



MY BEST SHOT

by Lisa Ross

CITY BEACH BEER TEST-BAN FALLS FLAT WITH VOTERS

As Independence Day nears, the unofficial start of beach party season at Torrey Pines State Beach and Del Mar's beaches, thoughts often move from celebrations of freedom to crowd control, which usually brings up discussions about beer consumption on the beach.

Del Mar and Torrey Pines State Park officials never joined the beer abolitionist movement that waded down the coast in years past from Oceanside to Coronado and found no reason to do so after studying the issue again this year.

This apparently is a good thing, considering the experience of San Diego's new City Council who are now in a bind over a recent vote to ban beer at some city beaches.

Last week, the newly enacted City of San Diego beach alcohol ban for Pacific Beach and Mission Beach, attracted enough opposing signatures from voters citywide to force a general election on the issue if the City Council does not voluntarily give up the ghost on the ban.

This means that opponents of the beer ban, Ban the Ban II, were able to gather at least 31,631 signatures, the required amount for a successful referendum on a Council action. The petitioners claim they snagged over 50,000 signatures in a record two and a half weeks—the registrar of voters found it unnecessary to count them all because of the high percentage of valid signatures.

In taxpayer dollars and cents, an election on the ban could mean anywhere from \$100,000 if the issue is placed on the March 2002 general ballot by the City Council to a million dollars if they decide to run a special election earlier. Not chump change, but certainly chump-making for Councilmembers who supported the ban.

The ordinance was well-intentioned, if a mistaken read of community sentiment. Councilman Byron Wear who represents the district that includes the beatnik Ocean Beach, Million Dollar Mission Beach and Mom and Pop Mission Bay, prides himself on responding to community concerns.

And, except for the wails of a few free Shamu types who are trying to free Mr. Wear early from his duties by recalling him, most in his district feel he works his tail feathers off to represent them. Which is probably how he got himself into this snafu.

Undoubtedly, the homeowners living around Mission Beach who had it with rowdy beach partygoers spilling into residential streets, out of control "party houses" in their neighborhoods and drunk people urinating in their yards, got the Councilman's sympathetic ear.

Instead of stepping up law enforcement, adding restroom facilities to the public beaches and outlawing rented party houses, the City Council went along with a test booze ban for eighteen months. But, as the experience of La Jolla Shores demonstrates, government regulations are rarely temporary—the La Jolla Shores test beer ban became permanent a decade ago.

And, if the ban hang-over weren't bad enough, some civil libertarians claim that the beach alcohol ban is really a Beaching While Black ordinance because it gives police probable cause to inspect the cans of any "suspicious" gathering at beach, an argument that could open a can of worms for Carlsbad, Oceanside and Solana Beach where alcohol is prohibited on the beach at any time.

In fact, people of color in large numbers spend Sundays at south Mission Beach and Belmont Park where the core of beer ban supporters live, giving juice to the civil liberties argument.

The brand new City Council and Mayor, who ushered in a new era of public cooperation and trust, are facing a successful referendum on a decision within six months of taking office—a new record if memory serves correctly—fraught with foaming controversy of the most unpleasant sort.

For the hordes who will bake in the sun glow of Del Mar and Torrey Pines beaches over the holidays, have a safe and sane July 4 and revel in the freedoms we enjoy at our area beaches, because you always have.

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