

MEDIATE THIS !

DEALING WITH A NEIGHBOR'S MAKESHIFT AUTO REPAIR SHOP

BY STEVEN P. DINKIN

Dear Mediator:

Our neighborhood has a long-standing problem with a property owner who repairs cars all night long, with lots of banging noises and people coming and going. Our street is not zoned for an auto repair shop. Our Neighborhood Watch group has complained repeatedly to police, city staff and elected officials. They all say the same thing: He has been cited, he has agreed to clean up his property, and they will monitor the situation. But instead of cleaning up, he keeps adding more cars to his lawn and along our street.

Outraged in El Cajon

Dear Outraged:

In a perfect metropolis, agencies that enforce city codes would have enough resources and tenacity to pursue justice relentlessly, and violators would face swift consequences.

In the real world of modern cities, code enforcement units are underfunded and overburdened, and the imposition of penalties involves herculean administrative work. Knowing that, offenders can keep on offending with rueful promises of compliance they never intend to keep.

The resulting cat-and-mouse

game — the sluggish municipal cat never quite catching the wily scow-law mouse — puts too many neighborhoods in a state of siege.

Our community mediators are well-versed in these standoffs. One of the resolution strategies they offer is based on the Safe Streets Now initiative, a model that could give your group a new path forward.

Launched in California in 1990, Safe Streets Now empowers citizens to carry out their own nuisance abatement measures through civil courts. The program began as a response to illegal drug activity in residential communities, but it quickly expanded to cover boisterous party houses, incessantly barking dogs and industrial activities that pose environmental risks.

Such public scourges are addressed by California Civil Codes 3479 and 3480, which rule out “anything which is injurious to health ... so as to interfere with the comfortable enjoyment of life or property” and “which affects at the same time an entire community or neighborhood.”

The last phrase is pivotal. An individual who lives next to a house-from-hell faces a lonely uphill battle. Several neighbors with such a house in their midst can join forces.



GETTY IMAGES

This week's question deals with a complaint about a neighbor who performs auto repair for multiple vehicles at his home.

Your group has already completed the first two of the four steps in the Safe Streets Now playbook. You have “documentation” of the infractions (and you should continue building that record of notes and photos), and you have carried out “notification” of authorities, who in turn have notified the violator.

Steps three and four are “negotiation” and “litigation” via San Diego County’s small claims court, which allows individuals to seek

up to \$10,000 in civil damages.

Given how long this problem of environmental toxins and disruptive noise has lasted, your group might consider pursuing both steps simultaneously.

The key to the success of Safe Streets Now has been neighbors filing consolidated small claims cases that put defendants at risk of substantial civil judgments. The threat of financial ruin, especially where evidence of wrongdoing is clear, can move people from in-

transigence to compliance.

These are the legal options available to your group. Now let's consider the human dimensions of the problem.

A person who persists in operating an illegal business in the face of imminent reprisals is suffering from one of two afflictions: delusion that he can somehow evade justice or desperation because he sees no other course.

Either way, this man could use assistance. Offer to help him scout alternative sites for fixing cars by drawing on your group's collective resources. That could provide the stimulus he needs to get his business on a viable footing.

His personal difficulties are not relevant under the law. But engaging him in an effort to surmount those difficulties would be an act of neighborly kindness. Such an exchange would help you understand his situation, and you'll need that when you enter mediation and work with him on achieving resolution.

Steven P. Dinkin is a professional mediator who has served as president of the San-Diego based National Conflict Resolution Center since 2003. **Do you have a conflict that needs a resolution?** Share your story with The Mediator via email at mediatethis@ncrconline.com. All submissions will be kept anonymous.

NOTEBOOKS

From Union-Tribune reporting staff

ERNIE COWAN OUTDOORS

Exploring the wonders of tide pools

The shrieks of delight from the pint-sized explorer were louder than the surf sweeping over the jagged rocks of La Jolla.

And it was pure delight.

The little guy was enjoying a new world that is only exposed by dramatically low tides of winter. His object of glee was a small fiddler crab moving sideways around clusters of limpets and turbine shells occupied by hermit crabs.

Nearby, a family from Wisconsin was lost in discovery as they examined a whole new community contained within a tiny tide pool not much bigger than a basketball.

Like dozens of other curious wanderers, I was exploring a marine world that only comes to life when extreme seasonal tides expose what is normally an underwater environment.

The focus on these extreme tides is often on the dramatic high tides of winter, amplified by distant storms that produce pounding waves and even coastal flooding.

These extreme tides, sometimes called king tides, are predictable events that occur naturally as the sun and moon dance through the heavens. When Earth, moon and sun align correctly, the gravitational forces are the strongest, resulting in the huge tidal shifts.

Conditions for this happen starting in early January each year when the Earth is closest to the sun. Tidal shifts are the smallest in midsummer when we are farthest from the sun.

But the science was less important to me on this chilly winter afternoon than the chance to connect with this alien world normally hidden under churning waters.

As I walked down the rocks that would typically be at water's edge, I noticed what appeared to be zones. There were thick concentrations of mussel at one level, then clusters of barnacles, flat rocks deeply cut by ocean currents and pockmarked with scoured holes containing chitons, limpets, small fish and sea anemones, and finally at the lowest point, rocks that were covered with surf grass.

I noticed a young couple particularly focused on one tide pool. As I approached, they were excited to share their discovery of a small octopus. One moving tentacle and one eye could clearly be seen, but he remained tucked into a safe crevice.

The stars of this show, however, were the large sea anemones found in several of the tide pools. Like large flowers, they were open but would quickly curl up and close if disturbed.



ERNIE COWAN

A closeup of a starburst sea anemone, a creature living in the tide pools.

There were also anemones above water and exposed to the air during this low tide, and the careful eye could spot them tightly closed and nearly camouflaged with tiny bits of shell and pebbles.

While not seen on this trip, I have encountered starfish, sea urchins, sea slugs and sea cucumbers in past visits.

The local sea gull population was also enjoying this opportunity to feed in fresh fields so to speak. They almost ignored curious tourists as they took advantage of the unusually low tide.

As the afternoon sun began to drop to the clear horizon, it was time to go. But now I am excited about the next and most dramatic low tides later this month.

Lowest tides of the year during daylight hours will be between Jan. 18 and 24 when the year's low of minus 2 feet hits at 3:44 p.m. Jan. 21.

There will also be minus tides returning on Jan. 30 through Feb. 7 and online tidal charts will provide additional daytime minus tides for the rest of the year.

Cabrillo National Monument on Point Loma is one of the best places for exploring tide pools in San Diego County, but other great locations include Ocean Beach Pier, Tourmaline Surf Park in Pacific Beach, Shell Beach and Dike Rock in La Jolla, Flat Rock at Torrey Pines State Reserve, Cardiff State Beach and Swami's Beach in Encinitas.

A little warning. The wet rocks and sea grass can make walking very slippery during low tides. Look for dry ground and wear shoes with good grip.

Email ernie@packtrain.com or visit erniesoutdoors.blogspot.com.

THE READERS' REPRESENTATIVE: ADRIAN VORE

A true San Diego columnist is leaving

Logan Jenkins, whom Union-Tribune readers have known for the past 22 years, will write his last column for the paper. It will appear Monday.

Readers and the U-T are losing “institutional knowledge.” The dry phrase applies, but it in no way captures the richness of his deep roots in the region, which he used to inform and entertain readers for decades on subjects from political malfeasance and government bungling to the loss of the beloved family dog.

He was born in Coronado in 1947. He took the ferry to the old Harbor House to attend Francis Parker school in Mission Hills. As a boy he would often visit his great-aunt's ranch in Imperial County, mostly for fun but also to help with chores.

He graduated from Coronado High. He earned a bachelor's and master's degree at SDSU. He was editor of the La Jolla Light and editorial page editor of the Times-Advocate in Escondido.

His personal background is just part of that institutional knowledge. In what can be rare in San Diego County, his family goes back generations. As a reader, I enjoyed his storytelling of days gone by. His Austrian great-grandfather met his German speaking wife in Julian. His great-grandad was actually a gold miner in the local mountains.

One of my favorite yarns he told readers about was of a cockfight that was to take place in Julian around 1890. (Cockfights were big back then.) A rooster from San Diego was going to take on a fighting cock from Julian.

Somehow, before the fight, the San Diego rooster managed to escape his cage. It wandered onto Jenkins' great-grandmother's land. Not speaking English and not knowing about this big fight, she tried to shoo away the cock, which was bothering her hens. When it kept returning, she finally cut its head off and tried to make soup with him.

That kind of San Diego family background is tough to come by.

After SDSU, Jenkins enrolled in a doctoral program at the University of British Columbia. His dissertation was on a history of literature influenced by opioid addiction. A member of the doctoral committee told him, “You write like a journalist.”

Indeed, because that's what Jenkins was meant to be.

His grandfather was a newspaper editor in Kansas City. Before moving to California, Jenkins' father was a reporter at the Denver Post.

His father continued in journalism after World War II. He had the waterfront beat at the San Diego Daily Journal. He later edited the in-house newspaper at Convair. In retirement he wrote a weekly column for the Tribune.

Journalism was in Jenkins' blood, and he turned away from pursuing a career in academia.

“It finally dawned on me that I'd been living in denial of my heritage, that I was in fact a journalist posing as an academic,” he said.

He joined the U-T as a columnist in 1996. Since then he has given readers more than 3,000 columns.

For the final column, “I'll thank editors and readers for their attention spans. The U-T has had so many great columnists — Neil Morgan (the gold standard), legendary Jack Murphy, kick-ass Don Bauder, worldly Lionel van Deerlin, the list is too long to write.

“Me? I've been a hybrid, trying to combine the styles of reporters far greater than an adjunct professor who got into the game in his early 30s. It's gratifying to think that, by virtue of the fact that I lasted 22 years and two months as a U-T columnist, I haven't failed too miserably.”

I agree, and I think readers do too.

‘People San Diego Should Know’

On Monday, Jan. 21, a new feature will appear on B1. It's scheduled to run weekly.

It will be called “People San Diego Should Know,” and will be written by members of the U-T's Community Advisory Board. Blanca Gonzalez, the U-T's community opinion editor, will coordinate the feature and edit the columns.

“The goal is to have our Community Advisory Board members introduce our readers to noteworthy people in our community they might not otherwise see in our news pages,” Gonzalez said.

Readers will be invited to nominate subjects for coverage.

The U-T Community Advisory Board began in February 2017. It has held several panel discussions on such subjects as the border and homelessness.

The board has 14 members, two short of its original size. Gonzalez said she expects new members to join next month.

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FROM THE ARCHIVES: MERRIE MONTEAGUDO

SNOW IN SAN DIEGO CITY EXCITED RESIDENTS 70 YEARS AGO

Snow fell in San Diego 70 years ago this week and it was front page news.

“Blizzard Lashes S.D. County: Snow Flurries Come to City,” was the headline in The Tribune-Sun on Jan. 10, 1949. A light covering of snow was reported from La Jolla to Point Loma during the storm. The Roper family of Pacific Beach posed for a newspaper photographer next to a snowman.

On Jan. 12, the Union published a striking photo of snow-covered hills east of the city on page one.

Snow flurries were reported throughout the San Diego region, the Union reported, including a “fall of snow pellets” noted at 5:30 a.m. at the weather bureau at Lindbergh Field. It was the first official snowfall recorded by the airport weather station, according to the paper.

The snowfall was heavier in outlying areas. “The county was covered by an unbroken snow blanket that reached eastward from the hills behind El Cajon to desert ridges edging Imperial County,” the Union reported.

Excited residents called the Tribune with weather updates:

“This is the first snow here in 26



U-T ARCHIVES

The main front-page photo on Jan. 12, 1949, was of the snow.

years.” — Virginia Stead, Spring Valley

“My kids built a snow man in our front yard.” — Dean Howell, Escondido

“It's snowing here now (8 a.m.). Its the first time I've seen it snow here in the 8 years I've lived here. I thought this probably would be news for you, even though I'm a real estate man and

this may not be so good for our real estate, eh?” — J.J. Burke, Bostonia

The snow storm was rare, but not unprecedented. Some county residents called the paper to compare the 1949 event with the blizzard of 1882.

Sixty-seven years earlier snowflakes were sighted in the city during a terrible winter storm.



U-T ARCHIVES

Snow blankets an orange tree near Ramona on Jan. 10, 1949.

Under the headline, “An Unprecedented Storm” in the San Diego Union on Jan. 14, 1882, the newspaper reported that “for a few minutes on Thursday morning snow flakes were observed, melting as fast as they fell—a phenomenon never before noted here; while citizens who have resided in San Diego for 40 years inform us

that the snow line has never before in their recollection come down so near the bay as in this storm.”

According to a report on the same storm from the signal service office, a forerunner to today's weather service, “On the morning of Jan. 14, 1882, snow flakes were observed, melting as fast as they fell, a phenomenon never before noted at this station, which fact is verified by persons who have resided in San Diego for the past 40 years.

“Accompanying this storm, snow varying in depth from two to five inches was reported from the low hills at Poway, El Cajon, Bernardo and other points within 15 to 25 miles of the San Diego station, ‘where such a thing was never before experienced.’”

After the blizzard of 1949, San Diego's next snow day arrived in December 1967.

That snowstorm was also front page news.

Historical photos and articles from The San Diego Union-Tribune archive compiled by merrie.monteagudo@sduniontribune.com.

For content from 1871 forward visit the Union-Tribune archives at NewsLibrary.com/sites/sdub.