

## Agenda

June BRCC Community Meeting

Tuesday, June 6, 2023

6:00-7:30 PM

Bird Rock Elementary School

Enter the BRE auditorium from the far south gate (i.e., gate #3) on La Jolla Hermosa Ave.

You can attend via Zoom with the following link: [Join our Cloud HD Video Meeting](#)

### **1. Welcome, Board Member Introductions, Remarks**

### **2. Updates from Four Representatives of Elected Officials**

- Steve Hadley, Community Outreach Director, Office of Councilmember Joe LaCava
- Rachel Dugan, Field Representative; Congressman Scott Peters
- Emily Piatanesi, Mayor Todd Gloria Community Representative for Council Districts 1, 4, and 7
- Cole Reed, District Representative, Office of Senator Toni G. Atkins

### **Update from Aurora Livingston, District Representative, Office of Senator Blakespear, District 38**

#### **District Events**

Our District Office in Encinitas is having an Open House on Saturday June 10th from 3-5pm. All are welcome! The address is 169 Saxony Rd, Suite 209, Encinitas, CA 92024. This is an opportunity to engage with staff, and meet representatives from other state departments such as CA DMV, State Parks, CalFresh, Covered California, and Caltrans. We hope to see you there!

#### **Senator Blakespear's Bills that Passed the Senate Last Week**

##### **Housing and Homelessness**

- SB 482, cuts red tape by allowing homeless serving housing projects to have access to a funding stream earlier in the process which reduces costs.

##### **Gun Violence Prevention**

- SB 417, requires gun sellers to post warnings about the danger of having a firearm in the home has been passed by the Senate.
- SB 452, requires all semiautomatic pistols sold in CA to use microstamping technology that would etch unique identifiers on the cartridges. This provides law enforcement with valuable information to help identify shooters.

## Contact

Aurora.Livingston@sen.ca.gov

Phone: 760-642-0809

## Field Representative Talking Points, Assemblymember Tasha Boerner – AD 77

### Introduced Bills in the 2023-2024 Legislative Session:

- **AB 45: Blue Carbon Projects in Coastal Developments** ○ Authorizes the California Coastal Commission to add blue carbon demonstration projects to the suite of factors it considers for potential mitigation when approving coastal development permits, where feasible
- **The California Coastal Act of 1976** requires anyone wishing to perform or undertake new development in the coastal zone, to obtain a coastal development permit from the California Coastal Commission, or a local government with a certified Local Coastal Program (LCP), except as specified ○ Status: Senate Rules Committee
- **AB 72: Early Warning System for Enhanced Coastal Bluff Monitoring Research Extension** to Extend deadline by 1 year (January 1, 2026) for Scripps Institution of Oceanography to complete the warning system for bluff collapse research and report due to the Legislature ○ Extends deadline from AB 66 (Boerner 2021) ○ Status: Senate Education Committee
- **AB 73: Bicyclists: Stop As Yield Pilot Program** ○ Requires individuals riding a bicycle, 18 years of age or older, approaching a two-lane road with a stop sign at all intersections to have the option to treat the stop sign as a yield sign
  - Status: Senate Rules Committee
- **AB 265: Fairness for Senior and Disabled Homeowners Act** ○ Seeks to secure a permanent funding source for the Senior Citizens and Disabled Citizens Property Tax Postponement (PTP Program), supplementing the collections of existing PTP accounts.
  - Status: Senate Rules Committee
- **AB 530: County Water Authority Act: exclusion of territory: procedure** ○ Requires the County Water Authority to submit the proposition of excluding the public agency's corporate area from the county water authority to the electors within the territory of the county water authority. ○ Status: Assembly Natural Resources
- **AB 548: Code Enforcement: Supplemental Inspections** ○ Requires local enforcement agencies to develop policies and procedures for inspecting a building with multiple units if an inspector/code enforcement officer determines that the defects or violations can reasonably affect other units in the building
  - Status: Senate Rules Committee
- **AB 559: California Senior Legislature Tax Contribution Fund Sunset Extension**

- Extends the sunset date for the California Senior Legislature Voluntary Tax Contribution Fund to remain on the tax return through 2030. ○ 2023 is the current sunset expiration.
- Status: Senate Governance and Finance Committee
  
- **AB 589: Unicorn Homes Transitional Housing for Homeless LGBTQ+ Youth Program** ○ Would, upon appropriation by the Legislature, establish a 3-year pilot project expansion of the Unicorn Homes Transitional Housing for Homeless LGBTQ+ Youth Program in the Counties of San Diego and Sacramento. LGBTQ+ centers within each county would administer the program to house eligible youth in LGBTQ+ affirming host homes
  - Status: Senate Rules Committee
  
- **AB 716: Ending Surprise Ambulance Bills** ○ Would prevent consumers from being charged an out-of-network surprise bill for ground ambulance services and protect uninsured Californians from being charged inflated ambulance rates.
  - Status: Senate Rules Committee
  
- **AB 719: Medi-Cal: Non-Emergency Medical Transportation Reimbursement** ○ Requires Medi-Cal Managed Care Plans to reimburse public transit operators for nonmedical transportation and non-emergency medical transportation services based on the Department of Health Care Service's fee-for-service reimbursement rates.
  - Current law requires non-medical transportation for round trips ○ Status: Senate Rules Committee
  
- **AB 812: Pro-Artist Affordable Housing** ○ Allows cities and/or counties to authorize up to 10% of its very low, low, or moderate income housing for eligible artists within a state or locally-designated cultural district
  - Status: Senate Housing Committee
  
- **AB 1481: Expansion of the Presumptive Eligibility for Pregnant Women Program** ○ Would Update and expand the Presumptive Eligibility for Pregnant Women Program to increase access to eligible pregnant people to all medications and services covered by full-scope Medi-Cal while in the program
  - Status: Senate Rules Committee

#### **E-bike certifications and demonstrations/education at your school**

- AB 1946 (Boerner Horvath) requires CHP to conduct safety programs for E-bikes
- Please contact Mariah Kallhoff and/or Margaret Doyle for scheduling ○ [Mariah.Kallhoff@asm.ca.gov](mailto:Mariah.Kallhoff@asm.ca.gov) or [Margaret.Doyle@asm.ca.gov](mailto:Margaret.Doyle@asm.ca.gov)

#### **Certificates of Recognition**

- New businesses, anniversaries, student academic achievements, awards, etc.

- Contact Mariah Kallhoff at [Mariah.Kallhoff@asm.ca.gov](mailto:Mariah.Kallhoff@asm.ca.gov) to request a certificate

**Constituent Services/ liaison services**

- DMV, Unemployment Insurance, Disability Insurance, Medi-Cal, Covered California, and more
- [Constituent Services](#)

**Office Contact:**

**Mariah Kallhoff (She/Her/Hers)**

[Mariah.Kallhoff@asm.ca.gov](mailto:Mariah.Kallhoff@asm.ca.gov)

District Office Phone: (760) 434-7605

Website: <https://a77.asmdc.org>

*If there are any bill packages that you have ready to go that you would like to see brought forward in the next legislative session or any bill ideas that you may have, please send them to our office.*

### **3. Infrastructure Problems: Defective/Outdated Pedestrian Signals: - Joe Terry**

While waiting to hear if our application for a budget proposal to the Office of Assemblymember Tasha Boerner was approved, the BRCC has followed up on signal options John Jabro provided, including the option for self-activated signals that address the problem of the pedestrian forgetting to push the button. Steve Hadley has/will ask Traffic Engineering if the signal in John's email is something they could/would install.

We still need one or more volunteers to check the signals frequently, report any problems to Get It Done or [info@birdrockcc.org](mailto:info@birdrockcc.org). Generally, the City has been good at responding and repairing the signals when a problem is reported via the Get It Done app.

### **4. 4th July Parade: – Kristin Barret**

The Murfey family provided the following information about this great community event that it has sponsored for many years.

Hello Bird Rock - spread the word! Here are the details on The 4<sup>th</sup> of July Parade.  
BEAUMONT AVENUE FOURTH OF JULY PARADE!

We are so excited to invite the Bird Rock Community to join the 44th Annual BEAUMONT AVENUE Fourth of July Parade. As the parade heads into its 44th year, let's celebrate our community, country and patriotism on Beaumont Avenue! Walk, bike,

trike, skateboard, or float your way down to the fun-filled after-party and enjoy food and entertainment after the parade.

Start building your best surfing-themed floats!

- Theme: Surfing USA!
- Floats: Yes Please! Get creative and make something awesome (or something mediocre that can barely make it 2 blocks!)
- Family donation of \$40-\$250+ is kindly requested ([www.gofundme.com/f/2023-bird-rock-4th-of-july-parade-surfing-usa](http://www.gofundme.com/f/2023-bird-rock-4th-of-july-parade-surfing-usa))
- Parade starts at 10:00 am on 7/4/23 (9:15 Float Check-in) – Start is corner of Beaumont and Camino De La Costa – Same as always!
- Beaumont Avenue residents – it would be great to see your wonderful home and yard decorations again (See Donation Link below)
- T-shirts –Orderly directly at <https://www.bonfire.com/2023-bird-rock-4th-of-july-parade-surfing-usa/>. **Hard Order Cut-Off Deadline: June 11, 2023.**
- Volunteers – We always need day-of volunteers on 7/4, so let us know if you are available to help ([christy@murfeycompany.com](mailto:christy@murfeycompany.com))
- Committee Members – We are forming a multi-year transition committee, so let us know if anyone is interested in helping plan the future parades.
- This event is powered solely by the time, spirit and effort of volunteers. Please consider making a donation of your time and resources to help keep this great Bird Rock tradition alive. We kindly ask that each family enjoying the parade donate \$40-\$200+ to help support food and entertainment.

[www.gofundme.com/f/2023-bird-rock-4th-of-july-parade-surfing-usa](http://www.gofundme.com/f/2023-bird-rock-4th-of-july-parade-surfing-usa)

**Call 2023 Committee Chairs**

Grand Marshall 2023 - Jason Hill - 858-822-8126

Vice Chair - Sarah Eve Austin -858-414-3068

Call Christy: 858-459-6865

Email: [christy@murfeycompany.com](mailto:christy@murfeycompany.com)

The BRCC is preparing a float for the parade and will have a membership table at the end of the parade.

**5. Lighting Project Along La Jolla Blvd. between Camino de la Costa and Midway Street: Joe Parker**

The BRCC is proceeding with a lighting project along La Jolla Blvd. The project will improve nighttime safety and the commercial identity of Bird Rock. The project will include improvements to the streetlights and building lighting and the addition of decorative lighting. In order to determine the types of lighting the City will permit us to install, the BRCC is both reviewing the types of lighting installed in the public right of way in La Jolla and elsewhere in San Diego and preparing a list of questions for the Development Services Department and Parks & Recreation Department concerning the permissible types of lighting. Steve Hadley has agreed to help us obtain responses from DSD and P&R. Once we have responses, we will get cost estimates for permissible alternatives, get community input on those alternatives and initiate fund raising.

**6. I Love a Clean San Diego, Adopt-A-Beach program for Sun Gold Point/PB Point –Barbara Dunbar**

The BRCC is proceeding with this project. Barbara Dunbar has/will make an application to the I Love a Clean San Diego, Adopt-A-Beach program director requesting that BRCC adopt the Sun Gold Point/PB Point beach which will require 3 organized, calendared clean-up, trash itemization and documentation, and reporting efforts done annually. The City Park and Recreation Dept. beach access stairs are located at 403 Sea Ridge Drive (Linda Way and Sea Ridge Dr). Another BRCC Board member will organize and facilitate the clean-up events once BRCC has been approved.

**7. Proposed Adelante Townhomes Project**

As noted in the June – July Bird Rock Newsletter at <https://www.birdrockcc.org/newsletters.php>, the CPA voted in favor of the proposed Adelante Townhomes project: 10-3-1 at its May 4 meeting, despite not having sufficient info to determine if the development complies with the La Jolla Planned District and other parts of the SD Municipal Code. In terms of the review process, that was not the CPA's finest hour. Examples of the flaws in the review process include the following:

- a. The CPA did not use a "trust but verify" policy for any information it received from the applicant, community groups, its own committees, and the public. Too often, trustees forgot or chose not to verify that information or to consider how it has been shaded to a speaker's advantage. Arguments of convenience are normal but the CPA and its committees should identify whoppers, note irrelevant arguments of convenience and use neither in support of their recommendations.

- b. The CPA used the DPR 4/11 3-2-0 recommendation that findings CAN be made and all but ignored the PDO 3/13, 6-0-1 recommendation that findings CANNOT be made, even though the CPA should have given deference to the PDO recommendation concerning compliance with the LJPDO. In addition, the PDOs recommendation was in neither the agenda for the May meeting nor the draft minutes for that meeting. The latter is more disturbing because that.
- c. One Trustee asked about the last time LJPDO was updated or reviewed and, in response to the answer, suggested that was too long ago to be relevant. The trustees (jury) should have been instructed to ignore those comments and reminded that their bylaws call for a review process that uses the regulations and guidelines established in the San Diego Municipal Code and La Jolla Community Plan in effect at the time of the project submittal to the City of San Diego. The comment about the age of the LJPDO and the failure to indicate it was not a relevant comment during the review of a project demonstrates the need for more training for trustees and a checklist for the CPA and each of its committees to help ensure they are complying with their bylaws. Among other things, such checklists should list what the CPA or a committee is supposed to consider, what it is not supposed to consider, etc. The CPA and each of its committees should prepare their own checklist, and the CPA should review the checklist for each committee. Once finalized, the CPA should make the checklists public and update them as necessary. Such checklists can help ensure the CPA and its committees do not crash and burn or become a popularity or beauty contest. The checklists can remind the trustees and committee members that when reviewing a project, their role is to call balls and strikes based on the strike zone defined in the LJ Community Plan and Local Coastal Program Land Use Plan, LJPDO and other parts of the SDMC, not to redefine the strike zone.
- d. The CPA failed to recognize or give sufficient weight to the fundamental and adverse change approval of this project would have on the Bird Rock community and was willing to make a recommendation to the City without having the information required to know if the project complies with the applicable plans and parts of the SDMC.

Examples of the whoppers have included the following assertions:

- a. The vacancy rate for commercial property in Bird Rock exceeds 20%, when it is probably less than 5%.
- b. The density bonus meets the provisions of the Land Use Code, when it meets some of those provisions and some provisions of the LJPDO only if it qualifies for the requested density bonus, incentives and waivers, for which it may not qualify.
- c. Bank loans are not available for mixed-use developments, when they are.

- d. The Director of San Diego Housing Commission confirmed their density bonus assumptions and valuations are correct, when what he confirmed is that the applicant looked at the correct table and row to calculate the density bonus and number of incentives allowed if the one unit met the criteria for an affordable dwelling unit. He did not confirm that it met those criteria.
- e. The applicant knows what is best for the Bird Rock Community, but the Bird Rock Community Council and the Bird Rock Merchants Group do not. This self-serving assertion should have raised red flags.

It would be great to have more folks from the Bird Rock community on the CPA. You can use the following link to join the CPA <https://lajollacpa.org/membership-application/>.

#### **8. Bird Rock MAD Signage/Monument Project; Joe Parker**

The BRCC made an important step forward for this project. Gary Pence, Senior Traffic Engineer, said 36" measured from the roadway or 30" from grade (inside the roundabout). Regarding Pelicans on top of the rock, Gary said DSD will consider Pelicans in excess of 30" so long as they do not block visibility. Gary and others expressed similar concerns about vandalism and theft of pelicans or other pranks like placement of clothing, on it, etc., which is a legitimate concern. A Pelican logo on the rock or a rock Pelican or some other permanent installation is likely a better option. The info from Gary Pence was shared with Trace Wilson, who will use that info to prepare three signage/monument alternatives for the Bird Rock Community to review.

#### **9. Bird Rock Happy Hour (Joe Parker)**

#### **10. LICPA Coastal View Corridor Ad Hoc Committee (CVCC): Joe Terry & Barbara Dunbar**

The City has not responded to the proposed changes to the SD Municipal Code the CVCC submitted.

#### **11. E-blast**

If you have an e-blast to share with the Bird Rock Community, send it to [info@birdrockcc.org](mailto:info@birdrockcc.org).

#### **12. Bird Rock History (Joe Parker)**

#### **13. Public Announcements (2 minutes each on non-agenda topics)**

#### **14. Updates from Bird Rock Working Groups**

- a. Neighborhood Watch



If you have any questions about the Bird Rock Neighborhood Watch or want to volunteer, send an email to [info@birdrockcc.org](mailto:info@birdrockcc.org).

- b. Ad hoc Bird Rock Coastal Committee (Don Schmidt, Mary Lynn Hyde)
- c. Bird Rock Merchants Group (Craig Bender and Ron Fineman)
  - i. Lights and signage update, working on grant
  - ii. Adelante update- trying to speak with Russ still, goal is to get a restaurant to buy some space in the building. Working with Eric on this.
  - iii. Idea of a BR App-
    - Communication tool with upcoming BR events, for people to report urgent BR matters, i.e., lost dog; perhaps links with our website
    - Merchant Map
    - Merchant Catalog
  - iv. Looking for a BRE parent to join our Board
  - v. 4th of July theme- Surfing USA

#### **15. MAD Update (Barbara Dunbar)**

- a. Traffic accident at Camino de la Costa
- b. Scheduled and planned work, irrigation retrofit, planting
- c. Illegal signage
- d. Service request updates and other

#### **16. Coyotes: more frequent unwanted guests: Joe Terry**

#### **17. Next Community Meeting**

The next Community Meeting: will be in person on Tuesday, July 11 at a site to be determined. There will be limited Zoom access. Zoom details will be available at <https://www.birdrockcc.org>.

#### **18. Adjournment**