



CITY OF OCEANSIDE

JOINT MINUTES OF THE: CITY COUNCIL SMALL CRAFT HARBOR DISTRICT BOARD OF DIRECTORS COMMUNITY DEVELOPMENT COMMISSION

MARCH 5, 2008

REGULAR MEETING 4:00 PM COUNCIL CHAMBERS

**4:00 PM - OCEANSIDE CITY COUNCIL (COUNCIL),
HARBOR DISTRICT BOARD OF DIRECTORS (HDB), AND
COMMUNITY DEVELOPMENT COMMISSION (CDC)
- REGULAR BUSINESS**

**Mayor
HDB President
CDC Chair**
Jim Wood

**Deputy Mayor
HDB Vice President
CDC Vice Chair**
Rocky Chavez

**Councilmembers
HDB Directors
CDC Commissioners**
Jack Feller
Esther Sanchez
Jerome M. Kern

**City Clerk
HDB Secretary
CDC Secretary**
Barbara Riegel Wayne

Treasurer
Rosemary Jones

**City Manager
HDB Chief Executive Officer
CDC Executive Director**
Peter Weiss

**City Attorney
HDB General Counsel
CDC General Counsel**
John Mullen

For this regular and joint meeting, the Council sat as all 3 governing bodies [Council, HDB and CDC] simultaneously but took action as the respective agency for the jurisdiction covered by each item. Council titles only will be used for brevity throughout the entire meeting.

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order at 4:00 PM, March 5, 2008 by Mayor Wood.

4:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Chavez and Councilmembers Feller and Kern. Councilmember Sanchez arrived at 4:02 PM. Also present were City Clerk Wayne, City Manager Weiss and City Attorney Mullen.

CITY COUNCIL, HDB, and CDC CLOSED SESSION ITEMS

Closed Session to discuss litigation, property acquisition, labor relations and personnel matters

CITY ATTORNEY MULLEN titled the following agenda items to be heard in closed session: Items 2A(1), 2A(2), 2A(3), [No closed session on Item 1 and 2B.] See

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UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL**

the report out on this item at 5:00 PM, Item 3.

Closed Session and recess were held from 4:03 to 5:00 PM.

5:00 P.M.

Mayor Wood reconvened the meeting at 5:01 PM. Present were Mayor Wood, Deputy Mayor Chavez and Councilmembers Feller, Sanchez and Kern. Also present were City Clerk Wayne, City Manager Weiss and City Attorney Mullen.

Pastor Carl Souza from the San Luis Rey Baptist Church gave the Invocation. Boys Scout Troop 709 members led the Pledge of Allegiance.

PROCLAMATIONS AND PRESENTATIONS

The following presentations were made:

- Off Agenda - "Pet of the Month" was presented by Julie Bank, Executive Director of the North County Humane Society & SPCA
- Presentation – Charitable checks from AT&T - \$11,000 was presented to Marva Bledsoe, with Women's Resource Center; Tonya Danielle, with Ivey Ranch Park Association; and Tammy Waltz with the Oceanside Boys and Girls Club
- Presentation – The Mayor's Youth Sports Recognition and Appreciation Award - presented to the Oceanside American Little League Majors "Red Sox"

CLOSED SESSION REPORT

3. **Closed Session report by City Attorney**

CITY ATTORNEY MULLEN reported out on the following items previously discussed in closed session:

Closed Session to discuss litigation, property acquisition, labor relations and personnel matters

1. **[CONFERENCE WITH LABOR NEGOTIATOR ON STATUS OF NEGOTIATIONS PREVIOUSLY AUTHORIZED IN OPEN SESSION (SECTION 54957.6)]**

CONFERENCE WITH LABOR NEGOTIATOR – Negotiator: City Manager; employee organizations: Oceanside Police Officers' Association (OPOA), Oceanside Firefighters' Association (OFA), Oceanside Police Management Association (OPMA), Management Employees of the City of Oceanside (MECO), Oceanside City Employees' Association (OCEA), Oceanside Fire Management Association (OFMA), Western Council of Engineers (WCE), and Unrepresented]

No closed session was held on this item.

2. **LITIGATION OR OTHER ADVERSARY PROCEEDING (E.G., ADMINISTRATIVE HEARING, ARBITRATION) (SECTION 54956.9)**

A) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (SECTION 54956.9(a))**

- 1. Rock et al. v. City of Oceanside, Superior Court Case No. GIN048560

This item was discussed; there was no reportable action under the Brown Act.

- 2. Morgans v. City, Superior Court Case No. GIN048923

This item was discussed; there was no reportable action under the Brown Act.

3. Riverwatch v. [City] County, Superior Court Case No. GIN038227

This item was discussed; there was no reportable action under the Brown Act.

[B) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (SECTION 54956.9)

1. Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One case]

No closed session was held on this item.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

No action will be taken by the City Council/HDB/CDC on matters in this category unless it is determined that an emergency exists or that there is a need to take action that became known subsequent to the posting of the agenda.

Advance written request to reserve time to speak: None

4. Communications from the public regarding items not on this agenda

SLEENE KOSINAR, 711 Pier View Way, stated he is dying, but we need to get people to represent Oceanside and have to clean up Oceanside and put people back in their houses.

NAME REFUSED, Policewatch.org, described several stories broadcast on television concerning various citizen encounters with the police in various parts of the country.

GEORGE KERPANI, South Nevada Street, stated that his car got stolen Thursday. Two days later, a police officer called him and said that they located his car. He asked the police officer how they knew that his car was stolen. The officer stated that because crime is down in Oceanside, they have time to run the plates. He commended our police and fire departments. Crime is down in Oceanside but we still can improve.

LARRY BARRY, 3973 Brown Street, expressed concern about the safety in downtown Oceanside. The lighting is horrible downtown and we need cameras downtown where people are watching the parking lots so people feel safe. His 72-year old mother came out of the movie and was attacked and ran. His neighbor let her daughter go to a restaurant at Dairy Queen, and she was sexually assaulted.

He told his daughter not to work in downtown. She wanted to work at Ruby's restaurant [at the pier], and her car was stolen. Over 100 cars a month are stolen in Oceanside. Chief McCoy said that we have a 30-year low for crime in the City. That's not reality. Please do something about downtown. Oceanside downtown was designed to be family oriented. Nobody wants to be down there.

CONSENT CALENDAR ITEMS [Item 5-12]

All items listed on the Consent Calendar are considered to be routine matters or formal documents covering previous City Council/HDB/CDC instructions. The items listed on the Consent Calendar may be enacted by a single vote. There will be no separate discussion of any Consent Calendar items unless requested by members of the City Council/HDB/CDC or the public through submittal of Request to Speak form prior to the commencement of this agenda item.

CITY CLERK WAYNE reported a request to speak on Item 8, so the item was removed from the Consent Calendar for discussion [and trailed].

5. Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the following meetings:

April 2, 2003, 10:00 a.m. Adjourned Meeting of the City Council
April 9, 2003, 10:00 a.m. Adjourned Meeting of the City Council
April 9, 2003, 2:00 p.m. Adjourned Meeting of the City Council
January 16, 2008, 4:00 p.m. Regular Meeting
January 23, 2008, 4:00 p.m. Regular Meeting
6. Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
7. Council: Approval of seven purchase orders to various vendors in a total amount not to exceed \$295,152 for replacement vehicles and \$164,170 for 8 addition-to-fleet vehicles for City departments; approval to increase the Service Charge-Garage of various business units in amounts totaling \$50,303 to fund the purchases and in-house build costs; and authorization for the Financial Services Director, or designee, to execute the purchase orders
8. **Removed from Consent Calendar for discussion**
9. Council: Approval of Amendment 2 in an amount not to exceed \$100,000 to the master banking services agreement with Bank of America NA of Los Angeles for City banking services, extending the term of the agreement to March 9, 2009; and authorization for the City Manager to execute the amendment (Document No. 08-D0090-1)
10. Council/CDC: Acceptance of the Annual Report for City of Oceanside Community Facilities District Numbers 2000-1 (Ocean Ranch Corporate Centre), 2001-1 (Morro Hills Development), and 2001-2 (Trendwest Resorts), pursuant to the Local Agency Special Tax Bond Accountability Act
11. Council: Acceptance of the Treasurer's Report for the quarter ended December 31, 2007
12. Council: Authorization to award a contract in the amount of \$98,475 to T & M Electric, Inc., of Santee for the Oceanside Boulevard Streetlights project located along Oceanside Boulevard between Crouch Street and Barnwell Street, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents (Document No. 08-D0091-1)

COUNCILMEMBER SANCHEZ moved for approval of the Consent Calendar (items 5-7 and 9-12]. **DEPUTY MAYOR CHAVEZ seconded** the motion, which was **approved 5-0**.

The Mayor determined to hear Item 16 at this time.

CITY MANAGER ITEM

16. Update of 2007 Citywide Accomplishments

CITY MANAGER WEISS gave an update of the 2007 Citywide accomplishments. As we begin our budget process and start putting our goals and objectives together for the next year, it is important that we all collectively, particularly the Council, take a few minutes to reflect on what we have done in this past year. The City has adopted as its vision that Oceanside will be a safe, culturally diverse community that empowers its citizens to provide an environment that promotes economic development, supports quality education, fosters the cultural arts and preserves its natural resources.

Council had identified 4 core service areas; the first being public safety. We have launched the public safety center study that the Council approved, and we are going through the assessment process to evaluate the size, complexity and where a new public safety center should be. The crime rate in Oceanside is the lowest in over 30

years. We are the third safest City in San Diego County. Over the past several years Council has added 24 new police officers, with 9 added this past year. We created a new crime analysis unit. We have the Oceanside Community Safety Partnership Coalition that Council approved recently, and is completing the Back Gate Resource Mapping Study as well as looking at a planning process to deal with finding jobs for youth. The Communication Center has been named San Diego County Communications Center of the Year. We have a Police Explorer Post program. We hired a permanent Fire Chief. This past year when we had the major fire storms, we deployed just about every firefighter and assisted neighbors in distress in addition to monitoring and maintaining key services to the residents of Oceanside.

One of the other main core service areas is economic development. Council has approved the entitlements for the downtown beach hotel. We are still trying to get through the coastal stage, but that was a significant accomplishment for the Council. The CityMark project is scheduled for hearing within the next 30-60 days. The Wyndham Resort opened for business. The first phase of the Oceanside Boulevard Visioning effort was completed. Council established the priority for vision and master planning for Coast Highway and Center City Golf Course that is underway. We have consultant selection processes ongoing right now. There is over 500,000 square feet of new industrial projects under construction.

Yesterday Council reviewed the Economic Sustainability Study, and with some modifications we are in the process of beginning the internal review to start implementing some of the provisions within that. Recently, Oceanside Terraces had its grand opening. There are 215 new residential units under development in the downtown area. The Pavilions, which is the old drive-ins area on Mission Avenue, is in its Environmental Impact Report (EIR) process, and hopefully will be coming forward through the Planning Commission process within the next few months. The 125-unit Marriott Residence Inn in Ocean Ranch is open for business.

Council has approved the Housing Element and it is going through the final review process by the State. The new El Corazon Senior Center is under construction. The El Corazon EIR and specific plan will be coming forward within the next 60 days, which is a significant step forward for the City. Mance Buchanon Park is almost completed, and it is going to be a significant addition to the park inventory. The Master Plan for Joe Balderrama Park is nearing completion. The river clearing is ongoing. From Benet Road west, it is clear. The Corps' contractor is moving forward at a fairly rapid pace, and we hope they can get significant portions upstream of Benet toward College Boulevard completed before March.

We have had ongoing meetings with the resource agencies and we hope to bring the City's Subarea Plan forward to Council in the next several months. The new skate elements will be going in at Melba Bishop and Martin Luther King Parks. The design of those has been completed and we will be coming back to Council to award the construction contracts within the next few months. There are a significant number of other accomplishments in the handouts.

There was the grand opening of the Art Museum expansion last week. The library has extended its hours of operation. There has been a new book mobile that has been added to the fleet. We have hosted 6 world music concerts, and concerts in the park. We have hosted numerous arts and cultural programs.

The Pacific Street Bridge is close to completion, and we expect that it will be open to traffic by summer. There have been over 70 neighborhood traffic calming projects completed. Old Grove Road is now open from College Boulevard to Mesa. The Melrose Environmental Study is underway. The second scoping meeting is March 13. We have several traffic signals that are under construction. We are the only city in San Diego, Orange and Riverside counties to be recognized as a bicycle friendly community. The Sprinter services are scheduled to begin this month.

Council has given staff some very specific direction on the vision. Even though we have a lot of successes, those successes build on our future, even though their future should be based on Council's vision and the direction to staff to implement further programs and projects. We anticipate doing that, and as we come forward through the

budget process we will, in advance of that, give Council a list of further specifics towards some of the goals and priorities that Council has identified so that we can continue that wave of success that we have been experiencing.

He thanked Council on their direction and congratulated them on the successes as we look forward to moving things forward.

No public input received.

COUNCILMEMBER FELLER is not sure when we did this goal setting. We really have not had a Council workshop where the Council is all in one place like this and able to discuss things freely. It would be very important to still continue to try to do that.

Projects like the Oceanside Terraces and the Pacific Street Bridge are an accumulation of many councils. Pacific Street Bridge started way back with former Mayor Johnson and many Councilmembers ago for some of these projects, and they need to be given credit for what they did. They started talking about the park at Mance Buchanon somewhere around 5-7 years ago.

He commended staff and commented that we need some potholes fixed.

DEPUTY MAYOR CHAVEZ stated that the City has been operating very well, and there are a lot of great things happening in the City. He agrees with Councilmember Feller that there has been a lot of work done on other Councils to get to the position like the Mance Buchanon Park, etc., but 5 years from now there will be things on Oceanside Boulevard, in the Redevelopment Area, and on Coast Highway, etc., that started here. Not a day goes by that he does not get stopped by Councilmember Kern regarding another new idea. Excitement in the City is making things happen. Throughout all of the turmoil in our world, Oceanside is doing pretty well. He is very happy with it, and staff is doing great things.

COUNCILMEMBER KERN reported that what is missing here and will come back in a couple of weeks is the airport. There has been a lot of hard work by staff to bring that item back to Council.

Regarding the idea of goal setting, we have these things come forward because he thinks of something that previous Councils have done, and we just carry it forward. Regarding the hotel, 5 or 6 years from now we will be sitting on the veranda saying what's next. We need to actually look at what is next right now. After the budget cycle is over, or before, we should have a workshop about goal setting for the next generation of projects that are coming through.

This is an ongoing enterprise and we need to start working on what's next. We had the visioning on Oceanside Boulevard and received a report and it was just the first step in a 4 or 5-step process. We have people working on downtown Oceanside, and the northern part of the City. We really need to start giving direction to staff on what is next. The only thing that will hopefully come out of this is to come back in the next 30 days to set that workshop for the next round of goal setting.

MAYOR WOOD appreciates staff for all that they have done. None of this would have happened if Council had not listened to the public. Without public input, we do not have a direction. He appreciates the citizens of Oceanside and their input to say what they would like to see. We all deserve a pat on the back for some aspects.

He inquired about the City's financial future and some of the financial issues that are concerns.

CITY MANAGER WEISS responded that we have started the budget process. We have prepared a preliminary budget and all of the departments have submitted one. Given what is occurring with the City's revenue and expenditure patterns, and the uncertainty with the State, he has given direction that the budgets turned in by the departments are a rollover budget, with direction that each department, on a contingency basis, prepare a secondary budget that would include a 10% reduction in costs, with the exception that the police and fire departments - theirs would be a 2%

reduction. That is simply a contingency in the event the State does come to the cities and try to balance its budget problems on our backs. It is not something that we need to move forward on now, but it would be prudent to have that contingency in place in the event we get to a point where we have to make some difficult decisions. At this point we are moving forward as a rollover budget. There is cause for concern, but not alarm at this point for our budget. As we look towards the future and the uncertainty with the State, we certainly want to be prepared in the event that we run into some more difficulties.

CITY ATTORNEY ITEM

- 17. **Introduction of an ordinance of the City Council of the City of Oceanside amending Oceanside City Code Chapter 2.1.64(d) regarding appointments to city boards, commissions or committees**

CITY ATTORNEY MULLEN mentioned that this item arose out of the previous Council meeting where Council directed him to prepare an ordinance to ensure that the names of nominees for City Boards and Commissions are circulated 72 hours before the meeting, or at least 72 hours. He has drafted an amendment to Section 2.1.64(d) of the City Code. The amendment appears on lines 22 through 25 of the ordinance. It states that the Mayor shall provide to the Council the name of the nominee at least 72 hours before the meeting, at which the appointment will be considered by the City Council. The balance of section 2.1.64(d) remains unchanged.

Following titling of the ordinance, **COUNCILMEMBER KERN** moved to **introduce an ordinance** ("...amending Chapter 2, Article I, Section 2.1.64(d) of the Oceanside City Code regarding appointments to City Boards, Commissions or Committees...")

DEPUTY MAYOR CHAVEZ seconded the motion, which was **approved 5-0**.

The Mayor determined to hear Item 23 at this time.

INTRODUCTION AND ADOPTION OF ORDINANCES

The following items are ordinances for introduction or adoption by the City Council/HDB/CDC. Ordinances are laws of the City of Oceanside and require introduction and adoption at two separate City Council meetings (urgency ordinances are an exception, and may be introduced and adopted at one meeting as an emergency measure). The City Council/HDB/CDC has adopted a policy that it is sufficient to read the title of ordinances at the time of introduction and adoption, and that full reading of ordinances may be waived. After the City Attorney has read the titles, the City Council/HDB/CDC may introduce or adopt the ordinances below in a single vote. There will be no discussion of the items unless requested by members of the City Council/HDB/CDC or the public through submittal of a Request to Speak form prior to the commencement of this agenda item.

- 23. **Council: Adoption of Ordinance No. 08-OR0094-1, "...amending the zoning district map from single family residential (RS) and commercial limited (CL) to commercial general (CG) for property located at the southeast corner of Mission Avenue and Carolyn Circle"** [Mohsen and Susana Arabshahi] (Introduced 2/13/08, 5/0 vote)

Following the reading of the title, **COUNCILMEMBER FELLER** moved for adoption of **Ordinance No. 08-OR0094-1**.

COUNCILMEMBER KERN seconded the motion, which was **approved 5-0**.

- 24. **Council: Adoption of Ordinance No. 08-OR0095-1, "...amending the zoning district map from Public - Semi-Public to Residential Medium Density - C and a zone text amendment to allow RV parking in the Public Semi-Public Zone on property located at the southeast corner of Maxson Street and Country Club Lane"** (Olson Company and the Elks Club – Applicant) (Introduced 2/13/08, 5-0 vote)

Following the reading of the title, **COUNCILMEMBER FELLER moved** for adoption of the ordinance.

COUNCILMEMBER KERN seconded the motion, which was **approved 5-0**.

The Mayor determined to hear Item 8 at this time.

CONSENT CALENDAR ITEMS REMOVED FROM AGENDA FOR DISCUSSION

8. **Council: Approval of Change Order 12 in the amount of \$49,999 to EDGE Development, Inc., for the Fire Station 7 project, adding to the scope of work a 1,000 gallon above ground diesel fuel tank for the emergency generator, and authorization for the City Engineer to execute the change order**

JOAN BRUBAKER, 1606 Hackamore Road, asked if there is a Federal, State or City ordinance that would prohibit these tanks being buried, rather than above ground. If you keep putting tanks above ground for establishments, we are going to become the city of tank farms.

CITY MANAGER WEISS stated that there is no specific requirement to place these types of tanks underground. Obviously, commercial fueling stations put them all underground. There is a different set of regulations if they do. Given the size of this particular one, which is fairly small in comparison to commercial users, you can put these above ground but still get all of the necessary permits through County and State agencies.

COUNCILMEMBER SANCHEZ moved approval [of staff's recommendation and Change Order 12 (Document No. 08-D0089-1)].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 5-0.

As it was not yet 6:00 PM, the Mayor determined to hear Item 18 next.

CITY COUNCIL REPORTS

18. **Mayor Jim Wood - MAYOR WOOD** reported on the trip to Washington, D.C. last week to address some issues and concerns for Oceanside; mainly to try to get federally funded on several items. We do this yearly and it benefits the City. There is a cost involved in going to Washington, D.C., but in the past it has been outweighed by the results with the funds that we got from the federal government. On this trip we met with our representatives from the Senate and Congress, White House Governmental Affairs, the Army Corps of Engineers and the Department of the Interior. We had good results. We have a great relationship with the local offices of Congressman Issa, Senator Feinstein and Senator Boxer; that added to the ability to go there and contact the Washington, D.C. staff. He hopes the trip will benefit Oceanside.

He commented on the grand opening of the Oceanside Museum of Art [expansion]. The museum is beautiful and it has facilities for meetings there. The North County Business Showcase is March 6, 2008.

He congratulated the Oceanside Fire Department's Academy graduates; the graduation is March 6, 2008.

6:00 P.M. - PUBLIC HEARING ITEMS

Public hearing items are "time certain" and are heard beginning at 6:00 p.m. Due to the time certain requirement, other items may be taken out of order on the agenda to accommodate the 6:00 p.m. public hearing schedule.

13. **CDC: Consideration of a resolution approving Tentative Parcel Map (P-207-07), Development Plan (D-206-07) and Conditional Use Permit (C-203-07) and deferral of the overhead utilities for the construction of a three-unit multifamily development located at 517 North Freeman - Applicants: Debbie and Greg Sprehn**

- A) Mayor opens public hearing – Mayor Wood opened the public hearing.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Disclosures were reported.
- C) City Clerk presents correspondence and/or petitions – No correspondence was received.
- D) Testimony, beginning with:

SHAN BABICK, Associate Planner, gave an overview of the staff report for a 3-unit, multi-family project located at 517 North Freeman Street. He reviewed the site plan and elevations. The units range in size from 1,974 to 2,006 square feet, situated on a 5,000 square foot lot. It is more of a Spanish Mediterranean design with stucco exterior, low hipped roof, and roof "S" tiles.

The project is situated within sub-district 9, which is a commercial zone. Residential uses are allowed with a Conditional Use Permit (CUP), which is why this particular project has a CUP. The applicant is also requesting a deferral of the undergrounding of the utilities. Staff concurs with the applicant's request. The staff report tells the costs; these costs have been increased recently. It is approximately \$500 per linear foot; the applicants share would be \$58,200. Both the Redevelopment Design Review Committee and the Redevelopment Advisory Committee recommended unanimous approval of the project. Staff recommends that Council approve the tentative parcel map, CUP, and the deferral of the undergrounding of the overhead utilities.

Applicant Input

JENNIFER BOLYN, Principal Architect, with EOS Architecture, displayed a rendering to show the project. The design intent was to create a unique condominium home development maximizing outdoor spaces, ocean views and natural light brought to the interior of the homes. The exterior appearance of the building is designed with high quality materials, such as smooth finish stucco, colored pre-cast concrete elements, 2 piece clay tile roof, etc.

The traditional design was developed reflecting California's heritage, and is very similar to the traditional Spanish Mediterranean architecture. We conducted a view analysis of the site, and based on the project location, we ascertain that there are views to the ocean from the third floor, so all of the kitchen and living spaces have been located on the third floor, and they have access via a common shared elevator. We provide direct access from the living spaces to the roof decks above. The entrance has been enhanced with decorative entry steps and site walls. The ground floor elevator lobby consists of a double height space with common egress stairs as well.

Each unit is provided with private at-grade garages with additional space for storage and trash. The garages are accessed directly from the alley on the west. The condominium homes are 2-story; two of which have 2 bedrooms and 2½ baths rooms, while the east-facing unit has 3 bedrooms and 2½ baths. All of the homes have 10 foot ceilings throughout. Outdoor balconies have been provided on each level, serving the bedrooms and living spaces. All units have access to ample size ocean view roof decks above. The traditional design concept is enhanced by these outdoor spaces, which are treated with decorative wrought iron rails and precast columns. The approach to the units on the third floor carry this design theme as well, where an ample shared walkway is framed by columns and arches, which is cohesive with the Mediterranean style architecture. There is an area for residents to maintain personal planters on the entry way.

We feel that we have created an architecture that is designed purposefully for this site, with the highest aesthetic ideals in mind. We feel that this building will be a positive contribution to the Freeman Street neighborhood, while offering very enjoyable living solutions to its residents.

DEBBIE SPREHN stated that since the project has been reviewed favorably by the Redevelopment Design Review Committee and the Redevelopment Advisory Committee, she is asking for the approval for the tentative parcel map, as well as the CUP, so that we could continue on with this project.

Public Input

GEORGIO KERPANI, 315 South Nevada Street, is hoping that a lot of these new developments coming into the downtown have the utilities underground. That is his concern. We need to beautify our town in any way possible. Undergrounding utility lines is a great thing for the downtown. That should be a definite requirement for any of the developments in the future.

In response, **KATHY BAKER**, Redevelopment Manager, stated that the engineering ordinance does allow for a deferral of undergrounding of utilities. In order to do that, there are certain findings that need to be made. This project has made those findings. As was pointed out, the City had not raised our fees for some time, and we recently increased those fees in September for the lineal foot charge and this applicant is paying the deferral fee, which is from one pole to another pole, in the amount of approximately \$58,000. To underground it would be another \$85,000. She has opted for deferring the payment, but she withholds the right to underground those if she opts to do that.

With no one else wishing to speak, and no rebuttal desired, the Mayor closed the public hearing.

COUNCILMEMBER SANCHEZ questioned if the projection on the roof was an elevator shaft.

MS. BOLYN responded no; on the roof deck plan there are 3 projections that exceed the height limit as allowable (10%); and those are the stair accesses for direct accesses for the units themselves. The total area exceeding the height limit is 266 square feet, and the allowable would be 336 square feet.

COUNCILMEMBER SANCHEZ stated that it appears from the diagrams and the photograph that the length is running north-south, and if they had run it east-west, they would preserve views. It would not be blocking the potential ocean views for others who would probably go to the maximum height of 35 feet. What we have tried to do in the past is to also consider potential future development and preserving views of the ocean as well. It does look like Freeman Street is north-south. It looks from the diagrams in the staff report as well as what is being shown, that the length is north-south, so there is a bigger blockage of the view.

MS. BOLYN understands the concern. She has 3 towers; 2 of them are in alignment with each other, so they are not expanded out over the expanse of the roof deck. They are not huge structures that are going to be projected. In a 3-dimensional sense, anything to the east of that, you would be able to get some view through, and we are conforming to the height.

COUNCILMEMBER SANCHEZ wants to know the length and width.

MS. BOLYN stated that the length is 11 feet and the width is 8 feet.

COUNCILMEMBER SANCHEZ commented that it is 3 feet longer.

COUNCILMEMBER FELLER stated that this is the perfect catalyst to get the Freeman Street neighborhood running. The applicant is stepping out when lots of others have not started yet. This is a great opportunity to revitalize this neighborhood. He **moved** approval [of staff's recommendation to adopt **Resolution No. 08-R0092-**

3, "...approving a Tentative Parcel Map, Development Plan and Conditional Use Permit and the deferral of the undergrounding of the overhead utilities for the construction of a 3-unit residential condominium project located at 517 North Freeman Street Applicants: Debbie and Greg Sprehn"].

DEPUTY MAYOR CHAVEZ seconded the motion.

Motion was approved 4-1, with Councilmember Sanchez voting no.

[Recess held from 6:18 PM to 6:26 PM]

14. **[CDC: Consideration of a resolution approving Tentative Parcel Map (P-202-07), Development Plan (D-202-07), Variation (V-202-07) and Regular Coastal Permit (RC-203-07) for construction of a four-unit multifamily development located at 702 North The Strand - Applicants: Bob Sachs and Gideon Mann]**

This hearing was continued to 6:00 P.M. on March 19, 2008.

15. **Councilmember-called hearing: Consideration of a resolution overturning Planning Commission Resolution No. 2007-P63 and approving Tentative Parcel Map (P-14-06), Development Plan (D-11-07) and Conditional Use Permits (C-30-06, C-14-07) to subdivide a 0.96-acre site, which exceeds the base density and has panhandle access, into three residential lots and to construct two homes on property located approximately 160 feet east of the terminus of Cassidy Street at Bayberry Drive - Bayberry Parcel Map - Applicant: 1800 Investments, Inc.**

- A) Mayor opens public hearing – hearing opened
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – disclosures reported
- C) City Clerk presents correspondence and/or petitions – City Clerk Wayne reported receiving an e-mail correspondence which was sent to Council
- D) Testimony, beginning with:

SALLY SCHIFMAN, Project Planner for the Bayberry Parcel Map, gave an overview of the staff report. This is a call for review [2 Councilmembers] of the Planning Commission's decision from December 3, 2007. The subject property is 0.96 acres within the Fire Mountain neighborhood. The General Plan designation is Residential Estate-B (RE-B), and the zoning designation is also RE-B. The density for this property is 1 to 3.5 dwelling units per acre (du/ac). The proposal is to create a 3-lot subdivision, which would result in a 3.1 du/ac density. In addition, there is a development plan in order to construct 2 single family homes on parcel 1 and 3, and all of the properties which share access through a 28-foot wide panhandle driveway.

The subject property is on a vacant site that has never been developed. It is surrounded by some vacant properties as well as detached single family homes. The 3 lots proposed range in size from parcel 1, at a gross square footage of 13,137 square feet; parcel 2 would be 14,738 gross square feet; and parcel 3 would be 14,131 gross square feet.

On parcel 1, the proposed home would be 4,266 square feet. The development is meeting all setback requirements. There are some hillside issues with this property, and the home has been designed to compliment the hillside. The second story does step up to a higher elevation and the roof pitch is also sloped at the same angle as the ending manufactured slope. This home would have 4 bedrooms, 4½ bathrooms and a 3-car garage.

The home proposed for parcel 2 would be 2,606 square feet. It is proposed to be a single story home. It meets all development regulations, including maintaining a 15-foot setback off of the proposed driveway to the west of the property. It will have nice

side yard and front yard space. This home would be 3 bedrooms and 3 bathrooms, also with a 3-car garage.

Parcel 3 does not have any development proposed at this time. It would be done under an administrative development plan and staff would be able to review it. Some conditions have been put in place to ensure quality of design.

Showing the landscape conceptual plan, all slopes and front yards will be landscaped. Any additional landscaping would be done by the individual property owners. For parcel 3, under the Administrative Development Plan, staff would be reviewing any new proposed landscaping at that time.

There were 3 general reasons for the call for review; 1) site suitability, 2) the number of trees on site, and 3) the issue of the lot and unit size in comparison to the surrounding area. Regarding site suitability, it relates to Planning Commission Resolution findings P-14-06, Finding 2; and D-11-07, Finding 3. The General Plan states that the purpose of the residential estate district is to provide opportunities for very low density, single family residential land uses that are compatible with the topography and public service capacities of the subject area. There are other land uses that could conditionally be allowed within an RE-B district. These primarily are public land uses. They could include cemeteries, general day care facilities, public parks or recreation facilities, public safety facilities, religious assembly facilities, public resource centers and public or private schools. Staff feels that if any of these land uses were implemented in this area, they would result in a more intense land use than 3 single family homes would create. In addition there are some parcel design guidelines that the General Plan discusses when creating new parcels in a RE-B district. Those include that the pad areas need to be sufficient in size and dimensions to accommodate an aesthetically pleasing home; the parcels need to be organized in a functional neighborhood design; and that the building pad areas need to be compatible and comparable to the surrounding area.

She displayed a table which is comparison of our development regulations in comparison to the 3 parcels and what will be proposed on these lots was shown. All of these parcels are meeting and exceeding the minimum lot size requirement as well as the lot width. Parcel 1 is the most constrained site with the hillside, but it is exceeding the side requirements with a 25-foot setback to the west and a 9.9-foot setback to the east. In addition, on lot coverage, we could permit up to 35% lot coverage. Parcel 1, with the largest home, because it is stepping up the slope and has elevation differences and 2 stories, is really only covering 22.5% of the lot. Parcel 2, with a smaller single-story home is covering 31.5% of the lot. All of the homes will provide 3-car garages, which exceed our requirement of a 2-car garage. In addition, staff has found that all public services are capable of handling 3 additional homes in this area.

The second reason for the call for review was the number of existing trees on site. This issue relates to Planning Commission resolution findings P-14-06, Finding 3 and C14-07, Finding 2. The General Plan states that the existing mature trees should be retained on site when development occurs whenever possible. When trees cannot be retained on site, they must be replaced through mitigation. This particular parcel was previously used as a horticultural hobby for the previous owner, and as a result, there are quite a few trees on site; palms, evergreens, eucalyptus, and broadleaf trees. Because of this situation, staff had the applicant hire a certified arborist to do a review of the site and determine the number of mature trees that were there. Even though the site has more than 100 trees, by the definition set forth in our subdivision ordinance, only 31 of these trees are considered mature; that is trees that have a diameter of 10 inches or more. In addition, the arborist stated that there are 35 full grown palm trees on site.

The proposal is to remove 22 of the 31 mature trees. In the end 52 trees will either be preserved or replaced on site. Of the 35 palm trees, 32 will be removed, but in the end 36 will be preserved or replaced on site. For any remaining trees that are not replaced or mitigated directly on site, staff has come up with an in lieu fee calculation. It is conditioned appropriately. Staff is requiring that the applicant, through the approved arborist report, determine the value of all trees that have to be mitigated, and we would subtract the value of any preserved and new proposed trees. Whatever the last fee turns out to be is what would be paid. At this time the only mechanism we have

for using that fee is to put it into our general parks and recreation fund, which would then go towards landscaping our parks or street tree replacement. She displayed the tree survey map.

The last issue regarding the call for review was the lot and unit size compatibility with the surrounding neighborhood. This is regarding Planning Commission resolution finding D-11-04, Finding 4; and C-14-07, Finding 3. Staff has done an extensive review of a 1,500 foot radius from the property. She then subtracted any zoning districts that were different than an RE-B district. The numbers she showed were only reflective of the homes or properties that fall in the RE-B district within 1,500 feet of the subject property.

The General Plan does state that in the Fire Mountain neighborhood, the minimum lot size can be as low as 10,000 square feet and it would still be considered consistent with the underlying RE-B district. Through the survey, she found that there were 293 properties within 1,500 feet. The average lot size was 17,549 square feet, or .4 acres. The median lot size was 13,125 square feet, or .3 acres. Parcels 1, 2 and 3 would be below the average of the 293 properties, but they are above the median. She then looked at only properties that have been developed or created within the last 10 years. There were 75 out of the 293 properties, and the average for these lots turned out to be 12,724 square feet, or .29 acres. With ranges from 13,137 to 14,131, the subject proposed properties will exceed the average of the properties approved in the last 10 years. She also reviewed the average home sizes for all lots in the area. Of the 293 lots, only 277 were developed and the average home size is 2,287 square feet. The proposed homes at 2,606 and 4,266 do exceed this average, but when looking at homes developed in only the last 10 years, that is 59 out of 75 properties; we came up with an average of 2,717. Parcel 2, and potentially parcel 3, fall into line with the recently developed properties. Parcel one at 4,266 square feet would become the largest home in the area. There is one other home out of the 293 that is just over 5,000 square feet. This would be the second largest in the area.

Staff has found that the proposed development is suitable for, and compatible with the surrounding neighborhood, and that the removal of the trees has been adequately addressed and mitigated. Staff is recommending that the Council overturn the Planning Commission's decision to deny the project without prejudice, and approve Parcel Map P-14-06, Development Plan D-11-07, Conditional Use Permit C-30-06 for panhandle access, and Conditional Use Permit C-14-07 for exceeding the base density. Staff also requests that Council adopt the Council resolution.

Applicant Input

GARY HOFFMAN, co-owner and developer, complimented the staff for their work on this project. He wished to reserve their time to respond, and they have consultants present to answer technical questions from the public input.

Public Input

MICHAEL BULLOCK, 1800 Bayberry Drive, is representing himself and his wife. It is possible to walk through the property and see that there is a property line and a lot of trees very close and within the 9.9 feet which defines the side yard of that very large house. It is an issue that there is only 9.9 feet. This is not a fault of Mr. Hoffman. He has done everything right. However, in the planning department there seems to be a lack of concern for accuracy in terms of these trees because there are large trees there and they are just left out. The pictures show that there is a lot of flat area and there are not trees there. The trees tend to be on the hillside and towards the back. The more you go up to that property line, the more trees you take, and there are a lot of large trees in that area.

He reviewed his letter and his assertions that: 1) the only 2 possible solutions are 2 houses or 3 houses; 2) Scripps Institute of Oceanography and the U.N.'s Intergovernmental Panel on climate change are correct that our use of fossil fuels is creating a climate crisis; 3) you are on the forefront of the effort to avoid global warming catastrophe; and 4) the solution for this development should be the one with the lowest estimate of carbon dioxide greenhouse gas generation. He has information in

his letter about doing that analysis. There are a lot of good reasons why you would want houses there. On the other hand we are losing those trees and there is a calculation that could be made. He would like to see an objective analysis done, and see that as part of something that goes on in Oceanside.

JOAN BRUBAKER, 1606 Hackamore Road, stated that this is a lovely project according to all of the facts; however, you have approved a project for 44 houses out there in an area that has a minimum of egress and ingress. She does not like to see this with easements. This probably is a well done project, but she does not like to see these narrow accesses. You have to have fire department approval or you would never have gotten this far, but she thinks it is a disaster for City design.

DARKO RADOVANOVIC, 1706 Timingo Gate Way, stated that this is a very unique property and it has trees that are up to 60 feet tall. Building 3 homes would require removal of the majority of these trees. The Planning Commission rejected this proposal of 3 houses, and their recommendation is for 2 houses in an effort to save some of the trees. Building 2 homes would save and lessen the need to remove as many trees. Additionally, there is a proposed retaining wall that the property would then have to come up about 6 feet, which would impact his backyard and his neighbors' backyards. This will cause the rain runoff to pool in our backyards. He has not seen any plans for engineering on how they are going to get rid of the water that pools in his backyard and his neighbors' backyards. This is safety hazard and a breeding ground for mosquitoes.

We purchased our home approximately 5 years ago. We paid more to live here because we liked the park-like setting in our backyard. In the past 5 years, we have seen a plethora of wild life in the backyard. During raining season, the whole area becomes a pond and there are ducks and the water level comes up about 6 feet. With a ½ inch of rain, about 6 feet of water collects in the area. He does not want to deny Mr. Hoffman his right to build or develop his property. He would like him to consider the community and the recommendation of the Planning Commission to build 2 houses. He referenced the City's vision and mission statement, which says to preserve its natural resources.

GUILLERMINA RADOVANOVIC, 1706 Timingo Gate Way, is aware that Mr. Hoffman is the developer and owner of the property and has a right to build on the land. She expressed concern of the impact surrounding the properties as a result of his development, which include the density of the property, the flooding of the property when it rains, the removal of the trees that enhance the aesthetics of our community, the installation of various retaining walls that would cause any flooding to her and her neighbors' properties. We are aware of mudslides that are caused by over-development of an area. She wants to know who is responsible for them.

She asked Council to give them the right of experiencing peace and nature as much as possible. Regarding the development of 2 houses, if Mr. Hoffman is going to give money to a fund because he is going to remove so many trees, why does he not donate the third lot and make it a park or something for our community to enjoy. Instead of destroying and killing all of those trees, why couldn't they re-plant them a few feet apart.

MIKE LOCKETT, 1702 Timingo Gate Way, opposes the current plan to develop the lot off of Bayberry because of density, removal of trees, and flooding. The current proposal exceeds base density as defined by section 1050-B of the Oceanside Zoning Ordinance. Building 2 homes as recommended by some Planning Commissioners would not violate the ordinance. Under the current proposal there is the potential removal or replacement of all of the existing mature trees on the property. When trees and palms are replaced, the substitute trees do not have to be of the same size or type of those being replaced. Additional trees and palms may be removed from the site and instead of replacing the trees, in-lieu fees will be made to a tree replacement fund. These funds go to a general tree maintenance fund and do not guarantee the addition of a single tree to our Fire Mountain neighborhood or Oceanside.

The developer believes that it is economically infeasible to retain mature trees. We believe the value of the existing trees has been underestimated. The value of mature trees must be measured in conservation value, such as providing stability for

unstable slopes, reducing storm water runoff, energy conservation, climate control, improvement of air and water quality, property value in the surrounding community, and providing refuse habitat for wildlife. It should be clear that it is imperative for the developer to retain mature trees and to replace mature trees with the appropriate size and number. With the removal of the majority of mature trees, the beautiful and unique character of this Oceanside property will be lost under the current proposal.

The property is located in a bowl that captures water drainage from all sides. A photo taken after a recent rain depicts that the deepest point is approximately 7 feet. With the removal of so many trees from the property, and the increase of impervious surfacing from building 3 homes, the likelihood of soil erosion and flooding would only increase. The cumulative impact of the removal of a significant portion of mature trees in an area that is subject to intermittent flooding should be taken into consideration, and a thorough analysis of those impacts conducted before approval of this project.

The recommendation of some of the Planning Commission was that 2 homes be built at the site and that they be designed in such a way that most of the existing mature trees be preserved, which would resolve the density issue, the tree issue, and with more mature trees on the hillside, hopefully maintain existing topographical resources and reduce the risk of flooding. He hopes Council rejects this proposal.

MARY JOSWIG, 1765 Ivy Road, stated that her property is north of lot 1. She does not understand why the largest house is on the smallest piece of property. This large home is being pushed as far north and east as possible so that they can have the ease-way going parallel on the west side. That is where the water tends to accumulate. She has had the vector control out to her home because it is a breeding ground for mosquitoes because of the problem with this pooling at the low side, which is the west side of the property.

She agrees with the Planning Commission's recommendation of 2 properties and to maintain the trees and the hillside. The landscape for that large house is her backyard and the property of Mr. Grigsby.

DENNIS HUCKABAY, 2319 California Street, is president of the Buena Vista Audubon Society. His concerns are: 1) how many mature trees there are on the property; 2) development should enhance the character and beauty of our neighborhoods, and trees are an important element. The Planning Commission found that allowing 3 parcels would remove too many trees. We are sacrificing too many trees if we allow 3 lots to be developed. We do not want to lose those trees. Also, there are a number of birds, hawks, owls, etc. that really love this forest and make good of it; 3) This development does not assure that trees removed will be replaced with an appropriate type, size and number, as required by the General Plan Land Use Element. There is no condition in the plan specifying type, size, or number of replacement trees. The staff report states that there are over 100 trees on this site. The staff report allows 54 of these trees to be removed from the site plus any remaining trees removed from this site shall be mitigated through in-lieu fees. These fees contribute to tree placement throughout the City. This is not acceptable. The Planning Department needs to find a better way of mitigating trees that are sacrificed then simply using in-lieu fees and putting those fees into the general parks and recreation fund. That does not guarantee that trees will be replaced. It also allows trees removed from one neighborhood to be planted far away from that neighborhood. That, too, is unacceptable; 4) This subdivision should not be allowed to be divided into 3 parts.

MARIE JEBAVY, 1773 Ivy Road, requested that the trees not be taken out. The Planning Commission understands the water coming down off of Ivy Road. She requested that Council uphold the Planning Commission's resolution, and not approve this.

There was no one else wishing to speak.

Applicant's Rebuttal

GARY HOFFMAN, applicant, stated he can understand these concerns. Unfortunately a lot of them are misguided. Regarding the point that we were asked to

put the mitigation funds into a general fund, we actually requested to staff that those be planted somewhere in Fire Mountain. If you want to condition us that those dollars and trees have to stay in Fire Mountain, we would be more than happy to do that. He does not want that to be an issue because that is not our decision.

The history of this property is fascinating. One of the problems with an infill piece is that it is somebody's open space. Timingo Gate Way is the street to the west of this, which was developed not many years ago. Prior to that development, there was open space for the neighbors that had been there longer.

We are just trying to conform to the surrounding neighborhoods. If you looked at the picture staff showed of those surrounding lots for as far as you could see, we are the size of all of those lots. The ad that ran for the previous owner stated "...Fantastic opportunity. Over 40,000 square feet in Fire Mountain zoned for 10,000 square foot lots \$131,000 for 4 lots or \$175,000 for 3 lots." We made an offer and it was accepted. There is one of the most gorgeous palm trees you will ever see in your life that was part of this property at the time we went into escrow. We had City meetings. The previous owner and his agent attended those meetings. He knew all along that we were going to develop 3 lots on this property. We went into escrow. A lot of those trees as pictured are not there. We came down to the closing date and the seller, Paul Grigsby, decided that he was going to renege on the transaction. One of the things that is going on is some revenge for the fact that we had to go to litigation, and during litigation we made a deal to go back into escrow for the property, and before we could close escrow, my son happened to go to the property one day and saw cranes operating; they removed more than 30 palm trees, and sold them. As pictured, that beautiful palm tree is one of the most expensive palm trees in the world in terms of the type and breed, and it is gone. The good news is that he can visit a few of those plants as he drives into the neighborhood because they did sell some of the palms to the neighbors on Timingo Gate Way and other streets in the neighborhood. There were trees cut down to make way for the cranes to pull out other trees. We walked on the property and there were large holes where all of those palm trees were torn out, lifted out by cranes, and sold. We would be talking about double the number of mature trees that we are talking about tonight had those not been stolen and taken off of the property. There is something going on here that does not meet the eye if you do not know the history of the property.

To address the issue of drainage, the drainage problem exists because the water shoots across this property and is not taken underground. This problem will not be solved unless we develop the property because we intend to take it all down through an underground drainage. The Timingo Gate properties to the west of us are sitting on more than 20 feet of fill, so they have accentuated the amount of slope that is on the west side of this property. What you are seeing on our property will be elevated. He will review the drainage, the trees and cuts in the slopes. He will have Jim Taylor discuss the trees.

JIM TAYLOR, 5750 Fleet Street, Carlsbad, is the Principal Landscape Architect with the Lightfoot Planning Group and a registered lobbyist with the City of Oceanside. We have worked on this project for a number of years with Mr. Hoffman developing the plans, the tree mitigation plan, etc. Staff addressed this and he will respond to some of the questions. On our tree mitigation plan, we only show those trees that are on our site. We do not show trees that are off site. The gentleman could be correct that there are many trees abutting the site all the way around. The requirement by the City is to show those trees that are on the site that meet the requirement of a 10 inch or larger diameter measured at 2 feet off the ground, and that is what we have done. That report has been reviewed by City staff, including one of your landscape staff, who is also a certified arborist, who has approved of that plan and that is why it is before Council tonight; the mitigation schedule has been approved by City staff.

Regarding the climate change issue, he cannot calculate what those tree do. However, one of the concepts of the urban forestry idea is to have trees of a variety of ages and species that will help to create a longer service life for the entire site. We are maintaining as many existing trees on site as we can, which have been identified on our plans. Also, we are putting approximately 90 new trees on site of a variety of sizes that will have a longer life than these trees that are on the site now, so we may be improving

things in the long term because we are going to have trees that have a longer service life.

To reiterate, on our plan we have shown a number of trees to be preserved on site of the qualifying size, but also we have noted a number of trees to be preserved on site that do not meet the City requirements, so we took a great effort to try to preserve everything we could on site, outside of the building envelopes and the grading area shown on the tentative maps. We have preserved approximately 11 existing trees that meet the criteria and another 20 trees that are smaller than that.

Regarding stability of slopes, our landscape concept plan is to fully landscape all graded slopes on site. That will add and increase stability of the newly graded slopes. He was on the site recently, and many of the existing slopes on site are virtually a 1 to 1 and are eroding now. By re-grading and re-landscaping these slopes they are going to be better preserved in place. That is one of the reasons there is a landscape requirement in the City that is a part of the grading ordinance - the slopes need to be landscaped. In an effort to provide as many trees on site as we could, we have greatly exceeded any City minimum standards. In fact, there are approximately 70 new trees being planted on this site.

There are approximately 30 *Washingtonia robusta* palms that we are removing. Our offices work closely with the native plant people. The *Washingtonia robusta* is a plant that is on the highly invasive species list. We are now being discouraged or prohibited from putting that tree on any of our new landscape plans. In a recent project at the south end of town, Coastal Commission staff required those palms to be removed from the plan, so, our new landscape plan is not contemplating putting those types of trees back on there.

We have identified all of the trees based on the City requirements. The civil engineer with his survey staff precisely located the trees and we verified the types and sizes of the trees. I believe our tree survey to be accurate. We do not show surrounding trees, but we do show those trees on our site the Bayberry side.

Mr. Hoffman introduced the Certified Arborist to talk about how we arrived at the mitigation and the health of this canopy of trees existing on the property.

Regarding the present health of the trees, **KATHLEEN COPLEY**, Certified Arborist for the project, stated that currently the trees are growing together. They are narrow in their canopies because they are reaching for the light. It is a standard situation that when you have a lot of trees close together, they tend to get taller and narrower with most of the growth up on the top. By looking at the pictures just seen of the drainage, those trees are relying on the ground water for their sustainability since they are not being irrigated. Currently, during the drought periods, they look dry and there is a lot of litter, twigs and pine needles. That in itself has provided mulch to help them retain some of the moisture in the soil. If it were not for some of the drainage, those trees may not have survived. Currently the trees are mature; their service life, if left alone, might go awhile longer. However, one of the problems with development is the more mature a tree is, the less able it is to withstand stress that would be injury to the roots, any part of the canopy or the trunks; changes in grades by either removing or adding soil around the trunks of the tree. In any of those cases, the trees would be stressed and possibly destabilize, which would cause them to fail in the future. That could cause personal injury or property damage. With the idea of sustainability on this private piece of property, the idea is that these trees would be removed and replaced with younger trees in greater quantity, and that is of a variety of species with broadleaf canopies. In an urban forestry kind of a way, which is stepping back and taking a larger picture of the urban forest in Oceanside, part of the process is removal and replacement of trees periodically. It is part of the schedule of managing a forest in the city.

Currently there is no tree ordinance in the City. So, we are doing the best we can to mitigate for trees where there really is no guideline to do such a thing. City staff has been very helpful and cooperative. We understand that there is a great love for these trees. There are also other trees in the immediate surrounding area; this is not the only area where there are trees in this neighborhood. With regard to the immediate neighborhood, and these trees, these trees actually become a larger part of that small

forest in that it is replacing some of the trees at this point, so that you will have a variety of ages and species in that area, which is a very healthy situation.

Regarding the fan palms, the City's fire department has conditioned those skirts/dead frawns to be removed. One of the most dangerous things that tree workers can do is to remove those frawns. It is not likely that you will find somebody that will remove all of those frawns and leave the tree there. It is more likely that the tree will have to be removed. In order to comply with the fire department's requirements in the resolution, those trees would most likely have to be removed anyway.

MR. HOFFMAN stated that it will make virtually no difference to the drainage plan, the grading plan, or the number of trees preserved, whether they are on 1, 2 or 3 lots because of the nature of the setbacks and the grades. Two lots will not really preserve any more trees than 3. He would have the civil engineer discuss the drainage.

STEVE BARGER, with Barger Engineering, stated that this project is an infill project and the only undeveloped property in the neighborhood. Historically, before any of these properties were developed, there was a large canyon that came down through the westerly side of this property and it flows from north to south taking the drainage from Ivy Street and flowing south. Unfortunately, a situation occurred with the development of the surrounding properties. Fill was placed surrounding the property, creating a bowl type of effect. The property is approximately 10 feet lower than the street coming in. There is a very adequate storm drain that has been installed that has the capacity to take the water and convey it with 100-year storm flowage capacity, through the private driveway that is proposed and down the private road to Cassidy Street and then continuing to the south end of the public storm drain. That pipe is completely adequate for the drainage flows. The problem is with the property being undeveloped, there is really no means for the water to get into the pipe because the inlets that are there are very small and they get plugged with garbage, trash, debris and mud, etc., then there is the drainage problem.

The solution to this drainage problem is development of the property. With the development of the property, adequate inlets will be installed and the pipe will be extended to the northern property boundary. A 36-inch pipe has adequate capacity for the flows and there will be private storm drain systems on each of the lots that will convey the water underground from all of the rooftops and to the proposed main trunk line system. There is also a porous paving that is proposed for the driveway that will mitigate for storm water pollution, provide filtration of the water, and protect our beaches; that is all in concurrence with the City's ordinances and policies.

The grading on this property has been very carefully designed. The amount of grading is approximately half of what you would expect on a normal project of this size. Stepping into the hillside of the homes and using the home as a retaining, and the way that the grading has been designed, it minimizes the grading. There is about a 15-foot high slope that is between the houses with retaining walls at the base. This will be in conformance with the natural hillside. At the base of those walls there is a 10 foot terrace for a nice flower bed that will have a nice effect.

MR. HOFFMAN stated that we have no variance application for the height of any retaining walls.

The Mayor closed the public hearing.

COUNCILMEMBER SANCHEZ stated that she attended the Planning Commission hearing and there were a lot of people that spoke; more than that spoke today, and there were a lot of questions from the Planning Commissioners. She would uphold the Planning Commissions findings. She shared their thoughts regarding the density, the flooding issues, the retaining walls, mudslides, etc. It is not consistent with Fire Mountain. 7 ½ foot side setbacks are just too close.

Staff has been recommending approval of higher densities in Fire Mountain; she does not like this new trend with our Planning staff. She is totally against it. She appreciates the character of Fire Mountain. It is one of the oldest neighborhoods. It was annexed by the City of Oceanside and when it was added to the City, neighbors made

certain demands of the City, demanding that the City respect the rural, rustic nature of Fire Mountain. She agrees with 2 homes versus 3 homes. There was a project previously approved on Yucca Road; that is totally inconsistent with Fire Mountain. It looks like some kind of camp ground with those patios; it all looks woody and so close together. She does not like what is happening in Fire Mountain. She would support 2 versus 3 and would increase the setbacks. She is especially concerned that not a single neighbor came forward asking for approval of this. That means that it is not consistent. She would uphold the Planning Commission's decision.

COUNCILMEMBER KERN inquired about the drainage plan and the location of the inlet, and how much area this is draining.

MR. BARGER using a display, stated that the private drive on the west side of the property has a 36-inch pipe that flows from north to south for the entire length of that drive. The existing pipe goes to about the third point. That pipe will be extended all the way to the north boundary. There will be a very large head wall there that will have a 50% capacity for trash and debris, so that that pipe will not plug up. There will be inlets in the private drive at the low point, which is around the center mid-point of lot 2. There will be an inlet on the bottom side of the retaining wall as well as inlets in the driveway. Those will be designed to pick up the water. There will also be private storm drain systems on the lots behind all of the retaining walls, picking up the water, undergrounding it from the brow ditches along the east property lines, and taking all of the roof drainage underground with catch basins. There are catch basins along the property lines on both sides.

It should be noted that we have exceeded the City standards with the drainage designs. We are designing for a 100-year storm, which is about 20% excess capacity for storm drainage flows than the minimum requirements.

COUNCILMEMBER KERN wants to know the total size of the area that this is draining.

MR. BARGER responded that we have submitted drainage reports, which the engineering department has reviewed. It is all the way up to Ivy Street; all of the water from that area comes down to this property. It is about 10 acres that comes down here.

COUNCILMEMBER KERN thinks that is the biggest concern and something that has to be dealt with. He asked what the drainage and grading plans are. The next step is to get the water that is onsite into that pipe. How does it slope from the back of the property into the drainage in the middle of the driveway?

MR. BARGER stated that the driveway will slope at a very mild slope down from the existing private street, approximately 3 feet to the center of the driveway, then it will slope up, a very mild slope, approximately 3 feet. There is a low point in the center of the driveway, and there will be drainage boxes of adequate capacity at that location to pick up that water and convey it into that large diameter storm drain pipe.

COUNCILMEMBER KERN questioned if the City has an ordinance that properties have to drain themselves and cannot drain onto somebody else's property.

MR. BARGER responded no; it is the California Drainage Law which states that the historical path of the water needs to be preserved.

COUNCILMEMBER KERN wants to know if this property is going to drain itself or run onto other people's property, and if it does, he thought there was an ordinance about properties draining themselves; that they cannot drain across other people's property.

SCOTT SMITH, City Engineer, responded that our current grading ordinance states that whenever practicable, it is supposed to drain to a surface street, but we do allow for it to drain across another lot. Regarding how this property/development would drain, it would go into a conveyance system and then make its way out to the private

road; so this will be collected in the various inlets into a pipe, and then out to the private road.

[Councilmember Feller left the dais at 7:32 PM.]

COUNCILMEMBER KERN, in looking at a display, stated that the advantage of having flag lots is that you don't have to build as many roads through here. One of the distinguishing features of Fire Mountain is flag lots.

MR. HOFFMAN stated there are probably 100 flag lots in Fire Mountain. The difference is that Ivy Road is approximately 75 feet higher elevation than the base of our property, so the big problem for that strain is the water sheeting off of Ivy, running across our property. We are not only going to drain our property, but we are capturing drainage from properties to the north and we are taking it underground. We are solving the problem of the other property as well as ours.

COUNCILMEMBER KERN is satisfied with the drainage and he wants to know how many trees on the 1 ½ pages are native and if the Torrey Pine is slated for removal.

MS. COPLEY responded that there is 1 Torrey Pine native tree which is slated for removal. There may be a commercial nursery that is interested in the tree.

COUNCILMEMBER KERN stated that all of the Mexican Fan Palms should be removed. These are roman candles waiting to go up. He is surprised the Fire Marshal has not cited the previous owner for not maintaining these trees because they are a danger to the neighborhood as they are sitting right now.

[Councilmember Feller returned to the dais at 7:35 PM.]

He agrees with Mr. Huckabay about the mitigation. Hopefully we can figure something out. Having the applicant pay money into a fund so that they can plant trees elsewhere does not help the neighborhood at all. If trees are available, maybe some of the neighbors would like some of the trees that are to be removed and share in the cost.

A lot of people are upset about removing these trees, but at least make the trees available so that they can put them in their yard and actually spread out that urban forest instead of having these dense trees here that are competing. These trees are so dense, they are under stress. Move these out and make trees available for everybody in the neighborhood so that the total number of trees will stay the same, but spread out over a greater period, and something that is more native to California. Do not let them have Mexican Fan Palms because we will have people complaining.

COUNCILMEMBER FELLER stated that the drainage has been significantly addressed. The neighbors need to understand that our engineers say this mitigates the problem of drainage. Fire Mountain was a completely different place 60 years ago. That canyon that runs from California Street all the way down that back side has been graded and changed. Those are probably 7½-foot setbacks on most of those properties down Woodbine, etc. He went on this property yesterday and that is a slippery slope. He tried to figure out exactly where the property line was and he needs some help with that because on this property he saw a chainlink fence buried way back in the bushes that project out from the property above Mr. Grigsby's property. He does not think it is Mr. Grigsby's fence. He wants to know where the edge of the property is.

MR. HOFFMAN responded Barger Engineering had the survey arranged for. If you look at our northeast corner of the property, there is a chainlink fence that runs east from there. The property to the north of us is a vacant lot and there is a heavy bunch of bamboo along that property line. The reason that property line jogs along the eastern boundary the way it does is that when we brought that property from Mr. Grigsby, he assured us that we would have enough land to do 3 lots, but we originally were talking about 40,000 feet; it ended up being 42,000 feet. That oddball eastern property line which was established after we agreed to buy the property; it worked around a couple of buildings that were on the property. There is heavy vegetation along

that eastern boundary. A lot of the canopy that you are seeing is just east of our property line. He and Jim Taylor were out there today and we verified the location of all of the major trees that are on the tree survey that are actually on to our property.

COUNCILMEMBER FELLER asked if Mr. Grigsby's property line a brick wall that is at the top of his property. If it is, there are some very large trees along that property line right below a building. Yesterday while on the site there were some very major trees within 15 feet of the brick wall. He questioned if those are on Mr. Grigsby's property.

MR. HOFFMAN responded absolutely. There are no major trees that are on our property in that area; there are a number of them that are just off of our property.

He responded affirmatively to Councilmember Feller's question about the trees being on Mr. Grigsby's property. That is the steepest part of the grade up there. There is a lot of 1 to 1 slope there. Steve Barger has designed a grading plan up there that does not allow more than a 2 to 1 slope anywhere in that area. There is no variance being applied for because all of the retaining walls are 6 feet or less. We are actually going to stabilize that area of the property by making the drop off not as deep; we are going to make it a 2 to 1 slope and then retain it. Those are all plantable retaining walls, so it will be irrigated and landscaped.

COUNCILMEMBER FELLER stated that there were some major trees that were directly adjacent to Mr. Grigsby's property - going from the very northeast corner, where the chainlink fence comes in. The property line was unclear. Mr. Grigsby said it was directly adjacent to his house. Now he is being told that it is not. He requested some staff assurance.

JERRY HITTLEMAN, City Planner, responded that according to all of the information we have, it is true that the trees are off site.

COUNCILMEMBER FELLER stated that makes a big difference. He asked how the engineering works for the way that house fits against the slope.

CITY ENGINEER SMITH stated it appears to be a split level pad, so what they would do integral to the foundation, is the vertical wall that will support the portion of the slope, and then around that on the outside of the structure, you would have the 2 to 1 slope running down against it; not that much different than what we have seen in some of the homes that were built along The Strand.

COUNCILMEMBER SANCHEZ stated there are concerns by residents about the drainage. She requested that a resident come forward to clarify what the drainage issues are.

MR. RADOVANOVIC stated that it is his understanding that there will be a 6 foot retaining wall along this property at its highest point.

MR. BARGER stated that is not correct. The retaining wall is 2 feet on both ends of the retaining wall. It is 6 feet in the middle, at the lowest point where the drainage will be picked up.

MR. RADOVANOVIC stated that is where his property is. By his property it will be 6 feet. He asked where the rain runoff off of his property will go.

MR. HOFFMAN responded it will go in the catch basin at the bottom of the retaining wall.

CITY ENGINEER SMITH also responded that the runoff would run down along the property. Based upon the topography, it actually would cross over the property line, travel parallel to the wall and enter into the catch basin.

COUNCILMEMBER SANCHEZ indicted there was another question from the public.

MS. JOSWIG, 1765 Ivy Road, stated that her property is north of lot 1. She asked how the water is going to get into the drainage at the top since water pools in areas (depicted on a map). I have a pipe that goes under my driveway because I am on a flag lot. I purchased an extra lot so that my house is on 2 lots so that there is not a lot of density. That is not a vacant lot. I have the drainage underneath my driveway, which extends all the way down where this driveway is, but my drainage goes under the driveway and then stops; so then we have this big pool that eventually drains into Jerry's property.

In response, **CITY ENGINEER SMITH** stated that if you look at the northwest corner of the property, there is an extension of a storm drain that leads up to a proposed head wall and inlet which is called out clearly. That will be picked up and conveyed in an underground system at that point. It is going to be a wall with a hole in it, and it will go into the command system at that location.

Further responding, **MR. BARGER** stated the inlet will be designed for a 50% extra capacity to allow for debris, trash and things of that nature.

MS. JOSWIG further questioned the drainage. She not figured out how it is going to come north.

COUNCILMEMBER SANCHEZ stated the other question was about the trees. We have people saying that all of these trees are on a different lot. She has a concern about the inventory and the mitigation of trees, which she did not address before and asked Mr. Huckabay's understanding.

MR. HUCKABAY stated that he does remember quite a lot of trees inside the property line; there were a number of mature trees that were inside this property, very close to the line.

COUNCILMEMBER SANCHEZ stated that there was a point made about native and non-native species. The only native species that has been called out by the proponent is being moved, and that is the Torrey Pine. That does not make sense that the only native would be proposed to be moved. She asked if there were other native trees that Mr. Huckabay saw during his visit.

MR. HUCKABAY stated that they were mostly non-native trees. However, this is not the San Luis Rey River, or a riparian habitat. This is in the middle of the developed neighborhood and it should not be any surprise to anyone that there are a lot of non-native trees here. The fact that they are not natives does not diminish their value as mature trees enhancing the neighborhood.

COUNCILMEMBER SANCHEZ stated that there was a point made that mature trees do not have as much value because of their age, and they are not as strong.

MR. HUCKABAY responded that sounds to him like replacing mature trees with younger trees, which decades into the future may be of considerable value, but are much less value at present than mature trees.

COUNCILMEMBER SANCHEZ stated that she attended the Planning Commission meeting and there was a lot of discussion about the trees. The progress and the development of the planning of these trees, as I understand it, was done with a lot thought about the character of the neighborhood and also providing something for the neighbors. We did not talk about native versus non-native. It was the fact that this is now part of the character there. Since they are mature, they have been there for a very long time.

DEPUTY MAYOR CHAVEZ stated there is a lot of information and statements that probably were not really addressed. It has not been discussed yet about the feel or texture of the entire area that Mr. Grigsby created; it is nice. The applicant is developing a very nice area and I can see why somebody would want to build there.

If you can envision this area 100 years ago, that low point would have been continued out through Mike's yard. Mike's house was probably built on a fill; that is why

it is pulling up there. It is a unique piece of land and it has been built on over a while, and there are some real issues that need to be addressed.

Some of the trees need to be removed for the right reason and some of the trees are going to be retained. We have a line in our planning documents for tree mitigation, which talks about a circumference of a tree and to replace it. We need to look at that in the future because collecting money is not what we are really in the business of doing when we are talking about trees. We are looking to maintain the character of an area and keeping trees so that we have a place for the animals, birds and the bugs to live and also for us to enjoy the shade. He has learned through this effort that we need to do a better job in how we handle trees in the City. It is clear that the applicant has met all of the needs that our zoning requires.

The flooding issue has been addressed. They are going to have to put those mitigations in for that and they have addressed it. That should take care of the flooding.

Mudslides are a concern because we have had problems in the City when people have built. What is unique about this is that this slope is very stable. He asked staff to explain that further.

MS. SCHIFMAN stated that all of the slopes will be re-landscaped fully with ground cover, trees, etc. Retaining walls not exceeding 6 feet will be used where appropriate, and the home on parcel 1 will be a 2-step tiered homes so the second story will be built at a higher elevation. The geologic studies show the slope is stable.

DEPUTY MAYOR CHAVEZ stated that regarding the issue of privacy, he asked regarding assurances that people are not looking into other people's bedrooms or bathrooms, etc.

MS. SCHIFMAN stated that the homes that are built to the west, off of Timingo Gate Way, those are their rear yards and they should have a minimum of a 20-foot setback for their rear yard. In addition, we have 4 feet between property line and the edge of the driveway - 28 foot driveway; another 15 feet for parcels 3 and 2. Parcel 1 has a 25-foot setback. There will be in excess of 50 feet between homes. Additionally, parcel 2, which does face directly towards their backyards is the front of the homes and all bedrooms and bathrooms are towards the east side of the home. The Parcel 1 home is built at an angle in the front so it is looking more down the driveway rather than directly into any homes. Additionally, the rooms that are closest to the adjacent properties is a garage and a den/office. There should not be any major privacy issues in that sense. No bathrooms facing bathrooms or bedrooms facing bedrooms.

DEPUTY MAYOR CHAVEZ was inquiring about the current houses that are there.

MS. SCHIFMAN responded that staff did not have all of the information available from the adjacent homes in that sense.

MR. BARGER stated he visited the property on Tuesday and with the fill that was placed with the development of the homes on the west, those houses are set back from the property line quite significantly. They are 20-30 feet higher than the property. Because of that vertical elevation, the first floor of the proposed houses would be looking into the slope bank and the second floor would be looking into the first floor of the houses on the west side. The house on parcel 2 is only a single story house, so that will not be a problem. It will be looking at the slope bank. On parcel 1, the houses that are opposite that have trees planted in the yard that would screen the windows, so there will not be a problem. There also will be a large distance between the houses.

DEPUTY MAYOR CHAVEZ stated then it comes down to the issue of density. It is keeping within the guidelines of the City that this was allowed to have 3 lots and was previously advertised for 4. When he walked out there he wanted 2 lots; it seemed too tight. He is torn because he noticed that the properties that have already been built, those lots seemed to be the same size as the lots that the applicant is proposing. There are 3 of them; a flag lot/3 lots lined up. Are they the same size as the applicant's lots?

MR. HOFFMAN responded that the boundary line of the 2 lots to the west almost line up identically with our 2 parcels that are adjoining them. He believes they are virtually the same size.

DEPUTY MAYOR CHAVEZ is looking at the 3 lots to the north.

MR. HOFFMAN stated that one lot is actually smaller than ours. One is about the same and he does not know the size of the other. One lot is potentially splittable into more than 1 lot based on its size.

DEPUTY MAYOR CHAVEZ inquired of staff about the 3 lots to the north and if they are similar in size.

MS. SCHIFMAN stated that Mary Joswig owns 2 lots. Parcel 46 is .28 acres; Parcel 39 is .28 acres, and Parcel 38 is .24 acres. These are smaller than what is proposed. The ones that are proposed are .30, .31 and .34 acres.

Looking at the slide with different sized lots and houses, **DEPUTY MAYOR CHAVEZ** stated that this is about change. Regarding parcels 1, 2 and 3, if you look at the size of the lots, they are larger than what we have seen in the last 10 years. The average lot size is a little over 12,000 square feet. If you look at the home sizes, parcel 2 and 3 were smaller than the average, but the other one is larger.

He is in favor of property rights. We have zoning laws that they have to adhere to so that you do not have flooding, privacy, or density issues, or impinge upon somebody else's property through mudslides, or you do not destroy the feel of a character with the trees. We have those laws within Oceanside. Our staff is telling us that all of these have been met.

A few months ago we had a gentleman who had a lot split totally within our ordinances and this Council did not support it because the community said they did not want that. We lost that on a 3-2 vote and he had appealed it twice. We have to be consistent in looking at our rules and be truthful to the public and truthful to whoever comes into the community. If he went with how he really feels that it should be, he would not be true to what he did to the other vote when he voted that he could have a lot split. He is going to go with the staff recommendation because this applicant meets all of the requirements of the City. We have rules and obligations that we have to fulfill.

He **moved** approval of staff's recommendation that the City Council overturn the Planning Commission's decision to deny the project without prejudice based on the findings and subject to the conditions contained in the attached City Council Resolution, and that staff also adopt the resolution [**Resolution No. 08-R0093-1**, "...overturning Planning Commission Resolution No. 2007-P63, and approving tentative parcel map (P-14-06), Development Plan (D-11-07) and Conditional Use Permits (C-30-06, C-14-07) to subdivide a 0.96-acre site, which exceeds the base density and has panhandle access, into three residential lots and to construct two homes on property located approximately 160 feet east of the terminus of Cassidy Street at Bayberry Drive - Bayberry Parcel Map - 1800 Investments In. - Applicant]

COUNCILMEMBER KERN seconded the motion.

Referencing the tree diagram, **COUNCILMEMBER KERN** understood that the Torrey Pine could not be saved because it is the footprint. He noted that the bamboo has got to be gone, also.

MAYOR WOOD is bothered by the removal of the trees by the prior owner after the escrow had closed. He wants to know if that happened and if those trees were sold.

MS. SCHIFMAN stated that the only information staff has is from the applicant and the pictures he has shown. We do not have anything that would have stopped the previous owner from removing those trees.

MAYOR WOOD is concerned that the prior owner is removing and selling the trees.

MR. HOFFMAN stated that his son actually observed him with the cranes on the site, talked to the nursery that was there and they left the site when he told them that we were in escrow to purchase the property. We subsequently, with Mr. Grigsby's and our attorneys, had a meeting on the site where Mr. Grigsby presented us with an inventory of what he had removed. I assure you those trees were removed. In fact, Jim Taylor and I were out there today and the holes in the northeast corner of the property still exist. This was all done during litigation.

MAYOR WOOD is bothered by that in the sense that we have people here that are concerned about the neighborhood, the trees, and the prior owner is selling them and digging them up during litigation.

DEPUTY MAYOR CHAVEZ called a point of order. It is not appropriate to talk about anyone who is not present. Mr. Grigsby is not here, and asked for City Attorney input.

CITY ATTORNEY MULLEN explained that one of the key issues in the appeal is the trees, and so to the extent that this is relevant to the preservation or mitigation of trees, it would be relevant.

MAYOR WOOD commented that a big concern is the trees. If the neighborhood is concerned about protecting the trees, not just that the applicant wants to remove some more, but that the prior owner of the property removed them and sold them that really concerns me.

We follow guidelines of the City; the rules and regulations. If somebody comes along and says they have complied with all of those, it is very uncomfortable for the Council to try to overturn that or to say no to it; not only for the obvious reasons, but litigation. That puts us in a bad spot. We need to change our policies so that we do not need to fight these. I am very uncomfortable on this one. I would probably go with 2 houses instead of 3 also, and make it a better place, but again he is the property owner and he can do what he wishes with the property within the guidelines of the City.

Motion was approved 4-1; Councilmember Sanchez voting no.

CITY COUNCIL REPORTS - Continued

19. **Deputy Mayor Rocky Chavez**

DEPUTY MAYOR CHAVEZ announced that this afternoon he received a memo from the North County Transit District that today the CPU Director, Customer Protection and Safety Division, conducted a tour of the Sprinter and that the CPUC gave verbal approval to begin revenue operations this weekend. They are told that they will be issuing a formal letter to prove their verbal decision by Friday. To all the people waiting for the Sprinter, it is on schedule and it is coming.

[Deputy Mayor Chavez left the meeting at 8:22 PM.]

20. **Councilmember Jack Feller**

COUNCILMEMBER FELLER reported on the grand opening for the Museum of Art, and former City Manager Steve Jepsen was honored for his help.

He reported on his business visitations with Southwest Spas and Andergene Labs. There are 6-7 Chambers of Commerce that are participating in the North County Business showcase tomorrow with 130 vendors. Kurt Condon, a tennis pro at El Camino Country Club passed away.

21. **Councilmember Jerome Kern**

COUNCILMEMBER KERN also reported on his business visitations to Southwest Spas and Andergene Labs with Councilmember Feller, and his tour of the lower Colorado River and talking with water authorities. The bad news is that the Metro Water District has passed a 14.5% rate increase, and explained issues with mussels

clogging their screens, etc. He also toured Hoover Dam and explained that operation Lake Meade is probably at its lowest level in the last 20-30 years. WE really need to keep on top of the water issue.

22. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ displayed photos of some of the recent events, i.e. Oceanside Terrace's new owner's reception; a ceremony to honor the [San Luis Rey River] clearing attended by Congressman Issa, as well as staff from the California Department of Fish and Game and the Army Corps of Engineers; The Read Across America, Dr. Seuss celebration; Opening day ceremonies for Little Leagues; The Save Our Streets outreach at Melba Bishop Park; The Oceanside Museum of Art grand opening; and, The grand opening of the Alfred Angelo bridal store.

She invited everyone to come to the Museum of Art. The current presentation is called Masterpieces of San Diego paintings.

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 8:37 PM, March 5, 2008.

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside