no one on the board present at any of these meetings. In my opinion a serious violation of the Brown Act has occurred. These meetings were not noticed and something is amiss here. Not making any allegations but the way this process has occurred does not seem right. I'm not happy about the way the situation has been handled and I will not be voting.

*Tom:* We've brought this to the board. Now we have to do something. We can either vote on a motion to recommend or deny or we can table it but I don't know why we would do that.

*Discussion of potential motion:*

*Ronny:* I'm going to propose to strike #8 completely and replace the language to say no single beer sales. #9 will be crossed out in its entirety and instead it will read no liquor shall be sold in containers less than 750 ml.

*Pete:* I would not support the craft beer ban.

*Ronny:* ok we can limit it to only 22 ounces. So I could say no single beer sales except 22 ounce beers.

***Pete makes a motion to approve the alcohol license with the modified community benefits package if both Ronny and the CVS member have agreed to the new specific terms. Ronny***

seconded the motion with a friendly amendment. The entire community benefits agreement will remain with the following change:

**“No single beer sales except 22ounce. No liquor shall be sold in containers less than 750ml.”**

**Pete agrees to the amendment**

**Vote: 8-2-1 (Bill Busche abstained because the way the process bringing this item back to the table occurred “does not seem right”)**

SEE THE DOCUMENT AGREED UPON (WITH THE CHANGES ABOVE) AT THE END OF THIS DOCUMENT

**Action Item #3: Del Mar Units. Project # 306989**

*Architect:* the project involves demolishing one permitted and one run down home and replacing it with 2 homes. General discussions of the design and examination of a great scale model.

*Kathy Blavat:* I’m a neighbor and many of us did not know about this project. I think that they should have the opportunity to weigh in. This is an historical home that has been purposely blighted in order to get out of the designation and I’m worried about that as well as some of the setbacks. I think a lot of people are concerned about the historical cottages.

*Architect:* we are not asking for anything except what the zone permits. The setbacks are to code as is everything else.

*Discussion* of the historical review. Jane reviewed it and determined it met all 4 criteria to be deemed historic but the city overruled her determination. Discussion of code compliance and general agreement that the city is doing a poor job enforcing policies and the community should work together to ensure that we recognize and prevent purposely blighted homes.

**Scott makes a motion to approve the project as presented if the city confirms that proper notification has been given per the city requirements of noticing. Seconded by Barbara. Vote 12-0-0**

**Action Item #4: McDaniel residence. Project #327936**

*Architect:* We are proposing to keep the existing look from the front with small additions to the backside and we are adding a 2 car garage with a small unit above with parking for the unit provided in a single spot. Way under the allowable FAR and parking is provided, materials will match.

**John makes a motion to approve the project as presented, Rae seconds. Vote: 12-0-0**

**Action Item #5 (moved from agenda item 6): Election Committee**

**Rae will chair. Members are John and Scott. Vote 10-1-1**

**Action Item# 6 (moved from action item #2): Public input changes to the OB Precise Plan.**

This is part one of the subcommittee recommendations to the board. Due to the high volume of comments we still have more to review and we are still waiting for the city to provide us with the full set of comments. A lot of the comments are actually covered in the plan...

*Public Comment:*

*Patty Lewis:* My concern is the Point Loma commercial area and the zoning right now is not in line with the quiet character of the community. We should not be the same commercial zone as

Newport and Voltaire. Request is that the hours of operation should be limited. I have submitted my concern to the city.

*Nancy Vaughn:* Seconds the comments of the previous speaker. The commercial district on Point Loma is different and should be treated as such. Please use the same language from the old plan for the new plan to describe the different nature of the Point Loma street. Please rezone this area C-N.

*Lynne Miller:* Restates the comments above about Point Loma street with some additional handouts for the board. Concerned about Mr. Klein's planned Kodiak development will destroy the community. Formal proposal has also been submitted to the city with the rewording of the language describing the street from the old precise plan.

*Board response to concerns:* Zoning change will be very difficult but we can work with the wording issue.

*Gio* proposes that will have a special meeting January 8<sup>th</sup> to continue the review of the public input.

**Barbara motions to adjourn, Rae seconds. Vote 12-0-0**

## **CVS Pharmacy 4949 Santa Monica Avenue Proposed OB Community Benefits Package**

With the opening of its store on Santa Monica Avenue, CVS Pharmacy is proud to become a stable, long-term member of the Ocean Beach community, and will provide several community benefits to the Ocean Beach community. CVS Pharmacy offers the commitments below in support of its request for a finding of Public Convenience or Necessity in issuance of a license for off-sale alcoholic beverages:

### **Approximately \$2.5mm investment in building, property and FFE improvements, including:**

- New roof
- Upgrade building electrical system to current standards which will contribute to energy efficiencies and reduced greenhouse gas emissions. CVS is committed to the California Green Building Standard. By reusing and recycling the existing structure, CVS will minimize environmental impacts, and contribute to the long-term sustainability of the environment.
- CVS' environmental commitment includes the use of:
  - Super-efficient high SEER rating HVAC units
  - Energy efficient LED for interior and exterior lighting
  - A highly sophisticated Energy Management System linked to a corporate control center and monitored 24/7
- Repair and resurface parking lot for visual and functional enhancement
- New parking lot lighting for safety and security
- Replace existing landscaping and plant new water conserving landscape material to meet City, State and local conservation standards. Placement and selection of landscape material shall be designed to discourage loitering and occupation by transients.
- Loading dock area redesign for safety, visibility, access
- Repaint building (see exception below regarding mural)
- Upgrade pedestrian improvements to comply with ADA and accessibility standards

## **Community benefits**

- CVS will be a stable, long-term presence in and member of the Ocean Beach community, bringing property stability to the largest vacant parcel in the community, shoring up property values, attracting customers to the central Ocean Beach business district, and actively participating in local community and business causes and events for the term of its occupancy. CVS' lease is expected to be for 25-50 years, including extensions and options.
- CVS occupancy and operation will generate a high and sustainable level of sales and property tax revenue
- CVS has committed to preserving the community character of the property by re-using the existing architectural structure and preserving the existing front elevation of the building.
- CVS will preserve and restore the existing mural (less Apple Tree name), or replace it with a new mural from a community artist that CVS agrees to select with community involvement and/or host a community art mural produced at the Ocean Beach Street Fair.
- CVS will become a member of the Ocean Beach Mainstreet Association
- CVS will become a member of the Ocean Beach Town Council and commits to supporting the annual OB Food and Toy Drive by hosting receptacles for community donations of money, food, and toys.
- CVS will participate with the community in efforts to make any surplus parking open for public use for community businesses (contingent on compliance with City zoning regulations and concurrence of SDPD, as CVS business use allows)
- CVS will provide and maintain trash cans along property frontage sidewalk or property perimeter as part of its regular on-site trash management program (contingent on any required approvals by the City - Requested by Council office)
- CVS will enhance Ocean Beach's food access by offering a variety of groceries, including refrigerated items (such as milk and eggs) and canned and boxed items (such as cereal , canned soup, frozen vegetables), and CVS will evaluate the feasibility of offering a limited selection of fresh produce contingent on food and safety regulations and permitting.
- CVS supports the local economy and will provide a process whereby local vendors and suppliers can submit products to be sold within the Ocean Beach CVS location (e.g. - Direct Store Delivery Supplier system or DSD).

- CVS will provide 20-30 new high-quality jobs to the community including strong training, pay, and benefit packages. Medical coverage is offered to CVS employees that work 24+ hours per week. CVS has the highest rated job satisfaction in its industry and will contribute these beneficial jobs to the Ocean Beach community by prioritizing qualified candidates from within the community in its hiring process.
- CVS will be supportive of a plastic bag ban ordinance (as passed by the City of Solana Beach and considered for enactment by the City of San Diego) and will sell reusable recycled totes.

### **Alcohol security measures**

- CVS is a pharmacy, not a liquor store, with competitive pricing for all daily needs and has a strong incentive for compliance with alcoholic sales laws and regulations, prevention of loitering, and preserving high moral character of the community. Unlike liquor stores, sale of alcoholic beverages is offered as a convenience to CVS customers during the course of their normal shopping experience.
- No more than 5% of the floor area of the building will be used for the display of alcoholic beverages
- CVS will provide extensive training of all employees in compliance with all ABC regulations and SDPD requirements, theft prevention, and age verification.
- CVS will provide regular enforcement of loitering restrictions on the property including prevention of public drinking and transiency, and reporting to police of loitering in public areas and any potential threatening circumstances
- A CVS store manager will be on the premises during all business hours and will be responsible for compliance with all laws and regulations, security, public safety, and abatement of litter, graffiti, and loitering
- 14 security cameras inside store, including three cameras to cover alcohol aisles
- 3 security cameras focused on parking lot and grounds
- Alcohol sales will be limited to the hours of 7:00 AM to 10:00 PM
- No sales of kegs
- No sales of individual cans
- No sales of single shot/mini bottles of liquor
- No sales of malt liquor
- Beer will not be sold in single containers of larger than 32 oz. per container

- No cups, glasses, or similar receptacles shall be provided or sold in quantities of less than 24 per container
- Wine shall not be sold in containers smaller than 750 ml and wine coolers, beer coolers, or pre-mixed distilled spirits must be sold in manufacturer pre-packaged multi-unit quantities
- Spirits in display aisles will be protected with anti-theft caps
- No alcoholic beverages shall be consumed on the property
- Alcoholic beverages will not be sold to persons who are obviously intoxicated
- Signs advertising alcohol sales will not exceed 630 square inches
- CVS supports the local economy and will evaluate the feasibility of selling local craft beer that is made in the City and County of San Diego (please see above Community Benefits section for additional details on CVS' support of the local economy.)
- CVS will execute a Police Letter of Authorization allowing law enforcement on the property to enforce crime, loitering, and alcohol rules.

### **Site Design**

- Windows will not be obstructed to ensure that law enforcement will always have a clear view inside the premises. A minimum of 67% of window area will provide clear view)
- Loitering and on-site consumption of alcohol will be strictly prohibited and enforced
- No public telephone on premises
- No arcade games on the premises
- A contact telephone number for the store will be published in the local directory as well as posted on premises
- Trash receptacles will be provided in accordance with (or in greater amount than) the ordinance requires (one 13-gallon inside, two 31-gallon outside). Exterior trash receptacles shall be of type that would not allow seating. Additional trash receptacles will be provided on sidewalks or property perimeter as described above.
- A new trash enclosure will be provided to secure trash bin.
- Existing loading dock area will be redesigned to provide clear security vision on the alley. An exterior security camera will be provided at the loading area.