



Agenda and Report for BRCC Community Meeting

Tuesday September 5, 2023 / 6:00 PM

Bird Rock Elementary School Auditorium

You can attend via Zoom with the following link

<https://us02web.zoom.us/j/81167387934?pwd=bmtiaEFydysxdFI5Q3hvSE8wNzdoUT09>

1. Welcome, Board Member Introductions, Remarks

Joe T (Pres)

Joe Parker (VP)

Jesse Camen (Secretary)

Barbara Dunbar (Treasurer, BRCC MAD rep, BR newsletter editor etc.)

Kristin Barret (Marketing & Communications)

Craig Bender (Merchants Group rep)

Janet Gentile

Marco Gentile

Eric Kleinbub

Lake Price (our IT guru and Marketing & Communications)

2. Updates from Steve Hadley and Emily Lynch (Community Outreach Directors, Office of Councilmember Joe LaCava)

At the last minute, neither was able to attend.

Written updates from the following representatives of elected officials are in the Appendix A.

- Emily Lynch, 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
- Mariah Kallhoff, Field Representative, Office of Assemblymember Tasha Boerner, 77th Assembly District

- Aurora Livingston, District Representative for Senate District 38, Catherine Blakespear
- Cole Reed, District Representative, Office of Senator Toni G. Atkins

3. Updated on BRCC Activities

Among other things, the BRCC Board is making progress on the following:

- a. I Love a Clean San Diego, Adopt-A-Beach program for Sun Gold Point/PB Point;
- b. A three-parts lighting project (i.e., sidewalk tree and bush lighting, median lighting and building lighting), which will benefit residents, merchants and visitors by making the Bird Rock commercial district safer and more inviting;
- c. A welcome to Bird Rock signage project, which is intended improve the identity of the Bird Rock commercial district and commemorate the establishment of the Bird Rock Maintenance Assessment District (MAD) and the capital improvements made by the City, which benefited the Greater Bird Rock Community;
- d. A project to highlight the history of Bird Rock.; and
- e. Efforts to ensure that the La Jolla Community Planning Association (LJCPA) considers adequately the interests of the Greater Bird Rock Community.

If you have any questions about those projects, please email them to info@birdrockcc.org.

4. Adelante Townhomes project at 5575 La Jolla Blvd, including the potential changes Russ Murfey proposed.

- a. Intro (see Appendix B)
- b. Russ Murfey's presentation on the project and the proposed potential changes (click [HERE](#) for the project drawings and info)
- c. Question, comments etc. from the Greater Bird Rock Community and others who have questions or information to share concerning the project.

As expected, there were many questions about the project and the City's approval process and the comments concerning the project with the proposed changes ranged from complete support to complete opposition. In part, the former came from those who questioned the need for more retail space in the Bird Rock commercial district. The latter were primarily due to a concern about the precedent that would be set by the construction of the project with the proposed changes and its potentially devastating effects on the future of the commercial district. Others questioned whether such a precedent would be set by this project and suggested the State and City Affordable housing regulations had already set the precedent. There was consensus on few if any issues. Prior to the October 3 BRCC Community Meeting, which will include additional discussions of the project, we will provide to the community a

more complete description of the discussions during the September 5 meeting and more information about the project.

Next Meeting

The next BRCC Community Meeting: will be Tuesday, October 3 at the Bird Rock Elementary School Auditorium. There will be limited Zoom access. Zoom details will be available at <https://www.birdrockcc.org>. The quarterly Bird Rock MAD meeting will immediately follow the October 3 Community Meeting.

5. Adjournment

Appendix A

Written Updates from the Representatives of Elected Officials

1. Emily Lynch, Community Outreach Director, Office of Councilmember Joe LaCava

Staffing

I am currently fully transitioned into Steve's role as your La Jolla representative in the District 1 office. I joined the office a little over a year ago, and have been serving as the community representative for the northern communities in District 1 along SR-56. Over the past two months, Steve Hadley and I have driven from one end of La Jolla to the other, and I have been given all of the relevant history and facts on each area. I look forward to working with you all, and please feel free to reach out to me anytime at ERLynch@sandiego.gov.

Spaces as Places Update

The new regulations for the parking impact zone went into effect. Businesses within the parking impact area will have to replace each space that they take for parking with their outdoor operations. There is a useful map of the impact zone that I have linked below¹ for anyone who is curious or might be affected by this.

Neptune Place work at Windansea

For this emergency CIP project, the contractor will begin work in early September 2023, and will likely run through early 2024. The City's Engineering and Capital Projects Department is working on creating a fact sheet that will include project scope, timeline, and street closures. Once this fact sheet is available, I will share it with you all.

Legislative Recess

Throughout the month of August, the City Council has been on Legislative Recess. The Council did not meet for any regularly scheduled Council or Committee meetings. We are now back into the regular schedule of both Council and Committee meetings, so I will keep you all apprised of important items coming forward as the Council begins to meet again.

2. Rachel Dugan, Field Representative; Congressman Scott Peters

- Service Academy Applications are due on October 31.
- We are back in the office and our renovation has been completed.

¹ <https://sandiego.maps.arcgis.com/apps/webappviewer/index.html?id=39687e34bab048acbe1fba224f5c4948>

- Spearheading the Facilitating Innovative Nuclear Diagnostics Act of 2023. The bill establishes separate payment requirements for diagnostic radiopharmaceuticals under the Medicare prospective payment system for hospital outpatient department services.

3. Emily Piatanesi, Mayor Todd Gloria Community Representative for Council Districts 1, 4, and 7

Public Safety - Smart Streetlights

- Council voted to advance SDPD's proposal to use Smart Streetlights and Automated License Plate Recognition (ALPR) technologies to a second reading in September.

Homelessness - Unsafe Camping Ordinance Implementation

- The enforcement implementation for the Unsafe Camping Ordinance went into effect at the end of July, first focusing on parks and schools.
- SDPD will continue to use a progressive enforcement model, which always includes an offer of shelter at each of the 3 contacts with a person experiencing homelessness
- This ordinance prohibits unauthorized tent encampments regardless of shelter availability, where the risks of health and safety are highest, which include
 - within two blocks of a K-12 school
 - within two blocks of a shelter
 - along trolley tracks
 - in open space (canyons and waterways)
 - City parks that are impacted by encampments.
- Please note that the enforcement will be a slow roll out throughout the city, encampments will not disappear overnight.
- Officers may enforce violations of other laws throughout the city related to homeless encampments, including when there is an immediate threat to public safety or the person is wanted in connection to another crime.
- Similarly, the Environmental Services Department will continue to abate debris, litter, and waste from encampments throughout the city; please continue to use [Get It Done](#) to file a report of an encampment so that resources can be deployed based on reports.

Homelessness - Safe Sleeping Site

- 20th and B can accommodate up to 136 tents.
- The program provides people who are currently sleeping in unsafe and

unsanitary sidewalk encampments with access to clean new tents, cots (so they are not on the asphalt), sleeping bags, daily meals, bathrooms, as well as access to showers, laundry and supportive services that will help put them on a path to permanent housing.

Homelessness - Comprehensive Shelter Strategy

The [Comprehensive Shelter Strategy](#), outlines our next steps to address homelessness in our city with short, medium, and long term options for shelter, safe parking, and safe camping. These sites will create a safe place for people to go and access supportive services that do not block sidewalks.

Contact

Emily Piatanesi, Community Representative, Office of Mayor Todd Gloria,
City of San Diego

C: 619-964-6637

Epiananesi@sandiego.gov

www.sandiego.gov/mayor

4. Mariah Kallhoff, Field Representative, Office of Assemblymember Tasha Boerner, 77th Assembly District

Upcoming Important Dates:

- September 8th – Last day to amend bills on the Floor
- September 14th – Interim Recess Begins, bills are submitted to Governor's office
- October 14th – Last Day for the Governor to sign or veto bills

Bills Signed by the Governor:

- **AB 72: Early Warning System for Enhanced Coastal Bluff Monitoring Research Extension**
 - 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)
- **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.

AD-77 First Annual Environmental Hero Awards

- Asm. Boerner is calling for nominations for the Environmental Hero Awards!

- We are seeking individuals/groups/organizations who have gone above and beyond in preserving, protecting, and fighting for the environment.
- [2023 Environmental Hero Awards](#) (visit our website for more details)
- Nominees *must* reside or work in District 77 ([Map](#))
- Nominations are due **Friday, September 8th**
- The Awards presentation will be October 7th 12pm-2pm o More details to come!

Bills on the Senate Floor for the 2023-2024 Legislative Session:

- **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 Floor
 - Supporter(s): State Controller Malia Cohen (Sponsor), California Association of Realtors, California Special Districts Association
- **AB 399: Water Ratepayers Protections Act of 2023: County Water Authority Act:** exclusion of territory: procedure o Requires, as an additional condition to the LAFCO process for allowing the detachment of a public agency from their relevant county water authority, that the majority of the voters within the jurisdiction of the county water authority vote to approve the detachment at a scheduled election o Status: Senate Floor
 - Supporter(s): City of San Diego (Sponsor), San Diego County Water Authority, San Diego Chamber of Commerce
 - Opposition: San Diego LAFCO
- **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 Floor
 - Supporter(s): Regional Asthma Management and Prevention (RAMP) (Sponsor), California Rural Legal Assistance Foundation, Children Now, Coalition for Economic Survival, Community Action to Fight Asthma, Healing and Justice Center, Human Impact Partners, Law Foundation of Silicon Valley, Western Center on Law & Poverty o Opposition: California Association of Realtors
- **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 Floor
 - Supporter(s): North County LGBTQ Resource Center, San Diego LGBT Community Center, City of Oceanside, City of San Diego, Sacramento LGBT Community Center, Point Source Youth, Equality California

- **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 Floor
 - Supporter(s): Health Access California (Sponsor), Alliance of Californians for Community Empowerment Action, American Medical Response (AMR), Asian Americans Advancing Justice Southern CA, Asian American Drug Abuse Program, CA Agents & Health Insurance Professionals, CA Fire Chiefs Association, CA Nurses Association, CA PanEthnic Health Network, CA Physicians Alliance, CA Rural Legal Assistance Foundation, CA Teachers Association, CalPIRG California Public Interest Group, Cancer Legal Resources Center, Fire Districts Association of CA, National Health Law Program, National Multiple Sclerosis Society, Public Law Center, Rising Communities, SEIU CA, United Way OC, Western Center on Law & Poverty, Young Invincibles
 - Opposition: America’s Health Insurance Plans (AHIP), Association of CA Life and Health Insurance Companies, C Association of Collectors, CA Association of Health Plans, CA Creditor Bar Association, Receivables Management Association International

- **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.
 - Status: Senate Floor
 - Supporter(s): California Transit Association (Co-sponsor), San Diego Metropolitan Transit System (Co-sponsor), Access Services, Association of Regional Center Agencies, California Academy of Family Physicians, California Association for Coordinated Transportation (CALACT), California Special Districts Association, Gold Coast Transit District, Monterey-Salinas Transit District, North County Transit District, Orange County

Transportation Authority, San Francisco Bay Area Rapid Transit, Via Transportation o Opposition: America's Health Insurance Plans (AHIP), Association of California Life and Health Insurance Companies (ACLHIC), California Association of Health Plans (CAHP), Local Health Plans California (LHPC)

- **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 one-half mile from a state designated cultural district or within a locally designated cultural district
 - Status: Senate Floor
 - Supporter(s): California Arts Advocate (Sponsor), Actors' Equity Association, Art Works Downtown, Arts for LA, Brava! For Women in the Arts, California Cultural Districts Coalition, Cine + Mas SF, City of Eureka, Encinitas Friends of the Arts, Institute of Contemporary Art San Diego, Japanese American Cultural & Community Center, Main Street Oceanside, Nevada County Arts Council, Precita Eyes Muralists Association, San Diego Regional Arts & Culture Coalition, Surfing Madonna Oceans Project

- **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 Appropriations
 - Supporter(s): American College of Obstetricians and Gynecologists District IX, American Federation of State, County, and Municipal Employees (AFSCME) AFL-CIO, Attorney General Rob Banta, California Association of Public Hospitals and Health Systems, California Hospital Association, California Legislative Women's Caucus, California Nurse Midwives Association, NARAL Pro-Choice California, SEIU California

Office Contact:

Mariah Kallhoff (*She/Her/Hers*)

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District Office Phone: (760) 434-7605

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

5. Aurora Livingston, District Representative for Senate District 38, Catherine Blakespear

District Events

The Senator hosted a Homeless 101 workshop in conjunction with Orange County United Way. It touched on issues such as the current state of homelessness in Orange County, causes of homelessness, and available resources.

The Senator also hosted a Wildfire Insurance Town Hall with Commissioner Ricardo Lara that can be viewed on Facebook [here](#). Our office has state resources available to assist constituents with insurance related issues.

She also met with staff from the City of San Diego to discuss the Comprehensive Shelter Strategy, and toured the Safe Sleeping Site at 20th and B St.

We are planning more events in the upcoming months so be sure to sign up for Senator Blakespear's Newsletter for more information.

Bills

SB 360 is her first bill to be signed into law by the Governor. It allows Coastal Commissioners to serve simultaneously on Local Area Formation Commission (LAFCO) and Joint Powers Authority (JPA).

In the next two weeks, the Senate will hear and vote on over 600 bills from the Assembly. This year's legislative session ends on September 14th. You can track the progress of bills in this final stage [here](#).

Contact

Please contact our office if you have any questions or comments regarding bills or if you need any assistance with state agencies.

Aurora Livingston, District Representative for Sen. Catherine Blakespear | 38th District
sd38.senate.ca.gov | (760) 642-0809

6. Cole Reed, District Representative, Office of Senator Toni G. Atkins

Update on Senator Atkins' Legislation: BRIDGE Project (SB 447)

- The state Legislature reconvened from Summer Recess on Monday, August 14th and will have through September 14th to move bills onto the Governor's desk.
- SB 447, authored by Senator Atkins, would lift California's travel ban to states with anti-LGBTQ+ policies and put in its place a non-partisan outreach campaign to encourage acceptance of the LGBTQ+ community. SB 447 would create a fund to sponsor inclusive messaging, discourage discrimination, and help members of the LGBTQ+ community feel less isolated. Called the BRIDGE Project – Building and Reinforcing Inclusive, Diverse, Gender-supportive Equality – the legislation would help California champion compassion and build bridges to unify communities.

- SB 447 passed the Assembly Appropriations Committee with a 11-4 vote on September 1st and will next receive a floor vote.

For any questions, feel free to contact me at: Cole.Reed@sen.ca.gov

Sign up for the Senator's newsletter: <https://sd39.senate.ca.gov/contact/newsletter>

Appendix B

With respect to this proposed development, where are we and why are we there?

In an attempt to provide a well-informed basis for moving forward, I will try to answer that question.

Rather than paying developers to include affordable dwelling units in their residential or mixed-use developments, the State decided to provide such developers with rewards that the State does not fund, but that could impose heavy costs on the communities where the developments occur. In addition to eliminating budget issues for the State, this made the costs of those rewards much more difficult to estimate and, unfortunately, easier to ignore. Under this unfunded mandate by the State, if a developer includes a sufficient number of affordable dwelling units in a proposed development, the State's affordable housing laws and the corresponding City code provide a developer with the following three types of rewards.

1. A specified density bonus, which, in this case, would allow an additional 4 dwelling units for a total of 13.
2. A specified number of Incentives, which a developer could use to ignore almost any zoning requirement or building standard. The Murfeys would use the two incentives for this project to ignore the following ground floor and street frontage requirements in the La Jolla Planned District Ordinance (LJPO).

§159.0306 Ground Floor and Street Frontage Requirements

(a) Retail - Retail uses are required on the ground floor

(For the Bird Rock Commercial District the requirements are Minimum Percent of Gross Ground Floor Area = 50% and Minimum Percent of Structure's Street Frontage Length = 50%.)

(c) Residential - Residential uses shall be restricted on the ground floor as shown in Table 159-03C.

(For the Bird Rock Commercial District, the restriction is that residential uses are not permitted within front 50% of lot)

3. An unlimited number of waivers to building standards that would physically preclude a developer from completing a project allowed under the applicable density bonus and incentives, which in this case would be a 13-unit development with no retail space.

Using this system of rewards for providing affordable housing, the Murfeys proposed a development with 1 affordable unit and 12 market rate units and submitted it for review to the City and the La Jolla Community Planning Association (LJCPA). The City's Development Services Dept. and the S D Housing Commission are reviewing the project. The LJCPA's Planned District Ordinance (PDO) Committee found the project did not comply with the La Jolla Planned District Ordinance and voted against the project. However, the LJCPA's Development Permit Review (DPR) Committee voted in favor of the project, as did the LJCPA. Although one can/should question the process the DPR and LJCPA used in approving the project, they did approve it.

The Bird Rock commercial district contributes significantly to the Greater Bird Rock Community and helps make it a very special place to live, run a business, work, and visit. The Bird Rock community has made and continues to make large investments of money and volunteer time to create and maintain a walkable and safe neighborhood, which includes a highly beneficial commercial district along La Jolla Blvd. Those investments demonstrate the importance of having a walkable community with a thriving and diverse commercial district. In addition, those investments resulted in the formation and ongoing operation of the Bird Rock Maintenance Assessment District (MAD) and the City's multi-million dollar traffic calming improvements in the Bird Rock commercial district, which have greatly benefited the community as a whole and the businesses in the commercial district.

Residents, property owners and merchants in this community have demonstrated strong support for retaining the La Jolla Planned Development Ordinance requirements for ground floor retail space along La Jolla Blvd. in the Bird Rock commercial district. In recognition of that and the hope of gaining BRCC support for their project with the proposed changes, Russ Murfey and Ryan Wynn met with three members of the BRCC Board on July 31 to discuss those changes. The changes include the following:

1. Adding approximately 1,100 square feet of retail space at the northwest corner (i.e., LJ Blvd. and Forward Street), which would occupy 1/3 of the front of the building;
2. Redesigning the residential unit at that corner to be a one-story unit over the retail space (previously it was a 2-story unit with a basement); and
3. Designing an ADA compliant entrance to the retail space at sidewalk level to allow better access and adequate ceiling height for the retail space (e.g., at least 12').

Each of the remaining four residential units facing LJ Blvd. would still have a set of steps from the sidewalk to its front door, as well as access from the parking area below the unit.

Russ asked if the BRCC would support the project if it included those proposed changes. We thanked him for proposing the changes and said we would check with the BRCC Board about supporting the revised project. On a later phone call, Russ said they had considered other

options to add retail space but they were not workable because they would have eliminated parking spaces for the residential units.

The proposed changes address a primary objection to the initial plan, which was having no retail space and the detrimental precedent that would set and put at risk the Bird Rock commercial district and the benefits it provides to the Greater Bird Rock Community.

The La Jolla Planned District Ordinance (LJPDO) requires more retail space than Russ and Ryan proposed. However, the State and City affordable housing regulations would allow a developer to ignore that and other LJPDO requirements if the project includes one or more “affordable” units as defined by those regulations. As noted above the DSD and SDHC are still reviewing the project and DSD is aware of the proposed changes.

We recognize that Russ and Ryan were not required to propose changes and appreciate that they did. The objective of this meeting is to have members of the community share their opinions, concerns, info etc. and to ensure the BRCC Board member and other members of the Greater Bird Rock Community are well informed before taking positions on the Adelante project with the proposed changes. To do that, we will provide Russ Murfey an opportunity to make a presentation on the project and the potential changes he has proposed. Then, we will open the meeting to questions, comments etc. from the Greater Bird Rock Community and others who have information to share concerning the project.

For a variety of good reasons, this project will be discussed at the Oct 3 BRCC Community Meeting too and then the BRCC Board will decide whether to endorse the project with proposed changes.