CODE ENFORCEMENT VIOLATION COMPLAINT

 Via: Email

DATE: July 7, 2022

TO: California Coastal Commission

 Marsha Venegas, Enforcement Officer, Marsha.Venegas@coastal.ca.gov

 Andrew Willis, Southern CA Supervisor, Andrew.Willis@coastal.ca.gov

 Karl Schwing, District Director, Karl.Schwing@coastal.ca.gov

 7575 Metropolitan Dr. Suite 103

 San Diego, CA 92108

FROM: La Jolla Community Planning Association

 La Jolla Parks & Beaches, Inc.

 La Jolla Shores Association

 La Jolla, CA 92037

RE: City of San Diego violating *San Diego Local Coastal Program*, the *La Jolla Community Plan*, and the *Coastal Act* by allowing impermissible retail activity (eg. sidewalk vending) to impede visual and physical access to the coast at La Jolla coastline parks and beaches.

WHEREAS, State vending law Senate Bill 946, Sec. 51038 permits the City to enforce existing ordinances that exclude vending from specific areas:

*51038 (2)(B)… a local authority may adopt additional requirements regulating the time, place, and manner of sidewalk vending in a park owned or operated by the local authority if the requirements are any of the following;*

*(ii) Necessary to ensure the public’s use and enjoyment of natural resources and recreational opportunities.*

*(iii) Necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.*

WHEREAS, Section 30821 of the Coastal Act authorizes the Commission to impose administrative civil penalties for violations of the public access provisions of the California Coastal Act.

**THEREFORE, The La Jolla Community Planning Association, La Jolla Parks & Beaches, Inc., and the La Jolla Shores Association believe the following Sections of the Coastal Act and the San Diego Local Coastal Program Access policies have been violated:**

* Section 30210, Access: recreational opportunities; posting. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.
* Section 30221, Oceanfront land: protection for recreational use and development. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for the public and commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
* Section 30251, Scenic and visual qualities: The scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department 46 of Parks and Recreation and by local government shall be subordinate to the character of its setting.

On May 23, 2022, Municipal Code 63.50 was incorporated in the City of San Diego’s new Sidewalk Vending Ordinance 021459.

Section 36.0107 Vending in Public Parks, Plazas, and Beach Areas. Prohibited areas for sidewalk vending include the perimeter of Ellen B. Scripps Park, along Coast Boulevard, and La Jolla Shores Boardwalk.

San Diego City Attorney, Mara Elliot, has refused to enforce the prohibition of vending along the La Jolla Coastline Parks and Beaches, resulting in the continued blockage of the public’s visual and physical access to the coast.

The La Jolla Community Planning Association, La Jolla Parks & Beaches and the La Jolla Shores Association join the Mission Beach Town Council and the Mission Beach Precise Planning Board in asking the Coastal Commission to issue **an immediate cease and desist order to the City of San Diego** and require it to enforce the local coastal plan which prohibits retail activity along the La Jolla Coastline Parks and Beaches.

Diane Kane, President

La Jolla Community Planning Association

858-459-9490

Robert Evans, President

La Jolla Parks & Beaches, Inc.

Janie Emerson, President

La Jolla Shores Association

619-318-1278