



## September 14th 2017 Minutes

La Jolla Recreation Center, Prospect Street ,La Jolla CA

**5:35 pm Call to Order/Pledge** of Allegiance led by John Shannon

Absent: Maureen Murphy, Taylor Bloom . Excused: Elisabeth King, Cindy McGowan  
Present: Ann Kerr Bache, Joe Pitrofsky, Yolanda De Riquer, Steve Haskins, Gail Forbes, Julio DeGuzman, Cathy Jones, Ron Jones, John Shannon, Lawrence Zynda

Vote to Approve July Minutes: **Motion** J.DeGuzman/2nd C. Jones .Passed unanimous vote.

Votes on **Special Events: Motion** C. Jones /2nd Joe P. Passed 10-0

To approve actions from Traffic & Transportation for Temporary Street Closures: La Jolla Art & Wine Festival on portions of Girard Oct.7 & 8, 2017

See below for action on T & T Motion regarding "Burgers & Brews" Oct 28th, Brave Cort Foundation on Coast Blvd. approved as part of the CPA consent agenda.

**Ratification of CPA Consent Agenda.** Actions from the La Jolla Community Planning Association have accumulated over the last three months due to a change in leadership and difficulties in the transmission of their minutes. With the exclusion of a Traffic & Transportation issue (item# 11. August CPA) regarding stanchions at Playa del Norte, the President requested blanket approval\* of the CPA consent agenda for June, July and August. **Motion** to approve C. Jones /2nd S. Haskins Passed unanimously.

**The Oath of Office** LJ Town Council . Vice-President Steve Haskins administered to the Officers of the La Jolla Town Council who were present: President ,Ann Kerr Bache; Vice President, Joe Pitrofsky; Secretary, Gail Forbes. Treasurer Cindy McGowan was absent.

**Report from President** Bache announced that the next meeting of the La Jolla Town Council will be Thursday October 13th at 5:30 P.M. She apologized for confusion regarding the start time of today's meeting for which refreshments had been planned ,but were rescheduled for next month. The sponsor for the next meeting will be a new Business Member, Monarch Cottages who will open a care facility on Faye Avenue in a few weeks. We welcome their participation. October's meeting focus will be on Education. Julio DeGuzman is organizing the program.

### **Status of Health & Safety of LJ Beaches**

California Sea Lion Occupation-The City of San Diego has installed educational signs about California Sea Lions and a staircase gate at La Jolla Cove amidst the fecal matter and stench at the Beach. The Mayor has not responded to the La Jolla Town Council requests to take action to deter and remove the Sea Lions. A September tradition, The La Jolla Rough Water Swim has been cancelled amid difficulties and concerns about fecal contamination. The Challenged Athletes may relocate their event if contamination persists and creates a hazard.

**5:45pm Airport Noise Task Force Report** from Dr. Matthew Price. Dr. Price reviewed the issues and highlighted the problem with the FAA "Next Gen" plan to require lower altitude approach of aircraft over La Jolla for Southbound arrivals, and to mandate a Northerly flight path for Northbound Departures. The result of the changes is increased airliner noise over portions of La Jolla which have been heretofore quiet zones- upper La Jolla Shores Heights, Bird Rock, Mount Soledad. Soot has fallen on patios, cars, gardens- a health issue .Despite complaints from La Jolla citizens, the Airport Noise Advisory Committee (ANAC) has no representative from La Jolla. Over 250 flights a day are having an effect- 12,000 complaints since April. Chris McCann is a

representative on the Sub Committee of ANAC. Petitions gathered over 300 signatures. The report process has been altered- no e-mail or telephone reports of noise are accepted -all processed through a Google Chrome application. No action has been taken on recommendations submitted to ANAC.

Despite tracking of airliner transponders at websights like [airnoise.10](http://airnoise.10) ,authorities are blaming General Aviation from Gillispie and Montgomery Fields and helicopter flights.La Jolla is not unique in being affected by the changes in flight paths. It is nationwide. Legal action against Next Gen plan is a possibility but it is likely to be slow, expensive and tedious. FAA implementation of the Next Gen plan did not comply with NEPA environmental impact. The plan is having a negative impact on private homes, historical properties, and schools.

An amicus brief to District Court of Appeals on current litigation could result in recognition of a voice for La Jolla. Political pressure on San Diego Airport Authority may be cheaper way to mitigate impacts of the flight changes. Report and info to be posted on Town Council website.

**5:55pm LJTC Crime Watch Committee Update** from Cynthia Chasan and Catherine Douglas  
Burglaries are down 67% in La Jolla - 178 Burglaries. The Police Department attributes the decrease in part to increased community participation in Neighborhood Watch. The Crime Watch Committee has been instrumental in organizing 44 Neighborhood Watch units. The Issue of the parking stanchions on Playa del Sur(sic) were discussed with the Police Advisory Board. The condominiums at the location have seen a diminution in loitering and gang like assemblages have decreased with the installation.

They reported that police officers will not be enforcing violations of the law involved with Short Term Vacation Rentals. Those violations will be handled by Neighborhood Code Enforcement.

**6:00 pm Short Term Vacation Rentals Public Forum Q & A** . Michael Dershowitz moderated.  
Mr. Dershowitz provided introductions and background of La Jolla Town Council actions related to Short Term Vacation Rentals(STVR). The issue was investigated in a forum in 2016 where the Trustees voted 11-0 to prohibit STVR in residential areas of La Jolla in accordance with the zoning ordinance. City Attorney, Mara Elliott, elected in 2016, since that forum, has concurred that STVR in R-1 zones are prohibited under current Municipal codes. However no enforcement of the law occurs.

Hilary Nemchik represented Councilperson District 1,Barbara Bry. Council Bry has proposed a new ordinance,a workable compromise: It will allow home sharing; it would permit owner occupied properties to conduct Short term Vacation Rentals a total of 90 days. A \$100 fee to obtain a permit would be required. The proposal would protect residential interests and prevent outside(corporate owned) investors from dominating residential areas.The Councilperson is open to refinements and community input for a fair and balanced ordinance.

The fee would help and be used for enforcement by Neighborhood Code Enforcement. Code violations could incur penalties of up to \$2000/day. Hearing scheduled for Oct 23 at City Council. Councilperson Zapf also supports the Bry Proposal. A study by Burnham Allen/ USD indicates that STVR contributes to housing shortages in San Diego.

Question and comments to Rep Nemchik from public: 90 days is 45 weekends which is perilously close to a full year . It is too great a number. A seven day minimum rental might help control some of the worst nuisances. \$100 fee is too low to support adequate enforcement- won't pay for itself. How about a two strike policy that stays with the property (like a lien) even when the property is sold. What about parking restrictions and effects? Will there be an Environmental Impact Report on the proposal? Could the Transient Occupancy Tax collected on STVR's be used for enforcement? How do we stop STVR's? Can we add hotels and motels to Single Family Zone-make it all commercial permits? How do you count the days- full 24 hours - a partial day is still a day?

Comments on the issue and the proposal

Safe San Diego John Thickstun Short Term Vacation Rentals are not just about noise and nuisance ;this is a fight for the soul of neighborhoods . Who are your neighbors? Mayor Falconer has ignored the issue since he was Council District 2 for Pacific Beach (South La Jolla also) .In

May 23, 2007 he was asked to help when there were only 63 short term vacation rentals in P B. Now there are 1000 and over 14,000 vacation rentals in San Diego -10,000 of which are absentee owners . Ratio is 4.5 tourist to resident. Put pressure on politicians.

[www.savesandiegoneighborhoods.org](http://www.savesandiegoneighborhoods.org)

Sue Hopkins UCSD . The STVR are growing like a cancer. High Cost of housing a problem.

Rose Marie Davies -WindnSea . The STVR enterprise is very profitable. The community needs deterrence to problem created by transience in a neighborhood . The use of the property encroaches on the enjoyment of other owners and residents. Lack of enforcement is a problem. The Amendment allows 90 days of short term rentals ;this is not a "Turning Back."

Would it be appropriate to have Disclosures to Real Estate Contracts ?

Steve Dowdy UCSD prof Bird Rock Neighborhood had complaints over 3 Houses in the neighborhood that have become Short term vacation houses. It is like liiving next to a hotel. Question the sincerity of the ordinance. The application process, fee, enforcement, monitoring of STVR .

Lee Miller the STVR near her has parties jacuzzi with a 2nd floor balcony . Problem

DeDe Donovan pointed out that under the new Companion Unit Ordinance -a unit may not be rented out for less than 30 days.

Tom Coate Coastal Communities have reiterated codes prohibiting STVR. On line Air B&B has algorithm that prevents users from looking at address. Makes tracking for authorities difficult.

Christy-\_\_\_\_\_Muirlands School experienced enrollment drop -down 50 students. Long term rentals that serve families and the interaction with thany new City Ordinance becomes a complex issue . Different goals .Coastal Commission is charged with allowing Coastal access for the people of the State of California. Whether the Coastal Commission would have to approve ordinance changes to the Local Coastal Program as part of a change in Municipal code is unknown.

Other Coastal communities have maintained the laws that prohibit STVR .

President Bache charge Mr. Dershowitz with convening a group of four to five interested people to confer and become a liaison with La Jolla Town Council to further the exploration of the issues and to try to get answers to some of the questions.

A room vote by show of hands as to how many people would support the zero tolerance - current law as interpreted 30 . Support for the Proposed Ordinance from Barbara Bry was 1.

Approximately 42 people were present at the time.

### **6:30 pm Government Reps**

Councilmember Bry Office Mauricio Medina deferred to time spent by Hillary K.

### **Public Comment**

Omar Passions, running for District 4 County of San Diego Supervisor . The county has a \$5.7 billion Budget of which 40% is Public Health expenditures. Mr. Passions is a Land Use Construction Attorney. NorthPark area. Election is June 2018.

John Hartley- of Neighborhoods for Fair Elections . The group seeks public funding of campaigns. Reminding the public of the need to hold fair elections.

The meeting was adjourned until **Thursday, October 14, 2017.**

Respectfully Submitted,

Gail Forbes

Secretary

Calendar

Oct. 3 Hearing on Hillel Student Center - City Hall

Oct 7 & 8 Sat Sun Art & Wine -Girard Ave.

Oct. 14 Thurs. La Jolla Town Council - hosted by Monarch Cottages  
Oct. 22 Sun. Challenged Athletes at the Cove /LJ Shores  
Oct. 23 Mon Hearing on STVR -City Hall  
Oct 28 Sat. Burger & Brews on Coast  
Nov. 3 & 4 Fri.& Sat. Breeder's Cup- Del Mar Racetrack  
Nov. 5 Sun. Fall Harvest Festival- Draper  
Dec. 3 Sun. La Jolla Christmas Parade & Holiday Festival-Girard and Prospect

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