



California

# CITY OF OCEANSIDE

## MINUTES OF THE

## CITY COUNCIL

Tuesday, December 18, 2001

**ADJOURNED MEETING                      8:00 AM                      COUNCIL CHAMBERS**

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**Mayor**  
Terry Johnson

**Deputy Mayor**  
Betty Harding

**Councilmembers**  
Jack Feller  
Carol McCauley  
Esther Sanchez

**City Clerk**  
Barbara Riegel Wayne  
**City Treasurer**  
Rosemary Jones

**NOT OFFICIAL  
UNTIL APPROVED AT SUBSEQUENT  
MEETING BY CITY COUNCIL**

The adjourned meeting of the Oceanside City Council was called to order by Mayor Johnson at 8:06 AM, December 18, 2001, for the purpose of a workshop. The Pledge of Allegiance was led by Deputy Mayor Harding.

### ROLL CALL

Present were Mayor Johnson, Deputy Mayor Harding and Councilmembers Feller and Sanchez. Councilmember McCauley was absent. Also present were City Manager Steve Jepsen, City Attorney Duane Bennett, and Assistant City Clerk Charles Hughes.

### WORKSHOP ITEM

1. **Consideration of a temporary emergency cold weather shelter at the San Luis Rey Mission operated by North County Solutions for Change (NCSC)**

**MARGERIE PIERCE**, Housing and Neighborhood Services Director, stated that at this meeting Council is to consider a proposed temporary emergency cold weather homeless shelter at the San Luis Rey Mission. It is proposed to be operated by North County Solutions for Change. If Council approves this homeless shelter, staff recommends that they consider declaring a temporary shelter crisis, finding that a significant number of persons within the jurisdiction of the governing body are without the ability to obtain shelter and that the situation has resulted in a threat to the health and safety of those persons because of current inclement cold weather. Further, that the zoning ordinance requiring the conditional use permit for the shelter be suspended in accordance with Government Code Section 8698.1b, and authorize staff to issue a Special Events Permit with all appropriate tenant conditions as outlined in the report.

On December 12, Council directed staff to work with North County Solutions for Change, the North County Collaborative and the Mission San Luis Rey to investigate the possibility of operating a temporary cold weather shelter at the Mission. This direction was given to staff in response to concerns raised last Wednesday at the Council meeting about the need to replace the 100-bed shelter that had closed in the City of Vista and there was a need to replace those shelter beds.

North County Solutions for Change is proposing to operate a 100-bed shelter for the general homeless population to commence in early January and run consecutively for 90-days. The shelter would house families and individuals of the general homeless population and would be managed by North County Solutions for Change with a case management approach that would include supportive services as well as coordinating supportive services with other agencies.

The proposal is to have four doublewide modular vehicles located at the San Luis Rey Mission parking lot adjacent to Heritage Park. This location has been used for overflow parking by Heritage Park patrons for special events. The buildings would be situated in a secured, fenced-in area on the Mission grounds. Families would be housed separately from the individual men and women. Meals, showers and supportive services would be provided through a combination of onsite and offsite coordinated activities. A registered nurse would be available daily Monday through Friday to see every person entering the shelter for the first time. Brother Benno's would provide a morning meal at Brother Benno's for the homeless residents of the shelter who would be transported there. Brother Benno's would also prepare an evening meal to take to the shelter. The shelter would operate between the hours of 6:30 PM to 6:30 AM. Shelter operators would provide transportation to and away from the shelter at those times. Transportation out of the shelter area would begin at about 5:30 AM, to drop people off at a designated location. The individuals would then go about their daily activities and assignments, as may be seeking permanent housing, receiving counseling, participating in other programs, going to work or school or whatever their individual needs would be for that day.

Attached to the staff report are a site plan, management plan, security plan and the detailed budget. The fiscal impact of this shelter for 90 days is estimated to be \$110,236. While there have been written letters from staff from the various cities and correspondence with the County and the Federal Emergency Management Agency (FEMA) board, different agencies and local governments have not made specific funding sources. Ms. Pierce has heard but has not confirmed that San Marcos may have made an actual funding commitment. Staffs from other cities have said there is money set aside for a regional shelter, and it is anticipated that the various councils would approve it, but that has not yet been confirmed.

Assuming the other cities and Federal Emergency Management Agency (FEMA) contributions, and assuming that the City continues to contribute \$10,000, staff anticipates there would still be a gap in funding of over \$33,000. That funding source has not yet been identified. The operator is looking to get that gap funded, and one of the ways that could be accomplished would be by asking the cities to contribute a pro rata share or divide that amount equally among the cities. However, the actual figure is unknown until it is known what specific funding is available for this program.

In addition, the City of Oceanside has been asked to act as the responsible fiduciary agent for the project. This responsibility would include collecting the money from the other agencies and cities in addition to monitoring and disbursing the funds. The City would also be required to make all of the upfront payments and then seek reimbursement from other local governments and agencies. So, that would be a risk associated with the City acting as fiduciary agent and an unknown end cost to the City.

The Housing Commission would have convened an emergency meeting to review this item, but since there was not specific Council direction to staff, she did not request the chair to call an emergency meeting. The Housing Commission did not have the opportunity to review this proposal and to make a recommendation to Council. The City Attorney's analysis is also included.

The City should be aware that the property at Heritage Park will be undergoing some renovations. The City currently has a lease with the Mission that authorizes the use of Heritage Park parking lot for the parking of vehicles and has made the City responsible for locking and unlocking the gate. The City Attorney would recommend that responsibility be turned over to the operator of the shelter and that the City modify the lease with the Mission in the event that Council approves a cold weather shelter at that site.

The applicant, North County Solutions for Change, has requested 10 minutes to make their presentation to Council.

With Council's concurrence, **MAYOR JOHNSON** confirmed it was okay with the Council. He asked what year Oceanside last sponsored a regional homeless shelter.

**MS. PIERCE** answered that in 1993 the City sponsored a regional facility that was a tent structure.

**MAYOR JOHNSON** asked the cost to the City at that time.

**MS. PIERCE** did not have that exact figure but it was not operated in a cost-effective way. The cost was exorbitant.

**MAYOR JOHNSON** asked for a ballpark figure.

**MS. PIERCE** stated it was close to \$250,000 to \$300,000.

**MAYOR JOHNSON** asked how many beds that shelter held in 1993 and who the case manager was at that time.

**MS. PIERCE** stated it was a 100-bed shelter and was operated by Interfaith Network of Escondido, but there was a manager hired specifically for that site.

**MAYOR JOHNSON** then inquired how many months it operated.

**MS. PIERCE** believed it operated for about 4 months. Prior to that, the City had also done a regional shelter for 3 years, which was a 15-unit mobile home park type of a program.

**MAYOR JOHNSON** asked how many years Oceanside has sponsored a regional homeless program.

**MS. PIERCE** replied it was 4 years of an emergency shelter situation.

**MAYOR JOHNSON** inquired the cost for that 3-year period at the Mission. He asked for a ballpark figure for the 3 years.

**MS. PIERCE** estimated it was probably expensive because the modulars were rented. She guessed the cost was around \$300,000 total for the 3-year period. It was operated by the Women's Resource Center.

**MAYOR JOHNSON** summarized that, to date, the City has spent about \$600,000 on regional homeless facilities.

**MS. PIERCE** indicated it has probably been more than that.

**MAYOR JOHNSON** questioned how many beds were available for homeless individuals during the 3-year period that the City sponsored the shelter at the Mission.

**MS. PIERCE** estimated there were probably 90 beds, calculating on 15 units and probably 6 beds per unit.

**MAYOR JOHNSON** recapped there were probably 100 beds in the tent and about 90 beds in the modular trailers. Over the past 4 years that the City has sponsored the regional homeless shelter, the City spent over \$600,000.

**MS. PIERCE** stated that was just what the City has done here in Oceanside. In addition to that cost, the City has contributed to other programs for regional homeless sheltering also. That annual amount probably averages an additional \$20,000 per year between the motel/hotel voucher program and the City's contribution to the Vista sheltering programs.

Prior to being on Council, **DEPUTY MAYOR HARDING** headed a task force that worked on the Gateway Project at the Mission. It was not the typical homeless shelter; nor was it a temporary shelter to get people out of the cold for 3 to 4 months. It was a project with caseworkers, and it ran all the time. It was a permanent shelter for a while, and the land was actually donated by the Sisters of the Precious Blood. They did a lot of casework

and transitioned people out of the shelter into a home.

**MAYOR JOHNSON** inquired if the individuals were homeless who were staying at the Mission during that 3-year period with the modules. **MS. PIERCE** responded affirmatively.

**MAYOR JOHNSON** further inquired if the individuals who would need to utilize this emergency facility are homeless. **MS. PIERCE** responded affirmatively.

**MAYOR JOHNSON** reported that Council agreed to hear a presentation from North County Solutions for Change.

**CHRIS MEGISON**, Executive Director of North County Solutions for Change (NCSC), clarified that North County Solutions for Change was not proposing this to the City today. It is North County Collaboratives who asked the North County Solutions for Change to be the operator. He offered 3 items for consideration. First, this is an emergency based on documented need/fact and it is temporary. The second item is that this program has a 9-year track record from the operator with running emergency winter shelters within this region. Third is that it is cost effective.

To emphasize the state of emergency, Mr. Megison showed a 4-minute video produced by Breeze Hill Elementary School Principal, Ron Arnold, who volunteered at the winter shelter last year and brought his video camera to document what takes place at the emergency shelter. The video was shot at the All Saint's Episcopal Church last year, which began as only a winter shelter, then extended into an emergency family shelter. This church sheltered 352 kids.

Today's request is based on a recognizable need, a lot of which stems from the affordable housing crisis here in Oceanside and throughout the County.

It is very cold outside in the morning. People can get sick being out in the cold, and in this region people have died in the cold. Again, this is an emergency, temporary, well run facility lasting for 90 days. It is a humanitarian response. He stated their current 50-bed family shelter in Vista, as well as the past 2 winter shelter seasons in Vista, in addition to 6 years of winter shelter operations at another non-profit, in all those years these operations did not cause problems for the surrounding community. This fact is documented, on record at the City of Vista. With the shelters the crime goes down because, instead of people being out on the streets, they are in a controlled, safe environment.

Finally, this program is cost-effective. For example, a mom with 3 kids who enters the Tri-City Emergency Room twice over the next 3 months will cost more than that same mother with 3 kids spending the entire 90 days at this winter shelter. This shelter is much more cost-effective than the shelter the City ran in 1993 at a cost of \$250,000 to \$300,000. Conversely, the budget presented to Council today is \$110,000. Part of the reason why the cost is much lower is because the North County Solutions for Change engages a tremendous number of churches and faith centers. Last year, they had 600 volunteers cycle through the winter shelter in 90-days. They arrive in teams of 6 to staff the stations throughout the shelter. They help provide the services and are also extra eyes and ears around the facility. It is a good thing for the faith community as well, and it saves quite a bit on costs.

He is aware that this is an extremely difficult situation and admitted that perhaps it could have been presented differently, as it is not a popular topic. They may not have presented every detail but the immediate requirement has affected them as well. Their goal is to engage the City leadership to help solve this problem. He worked all weekend on the management plan trying to cover every point that could come up, but he apologized if anything was missed.

They are seeking Council leadership. This Council is the last line of defense. Unless another special meeting is called, if Council votes "no" today, this topic could not be discussed again until January 9, which would be too late. With no emergency winter shelter, dozens of children will be out on the City streets. He asked for Council's

consideration and leadership today.

**MAYOR JOHNSON** commented that everyone has a need at times, particularly during this cooler weather. He clarified if the video was created at the All Saint's Episcopal Church in Vista, that served 300 people and when it was created.

**MR. MEGISON** clarified that that facility served 352 throughout the year and the video was from last year.

**MAYOR JOHNSON** asked if All Saint's ceased assisting.

**MR. MEGISON** stated the shelter was designed only as an emergency measure. The agency then opened up a permanent 50-bed family shelter, which moved from All Saint's Church to the family shelter.

**MAYOR JOHNSON** commended All Saint's for doing what they did. He asked if any other churches offered to do what All Saint's did.

**MR. MEGISON** reported that last winter, the Community Church of Vista stepped up and did the shelter, which served 100 children. Due to the opening of the 50-bed family shelter, fewer children were served at that location.

**MAYOR JOHNSON** asked what churches have offered to do what needs to be done to assist those who need shelter this year.

**MR. MEGISON** understands there are churches in Vista that would be willing to do it if the Vista City Council would partner with them, but the Vista City Council is asking another city to take it over. In Oceanside, the San Luis Rey Mission has expressed an interest, and there have been discussions with a number of interested churches. The problem is finding a church with a large enough facility and the ability to clear their calendars of activities planned in those facilities. Other churches are interested but the timing is not practical.

**MAYOR JOHNSON** recognizes there are different church sizes with different facilities, and that the City has code restrictions on some of these facilities located in industrial parks. If Oceanside churches were willing to assist, similar to those in Vista, and if the City code restrictions would allow that to happen, then he does not see why the emergency shelter should be built on a parking lot that would impact a neighborhood.

Also, he was curious if Mr. Megison had visited the Cities of Carlsbad or San Marcos to show them the video and presented the story of success to seek their support. It is well known that over the past 8 years, Vista has done an outstanding job of helping those who have a need. Likewise, the City of Oceanside has done an outstanding job of helping and possibly the City of Escondido. But what about San Marcos and Carlsbad.

He has expressed, on many occasions, that Oceanside has done an outstanding job of helping those in need. In 1993, the City sponsored the other shelter that supported 100 beds at a significant cost to the citizens. As he previously stated, before he ever supports another shelter in Oceanside, he would like the other cities, particularly those that have not done a shelter such as San Marcos or Carlsbad, to do one and not just give money. Just giving money is one way of passing the regional problem to another city, which is not fair. The City of Oceanside supports the regional needs as well as local needs. Other cities should step up to the plate and host a facility.

**COUNCILMEMBER SANCHEZ** received calls and e-mails from residents of the neighborhood who have a number of concerns. The first question is why this came up so quickly. Most people called or e-mailed in reaction to the story in Sunday's newspaper. There were concerns that there was no outreach done to the community. Most importantly, they expressed fears that people would be walking through their neighborhoods to get to the shelter. This is a quiet neighborhood with a senior population. People walk and feel very secure but some of the residents voiced concerns that something might happen.

**MR. MEGISON** explained that it came up so quickly because normally the City of Vista waits until late November or early December to make their official decision on a winter shelter. From what he understands, Vista waits to see if another city will pick it up. When any other city does not pick it up, Vista usually does. Vista's Mayor McClellan, has been in the hospital for 5 months now, and she was the leader in Vista homeless issues and getting the permanent family shelter. Therefore, this year the Vista Council decided very late that they were not going to host a winter shelter again. So the North County Collaborative, not NCSC, learned of this and mobilized a task force called the Emergency Shelter Task Force. They engaged representatives from 5 different city housing departments and began meeting 2 ½ months ago. That is why it came up quickly.

The way NCSC eliminates concerns about the impacts on the neighborhood is by having a designated pick-up location away from the shelter area. In Vista, the pick-up location was the Vista Transit Center. The Oceanside pick-up location has not been decided yet, but they wanted Oceanside staff to name the most functional site. It could be the Oceanside Transit Center or another location. The homeless are told where to meet the van or shuttle that will take them directly to the shelter where they check in and stay.

In the morning, they are delivered back to that pick-up site with a bus pass. The pass allows those from other cities to return to their city for the day and also gives them transportation because they are tasked with a lot of things to do during the day to help themselves out of this homeless situation. They need transportation to get to places such as the Unemployment Center and various other service centers. Many of the people are busy during the day, but not all of them. There are some who are mentally ill, and there is no magic to end their mental illness, so they may go back to the Oceanside beach. The impact on the neighborhood is eliminated because people cannot just walk in.

Regarding those who may hear about the shelter and just walk in, they are warned that they cannot do that again and if they do, they lose their shelter privileges. Mr. Megison has not experienced that problem. When the shelter was at All Saint's Church, people who worked in the vicinity, those who worked around there and at City Hall between the hours of 7:00 AM to 7:00 PM, even those who opposed the shelter will testify they never saw people there. It was like a stealth operation. There is no impact. Additionally, a map is posted at the welcoming point with the "out of bounds" areas indicated and it states, *we are here to be good neighbors. If you are seen loitering in this area, you could lose your shelter privileges.* With that message, there are no problems with loitering or impacts in the area.

**COUNCILMEMBER SANCHEZ** inquired if those helped would be mostly families or individuals.

**MR. MEGISON** stated that option is at Council's discretion, but there are quite a few elderly out there. Last winter the shelter assisted nearly 4 times more elderly last winter than they had prior to that. A shelter for the general homeless population also includes the physically disabled: those in wheelchairs, the blind, etc. While it would be open for the entire population, because of the housing crises they are seeing many more working mothers, working families who make \$20,000 a year who cannot afford to live in Oceanside or many other places in northern San Diego County. These people are working and living in their cars. The shelter would help anyone seeking shelter unless the City directed NCSC to do differently.

**COUNCILMEMBER SANCHEZ** indicated that some residents who contacted her are not opposed to Oceanside hosting the shelter, but suggested a more appropriate site such as an industrial building or a location closer to Brother Benno's. She asked the City Manager yesterday about an inventory of sites in industrial areas.

**CITY MANAGER STEVE JEPSEN** stated that Jane McVey, the Economic Development Director, would address this issue. He commented that the industrial site is a good idea, but it is important to do an outreach program before the facility is placed. However, that does take time, and Council has heard proponents indicate this is an emergency situation. Additionally, the lease for that site would be subject to negotiation. The lessor is probably looking for something more attractive, but hopefully, Ms. McVey could address the possibilities for a 90- or 120-day building lease.

**MAYOR JOHNSON** believes there is a church located in nearly every industrial park in the City. There may be some code restrictions that staff could maybe address later, but if the City is going to remain committed to accomplish what is being requested today, he would like the City to consider relaxing some of those restrictions to allow a church in one of those industrial parks to assist those in need to get out of the cold over the next 90 days during this cold period.

Mayor Johnson posed his question, once again, on whether Mr. Megison made this request known to the Cities of San Marcos and Carlsbad.

**MR. MEGISON** said that the group is taking this show on the road starting in January. But because of time constraints, they did not go to every single city council. The other councils are all aware that NCSC is coming and seem to be very encouraged. He recently heard that Deputy Mayor Harding is taking a leadership role in this. Elected officials in other cities are willing and anxious to look at this regional rotational plan. NCSC just does not have enough time right now, since they just mobilized this task force 2 months ago.

**MAYOR JOHNSON** thanked Mr. Megison for calling this a rotational plan. Oceanside started this proposed rotational plan in 1993. He is curious why Mr. Megison did not go to San Marcos and Carlsbad when he knew that Oceanside started the rotation back in 1993.

**MR. MEGISON** understood that the regional shelter was the City of Vista's winter shelter program that they have run for the last 9 years. The shelter that the City of Oceanside did in 1993 was based on a recognized need well-established back then. It was a shelter that augmented the existing winter shelter in the City of Vista, which they had only been doing for 2 years at that point. If the winter shelter in Oceanside had worked better or been more accepted, then perhaps Vista would have stopped and Oceanside would have continued. He appreciates the Mayor's concerns, and his response is that Vista's winter shelter has been referred to as the regional winter shelter for 9 years.

**MAYOR JOHNSON** recalls making it clear in 1993 that he certainly hoped that next time the other cities would do their share. He is concerned about why San Marcos and Carlsbad have not been approached before the group came to the City of Oceanside.

**JANE McVEY**, Economic Development Director, stated that staff did check the database for properties and identified 3 industrial properties in the valley area that would be available at this point in time. One property is 13,400 square feet with a lease rate of \$0.75 per square foot. Another is close to 14,000 square feet with a lease rate of \$0.65 per square foot. And there is a 15,000 square-foot building also at \$0.65 per square foot. She put in calls to the brokers late yesterday afternoon after the City Manager asked her to check the database. She was unable to reach any of them to make sure these properties are still available since the latest dates on some of these sheets were November 23, 2001. That is recent, but in the small, multi-tenant space, the City has a vacancy rate of less than 1% right now. For larger spaces there is a 5.5% vacancy rate.

In response to the Manager's question, the negotiation that would have to occur is would you be a property owner of one of these properties to lease it for 90 days if you had a chance to lease it for 3 or 5 years, with associated costs, which could change this price structure because these prices were for an extended lease. She will contact the brokers today to get more information.

**MAYOR JOHNSON** recalled in 1993 that there was a tremendous outpouring of opposition from the neighborhood, the property owners and the business people within that industrial park. Knowing what the City has done to raise the property values in that park and others throughout the City, he could not support a shelter being in that particular industrial park.

**COUNCILMEMBER SANCHEZ** asked Mr. Megison if there had been any cost overruns through the years that NCSC ran the emergency shelter in Vista.

**MR. MEGISON** stated that they have come in under budget every year for the past 9 years. He added that if the City of Oceanside chooses to be the fiduciary agency, the NCSC would assist the City in backing out the costs. They would apply as a non-profit for FEMA and give the City that approximately \$15,000 from FEMA. The NCSC would also give the City monies raised during fundraising efforts specifically for the winter shelter to help the City as much as possible. The least they have provided in the past was \$0 and the most he recalls is roughly \$50,000.

**COUNCILMEMBER SANCHEZ** asked for a response to the statement that the host city should pay less not more, which sounds reasonable.

**MR. MEGISON** will ask the North County Collaborative to request money from each city in North County. There is a gap amount of \$33,000. He will go to the executive director, and he will have a presentation to the cities asking that they cover that \$33,000 gap.

#### PUBLIC INPUT

**EDITH SWAIM**, President of the Friends of Heritage Park Village Museum, said she was not speaking against the homeless; she only wanted to defend their parking lot. She understood that when you had a lease, it was property for you to use; you did not need permission to use it. She would ask for the gate to be opened for use of the back portion where the dirt is when they over-flowed onto their property. School children are given free tickets to take the city bus to come tour Heritage Park. They have had a lot of children who walk through that parking lot because it is safe. Now with the homeless, what would they do?

She served on the Heritage Park Advisory Committee along with many important people. Brother Chris represented the Mission; she represented All Saint's Cemetery. At that time in 1982, the Heritage Park group got permission to park in the back. Then they were told they could have a parking lot. Brother Chris was the leader of this and all agreed. The Committee worked under the City Council then, not under Parks and Recreation. The lease in 1982 was only for 2 years. In 1999, the lease was for 10 years, with an option for another 10 years. Two years ago, it was up, so they extended it another 10 years. She and Ed work very well together, and the only time she has ever contacted him was for use of the back dirt parking lot. She asked that Council not take this parking lot; they need it.

Major construction in the park will begin in January. The front parking lot and gate, which is only 20 parking spaces, will be closed. The Friends of Heritage Park just recently made a commitment to the project manager in charge of construction that they could use this back parking lot for all visitors, workers, school groups, meetings and any work that needs to be done in the buildings. All of a sudden they learn about this. They would have to close. They are asking the City to stop the construction. They already have 3 school tours planned in January that would have to be cancelled. They cannot function without parking. They do use that back parking.

They do support the homeless. When they were at the Church, they delivered items to them 3 or 4 times in the past year when the shelter was in Vista, etc. They are just asking that Council leave this parking lot.

**FATHER BEN INNES**, 4050 Mission Avenue, Mission San Luis Rey, stated that as a citizen and religious leader, the Mission has considered what can be offered as a possibility. Since this parking lot is paved, not mud, and is remote from the rest of the property, the Mission thought offering it would have the least impact. It is not a perfect solution, and people are going to be unhappy.

The homeless problem is not just an Oceanside problem; it is a regional issue. There are financial problems. The Mission does not have money to help, but it has land, so they offered what they could and saw this as the best possible solution. It is just a possibility. They look to Council for leadership. He was not aware until today that Heritage Park was planning a construction project. He has noticed the park has mostly been closed during these 3 months, with the exception of some daytime activity, which would not

interfere with the shelter. Last Saturday when he was out back, there were 3 cars in the parking lot. It is not a heavily used place during the winter months, so this seemed like a possibility. He invites the leadership of Oceanside to respond to this problem.

Homelessness is a real problem that the Mission sees every day. A variety of people come looking for food and shelter and to camp out on the Mission grounds. Council needs to determine if this is the best site in town. The Mission is offering what they have, and that is all they can do as representatives. As a religious leader, he looks to see what other resources he has. He realizes this is leased property, and there are some problems. This is a temporary solution to a real problem that needs to be solved permanently and to set up a regional thing. He should be discussing this over the summer and working things out, rather than waiting until it is cold in December. He asks that Council do the best they can.

**MAYOR JOHNSON** asked how many beds were in the retreat facility that they use for the retreats and if they are full.

**FATHER INNES** stated they have 100 beds, and they operate at approximately 82% occupancy on the weekends. For the next 3 months they are all booked.

**GEORGE KELCEC**, 4035 Via Serra, lives in Old Mission Village, which is just in back of Heritage Park. He is not here to criticize homeless individuals or homelessness. He thinks it is a problem that all cities and communities have, but he does not know what the solution is. He thinks the proposed area is a very poor selection. It is not all that large, and it is on a grade. With inclement weather, there will be a lot of water runoff. Surely if a facility or area has to be selected, this is one of the least desirable areas. He cannot imagine a facility to take care of that many homeless people functioning in that small of an area. He asked Council to please reconsider that.

**TAMARA DAVIDSON**, 733 South Santa Fe, Vista, representing Choices in Recovery, stated that for a number of years, Choices in Recovery has volunteered at the winter shelter, and it has been beneficial and rewarding for all involved. It is a positive and enriching experience.

**RICHARD WALTERS**, 165 Eucalyptus Avenue, Vista, represents Community Church of Vista as the pastor of support ministries. This church is right in the neighborhood of where the shelter was in Vista. He also lives just a few hundred yards from where the shelter has been. He has been involved with the winter shelter in Vista every year that it has been there in nearly every capacity possible such as a volunteer, volunteer coordinator, shelter supervisor and shelter manager. He has been involved with the Neighborhood Watch near the shelter since the shelter has been at that location. In his opinion, that of many members of his church and that of all the people who live on his street, the shelter has not adversely affected his property values. He believes that the shelter in the City of Vista has been more of an asset to that community and that neighborhood in which he lives and works than it has been a liability. He is always available to answer any questions or be of service to this community in any way that he can.

**MARJORIE FOX**, 1331 Encinitas Boulevard #28, Encinitas, represents ARDON, a resource development and organizational network. They develop resources for nonprofit organizations, and also serve on the North County Collaborative Task Force for the Emergency Shelter. They have been working in the last few months trying to come up with a solution. They realize that the ultimate solution is a rotational shelter. The ultimate solution is for everyone to give something toward others in need, especially during this time of year. They are asking that the City of Oceanside take the leadership role to begin the first actual shelter to be part of a rotational process that could go on for over 10 years, with each city accepting the role of 2 years per city for an emergency shelter.

Some of the organizations that are represented here today have been very successful in transitional housing for people who go into emergency shelter and then into transitional housing. They also get job development and childcare. It is important to look at it not just as an emergency situation but also as a long-term societal situation that needs to be addressed with some long-term solutions. The best short-term solution is for Oceanside

to consider this possibility.

**LARRY HATTER**, 615 Mission Avenue, feels, unfortunately, that the people that came before Council the other night came to Council because they counted 3 votes here. When Mayor McClellan became ill, they lost a vote in Vista. As a result they had to go somewhere else. That is not to pick on them, because he has been in that same boat. In this situation, they counted 3 votes looking at the most passionate and emotional people of every City Council in northern San Diego County and decided they had the best chance in Oceanside. It was proven the other night when they felt that Councilmember Sanchez was with them; they may have believed that they could get Councilmember Harding; and that Councilmember Feller could become a pawn.

He asked that Council call these people on this list in the other communities around Oceanside to find out when this presentation is taking place in their city and how that vote will go. Oceanside has already done its part and paid its price in the past. He wants to plead to the Councilmembers' emotion because he watched their emotions the other night. During the presentation, there was an issue about a mother and 5 children in a van. He had an alternate side to that presentation that he had to deal with in 1991 when the City had a shelter. He is not saying this person he will described came from that shelter, no more than they can say the mother with 5 children came from the shelter. As fact, he was driving on North Coast Highway about to turn left onto Mission Avenue on his way to the Community Center to pick up a group of commercial bankers and realtors. There was a woman on the corner who lifted her skirt with nothing underneath it. He panicked and contacted a Councilmember, and eventually the police chief moved her off the street. He did not want the bankers and commercial realtors to see that situation since they were trying to sell them on the City. But we could have the same situation, and if we did, it would impact the Redevelopment Department, the economic development and the visitor's information center as well. As a result, he suggested Council consider shutting those departments down for 3 months without pay so they can pay for the extra police if they are needed to take care of the problem.

**LIZ KRUIDENIER**, 3005 Cadencia Street, Carlsbad, Chair of the Winter Shelter Task Force, stated they were surprised that Council had this morning's session. As the chair of the task force, their first meeting was on November 2. They did not want to appear before any City Council because they were pretty sure of what most of them would say. They tried very hard to find a church and spoke to many pastors and priests. She finally called Father Ben Innes who said he had a parking lot. They went to see it and toured the area. Father Ben said he would be happy to have the shelter hosted there if the City of Oceanside shared the responsibility. It is a solution. It will cost a great deal more than other options because they will need portables. But when measured against the need, it was worth coming to the City Council. The Task Force decided to take their chances with this Council. She cannot sit down with her grandchildren this Christmas and be happy knowing homeless are outside. Therefore, she has come before this Council to plead for a shelter. She is pleading with Council to support the shelter. She and the North County Collaborative feel it is an emergency, and they represent 1,200 agencies. She also is a member of the League of Women Voters, which also believes this is an emergency, or it would not have supported this. They are asking Oceanside this year to forget about the other cities. The task force will take care of them. The Task Force is planning to stay in business until every single city in this area is involved, including Solana Beach, Del Mar and Rancho Santa Fe. She pleaded with the City to help with the winter shelter this year.

**LEIGH ANN DEWEY**, 4014 Via Serra, lives on the closest street bordering Heritage Park. She and her neighbors have some concerns, such as the late notice they received through an article in the paper. A lot of her concerns have been answered, including that people would not be there during the day. There is a lot of concern about mentally ill individuals, and not so much concern about the hard-working, financially needy families. She still has some concerns about security at night and making sure the shelter residents stay inside. She also is thinking about Heritage Park, because they do have limited parking there. There are a number of civic events and private parties. As it is, the parking now spills out sometimes illegally onto Peyri Road and into her neighborhood. Traffic congestion could be a problem.

**WILLIAM H. WARREN**, 99 Lynn Lane, stated the third week in December is an incredibly late time to fund this project. He fears that a horrible mistake would be made if NCSC were involved with this shelter. He does not trust the executive director to responsibly handle the management of this facility. He listed some questions he had for Chris Megison, CEO of NCSC, and hoped Mr. Megison would answer his questions. He asked Council to seek prompt and truthful answers to the questions. If they are not answered in a suitable manner, he believes Council should deny Mr. Megison's outfit any contract whatsoever. He asked various questions about the Alpha Project and why Mr. Megison left, questions about his work for Mayor McClellan etc. He believes Mr. Megison is not competent to handle this job.

**KELLECIA McCANN**, 4027 Via Los Padres, lives in the neighborhood that will be affected by the vagrants that are going to be moved into that area. She does not agree with the shelter being in her neighborhood, which is full of hard-working people who also work hard to keep their neighborhood free of foot traffic. It is a nice little pocket where they keep their doors and windows open and their cars unlocked. They enjoy their neighborhood and work hard to be homeowners. She feels they are being punished to put up with this situation that wants to go in right next door. She understands the Mission wants to help. They have a huge lot on the other side of their property that is open all the time. It is free of any houses. Ms. Kruidenier mentioned Del Mar. Ms. McCanno asked about the Del Mar Fairgrounds, which would not affect any residents since it is isolated. As a taxpayer, she feels this is going to cost the City a lot of money, and it is just throwing money at another government program that is temporary and will not satisfy the ongoing problems.

**ELEANOR JANICKI**, 4020 Via Los Padres, lives near Heritage Park. She has been fighting crime in that neighborhood with these Section 8, or Housing and Urban Development (HUD), houses that people buy and then they put these families in here. She has just gotten the second batch of drug-users out of one of the houses. She has also caught them with stolen vehicles. She walks to the bakery on Peyri and back and forth in the field regarding stray dogs for the Humane Society. On one occasion in the past 3 weeks, she was out in front of Heritage Park and she heard screaming. A street person was walking down screaming that he wanted to murder a lot of people. On another occasion, officers had to be called to remove a vagrant who was situated in the cistern. These are just some of the incidents with people that are around there now.

**BRANDY ESTEP**, 313A South Ditmar Street, is in total support of the emergency shelter. She was homeless herself, and there is a lot of need out there right now. Her son spent his first Christmas last year on the street. He was sick all the time because he was outside. She spent the first year of her son's life living outside on the beach or Buccaneer Park or wherever she could find for him to sleep. That was until August 3 when she went to NCSC. She spent 4 months there. Her son is now going to have the best Christmas of his life. They got a Section 8 on November 8. Yesterday, she met a single mother over at Ralph's Grocery store. Ms. Estep gave the woman all the money she could because she was homeless, and she felt bad for her child. She also invited the woman to her house for Christmas so her baby could have a good Christmas. There is a need out there. She is for the shelter and will be happy to volunteer her time to help out.

**MAYOR JOHNSON** asked if Ms. Estep had any family members who could assist her.

**MS. ESTEP** said that she does not have any family here at all. Her son's father is in the military. He left her when she was 8 months pregnant and got married to someone else. He does not help her at all. She only gets \$200 a month for child support, which does not really help out at all. It just purchases diapers and baby wipes and some food for the baby. She is lucky now because she has a roof over her son's head.

**DAVID KUPKA**, 4168 Terry Street, Pastor of King of Kings Lutheran Church, stated the last time he saw Mayor Johnson was in August when he visited his church to discuss what the church could do to better the community. The Mayor suggested volunteering and participating in programs where human need can be met. This is a situation where the church could volunteer, and he is glad to see that NCSC is involved to help provide a program where faith communities can participate. That is a particular role that churches

can do. They look to the city government as having a particular role in the community. God works through the City Council as well as the church to provide for safety and security and to meet the human needs that are here. While this may not be the best solution, it is a solution that the faith community and the City can meet right now. He is in favor of the proposal as it is.

**MAYOR JOHNSON** stated that in 1995 when the City had a serious crime and gang problem, he said that the City needed a spiritual awakening. As a result of the church community, City, schools and parents rededicating themselves to the children and the issues of society, the community was able to resolve those problems to a certain extent. Several years ago, the City had a serious problem with housing. The Mayor led the charge with Council support regarding the bad housing situation located off of Calle Montecito. There were some very dilapidated and run-down apartment buildings with over-crowding conditions. Some people were being abused and taken advantage of. Oceanside took the lead on forming the North County Regional Housing Task Force. For 4 years, the task force did an outstanding job with regional homeless shelter. He heard today about a rotating facility, which he thinks is wonderful. He will be a strong advocate of a 2-year rotational system. Although, before he sees a 2-year rotational system in Oceanside again, he would like to see it in San Marcos, Carlsbad, Del Mar, Encinitas and Solana Beach. He would not like for Oceanside to take the lead on it. It is not our turn.

**MARGIE MONROY**, 749 B. Magnolia Avenue, Carlsbad, represents the League of Women Voters of North Coast San Diego County. The League is a nonpartisan, political organization. That means the group never supports candidates or political parties, but they do take positions and speak in the political arena. One of their long-held positions is that persons who are unable to work, whose earnings are inadequate or for whom jobs are not available have the right to services sufficient to meet their basic human needs for food, shelter and access to healthcare. It is not a crime to be poor. We can all agree that a crisis is here, and somebody has to take the lead. She has always been impressed with the City of Oceanside and the approach they have taken to affordable housing. It is much better than some other cities she could mention. She would submit the emergency is here. The Mission is a church before it is a historical monument. It does what churches do in offering shelter and food. In closing, the League will continue to work with the Collaborative on a task force to come up with a more lasting solution to this problem. For now, the emergency is here, there is a place and Oceanside has taken the lead. She hopes that Council will approve this shelter.

**MAYOR JOHNSON** said that he is a member of her organization. Since she is a resident of Carlsbad, he asked if she had gone before her own City Council.

**MS. MONROY** said that they would do that. She did point out that Carlsbad already has a homeless shelter for 50 to 60 men that has been operating for 5 years now. Of course, all the Councils have to be approached, but the need is now.

**MAYOR JOHNSON** stated that the shelter in Carlsbad has 50 beds mainly for men who are farm workers in the fields of Carlsbad. The immediate need for homeless during this time is for women and children. There are a lot of men out there who have neglected their responsibilities. Everyone should put pressure on the churches to get some of their doors opened to get these individuals off the street now and for the next 90 days so they can survive. There are many churches in San Marcos and Carlsbad. He reiterated that he supports a 2-year rotational plan. Oceanside has done one for 4 years now, so he would like another city to step up to the plate and do their 2-year rotation.

**ROSEMARY JOHNSTON**, 1880 3<sup>rd</sup> Avenue #12, San Diego, is the Program Director of the Interfaith Shelter Network, which has been operating emergency winter shelters at congregations throughout San Diego County for the past 16 years. They currently have 9 congregations sheltering homeless people in the North County Coastal region, including Oceanside, Del Mar, Solana Beach, Carlsbad and Encinitas. Each congregation takes 12 guests for a period of 2 weeks, and all of the guests are case managed by Catholic Charities in Vista or the Community Resource Center in Encinitas. Both case management agencies report that they are turning away 6 homeless families on a daily basis who are in need of shelter that does not exist. They have contacted 20 to 30

congregations so they could shelter 24 more people between January and March. But the congregations they have contacted have either not responded or their facilities have already been scheduled so they could not create the space or provide the volunteers needed to operate the program. All Saint's Episcopal in Vista is part of the program this year.

About 4 years ago Dennis Martinek, chair of the regional task force on the homeless, did a cost benefits analysis of the City of San Diego's emergency winter shelter program. He identified 5 significant benefits of operating emergency winter shelters. First, it lowered crime. In the San Diego Police Department beat where the winter shelter was, there was a 20% drop in the crime rate and a significant decrease in police encounters with the homeless population. Oftentimes, homeless people are more often the victims of crime and not the perpetrators of crime. The person with the lower income has a greater chance of becoming a victim of crime. The second benefit is the reduced cost and risk of community health problems that would require admission to local hospital emergency rooms. The third benefit is increased tourism, convention and recreation revenues. Homelessness presents an image of a non-caring community that is considered by those making decisions as to where they will spend their vacations and conference time. The fourth benefit is increased taxes from individuals returning to the workforce. People who are helped by the provision of emergency shelter with good case management can obtain employment and become self-sufficient again. The fifth benefit is psychological. It is knowing that the right thing was done.

Obviously, the long-term solution is providing affordable housing in all of the communities for the poorest members of the communities. It is not safety that homeless people threaten; it is our complacency. Oceanside should not be one of those cities that provides a better level of care to its abandoned dogs and cats through its animal shelters than it does to the homeless men, women and children who are unable to provide for their own basic needs.

**DAL WILLIAMS**, 1209 Eucalyptus Lane, Vista, Chairman of the Board for NCSC, is in favor of the proposal. He wished to share some of his recollections of his days as an elected official in Vista during the time when this winter shelter was created. He went to all the other cities to get some support to start a rotational shelter back then. Statements he was told by other cities include: they do their share, they do not have any homeless in their city, etc. The truth of the matter is that the 2 largest cities in North County, aside from Escondido which has its own shelter, are Vista and Oceanside. The majority of the homeless have been from those 2 cities. The comments he hears now, he has previously heard as an elected official. When one hears the words, "homeless shelter" the mind conjures up pictures of the derelict with his rolling condo and various ugly pictures. The truth is that the way this shelter has been run in Vista, and with the Board of NCSC who are concerned about this crisis, that this shelter is closed during the day so there are not derelicts hanging around. Additionally, derelicts are not interested in this kind of shelter because this shelter is not for those who want "a hot and a cot." This particular shelter is for those who want to make a change. Individuals get a case management plan and have 5 days to apply themselves to that plan. If they do not, they are no longer welcome and will not be allowed inside. Those who show up drunk or on drugs are not allowed inside and are moved out of the area. In Vista, there were no calls in the last 9 years for service from the Sheriff's Department because the shelter is run very well. As the Chairman of the Board of Directors, Mr. Williams assured Council this shelter would be run the same way if allowed to operate in Oceanside.

**MAYOR JOHNSON** asked how those individuals who do not conform to the rules and regulations of the facility are moved out of the area.

**MR. WILLIAMS** said that hopefully those individuals would not get in the van in the first place to come to the shelter. If it is determined they are doing something wrong, shelter workers would put them in the van and take them back to the designated assembly point.

**MAYOR JOHNSON** asked how those who walk or ride their bicycles in would be removed from the area.

**MR. WILLIAMS** said those individuals would know they are not welcome at that shelter. In his experience, the hard-core folks who do not want anything more than a hot meal and a cot avoid the place. Because they cannot get inside, they do not bother to come. The word gets out very fast in that population that they are not welcome.

**MAYOR JOHNSON** asked how those who may have a mental issue will be moved out of the area if they walk up or ride their bicycles.

**MR. WILLIAMS** said he would have to talk to the shelter manager. If they had a mental case, they might have someone who needs to be taken by the police department to one of the facilities that exist to help.

**MAYOR JOHNSON** clarified that they would in fact have to call Oceanside Police Department to remove a problem.

**MR. WILLIAMS** said that is an experience that they rarely see.

Public Input Concluded.

**MS. PIERCE** added that they made an attempt to contact through an invitation to the faith community to assist. However, it is very difficult to find a church that has the accommodations and the ability to open up their facility and cancel other programs in the churches. Staff will continue to contact churches to encourage participation in the Interfaith Shelter Network.

**MAYOR JOHNSON** stated that some of the churches in some of the industrial parks might be in conflict in wanting to assist because of certain restrictions on codes. He asked if Ms. Pierce was aware of any churches that would open their doors for the homeless if Council relaxed some of those code requirements

**MS. PIERCE** stated her understanding is that several of the churches that operate in industrial buildings operate under conditional use permits that are very specific on what type of programs they can have and when they can use the facilities. There are zoning issues that must be considered.

**MAYOR JOHNSON** was asking if the City could be more flexible on those requirements during this short time of need so a church could take in 1 person or 10 people.

**DEPUTY CITY ATTORNEY PAM WALLS** referred to a Government Code section that allows the city to declare a shelter crisis emergency. By doing that, the City can then suspend some of the otherwise applicable provisions of its zoning ordinances to allow churches and other facilities to accommodate the homeless population during periods of inclement weather.

**COUNCILMEMBER SANCHEZ** acknowledged that there is no question we have an emergency as evident by the cold weather. So the only question is what the City's responsibility is. This shelter was presented as a possibility. It has been suggested to her that Council should have looked for a site closer to Brother Benno's located in an industrial area. She recognizes that there are some people who do not want a shelter at all and probably would not expect the City to pay anything towards a homeless shelter. However, Oceanside is the largest city in North County, and homelessness is a fact. The homeless cannot be bussed off. The homeless are people who have faces, and they have become the working poor. The higher unemployment rate has affected successful people with homes and a family, and sometimes that is taken away. It is not because any one person failed. The question has been put to us on what is our responsibility. She cannot accept the response that the City has done some things in the past and has paid their price. It is December 18, and the City has a certain responsibility.

It would be nice to have buildings in the private sector open their doors, but that does not happen. When the private sector says they are unwilling to do something,

government and churches step in. She agrees Oceanside should have done more outreach to the neighborhood when this proposal for the parking lot at the Mission surfaced. It appears there are constraints on it and some questions may have been answered. It seems more functional for the City to find a place closer to Brother Benno's in an industrial area. She would like the City to explore those 3 locations Ms. McVey mentioned. She would like to have another meeting to work this all out as one of the 2-year commitments. She would like to see the other cities commit to the funding requirement so that the host city does not have to pay the lion's share. She takes offense that NCSC or North County Collaborative counted votes because this is the responsibility of every city in North County. She asked Deputy Mayor Harding what the response was from the other cities.

**DEPUTY MAYOR HARDING** was involved in the 1993 shelter as a volunteer raising money, and it was an absolute disaster. Most of the fault for that can be put on the planners, case managers, etc.. It was not a good spot, located in the middle of a mud field. It cost many more times the money than it should have because it was poorly managed. Additionally, the Gateway Project was not an emergency cold weather shelter. It was a totally different situation. She was on staff at that time and was on the committee in charge of that shelter in around 1990. Many times people create ideas about homeless shelters because they really do not look into them to see what really happens. She called the Sheriff's Department, and they have had absolutely no problems with the Vista shelter. There are derelicts downtown because many of them like to be at the beach or in the parks. With or without a homeless shelter, they are not going away, Oceanside will always have that problem.

She feels somewhat "railroaded" because she was told there needed to be a long-range presentation on an emergency shelter, and all they could get was 3 minutes. So she placed it on her agenda item so that they could get 10 minutes. It was not on her agenda as an action item because no one told her exactly what they expected. Therefore, she was surprised when all this came up. Secondly, she specifically asked the representative from the Mission what the Mission wanted from the City. She was told the Mission does not want to do anything that the City would be against. At the last meeting, she does not recall the City was truthfully told that they wanted us to run this, fund it upfront and do all the leg work.

Additionally, she recently heard Mr. Megison and Ed Estes on KPBS radio. Mr. Megison said that he hoped each city would take a homeless shelter for at least 2 to 3 years. This was before any of the elected officials had the opportunity to sit down together to get a rotational system going. The Collaborative never advised her that 2 years was it. If they have been meeting all this time, she has not received information about it.

She has received a lot of response from elected officials in the various cities, although her credibility with them may be marred since she has been telling them each city should commit to 1 year or more, and now the request is for 2 years. She suggested the meetings begin with the elected officials to determine the options and then come back to the Collaborative.

Saying all of that does not make the emergency disappear. She wishes that every father who abandons his children would pay child support, but that will not happen. It will not feed the children, nor will it put a roof over their heads. This is an emergency situation that must be answered. She agrees with Councilmember Sanchez that NCSC and the Oceanside Economic Development Department should take the next 2 weeks to vigorously pursue an industrial building. She recognizes they will get a lot of naysayers for only a 3-month stint, but this is an emergency. She does not think all the other cities have stepped up to the plate, but that does not make the homeless any less homeless. This is a good opportunity for the elected officials to work together around a table, then tell the collaboratives some parameters they are willing to work under and put that into action so that unproductive meetings won't continue year after year.

At the last meeting, she recommended that a meeting be convened in January for 2 elected officials from each city to discuss options for homeless shelters. She has received wonderful response from practically every city, and she will keep working until she talks to each city. She will contact the City of Encinitas because she has not heard from anyone

there. If the shelter has to be on the Mission, she would prefer it be located on the other side. The City can find a way to fund this shelter. If modules are brought in and placed on the other side of the Mission, it is not the City's business except that they will have to waive the 2-week rule to house the homeless. The Mission has every right to house people. Oceanside should not be known as the City that will not do anything because other cities are not stepping up to the plate. She asked NCSC to vigorously find an industrial building. If that is not an option, she would prefer the modules brought in on the other side of the Mission. This would simplify the process, and the City would only need to waive the 2-week right to house the homeless. She urged every member of a church to ask for volunteers and money to help this situation.

**DEPUTY CITY ATTORNEY WALLS** clarified that should the Council wish to suspend any applicable zoning ordinance, whether in an industrial site or a church facility, it would have to come back to Council for the purposes of doing that and declare a shelter crisis emergency. This is necessary even on a church property.

**COUNCILMEMBER FELLER** likes the idea of the Del Mar Fairgrounds, but he is sure they would have the same arguments that have been voiced today. He takes offense that someone might have been counting 3 votes on this issue. He was only the third vote because he was hoping for a solution. He might be a little naïve, but he is not a pawn. He is a Catholic who attends the Mission San Luis Rey Parrish. The property that is being referred to is not the Mission's property but the Diocese of San Diego, unless it is on the west side of the parking lot that borders the cemetery and is Parrish grounds.

This costs a lot of money. The contract expense for payroll is \$87,000. Facilities cost almost another \$10,000. He suggested a quick solution would be to house many families on a voucher system, and there would be no need for any of this. Even though he does have compassion for the homeless, he is worried because he owns a store in that neighborhood and deals with homeless on a daily basis in his store. This is not a solution. The quick fix is the voucher system. He would not like the shelter to be in this neighborhood.

**DEPUTY MAYOR HARDING** made a **motion** to move forward with an emergency shelter emphasizing an industrial building, etc. for use as an emergency shelter.

**COUNCILMEMBER SANCHEZ** **seconded** the motion to include outreach to the immediate community. With a voucher system there would be a gap of at least 2 weeks. The voucher system is more expensive per capita than this. The City's portion is \$10,000, which could probably be increased by \$5,000 or \$10,000 if there was another host city. Money is not the overriding issue. It is reasonable to try this. She is not sure how successful this will be.

Last year when she called the Vista shelter to help some people, she was told very clearly that the only way to get in was to ride the shuttle there. There was no way they would jeopardize the shelter by having homeless people walking around the area. The primary goal is an emergency shelter for 3 months. The idea is for rotational. When we say 2 years, it does not mean it will be 2 years straight. She has not heard that. She does think it is important for the cities to sit down together, and she hopes that Deputy Mayor Harding would be one of those people from our city doing that with the other cities.

This is a difficult situation. This is very last minute. Churches are willing to help with the volunteers, which is why this would only cost the City \$10,000 - \$15,000 instead of \$200,000 or \$300,000.

**COUNCILMEMBER FELLER** said that NCSC is a life-changing way of doing business. His immediate concern is to get people out of the cold. He is concerned that the wrong people, including alcoholics and drug addicts, would get the vouchers, but this is last minute. We are trying to do life-changing things at the last minute without any planning. Council needs to do planning right now for next year. Right now he is not in favor of this expense of \$87,000 in salaries and contracting. That money could go straight to the voucher system for a number of families (about 33-40 families over 60 days). That is a fix right here and now. He is not willing to go to the solution for life-changing things in a matter

December 18, 2001

Council Meeting Minutes

of 1½ weeks.

**DEPUTY MAYOR HARDING** said the City voucher system is already in place. The Housing Commission will be recommending the City give \$11,000 next month, which might have been changed if there was a homeless shelter. Additionally, the voucher system has problems in that if you have a lot of children, there are not a lot of places that will take a large family. Also, the food expense is high as well.

**Motion failed 2-2**, Mayor Johnson and Councilmember Feller voted no; Councilmember McCauley was absent.

**ADJOURNMENT**

**MAYOR JOHNSON** adjourned this meeting of the Oceanside City Council at 10:16 AM, December 18, 2001, to a Mayor and Council workshop at 10:00 AM January 2, 2002.

**ACCEPTED BY COUNCIL:**

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Barbara Riegel Wayne, CMC  
City Clerk, City of Oceanside



California

# CITY OF OCEANSIDE

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

FEBRUARY 14, 2007

**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**  
Jerome Kern  
Jack Feller  
Esther Sanchez

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

**Treasurer**  
Rosemary Jones

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**Interim:**  
**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 4:01 PM, February 14, 2007 by Mayor Wood.

### ROLL CALL

Present were Mayor Wood, Deputy Mayor Chavez and Councilmembers Kern and Feller. Councilmember Sanchez was absent. Also present were Interim City Manager Weiss, City Clerk Wayne, and City Attorney Mullen.

### COUNCIL, HDB AND CDC CLOSED SESSION ITEMS

**CITY ATTORNEY MULLEN** titled the following agenized items to be heard in closed session: 2A, 2B, 3A and 3B [Item 1A was not heard.]. Closed Session and recess were held from 4:03 – 5:06 PM [See the report out on these items at 5:00 PM, Item 4.]

### 5:00 PM - INVOCATION

**NOT OFFICIAL  
UNTIL APPROVED AT SUBSEQUENT  
MEETING BY CITY COUNCIL**

**MAYOR WOOD** reconvened the meeting at 5:06 PM. All Councilmembers were present. Also present were Interim City Manager Weiss, City Clerk Wayne and City Attorney Mullen.

The Invocation was given by Patti Estep of the Young Marines from Camp Pendleton. The Pledge of Allegiance was led by Christopher Siegmann, Phillip Stevenson, Carissalyn Tajalle and James Ferdig of the Young Marines of Camp Pendleton.

#### **PROCLAMATIONS AND PRESENTATIONS**

- Presentation – “Pet of the Month” presented by Julie Bank, Executive Director of the North County Humane Society & SPCA.

Seven-year old Oreo, a poodle mix up for adoption, was presented. Ms. Bank invited the public to visit [www.nchumane.org](http://www.nchumane.org) to view additional animals up for adoption. Oceanside’s first Off Leash Dog Park is next to the shelter and open to the public every day except Wednesdays to bring people and dogs together for fun and exercise.

#### **CLOSED SESSION REPORT**

#### **4. Closed Session report by City Attorney**

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

#### **[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 (WCOE), and Unrepresented]

No closed session was held on this item.

#### **2. CONFERENCE WITH REAL ESTATE NEGOTIATOR ON TRANSACTIONS PREVIOUSLY AUTHORIZED IN OPEN SESSION (SECTION 54956.8)**

#### **CONFERENCE WITH REAL ESTATE NEGOTIATOR (SECTION 54956.8)**

- A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Center City Golf Course (approximately 95 acres) bounded by Interstate 5 to the west, Division Street and Greenbrier Drive to the north and east, and Oceanside Boulevard to the south (APN 151-011-11); Negotiating Parties: City of Oceanside and the San Diego Chargers; Negotiators for the City: John Mullen, City Attorney, and Peter A. Weiss, Interim City Manager; Negotiators for the San Diego Chargers: to be determined; Under Negotiations: Potential terms for the sale, lease, exchange, or other disposition of the property

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

- B) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Vacant parcels of land at the northwest corner of Foussat Road and State Route 76 (APNs 145-021-24, 160-270-76 and 160-271-54) and portions of APNs 145-021-23, 160-270-78, 160-271-52, 160-280-56 and 160-280-57); Negotiating Parties: City of Oceanside and Northwest Atlantic Partners; Negotiators for the City: Douglas E. Eddow, Real Property Manager; Under Negotiations: Price and terms of a sale and/or lease

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

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

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

- A) Filanc v. City, Superior Court Case No. GIN049139

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

- B) Hi Hope Ranch Ventures et al. v. Vista Unified School District, GIN036809 (Consolidated) (County of San Diego et al. v. Vista Unified School District, GIN037457)

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

**PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS**

No action will be taken by the 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

5. **Communications from the public regarding items not on this agenda**

**CHARLIE BUEL**, 1315 South Cleveland Street, stated he and his wife have owned a business at this address for 30 years. On February 28, North County Transit District (NCTD) is shutting down access to their property. Since the City paid for the property crossing at Cavalier Trailer Park, he is asking for the same.

The Mayor acknowledged receipt of the letter from Mr. Buel.

**COUNCILMEMBER FELLER** felt this was a fair request.

**MAYOR WOOD** explained that as a non agenda item, this will be referred to staff.

**WILLIE LITTLE**, 3201 Mesa Drive, expressed concern that the City's collection contractor, Waste Management, was doing trash pick up on Martin Luther King's birthday. He felt this was a sensitive issue and asked how the City signed off on this. Trash is not picked up on Camp Pendleton on this day. Therefore, he felt the City was not fully recognizing Dr. King's birthday. Mr. Little requested that the City revisit the issue and come up with a better way of doing things in consideration of this holiday.

**INTERIM CITY MANAGER WEISS** stated that the current contract with Waste Management does not obligate them to pick up, or not pick up, trash on certain holidays. If that is something Council would like to see, they can include that in the next round of negotiations.

**CONSENT CALENDAR ITEMS** [Items 6 – 11]

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 a Request to Speak form prior to the commencement of the agenda item.

The following Consent Calendar was submitted for approval:

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 plans and specifications for the El Camino Real Widening at Mesa Drive project, authorization for the Public Works Director to call for bids, and approval of a budget appropriation in the amount of \$100,000 from the Unallocated Major Thoroughfare Fees Fund to the project account
8. City Council: Approval of a five-year agreement with San Diego County's California Identification System Remote Access Network in the approximate amount of \$44,000 per year (approximately \$220,000 for the five-year term) to continue the Police Department's participation in the automated system for retaining and identifying fingerprints, palm prints, and photos; and authorization for the Mayor to execute the agreement [**Document No. 07-D0043-1**]
9. Council: Approval of **Resolution No. 07-R0044-1**, "...approving an employment agreement between the City and Peter A. Weiss, Interim City Manager," and authorize the Mayor to execute the agreement [**Document No. 07-D0045-1**]
10. Council: Approval of a loan application in the amount of \$15,500 under the Community Development Block Grant Housing Rehabilitation Program
11. Council: Approval of **Resolution No. 07-R0046-1**, "... summarily vacating a public utilities easement for sanitary sewer and water line located on Parcel 3 of Parcel Map No. 19520," ordering the summary vacation of a 15-foot-wide public utilities easement for sanitary sewer and water pipeline [**Document No. 07-D0047-1**], [granted by document No. 75-019765], the general location being south of Highway 76 and west of Benet Road

**DEPUTY MAYOR CHAVEZ moved** for approval of the Consent Calendar [items 6 through 11]. **COUNCILMEMBER KERN seconded** the motion, which was **approved 5-0**.

At this time the Mayor determined to hear item 14.

**GENERAL ITEMS**

14. **City Council: Approval to issue a Request for Proposals (RFP) for resource mapping of youth and family services in the North San Luis Rey Valley Area: Back Gate and Mesa Margarita Neighborhoods**

**MARGERY PIERCE**, Neighborhood Services Director, stated that staff is recommending that they issue an RFP to do a map asset survey in the Back Gate area. This is a recommendation that has been made on several occasions. At the meetings that have taken place over a span of several months, there has been some discussion about the need to identify all of the resources that are existing in the Back Gate area, such as the Melba Bishop Park recreation center, the gymnasium, San Luis Rey Valley Resource Center and the police substation. They do not have a comprehensive list of all of the programs that are operating and that the residents participate in.

When Partners for Healthy Neighborhoods (Partners) started several years ago and with the juvenile delinquency grants, one of the first things the City and Partners did was to identify what the neighborhoods already had available and the gaps. They can start putting together a more comprehensive plan once those gaps are identified and they hear the needs of the residents. They can then come together with a comprehensive plan and start implementing either additional programs or neighborhood revitalization similar to what they did in the Libby Lake neighborhood. She knows that Council has had a lot of discussions about what is going on in the Back Gate area. Staff believes that this is the first step necessary in moving forward and improving the Back Gate area. Staff recommended that the Council authorize issuance of this RFP. This RFP is somewhat specific in what they are looking for, but they did provide for an alternative type of plan. If someone had additional information that they felt would be important to add in, they will have the opportunity to do that.

**COUNCILMEMBER SANCHEZ moved** for approval, believing that this is needed at this time, especially in the Back Gate area. They need to have a needs analysis, and it cannot be done until they know what is out there in the first place. The second step is to go to the community and find out and analyze from a very scientific point of view what the needs are. She is very supportive of this and believes this is the first step that is needed to do what they need to do in the Back Gate area.

**MAYOR WOODS seconded** the motion.

**COUNCILMEMBER KERN** questioned the timeline on this. He stated that Council would not get things back until the 8<sup>th</sup> of next month, and then they would have to be reviewed. He questioned if there was something they could do internally to have staff do the mapping. He questioned whether it would be more cost effective, quicker and efficient to have staff do this mapping. He felt they would get to the solution quicker. It seems that they would do all of these things and whatever solution they have may not be until September or October of next year.

**MARGERY PIERCE** stated they have put this on a fast track, asking for a response to come back within 3 weeks so that Council could quickly approve the contract. She does not believe they have staff with the experience or the resources to do this. They need to have an additional person or agency that has done this in the past to do this.

**COUNCILMEMBER KERN** requested clarification on the timeline needed to get this done. He asked if Council got it back on the 8<sup>th</sup> of next month.

**MARGERY PIERCE** stated that Council could approve the contract at their March 21<sup>st</sup> meeting. They would expect the person to start immediately and get it accomplished within a 3-6 month time frame.

**COUNCILMEMBER KERN** wanted something in place by the start of summer. It is really needed out there. Whatever programs or solutions they come up with, he wanted in place before school gets out. His big concern is that they get into these things, and it gets delayed.

**MARGERY PIERCE** responded that they will continue to run their programs like they always have. They have made the decision that, rather than having a centralized camp like the Sunsational Camp at Capistrano, they actually will be doing camps at John Landes, Balderrama and Melba Bishop to keep summer programming out there.

**MAYOR WOOD** agreed that this should be expedited and get done as soon as possible. They have complained in the past about the Back Gate and gang problems, etc. They had a workshop there the other night. They heard from the neighborhoods about their concerns. The problem he has an interest in and wants to support is that they also look at all of the nonprofits and social groups that want to get involved. There

is no umbrella or person that organizes that group. They tried in the past. Therefore, he is worried about duplication of efforts by nonprofits, social service groups, the Police Department or the Council. It would be nice to have a survey to know what is out there and who is doing what, not only for this issue but also for Community Development Block Grant (CDBG) funds information. It could highlight who is doing what and try to bring them under one umbrella of the City to get this done. The problem in the past has been to find out who is out there. Some organizations do not have the ability to function because they miss out on the funding process or they are not sitting under the umbrella of the City. It is needed and needs to be expedited if it is going to be done.

**COUNCILMEMBER FELLER** is in disagreement. This is not what the community is telling Council. The community wants action. This seems to be another study, and it is unbelievable that they do not know what they have out there. He believes they know what they have, but they do not have the focus. Nobody on staff has direct focus on the gang problem in that general area. Until this situation is fixed, they should recommend an increase in staff or a consultant to directly work with this type of thing so they are putting action into place and not studying. There are people out there who actually know what the situation is in that particular area, as well as many other areas in town.

Councilmember Feller would invite [San Diego District Attorney] Bonnie Dumanis and [County Supervisor] Bill Horn back, because they want to help too by fighting for the Department of Justice (DOJ) grants, etc. In March he will be asking them to come back. The City needs direct activity that is going on through the Police Department, such as in community policing. He is not in agreement that they need police in the community center. We are going to get proposals, have a study back in a few months, and go through a couple of commissions for their input. However, he thinks the City should hit the ground running.

**MS. PIERCE** would agree that they need to hit the ground running, but she believes this is the first step. If there are applications available through the DOJ, unless there is some sort of focus on what the needs are and measurable outcomes that are identified up front, it is very difficult to put together an application for grant money. That is one of the hurdles they have, not knowing exactly what the needs are and where the gaps of services are in that neighborhood.

**COUNCILMEMBER FELLER** does not understand why they do not know what the needs are.

**MARGERY PIERCE** responded that there has never been a door-to-door survey, talking to the residents in that neighborhood. In other neighborhoods, there were resident organizations put together. In this particular neighborhood there is no identified organization to get that information. The last time she was aware of any type of survey being done in that neighborhood was probably in the early 1990s when the focus was on graffiti eradication in the Mesa Margarita area. They did a comprehensive telephone survey twice out there to find out if people felt safer because graffiti had been reduced. Since then nothing has really come together as a neighborhood back there.

**COUNCILMEMBER FELLER** stated that this feels like another study that is putting off the action that they need to be doing. They need to be letting those parents know that there is going to be consequences for their children's behavior. They need to start with action and not more studies. It is a simple thing; bad choices get bad consequences.

**MARGERY PIERCE** responded that, even though the study will take time to complete if the Council approves it, she wants to assure Council that they are putting more programs out there, and things would not diminish. They are making progress and trying to address the immediate neighborhood issues. However, it is somewhat piecemeal until they can put together a comprehensive plan.

**COUNCILMEMBER SANCHEZ** has had an opportunity to look at some of the applications and the requirements for getting a grant through the juvenile justice projects, etc. There is stiff competition for the grants. If they do not have the data, or the studies done, they are not even going to be considered. That is the reason why they need this so desperately.

The Back Gate area has not been studied in detail since the door-to-door survey that was done to get funding for the Melba Bishop Park. That took federal funding and a door-to-door survey of the needs. A needs assessment is needed in order to start applying for grants. She suggested that each of the organizations that are back there are not doing duplication of services, because they have limited funds and they have case loads. They have kids they do outreach to, and they could probably tell us how many kids they are able to reach based on their level of funding. We will probably learn that the level of funding has gone down over the years and that some of their funding is at risk for the following years. We need to know exactly what the status is in order to be able to plan for the effort in the Back Gate area. There is a certain level of expertise and credibility that is required in order to do this, like the agency Lifeline. Lifeline has a contract with the juvenile justice system called "Breaking Cycles," in which they do outreach to youth. They have an office in Oceanside, and they have been doing outreach to kids that include the Back Gate area. That is one agency that would be able to have the experience working in Oceanside and have the information and knowledge to work in a community as diverse and complicated as the Back Gate area.

Everyone is asking for action. They felt a huge loss of the NETWork program that they had in certain neighborhoods, consisting of a team made up of a police officer, code enforcement officer and housing expert, and parks and recreation was also included. In the Back Gate area, the kids and officers got to know each other in the San Luis Rey Resource Center, for example, and there was a level of trust that was built over the years. When former Police Chief Poehlman decided to pull that back and do the quadrant, there was a loss felt by that neighborhood. They did not continue to have that kind of relationship with the police officers. Having someone stationed at that storefront does not mean that they would be there 24/7. It would mean that they would be working there and there would be a staff person that could take reports, etc. That was a place where people could go and know they could talk to someone like a police officer. She understood the concerns and issues that have been raised and believes that this is something that is necessary.

**DEPUTY MAYOR CHAVEZ** stated the Councilmembers are all correct. They have to take action right now, and that they are taking action right now. They are dealing with gangs on a 3-part level: suppression, which the police are doing; intervention every day with different partners in the community; and prevention right now. A lot of it is being done by the school districts and a lot of churches.

He thinks that where Council got side-tracked is on understanding what the request is. The background material explains that, "... resource mapping is most useful when used to facilitate community action from inside the community. Community resources should not be collected just for the sake of study by outsiders, but must be matched or linked for real community development. This shift is away from building institutions and programs to a community focused people development." In the process of doing this, they are developing relationships. Deputy Mayor Chavez believes that they are coming into a perfect storm through this. Supervisor Horn will be back here asking for City help some time in March regarding his programs and resources.

Yesterday he had an opportunity to sit in with the *North County Times*, Latino and African American community talking about what they are doing. Superintendent Ken Noonan is actively involved in that. Over 40 people are looking at how they want to bring in all of their resources to deal with this. When they talk to all of the nonprofits and they look at what the libraries and Neighborhood Services are doing, all of these are coming together right when the resource mapping would have a synergistic effect. Now

they could get together and drive this forward. This, in itself, does not just end once it gets documented; it is something they constantly massage and build those resources. They would have facts to make a decision. He would support this. He understands and concurs with both Councilmembers Feller and Kern that they need to take action. He is not one for programs just to have programs. However, their own advisors are telling Council that staff does not have the resources to do this. There are special skills needed for this. Additionally, he agrees with Councilmember Sanchez that when they do this, it also allows them an avenue to get more resources. This is the right time to do the study. He **called for the question.**

**COUNCILMEMBER KERN seconded** the motion to call for the question. Since staff is going to fast track this, he wanted to make sure they fast tracked it on Council's end. He said Councilmember Feller brought up the review by other committees, and he wants to bypass those and have it brought back straight to Council. He said if they are going to fast track it through staff, that they should fast track it up at the dais too.

The **motion** to call for the question was **approved 5-0.**

The original motion [to approve issuance of an RFP] was **approved 5-0.**

15. **City Council: Approval of an expenditure in the amount of \$25,000 from the Capital Improvement Program Public Facility Fund for art enhancement projects, and authorization for the Parks & Recreation Division and Public Works Department to implement the projects**

**DEBORAH POLICH**, Library Director stated that staff and the Arts Commission are bringing forward this item for Council's consideration for the approval of expending \$25,000 in funding for 5 specific projects for arts enhancement. The Arts Commission has an ambitious work plan for advancing arts in Oceanside. They have been working diligently on many fronts, i.e. ad hoc committees, working with the community, with businesses and other arts organizations to develop projects that will enhance and support their work plan. They have identified 5 projects in conjunction with various agencies. In all of these projects, the funding is considered to be money that would initiate these activities and be seed money. They are also looking for other sources of funding to support these projects.

**JOHN McDONALD**, Arts Commission Chair, emphasized that there are no new dollars involved in this. This is a previously budgeted item, and they are to allocate the \$25,000 that has previously been budgeted. Ms. Polich had mentioned a seed money approach, and he would add to that, more of a matching funds approach. They are not seeding something that they are going to do again next year. They are not requesting the Council to start a process that has to continue next year. On the Concerts in the Park, they are proposing 2, to bring them back after years of absence. However, if there is no money next year for it, they are not promising the City nor are they asking the City to promise that they would come back again next year. It is a matching funds strategy to generate the interest in the community and from other sources of funds. These funds have not been available to the City for a number of years for various reasons. This is the first year that even the small amount of \$25,000 has been allocated to the arts by the City.

For the concerts in the park project, the lead is taken by the Neighborhood Services Recreation Division, selecting the artists, with the Commission's suggestions. They put out a request to developer groups in the Back Gate area. The Oceanside Cultural Arts Foundation has in principal pledged at least \$2,500, and maybe they would like to use this as a kick-off to their fall season for their other events.

The Coastal Rail Trail is a project for which they have a very small 1% increment. They are suggesting that they use these funds to supplemental that. They would like to use this as start-up money to suggest a group of projects. They have already talked to the Luiseno Indian group about a possible commemorative piece.

The Performing Arts Initiative is to bring in new performing arts into this area and test what exactly this City will support beyond what they already have. Regarding the Directional Kiosk Element from MainStreet, it is a collaborative project with a developer MainStreet, Redevelopment and the Arts Commission for the first of what they hope will be many joint projects involving the private and public sector to bring art and directional kiosks in and transform the look and feel.

The Arts collaborative website is a project attempt to put together various groups. There is no vehicle for people to get together and work together. One of the ways to save the City money and to provide an opportunity for people to participate is to provide an infrastructure for them to do that. This is just the start, and it would be done in conjunction with the Oceanside Cultural Arts Foundation (OCAF). A couple of the members of the Commission are members of that board, and they are working with them to see what they can do.

**DEPUTY MAYOR CHAVEZ** stated there is a lot of exciting things going on. He **moved** approval [of agenda item 15].

**COUNCILMEMBER FELLER** seconded the motion.

Motion was **approved 5-0**.

16. **City Council: Approval of a purchase and sale agreement in the amount of \$410,165 with John M. Siegel and Robert C. Siegel for the City's acquisition of a waterline easement needed for the Raw Water Pipeline for Wells 10 and 11 project; authorization for the Mayor to execute the agreement, the City Clerk to accept the easement deed on behalf of the City, and staff to open escrow and conclude the transaction**

**WILLIAM MARQUIS**, Senior Property Agent, believed Council has the purchase contract in their backup material. He would be happy to answer any questions and asked for Council's approval.

**COUNCILMEMBER SANCHEZ** **moved** approval [of a purchase and sale agreement (Document No. 07-D0051-1) for acquisition of a waterline easement deed (Document No. 07-D0052-1)].

**COUNCILMEMBER KERN** seconded the motion.

**COUNCILMEMBER FELLER** questioned whether this line runs on the back side of the property almost at the base of the river.

**MR. MARQUIS** responded that was correct. The property is the old drive-in theatre property. The lines are going to be running up new Fousat, will leave the public right-of-way onto private property, the Siegel property from which they are purchasing the easement, and it will travel basically along the toe of the levee until it gets up to the middle pond area. Then it will cut over to the Reverse Osmosis (RO) plant.

**COUNCILMEMBER FELLER** asked if this would interfere with the Pavilion project that is coming forward.

**MR. MARQUIS** responded that it would not. Staff has met with the engineers of the proposed development of that property, and they have looked at our plans. They are comfortable that they can accommodate their needs along with the City's.

Motion was **approved 5-0**.

[Recess was held from 5:57 to 6:06 PM]

Changes to the agenda

**CITY CLERK WAYNE** announced that Item #19 has been removed from the agenda. Councilmember Sanchez has advised that she would continue her item to the next meeting.

**6:00 PM – 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.

12. **CDC: Consideration of a resolution approving a time extension and a revision to Tentative Map (T-200-04), Development Plan (D-203-04), Conditional Use Permits (C-202-04 and C-203-04) and Variation (V-205-04) for a mixed-use development consisting of 65 residential condominium units, 52 live-work units, and 26,280 square feet of retail/office space located south of Mission Avenue, west of Horn Street, north of Seagaze Drive, and east of Clementine Street – The Belvedere – Applicant: Pacific Crest Investments, LLC**

**MAYOR WOOD** opened the public hearing. Regarding disclosure, all councilmembers reported they had contact with the applicant, staff and the public.

**CITY CLERK WAYNE** reported that there has been no new correspondence

**SHAN M. BABICK**, Associate Planner, stated the proposed project is the time extension for 65 condominium units, 52 live-work units and 26,280-square feet of retail space. This project was approved by the CDC on February 23, 2005. The plans were good for 2 years. The applicant wants to extend the plan for an additional 2 years and modify 3 of the conditions. He explained that these plans are concepts. Sometimes when they do the working drawings, i.e. the map and the site plan, some things do not line up.

Condition #50 is that "... all streets shall provide a minimum 10-foot parkway between the face of the curb and the right-of-way line, and the sidewalk improvement shall comply with Americans with Disabilities Act (ADA) requirements." This is a former condition. The new condition would read that "...all streets shall provide a minimum of 10-foot parkway between the face of curb and right-of-way with exception of Horne Street, which would provide 8 feet of parkway." The rest remains the same.

Condition #82 states "... the project shall dedicate 8-feet of right-of-way along the project front of Horne Street." The applicant is proposing that the condition be eliminated because they can get all the improvements within the existing right-of-way.

Condition #84 is the "...existing traffic signal on Mission and Horne Street shall be upgraded to eliminate the north/south split phasing in order to accommodate eight-phase signal operations. This shall include widening of Horne Street, south of Mission Avenue to within 50-feet of pavement, re-striping of Horne Street on both approaches, and an upgrade of the traffic signal equipment. The equipment shall be approved by the Transportation Manager." The condition would now state that "the portion of Horn Street located south of Mission Avenue shall be widened to 50-feet of pavement, the re-striping of Horne Street on both approaches, to provide phasing and signal indications for the efficient operation of the intersections. These improvements shall be completed to the satisfaction of the Transportation Manager." This language is different than the staff report. When they were making the changes to the staff report, they had some final tuning of verbiage, but it is on condition #3 of the resolution.

There are other slight changes to the plans. When they did the actual land survey, they found it was 10 square feet less, so they had to reduce the number of

February 14, 2007

Joint Meeting Minutes  
Council, HDB and CDC

condominium units from 66 to 65 and increase the live-work from 51 to 52. In addition, they have also reduced the live-work space by 21square feet and the condominiums by an average of 38 square feet.

When the City does time extensions, they have to make 3 findings. One of the findings they have to make is to see if there have been any changes to City policy. He said there has been no change to City policy other than the fees that were changed on May 3, 2006. Those fees are reflected in the resolution. The requests for the modifications of the conditions are warranted. The parkway is adequate for Horne Street. There is no additional street dedication needed for Horne Street. All of the street improvements can be made within the existing right-of-way. The traffic signal at Mission/Horne does not warrant a modification. The exterior changes remain the same.

The Redevelopment Advisory Committee reviewed the project at their January 10, 2007 meeting and approved the time extension project. He recommended that the CDC adopt the resolution approving the time extension revision to Tentative Map (T-200-04), Development Plan (D203-04), Conditional Use Permits (C-202-04 & C-203-04) and Variation (V-205-04).

Applicant

**KEN CHRISS**, applicant's representative, registered lobbyist and architect on this project, noted that the items before Council are part of a series of technical issues that have to be incorporated into the project. They concur with all of them. Staff can take a series of old lots, put them together, and solve street issues and technical items they feel comfortable with. He urged Council to support the project.

Public Input

**PAUL CLARK**, owner of the Guarantee Bank building at 815 Mission Avenue, directly across the street, is excited about the Belvedere project. However, the only challenge for him is that he feels Mission Avenue is the entrance to the City and is a focal point. The new project is the height they will be looking at with the narrow sidewalks. If the project had a 20- to 25-foot setback, that would be more consistent with the North County Transit District (NCTD) building. It would be less space than in front of the Guarantee Bank building. It would allow for the kind of activity like an overflow of a restaurant onto a sidewalk area, without blocking the sidewalk.

Another concern is that the area is under 1-per-1,000 parking. He realized that the parking makes sense for the various uses at the various times. However, on a Friday night when the retail is still functioning, tenants have visitors, and activities at the high school are taking up parking, then parking is going to be a huge issue for everyone else in the area. He would love to see the parking increased on this site. It would be nice to see the City helping each of the projects with their density to increase parking so that they do not have to build a parking structure in a town, which is selling the beach and the views.

**DAVID NYDEGGER**, Chief Executive Officer of the Oceanside Chamber of Commerce, reported that their board has approved this project. They like the project and what is happening in the downtown area. They asked the CDC to support it.

**JOAN BOCKMAN**, 429 South Horne Street, President of the Oceanside Coastal Neighborhood Association (OCNA), repeated what they had said in December 2004. Even though her house is 4 blocks away from this project, OCNA does support this. This is density in the right place, which they believe is north of Seagaze and not into their neighborhood. The City needs to remember the neighborhood south of the project. The height and density are in the right place.

The project has a condition to get traffic calming on the corner of Horne and

Michigan. She is happy to see this. With the traffic calming, OCNA is fine with this project. Height and density is not a concern in these blocks.

**KIM HEIM**, Director of MainStreet Oceanside, stated that MainStreet supported this project when it initially came forward and continues to support the project development as it moves for renewal

[This concluded public input]

Applicant Rebuttal

**MR. CHRISS** pointed out that the average setback on Mission Avenue is 10 feet, and the project is at 18 feet. Their parking is at 4 to 1. They are actually exceeding the requirements.

**MAYOR WOOD** closed the public hearing.

**COUNCILMEMBER SANCHEZ** stated there is discussion in the staff report regarding the proposed changes to the site plan having to do with decreasing the parkway from 10 to 8 feet on Horne Street. Also, they are going to reduce the number of condos from 66 to 65, but increase the live-work units by one, from 51 to 52 and decrease the parking by one. The staff report referred to a change in elevation, and she did not see that spelled out. She questioned the change in elevation.

**MR. BABICK** responded that there is no change to the elevation or exterior of the building. The building elevation and height remains the same.

**COUNCILMEMBER SANCHEZ** stated that there was reference on page 3, the last sentence, which states "...the proposed changes to the site plan and elevations are minor..." She questioned the meaning of a change in elevation.

Following discussion, Mr. Babick further responded that there are very minor changes to the exterior of the building, based on the fact that the site plans changed a little bit, but for all intents and purposes it has not changed. That means a window could change or some of the angles could change a little bit, but those are very minor changes.

**COUNCILMEMBER SANCHEZ** asked if the applicant could explain it.

**MR. CHRISS** explained that the building is 191 feet long. In the north/south direction it changes 8½ feet. It is inches here and there where they made hallways smaller by a few inches. In the east/west direction, it is also 191 feet and it is 5 feet shorter than it was before. The building is basically the same. Instead of 6-foot walkways, they are 5 feet 6 inches. He said it is very, very minor and that the building actually looks the same.

**COUNCILMEMBER SANCHEZ** had supported this project the first time it came to Council. She agreed that the density and height should be in this area, especially the downtown area. She has concerns about reducing the parkway from 10 to 8 feet. It is not something that she wanted to see. This project does not give up public area to go as high as it does. That is a big concern to her. While she supported the project, she did not support the proposed changes at all. She would like to keep the minimum parkway to 10 feet. She does not understand why they have to limit it to 8 feet.

She agrees with the gentleman who talked about parking. She does not want to limit parking. The project is large enough that it could accommodate what it needs on site. Therefore she will be voting no.

**COUNCILMEMBER FELLER** questioned the change in the resolution. Condition #84 had stated that the existing traffic signal at Horne Street shall be upgraded to

eliminate the north/south split phasing in order to accommodate 8- phase signal operations, and that is being deleted.

**MR. BABICK** explained that is the portion of Horne Street located south of Mission. It is going to be "widened to 50-feet of pavement ... to provide phasing and signal indications for the efficient operation of the intersection." The reason it changes to be more specific is because the previous information was a little nebulous and vague. The City Attorney's office wanted it to be more specific.

**COUNCILMEMBER FELLER** moved approval [ of staff recommendations and adoption of **Resolution No. 07-R0048-3**, "...approving a time extension and revision to a tentative map, development plan, conditional use permits and variations for the construction of a mixed use development consisting of 65 residential condominium units, 52 live-work units and 26,280-square feet of retail/office space located south of Mission Avenue, west of Horne Street, north of Seagaze Drive and east of Clementine Street – Applicant: Pacific Crest Investments, LLC"

**DEPUTY MAYOR CHAVEZ** seconded the motion.

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

13. **City Council: Consideration of appeals for Tentative Map (T-8-02), Development Plans (D-13-02, D-14-02), Conditional Use Permits (C-21-02, C-22-02) and Regular Coastal Permit (RC-8-02) and certification of the Environmental Impact Report (EIR) for a multiuse project consisting of an 82-room hotel, a full-service restaurant and 4 condominium units proposed on 3.8 acres located on the west side of South Coast Highway between Eaton Street and the Buena Vista Lagoon – Boardwalk Complex – Applicant/Appellant: Oceanside Three, Aharon Abada – Appellant for EIR Certification: Douglas Freed and Daniel DiMento**

**MAYOR WOOD** opened the public hearing.

Regarding disclosure, Councilmembers each reported receipt of numerous e-mails, correspondence and petitions from parties on both sides and contact with staff, developers and the applicant.

**CITY CLERK WAYNE** reported receipt of correspondence, which Council has received. There is an additional 20 letters which Council did not have. Also, just received was a copy of a petition, which Council did not have yet, with 10 signatures in opposition to the project. They have received letters from the attorneys representing an appellant, and one of the attorneys asked for a continuation. Council has copies of these.

**COUNCILMEMBER SANCHEZ** reported she forgot to disclose that she had attended the Planning Commission hearing on this matter and that she also went to the site.

**CITY CLERK WAYNE** stated a gentleman has just submitted petitions which he advised contained 1,100 signatures in support of the project.

**COUNCILMEMBER SANCHEZ** reported that she received complaints about petitioners giving false information about what this petition was about; that the paid signature gatherers were saying that the petition was for jobs for Oceanside.

**JERRY HITTLEMAN**, Acting City Planner, reported that the project before Council has an 82-room hotel, a 4,180-square foot restaurant and 4 condominiums. The project was heard by the Planning Commission on October 9, 2006. At that time they certified the EIR, but denied the project. The EIR certification has been appealed by 2 neighbors of the project, and the project denial by the Planning Commission has been

appealed by the applicant.

Through computer slides, he pointed out the project site. To the east of the project site is South Coast Highway. Eaton Street is to the north, and Broadway Street is to the north and a little bit to the west of the project. Buena Vista Lagoon is to the south. The entire project site is within the coastal area of Oceanside. It is under the jurisdiction of the City's Local Coastal Plan (LCP). Any action taken tonight can be appealed to the State Coastal Commission. There is a small portion of the project site that is within the original permit jurisdiction of the Coastal Commission itself. That is part of the buffer area; no development is proposed in that area.

There are commercial uses along Coast Highway. There is an office/retail complex, a restaurant, condominiums across the street to the east and the Buena Vista Lagoon Audobon Center. Looking at the site from the southwest corner of Eaton Street and Coast Highway, he noted that utility poles will be undergrounded as part of the project.

Displaying a similar view, but from across the street, the planting shown was done as part of the Gateway Project for the City a couple of years ago. That will remain and be enhanced by the project itself. Another view of the site was shown from the nature center, with the 100-foot wide buffer zone that is required by the LCP for the project. The buffer zone starts at the edge of wetlands from Buena Vista Lagoon. Those wetlands were delineated by a biologist. They have a biology report as part of the project, and they used both the Army Corps of Engineers method and the California Department of Fish and Game method for determining that edge of wetlands. The LCP requires a 100-foot buffer from any project on this site. That is being met. Broadway dead-ends into the project site.

The parcel has two zoning designations. The part of the parcel near Coast Highway is in the Commercial Visitor's zone, as are other uses along Coast Highway in this area. The LCP calls for Visitors Serving Commercial uses such as hotels and restaurants for this zone. The western, or back portion of the site that is along the railroad tracks, is zoned Residential Tourist. That is more of a high-density residential zone for a few blocks on Broadway. That is a similar zoning to the project site itself. There is a mixture of single family and multi-family heading north up Broadway Street.

The project is entirely within the City's LCP, which is exactly consistent with the State Coastal Act (SCA). It pulls all of the relevant SCA policies out of that document and incorporates it into the LCP. They are pretty much the same document.

The project site is 3.8 acres and is broken up into 3 parcels. Parcel 1 includes the 82-room hotel. There is an entrance to the hotel to the north. The main entrance will be off Coast Highway. That will be signalized as part of the project and lines up with the condominiums across the street. The restaurant is towards the southeast portion of the site. They do have a pool and recreation area. There will be a 5-foot pedestrian public pathway that will go from Coast Highway, along the parking lot, along the recreation area and along the northern edge of the buffer, but outside of the buffer, and then connect with Broadway Street. That will be a walkway for the public.

Parcel 2 is the buffer area of approximately 1.3 acres, and it is 100-feet from the wetlands. This area will be totally re-vegetated as part of the project, with species that are compatible with the lagoon. There are 4 condominiums in this location, but they appear as separate single family homes. They will all have common ownership of the open space and the accessway to the condominiums. The condominiums are accessed off Broadway Street. They do not have any access off Coast Highway. They are designed to be compatible with the existing residential.

The hotel portion of the site is a maximum 36 feet high. There will be some appurtenances for elevators and other architectural features, which is in conformance with our ordinance. The applicant is proposing 70 condominium-hotel units. That is

about 85% of the total units. Twelve of those units will be set aside permanently as hotel units. The 70 condominium-hotel units will have time-of-year restrictions. People can only stay there for 29 days at a time and 90 days maximum per year. The other 75% or 8 months of the year, they will be available as hotel rooms to the public. Another stipulation for the hotel portion of the site is that at least 25% of those hotel rooms are to be available during the summer, from Memorial Day to Labor Day.

Staff did meet with Coastal staff on this project. They are well aware of the December 26, 2006 letter from the head of the staff for the State Coastal Commission, Peter Douglas who requested that they process LCP amendments for condominium-hotels. This project was in the pipeline prior to that memorandum. As a matter of fact, the condominium-hotel portion of that site has been in process for probably over a year at this point. They have had discussions with Coastal Commission staff about that.

The Coastal Commission has approved other condominium-hotels up and down the coast, i.e., in Huntington Beach, Coronado and Encinitas. It is not a Coastal Commission requirement that they process a LCP amendment, but it is a recommendation from the Coastal Commission staff. City staff is coming forward with a LCP amendment in the downtown area that will be heard a few months from now.

They want to make sure on the hotel that the transient occupancy tax (TOT) is paid, whether it is a renter or an owner staying in the unit, and that the money comes to the City. That is very important. Staff supports a condominium-hotel on this site and they think Coastal staff will support it because they feel that Oceanside has an abundance of low-cost visitor-serving accommodations, especially in the coastal area. They did a study on this, which is attached to the staff report. The coastal area has 67% of the visitor-serving accommodations/hotels. Approximately 1,451 units are existing or under construction. That includes 736 hotel rooms, 366 timeshares, 108 vacation rentals and 241 recreational vehicle (RV) spaces. The prices range widely from \$38.00 per night to \$256.00. The Marina Inn is the highest end hotel. 34% of those units or hotel rooms are timeshare units and under \$85.00 per night. Oceanside has a great share of low-cost visitor-serving accommodations in the coastal area. Thus, staff is recommending approval of this condominium-hotel in this location. They do not think it will adversely impact visitors to the coast. They feel it will be an asset.

The project is required to have 140 parking spaces for the hotel and restaurant. There will be 139 spaces provided. They did a study that showed that shared parking is feasible on this site. They can actually go down to 112 parking spaces. The applicant is only asking for a one-stall reduction. Staff feels that will be adequate for the hotel and restaurant. The condominiums will be parked separately, and adequately.

The condominium units that will be across from the existing homes on Tremont Street or Tremont Court are 18-feet tall on the side facing the existing homes. Because of the slope, they do go to 27-feet on the portion facing the lagoon. That is in conformance with the Zoning Ordinance. Under zoning, they could build about 7 or 8 condominium units. The project reduced it down to 4 for some view corridors between the homes for the existing homes that are there. The 1-story restaurant is 4,180 square feet.

The EIR was appealed for a number of reasons, citing public view blockage, inadequate wetland buffer, no public access to the beach and an inadequate alternative analysis.

Referring to computer slides, he pointed out the location of the restaurant, the condominium-hotel, and the existing commercial along Coast Highway. Staff feels it is consistent with the bulk and scale of other uses along Coast Highway. Across the street are some 2-story commercial buildings and 2- and 3-story condominiums. He displayed existing homes on Tremont Court, one of the condominium units and its relationship to the lagoon.

In addressing the public view blockage issue, staff worked with the applicant on balancing the LCP requirements, the State Coastal Act (SCA) requirements, the requirement to provide visitor-serving uses on the site, to make sure that the property rights of the owner were accommodated, that visitor-serving uses were provided, and making sure that there was a 100-foot buffer. That was staff's basic tenet in looking at the project site. They realize that some views are blocked as people drive down Coast Highway. Temporarily there will be a short view. Then there will be preserved views through the buffer area, as well as enhanced views along the public pathway. People walk through the site now, but they are not supposed to. This will be an actual public pathway with views of the site, birding opportunities, etc.

Regarding the 100-foot buffer issue, which the appellants felt to be inadequate, he stated that staff had a meeting on the site with the California Department of Fish and Game early on in the process to make sure that this was adequate. The biologist and representatives from the California Department of Fish and Game and some of the other wildlife agencies met and felt it was adequate. They really wanted to see some vegetation and re-vegetation of this area that was consistent with the lagoon. Therefore, staff is making sure that they have native vegetation in this area. This area will be offered to the California Department of Fish and Game for their ownership if they would like. If not, it is definitely under an open space easement, and it will be preserved in perpetuity and managed as native habitat. Staff feels it is an adequate buffer, and they also have assurance from the wildlife agencies that it is.

Staff looked at 3 project alternatives to try to address the view blockage issue. They also looked at the no-project alternative, not building anything there. They are required to look at this alternative under the California Environmental Quality Act (CEQA). One alternative attempts to reduce the project and break it up for a view through a couple of areas and a view through the buffer area. They also looked at the view that was partially blocked by condominium A. The Condominium is reduced in half in this alternative, which opens up the view a little bit. The conclusion of this alternative is that, even if the hotel is broken up, and reduced from 82 to 46 units, they still have some public view blockage. Therefore, it did not totally solve the problem. For the second alternative, they flip-flopped the restaurant to put it on the corner and moved the hotel to a different location. That kept it at 82 rooms. There were some views, but not a great enhancement. In this alternative, they eliminated condominium A totally, so the partial view blockage on Broadway Street would not occur. They also looked at an alternative with a one-story hotel on Coast Highway; however, even with a one-story hotel, they still found that there was some view blockage as you drive south on Coast Highway. They found that the no-project alternative was the only one that was feasible to totally solve this issue, but that is not being requested by the applicant. Staff did look at a broad range of alternatives. There is economic data showing that if they reduce the project down to 50 or 46 units, it is not going to be economically feasible for the applicant.

The project does meet all zoning requirements: height, setbacks, density, etc. It provides the required 100-foot buffer. It provides a pedestrian pathway through the site. It would be a significant visitor-serving destination. Acknowledging that there are some environmental impacts, he felt there will be increased jobs and the City will get over \$500,000 per year in TOT and other property taxes. This is shown in the report attached to the staff report.

There are no alley vacations or any other street vacations proposed by the applicant. The street vacation on Broadway Street was approved back in the 1980s by the City Council. There is no alley vacation along the eastern portion of the site. There has been some talk about a potential public purchase of the site by the California Department of Transportation or maybe some other entities, but that is on a voluntary basis. That will only occur if the property owner volunteers to sell it but they are now pursuing this project, and he believes it is in escrow. So, that would not be feasible at this time.

Staff recommends that Council deny the appeal and certify the EIR. Staff feels the EIR was done in conformance with CEQA, and they recommend that Council approve the development which includes Conditional Use Permits Regular Coastal Permit, Developer Plans and Tentative Map.

Appellants for EIR

**DOUGLAS FREED**, 2110 Broadway, appellant for the EIR Certification, requested that Council deny the EIR and the project plan for failure to follow the LCP as approved by the Coastal Commission. Specifically, the 15-foot access corridor and view corridor on the westerly side of Broadway Street along the rail right-of-way is to be vacated by the City at the request of the owner/developer.

The strip is not an easement, but is land owned by the City that the applicant wants the City to abandon. The 15-foot corridor is the only access to Buena Vista Lagoon, ranging all the way from the surf at St. Malo to Coast Highway. The loss of this corridor forever precludes routing the coast bike trails through the area and forces the cyclists to use the very dangerous Coast Highway, especially the intersection at Eaton Street. This is a gross violation of the LCP.

The LCP requires that public access and view corridors be preserved above the interest of private use. For this reason alone, the EIR in whole should be rejected. At the very least, as a condition of approval for the EIR, the City-owned 15-foot corridor should be dropped from the EIR and project plan and not abandoned to the developer.

The 65 feet of Broadway Street adjacent to parcel 3, which was vacated by the City in 1982, is a public view corridor as defined in the LCP. The plans for this development call for the City to abandon this 65-foot corridor. Currently, the public uses a path in this corridor and across parcels 2 and 3 to access the lagoon. This path constitutes an implied dedication under prescriptive rights doctrine. The LCP requires that view corridors be preserved above interest of private development. In appendix B, chapter 2, the EIR is faulty in that it does not address the issue of blocking views with proposed condominium A.

The Planning Department came up with an alternative to the project plan, which reflects removal of condo A, but states that removal of condo A makes the project financially infeasible. This is an assertion not borne out by facts. A quick financial analysis shows this finding to be not true. Mr. Freed requested that staff be directed to make removal of condo A a condition of approval.

The EIR is seriously flawed. It should be rejected. The owner/developer has not seen fit to sit down with local residents, the Audobon Society, environmentalists and others. Rejection of the EIR project will force the owner/developer to the table so that community concerns can be addressed. The result would be a mutually acceptable plan that incorporates the view and access concerns of neighbors and environmentalists and could satisfy the financial interest of the owner/developer.

**DANIEL DiMENTO**, co-appellant for the EIR Certification, 216 Broadway Street, is representing a large group of residents, preservationists, birders, fishers, surfers, bike riders, runners, boaters, ducks, birds and all of the wildlife.

Buena Vista translates into "beautiful view," which is something worth saving. This appeal is not only about saving public views, but about public access, inadequacy of the lagoon buffer and asking the developer to provide reasonable alternatives to make this a winning project for everybody involved in the community. Council should have all received the comment letters from one of their attorneys, Everette L. DeLano III. He had submitted another copy this evening as part of the record of this hearing. That letter details a number of the areas where the EIR is not adequate, and as a result, the project based on the EIR will not meet Council's standards.

They depend on the City Council to follow the LCP, the Coastal Act and the CEQA. This project violates them all. Their LCP includes a policy that for areas of significant natural aesthetic value, which it states Buena Vista Lagoon is, new developments should be subordinate to the natural environment, maintain existing view corridors through public rights-of-way, encourage development of viewing areas at the Buena Vista Lagoon fishing area, and provide open space buffers or green belts along major scenic corridors. It also states that the City shall maintain existing view corridors through the public rights-of-ways. These policies are based on our State Coastal Act, that establishes that the coast belongs to everyone and that views are part of the public right to enjoy the coast. This right is called out in the Oceanside LCP and goes even further. In the Summary of Major Findings in the Neighborhood Recommendations section of the LCP, the number 1 finding was that this area be rezoned as open space. Along with these violations of the LCP, the Planning Commission found many reasons to deny this project: the design was not sensitive to the lagoon or views from public places or surrounding neighbors; that the proposed subdivision was incompatible with the existing and potential development on adjoining properties because of its greater height, bulk and scale; it is not sensitive to the adjacent wetland habitat; the parking, pedestrian access, and lagoon buffer is inadequate; the lagoon buffer should be larger than 100 feet.

Mr. DiMento asked that the Council set high standards for this gateway to Oceanside and for their lagoon that is enjoyed by residents and visitors alike. The EIR is glaringly insufficient, as is the compatibility of this project with the surrounding area. Send this EIR and the project back to the drawing board.

**DENNIS HUCKABAY**, 2319 California Street, [speaker with above co-appellants] is President of the Buena Vista Audobon Society and represents more than 1,200 members, many of whom live in Oceanside. They are very concerned about nature education, conservation and birding opportunities in coastal North County. Their volunteers conduct nature education programs for thousands of school children, nursing home residents and special needs groups. Each year, they host thousands of visitors to their Nature Center, across Coast Highway from this proposed development. In 2006 our visitors came from all over California, 32 other states and 8 foreign countries. Our visitors come from all over and our petition signers come from all over, because our beaches and coastal lagoons are special places that draw people here.

Mr. Huckabay turned in 2,522 signatures of concerned citizens opposed to this development. In addition to the petitions they have gathered, they also have a number of Valentine's Day presents they would like to present to the members of Council and the Mayor, prepared by school children, and most of them read much like this one, which reads "Happy Valentine's day, here's a present, but first, do not ruin the lagoon." The signatures in their petitions are an expression of hope that their elected representatives would respect their concern for the health of the lagoon. Unlike the petition presented on behalf of the developer, the signatures on their petition were not obtained by paid, out-of-town signature gatherers offering misleading information about wonderful employment opportunities.

There are lots of people here tonight who are opposed to the project alongside their beloved lagoon. They trust that the citizens of Oceanside and their elected representatives value the services of the Buena Vista Audobon Society. They trust that Council will listen to them and respect their interest when they say very loudly and clearly that they feel this project hurts our lagoon. Buena Vista lagoon is a much loved, natural, open space preserve at the southern gateway to Oceanside. Many businesses throughout Oceanside cater to beach goers and tourists. We have clean water, sandy beaches, scenic vistas and an abundance of birds. There are more than 200 species living in and around the Buena Vista lagoon. These are all the product of a healthy lagoon ecosystem. We all benefit from the attractive lagoon.

The lagoon is in trouble. The basin is clogged with silt and the lagoon is in danger of turning into a meadow if nothing is done. A restoration project is in the

advanced planning stages, with potential funding now being lined up. It will cost taxpayers millions to restore the lagoon, and even more because of the damage done by a project like this. Wetlands need buffers. This project barely meets the minimum buffer required by the wildlife agencies. That is not enough to protect things like nesting birds when there is a public trail right on the perimeter. The buffer is further compromised because the fire department added conditions about plants and access in case of fire that were not reported to the wildlife agencies. Nighttime lighting is an issue for many of their wildlife, but the project conditions do not adequately address this. The outdoor eating area of the restaurant provides an unhealthy food source for birds and attracts rodents that destroy eggs and young. While they support public access to this area, trails and bike paths introduce added burdens and require signage, fencing, supervision and maintenance that have not been addressed in the project conditions. No trail map has even been provided, yet there is a promise of a trail.

They want to save this land as open space, and they believe this is in the best interest of Oceanside. They are also aware that Oceanside needs revenue, which can be provided in the form of TOT. A hotel built across Coast Highway on the eastern side, south of Vista Way on land very much in need of redevelopment would have very little environmental impact on the lagoon, and we would welcome such development.

The neighborhood, the 1,200 members of the Buena Vista Audobon Society and thousands of area residents who care about the lagoon, oppose the poorly located and poorly designed project. Do not disregard the millions of dollars available for purchase of this land as open space. The City and their beloved lagoon deserve better. Deny this ill-conceived project.

**MARCO GONZALEZ**, attorney for the appellants, would reserve the remaining time for rebuttal following the project applicant's presentation and before the public input.

Applicant/Appellant

**ROXAYNE SPRUANCE**, Bartell and Associates, a registered lobbying firm with the City of Oceanside, stated that her firm represents Mr. Aharon Abada of Oceanside Three, the applicant/appellant, who owns the property on which the Coastal Lagoon Hotel is proposed. Since Mr. Hittleman had gone over the nuts and bolts of the project, they want to take their time to go over some of the benefits and hopefully answer some of the questions and maybe clear up some of the unfortunate misinformation that has been out there.

Mr. Abada has owned the property for over 30 years. He is not an in-and-out builder who is here to make a quick buck. He has owned a lot of property in Oceanside. He has developed some; he holds others. He owned land across the street where the Sandpiper condominiums were built. He owned the land that the Audobon Center now sits on - land that he donated. This project, besides his owning the land for 30 years, has been in the process for 8 years. He has never once been approached by the California Department of Transportation (CALTRANS), the Trust for Public Land, the Audobon Society, or anyone to purchase this land for mitigation or for any other purpose. Now that we are one step away from getting permitting for allowable development, suddenly there are speculative interests that everybody wants to buy the land.

Mr. Abada has spent hundreds of thousands of dollars getting through this process. To expect him to now just back off and sell off the land for whatever speculative amount that might be out there, after he has spent this much and has a right to development, is really just ridiculous. He has a right to move forward.

We recognize that wanting to develop a vacant lot that sits between the lagoon and a residential neighborhood and that has had 50+ years of views of the lagoon and thousands of people, as Mr. Huckabay said, trespassing across the private property,

enjoying the views and hiking, is a huge controversy. What is also true about this is that Mr. Abada really has tried. This is a very divided community. The Audobon has thousands of signatures; we have over a thousand signatures. It is very split on what people want. No matter how hard we have tried to get consensus, it just has not happened. Depending on who you talk to, people want different things for different reasons.

The project that you see now basically is the concessions that have been made from meeting with people and trying to come up with the best project that works economically and also benefits the City. The development has been through full environmental review. While the Planning Commission did like the project, they did not like the architecture, which was a big thing. There were some other things as well. They did certify the EIR. They found it adequate within CEQA guidelines and certified it. The California Department of Fish and Game supports it. As Mr. Hittleman said, we have met with them, and they support it. Their biggest concern was not the width of the buffer, but who was going to manage it and how is it going to get taken care of. Those things will work themselves out. The width was not an issue. The City Attorney has looked at the EIR and he certified it as good. The City clearly has said through the General Plan and zoning ordinances that this is what it sees for this site. Part of it is residential, and part of it is visitor serving. The LCP may have said, when it was done 20 years ago, that the site should be rezoned for open space. That has not happened. It is zoned for what it is when he bought the property 30 years ago. This is what he bought it for, that is what it is zoned for, and he is bringing a project that is exactly what is requested.

One of the first things they talk about is whether or not it conforms. We just went through what is required and what this project proposed, whether it is zoning, general plan, the buffer or the pathway. The pathway is controversial because you have two different agencies who want different things. California Fish and Game wants us to fence the whole thing off and nobody goes in there. Obviously, the Coastal Commission is worried about the public access. That is where they came up with the pathway that is outside the buffer and resource protection. and outside the project.

Speaking about the parking, it depends on how you do the calculations, whether it is shared parking or not shared. Still the parking is there. If you want to get to the extreme, it is one space off. However, they are allowed 20% shared parking, so it could be considered excess. Regarding landscaping, when you consider the buffer, they have 15-18%. They have 16-40% as far as what is green/open space compared to building. The heights are all within the limits. My client has said when the condo height issue came up with the Planning Commission that the condos were too tall. They are exactly within the limits. If you would like, he can reduce the condos another 9 feet if he is conditioned to do so. He can do that and make it work, but that is up to the CDC. However, he is already within the limits.

The public benefits with the open space buffer. The buffer, which now is more weeds than anything else (at least the first 100 feet), is actually going to become real habitat. All the compacted soil pulled out from the rail walk trail has to be re-vegetated with native species when the project is over. It is actually going to be better habitat than that first 100 feet from the lagoon line is right now. There will be a formal walking path that is dedicated; it is public access; and it is permanent. While she does not want to call it trespassing, for all intents and purposes, that is what has been happening all this time. This is his private property. People walk back and forth. Now at least it is formal and people can go there. The Audobon Society can take groups, birders. The space is there for them.

There will be telescopes and a viewing platform on the top of the hotel with really nice views of the lagoon. Regarding upgrading some infrastructure, the traffic signal has obviously been very controversial. If the City needs one at the entrance or one at the Eaton intersection, we are totally fine with that. The applicant is really trying to be amenable to make this work for everybody the best he can.

Mr. Hittleman had talked about how the City benefits financially. Over 10 years, it works out to just under \$7,000,000, and that is a really conservative estimate. If you look through the tax analysis, it is pretty conservative. That is a lot of money going directly to the City.

They have been responsive to feedback. It is a little modern sitting next to the lagoon. But the idea at the time was to bring downtown and the City Hall to South Oceanside and get both ends of the City going. That was the whole idea. The design met a lot of criticism. It was suggested that they come up with a French Normandy. Unfortunately, that met a whole other set of criticisms from another set of people that said now we look like Carlsbad. People said they want something unique, something that is going to be Oceanside.

Just tell them which one to build, and they will build whichever one is desired. There are 3 options. They will go with French Normandy because that is what the project is. However, if one of the others is preferred, that is fine. One has more of a beach feel - craftsman style with rock facing on the walls, a copper patina roof and has a much better look to the area. It is very unique and beachy in Oceanside, and yet it blends well with the lagoon. If the City wanted to have the height reduction, it would bring the project down a little bit more.

Mr. Hittleman has already addressed the issue of mass and scale. He said it clearly fits in. It is a commercially-zoned spot. It is not going to have one-story houses there. It actually does fit in with the differences in grade across the street. They took some photos, coming from Carlsbad, looking into Oceanside. They took out the utility lines because they will be underground. They put to scale the hotel in the pictures. It somewhat answers the question of what it is going to look like. It does blend well, yet it is unique. It is not until you are on top of it that you see that it is a bigger hotel. It actually goes in with the skyline quite well.

They heard about community involvement at the Planning Commission. They recognize there is a lot of local opposition. It is not from lack of trying or from lack of meeting with people. Any group that was willing to sit down with them and listen to them and talk, they were more than happy to present and get their ideas. It was not possible to incorporate every idea, but they met and listened to everybody. In addition to all of these groups, they met with lots of individuals. Anyone who would meet with them, they would meet with. There were many phone calls made and many voice mails she left that never were returned. Now they say we did not talk to them.

There are names on both petitions that are the same people. CDC should have received letters from the Oceanside Chamber of Commerce saying they fully support the project. They also have members of all of the business associations that support them. The Sandpiper Condominiums residents support it, as well as surrounding local businesses. There is some community support. No doubt there is plenty of opposition. They are not living in a vacuum, and they are not by themselves trying to make a bunch of money and get in and out.

The result of what Council sees today is a culmination of a lot of years and a lot of input from a lot of different people. It is not everything to everybody. There are a lot of people that are not going to be happy with different aspects of it, and the reality is that there is just no way that they are going to make everybody happy. They are hoping that CDC can see that this is the best compromise to make it economically feasible, so that it works. They do not want to build something that does not work because it is too small and they cannot make enough money because then they would have a vacant building out there. They want to make something that works and also benefits the City in a lot of ways including tax revenues, a buffer, the walking path, etc.

**CYNTHIA ELDRED**, attorney also representing the applicant/appellant, requested to reserve the remainder of their time for the rebuttal.

**MARCO GONZALEZ**, attorney with Coast Law Group in Encinitas, Oceanside native, and appearing on behalf of appellants [Freed, DiMento], stated he has also been given the authority of the Surfrider Foundation and San Diego Coastkeepers, to join them both in their opposition and their remarks and supporting the opposition found on record today.

He commented that the petitions more likely than not are more accurate on behalf of the opposition. He wanted to address a couple of significant problems that they have touched on tonight, are available in the record, and that were written up in some of their comments.

There is a problem with LCP compliance. CDC has the opportunity to deal with it now or to wait for a number of months for this to be heard by the Coastal Commission, have them tell the City that you should have dealt with it now, and have it sent back. If the City is inclined to approve this project, they would do better to solve these problems before getting to the Coastal Commission. As the City found out with other large projects, like the proposed Manchester project downtown, view sheds are important, and the Coastal Commission wields the ultimate stick.

There is a question regarding original versus appeal jurisdiction. This is an important aspect with respect to the Coastal Act. CDC is being asked to consider a subdivision of land that currently includes land within the original jurisdiction of the Coastal Commission. That means the Coastal Act applies, and not just the LCP. The proposal is to carve out original jurisdiction land and say that they do not have to apply the Coastal Act because it is no longer part of the proposed project. The problem with that is that the development, under the Coastal Act as defined, includes processing of tentative maps. Unless they are proposing just the lot split now, staff cannot say that the entire project is only appealable or reviewable under the LCP. In fact, they will have to go back and look at this entire project for consistency with the Coastal Act. It is a level of review that just has not happened at the City level. This is the first fundamental flaw.

Consider that the Coastal Act and CEQA are very different. Mr. Hittleman had presented particularly with respect to view sheds, an assessment of alternatives that shows that views cannot be protected with the development of this site. That is a CEQA way of looking at things. You put up alternatives and you say this does not work, this does work and at the end of the day, we choose a project. However, there is a substantive component to the Coastal Act requirements, whether they are looking at the Coastal Act or the certified LCP. They cannot simply say that none of the alternatives work. They have to protect and shall protect public views, which means they have to reconfigure the site plan in such a way that both allows the developer a reasonable economic return and protects the view property rights owned by the citizens by virtue of their certified document or the Coastal Act independently. The analysis that was given to the CDC just does not cut it under the Coastal Act.

With respect to condo-hotels, this notion that, because this is in the pipeline there is some right inured upon the applicant/appellant that they will not have to abide by the subsequent recommendations of the Coastal Act, has no basis for that in law. There is no vested right to a condo-hotel. The Coastal Commission has indicated a problem with the way the City has proposed to develop this use. If CDC's intention is to approve this project, it probably makes more sense to go back, do it appropriately, process their LCP amendment and then bring this project forward.

Regarding some substantive CEQA violations and with respect to storm water in particular, the Best Management Practices (BMP) that have been chosen, while they are fairly decent, do not address one of the primary problems with run-off from parking lots, and that is to dissolve metals. The structural BMP's show a gravel filter and a bio swall, and while they do work well for sediment loading and other things, they are also the most highly intensive maintenance BMP's. There is no provision in the draft EIR or final

EIR for how, over the long term of this project, these BMP's are going to be maintained. Without maintenance obligation in the mitigation monitoring and reporting program, there is no insurance to the public or the City that they will be done. This is a major problem.

While the EIR has a discussion of impacts to birds, there are some major things missing. The fact that they build large buildings immediately adjacent to a migratory bird sanctuary essentially means they are going to have raptors and other predators roosting at a place where they will have the ability to come down and impact sensitive species. The roosting raptor is something that is considered in every other lagoon, but was failed to be mentioned here. They have provided their other comments on alternatives in their letters, so he would not go into the problems with not proposing something that is economically feasible and still reduces impacts. He believes Mr. Mullen got that letter and will understand it.

Addressing jobs and parking, Mr. Gonzalez stated that the statement of overriding considerations makes hay about the \$2,160,000 in job revenues that will be created by this. However, when it comes to how you park those people who are going to be parking at this commercial facility, you rely far too heavily on public transportation. There is nothing in the record that would amount to substantial evidence that would allow anyone to believe that the levels of employees taking public transportation would be anywhere near what is being proposed.

Remember that the way these projects work is to figure out the value of the land and what it costs to develop it. He knows they can develop smaller projects on pieces of land and then go back and change the value of the land. It has not been purchased yet. He urged them to follow the Planning Commission's recommendation.

#### Public Input

**JOHN DALEY**, 631 South Coast Highway, took time this week to go through the City's file on this project. What he knew before that was what he read in the paper over the last 5 years. Looking at the file, he has come to the conclusion that, unless the City is crazy, this is an approvable project that the State and local agencies all have agreed is a project that should be approved.

In his 35 years of coming to the City Council meetings and speaking for different purposes, he has seen time and time again where a neighborhood has decided against a new project in their neighborhood. This is a piece of property that has never been developed before of any consequence which is really rare in a City over 110 years old. It is a new thing in the neighborhood, something that they are not used to. There is one thing that scares people a lot and that is change.

He understands the consequence of developing next to the lagoon. It is very important to be sensitive to that. After dispassionately looking at the file, reading what the City report was, reading the appellant's questions in asking for a denial of this and not speaking to any staff members, developers, or anybody in the community, he has come to the conclusion that this is an excellent project. The rest of the community would cry out that this is a project that should be approved. Given the recommendations by the staff to limit the development to the different configuration and sizes and the changes that have been made over the last 5 years, it seems to him that this has been a prudent developer who has stuck around for a long time to come up with a good project and should leave tonight with an approved project.

**SHARI M ACKIN**, 1469 Moreno, stated that the data provided by the City regarding low-cost visitor serving facilities reflects significant inaccuracies. These have been made available to staff and will be relevant when the Coastal Commission considers the project upon appeal. In addition, the analysis of the impacts to the Buena Vista Lagoon public view corridor highly underestimates the value of the view corridor, as well as the project's compatibility with the surrounding neighborhood.

Staff states that the Coastal Commission approved condo-hotel projects in 3 other coastal communities. She would like to submit, for the record that, of the 3 communities staff mentioned in the report, 2 have pulled their projects, and the third is in the very early stages of the approval process. More importantly to note is that all of these cities have hotel rooms available for visitor-serving accommodations. Oceanside is much different than these cities cited in the report, and it is ridiculous to continue to beat that drum. Each community is different, and each community will be judged as such.

Mr. Hittleman had stated that the condo-hotel concept has been in the pike for over a year. She asked why it was not included in the environmental impact report. When this project was presented to her as a Councilperson, she was told by the developer's lobbyist that it was going to be a nice restaurant, similar to Hunter's Steak House. A couple of months later, she was told by the architect that the restaurant would be a 24-hour coffee shop in order to service the hotel. She feels that a 24-hour coffee shop at the gateway to our City would be a travesty and asked Council not to approve this project or the EIR. Get back to the drawing table and make something work.

**KEVIN McCANN**, 2755 Jefferson Street, Suite 2ll, Carlsbad, attorney representing the interest of Antonio Regakis, owner of Angelo's restaurant located at the corner of Eaton and South Coast Highway, expressed concern about the effect that this project may have on the long planned signalization at Eaton Street and Coast Highway. The good news is that there is a solution to this problem.

If one tries to turn onto westbound Eaton Street going northbound on Coast Highway, it is near suicidal. Cars come flying over the top of the hill or threaten to hit you from behind. It is the same way when you are going down the hill and try to turn right into Mr. Regakis' restaurant or onto Eaton Street. You are at risk of being rear-ended. This is from personal experience. His family owns the triplex immediately behind Mr. Regakis' restaurant. He lived at that intersection for 5 years and witnessed many accidents. He had a friend who was killed crossing the street there at nighttime because there was no signal. It is a very serious safety problem. He has spoken with the representative of the developer. This plan proposes to move the long planned signal at Eaton Street several hundred feet south of the location immediately in front of the new site. That will solve the problem for the new site, but will ignore the problem which has increasingly grown as traffic has grown at Eaton and South Coast Highway. The solution is that the developer is willing to install a signal at both intersections: at Eaton Street and in front of their site. He had not spoken with Mr. Weiss or anyone in his office, but he understood that the City Manager's office is willing to enter into a recompensation agreement with the developer for that purpose. He spoke with the Engineering Department and understands that they generally support the idea of having a signal at both intersections.

The only other thing that could be done to solve this problem would be to close off those streets as the recommendations propose to do, but that is not fair to the City. The City has a Circulation Element that provides for the smooth flow of traffic in and around all of these streets, not just at the intersection of Vista Way. He encouraged CDC, if they should be inclined to approve the project, to amend paragraph 67 of the Resolution to provide that there will be a signal installed both at the intersection of Eaton Street and directly in front of the applicant's new site.

**ROBERT Q. SHUPE**, 117 Eaton Street, said from his property he could see the project site and a portion of the lagoon. He often thought about the portion he could see and that he would lose a good portion of that with the development of this hotel. After hearing what was said about the rooftop telescopes, he has become more concerned about people looking in his bedroom and his bathroom. They talk about Coast Highway and some of the commercial developments there, but what you have adjacent to the site are residences. They are very nice, and it is a quiet neighborhood.

He does not see anything that adds to that quietness nor to the view.

He expressed concern about the coastal bike trail that has come down and ends in that area. With that property, there is the ability to get it to Carlsbad without necessarily having it cross onto Coast Highway, which is dangerous as we have already heard. Density ought to be downtown. Let us not throw it out there on the fringes of this fine city. That is where we all live. This is density in the wrong place.

**BOB DREW**, 3185 Buena Hills Drive, felt we are incrementing our natural heritage away bit by bit. This is not a necessary development. He feels it is a dangerous one. It is one that will inhibit their enjoyment of the natural beauties that they have. He urged the Council to deny this project.

**MEGAN JOHNSON**, San Diego County Project Coordinator for the Southern California Wetlands Recovery Project, stated the Wetlands Recovery Project (WRP) is a partnership of 18 State and Federal agencies that is chaired by the State Resources Agency and supported by the State Coastal Conservancy. They involve agencies, scientists and local communities in restoring rivers, streams and wetlands in coastal southern California.

Healthy southern California coastal waters and wetlands help support our local economies by sustaining our fishing industries and providing tourism and recreation. In addition, in their highly developed southern California coastal cities, preserving and restoring our wetlands provides a crucial resource for people for respite, relaxation and rejuvenation. As a nation, we have lost 50% of our wetlands in the past 200 years. No place has suffered the extent of losses that southern California has. We have lost 90% of our wetlands. These losses have been incurred through dams, channelization and urban development.

The WRP member agencies have evaluated and prioritized restoration projects up and down the coast of southern California. These are the projects they have agreed have a regional importance for southern California, and they have committed to dedicating time and resources to completing. The Buena Vista Lagoon restoration project is one of these projects. The Buena Vista Lagoon is a state ecological reserve that is currently the focus of major environmental restoration efforts. State and Federal agencies have committed time and resources to seeing this project completed. Not only will the proposed boardwalk development project detract from the recreational, economic and wildlife functions that the lagoon provides, but it would also detract from the restoration opportunities at the lagoon. It would restrict the regional treasure that the lagoon could become.

As a part of the lagoon project, this property could feasibly be restored to wetland habitat with public access. While it is currently not possible to seek acquisition of this property because it is currently in escrow, several of our State agency partners could and would be interested in pursuing the purchase of this property for open space preservation and restoration should the opportunity arise.

Should this development and others like it continue to encroach on our wetlands, what will be left will not be an attraction for recreation, nor will it be functional for wildlife and other wetland functions that we depend on. It will be yet another urban encroachment, another chip out of our already decimated coastal wetlands. She asked Council to consider the natural habitat that the lagoon provides and choose to value that and improve upon it.

**VIC ZNORSKI**, 1930 Coast Highway, stated he has been a resident of Oceanside over 50 years, plus 5 years at Camp Pendleton in and out. Twenty years ago he built a 10,000 square foot building at the 1900 block of South Oceanside, which is approximately a block or so from this project. It is been occupied by a furniture store for years. He is glad to see that a good solid project has come into Oceanside instead of fish taco and hamburger joints that you drive through. It has been the first good

project since he built the building on Coast Highway and he does not think CDC should shoot it down. He thinks it is terrific.

**ALLYSON FELLERS**, 2158 S. Coast Highway, lives across the street from the proposed development and she and her family love timeshares. She appreciates that there is a time and a place, but this is not the place for a hotel timeshare. There is no beach access; it blocks her view; and the proposed street access is a nightmare. It will seriously decrease the quality of life.

Council was elected to represent the citizens. She personally talked to over 60 people who signed the petition against the development. She did not misrepresent what she asked them to sign. With the exception of 3 people, everyone was against the development and in favor of the petition. These are everyday people. When everyone asked her what it is, she explained where it was. They asked why they were building on that little piece of land. They questioned where the cars would go, what is going to happen to South Coast Highway, what about the wildlife and where will they relocate to, etc.

Regarding the 3 people who did not want to sign the petition, one was an illegal alien, and the other two were local business owners. These local business owners believe that it will increase business and revitalize Oceanside and therefore are in favor of the project. If it is built, the only thing it will do is create more business for Carlsbad and more congestion on an already busy highway. She would ask and beg CDC to listen. The people do not want this project, and they do not believe it is in the best interest of the City. Do not forget that your constituents are the people, not just the campaign contributors, but all people of Oceanside.

**MARY ADAMS O'CONNELL**, 39 St. Malo Beach, is president of the St. Malo Association, a community of more than 80 homes on the opposite side of the railroad tracks, between the railroad tracks and the beach. Their community began shortly after World War I, about 80 years ago. In some of their homes, they have more than 4 generations now. They have been here a long time. She wanted CDC to know how much they care about the area.

She has been coming here for over 50 years. What attracted them originally was the huge beach at South Oceanside, which no longer exists, and also the tranquility of these wetlands. This could not be a worse place for a 3-story hotel, a restaurant and a condominium. The project is disruptive to the environment and the neighborhood. Not only will it ruin the public views and cheat the public out of using this beautiful area, the traffic and noise from the hotel and restaurant will change the whole peaceful character of this area.

She has looked at the plans and seen the portion that the City is giving to the land owner. She has seen the alley behind Broadway Street, where homeowners now have access but will no longer have access to, and she has looked at the 100-foot buffer. It does not look like 100 feet to her. She saw the lobbyist who spoke on behalf of the owner say that they had a meeting in 2006. She said the meeting consisted of a phone call to her. They sent her a brochure and asked if they could use their beach. She thinks the reason for all of those meetings was that so many of the people in the area are concerned about this project and do not want it to go through. She hopes that CDC has the interest of the south Oceanside community at heart, will listen to those who are speaking tonight and vote down this project.

**RON MIROLLA**, 2188 Sandpiper Cove, stated there were several people here from Sandpiper Cove Homeowner's Association. By a 2 to 1 majority, people that are here tonight are against this project. They have had meetings with various Councilmembers to present their side of the issue. At one of these meetings, Mr. Feller said he was a property rights advocate, but the City would be giving Mr. Abada approximately 15 feet of the end of Broadway, a public street. This is property that belongs to the taxpayers of Oceanside. He asked about their property rights.

February 14, 2007

Joint Meeting Minutes  
Council, HDB and CDC

He reminded the Council that although Mr. Abada is a powerful La Jolla developer who has donated to Mr. Chavez' and Feller's campaigns, he does not vote in Oceanside; we do. Be assured we will be a voting block in the next election.

**JACQUE DOMERQ**, 1348 Buena Street, said tonight they are hearing a lot of talk and concern about the negative impact the Boardwalk Project will have on such an environmentally sensitive area as the banks of the Buena Vista lagoon. He did not want to talk about that nor about how out of character it was in this day and age for a coastal city to condone the endangerment of such a lagoon. He came to talk about property rights.

What some Councilmembers have suggested is that this argument is not about the environment and it is not about the community, but instead it is more importantly about a man's right to build whatever he chooses on the property that he owns. There is a problem with that argument, because there is more than one property owner concerned here. Collectively, the homeowners in the neighborhood surrounding this project will suffer a more substantial loss in quality of life and equity than the amount that the owner is projected to receive, especially when we consider that there are other options to keep the land open and safe. Collectively, they know this project intends to snatch access and equity from the homeowners who have lived in this neighborhood for years. They can see that this project is not about one man's right to build something, but instead, it is about choosing a little bit of money over a community of people.

**CATHY SCHOLL**, 2716 Socorro Lane, Carlsbad, stated that she owns a 12,000 square-foot vacant lot on the south side of Buena Vista lagoon. She has owned the lot approximately 14 years. She believes it is the only vacant lot that there is. It is a residential lot for one house.

It was her dream to build a house on the lot she purchased. She will probably sell her lot, take her money, and go. She will find a place where there is open space, where there is environmental concern, where the local city wants to protect the rights of the land of the people who live there and not just develop. She would like to do whatever she can to protect this dream, to keep it alive, and to keep this place nice.

**ELAINE BARTON**, 493 Lexington Court, spoke about the transient occupancy tax (TOT). She referred to page 3 of the staff report, which she said includes one very important sentence, "...visitors to the hotel and condo-hotel portions of the project are required to pay full transient occupancy tax to the City as if the project was a 100% transient hotel all year round." That sounds good that we get TOT taxes every day a room is occupied. However, you need to look at this a lot closer. This is written in a section about project eligibility for a coastal permit. There is no mention of condo-hotels in Oceanside's LCP. There is not one condition in the 175 conditions specified for this project that would obligate condo-hotels to pay TOT tax. In fact, if you look at the tax codes of Oceanside, you will not find one mention of condo-hotels, It is a pipe dream to think that this will happen because someone writes a sentence in a staff report. This would be the first "condotel" project in Oceanside and could set some important precedents. These units need to pay their fair share of taxes, the same as any other hotel.

She requested that this project be sent back to the Planning Commission and City Attorney. Please make sure that this is done right so we do not give up our views and access to the lagoon and end up with nothing. She will never understand why the commercial property that is so run down, just immediately north of this land, is not taken over by the City. She does not understand why the owners of those lands do not develop that instead of asking residents to give up this priceless lagoon and the wildlife that will certainly leave if they have lights all night and noise from a restaurant and an 84-unit hotel.

[Councilmember Feller left the dais at 7:58 pm]

**CAROLYN KRAMMER**, Citizens for the Preservation of Parks and Beaches (CPPB), stated that the proposed Boardwalk Project is not in compliance with the LCP for many reasons. The CPPB requests that the CDC deny the project and do not certify the EIR. Even though this land is not considered public park land, the Buena Vista Lagoon is an awesome beauty that compliments the end of its journey at the mouth of our Oceanside beach. The views from adjacent open space contribute to a beautiful entrance into Oceanside from its southern boundary. This view corridor should not be replaced with stucco walls, condos and an all night coffee shop. This type of 3-story development is inconsistent with its surrounding area.

She encountered the petition the other day at the grocery store, and it was very misleading. Paid signature gatherers had large signs attached to their tables stating that by signing the petition, you were in support of higher paying jobs for Oceanside residents. Upon picking up the petition and reading it, then she noticed it was addressed to the Oceanside City Council and the California Coastal Commission, and was not about higher paying jobs for Oceanside, but a petition in support of this project. She wanted it to be noted for the record that this petition may have been signed by persons wanting higher paying jobs for Oceanside, rather than persons being in support of this project.

A better use of this land would be for wetlands mitigation. She understands that there is a willing buyer to keep this land in its pristine environmental state. She would think the owner of this land would seriously consider this option, rather than spending time, energy and resources going through the appeal process to the California Coastal Commission if this project is approved by the CDC.

**JAN GARDNER**, 989 Glendora Drive, a 29-year business owner in Oceanside, is in favor of this project and has been since the first rendering. She has seen all 3 of the alternative plans, and they all look nice. Any one of them would compliment that area.

The property owner, Mr. Abada, and his architects have worked long and hard to bring a classy project to Oceanside. It is a very unusual piece of property, and she thinks they have done a good job with it. It has long been identified as a prime hotel site, and Oceanside could really use 82 hotel rooms, especially with all that is going on in this city. If we were to have a stadium or something, we will need all the hotel rooms that we can get. She thinks it would also enhance the gateway from Carlsbad, coming into our city. The developer could rightfully do a denser project, but he has chosen not to. He scaled down and redesigned the project several times.

Oceanside has more to offer than any other coastline city north of San Diego: Our beach, our pier, our harbor and our Mission, just to name a few. Yet we continue to balk at putting in high class, upscale projects, and we end up with more WalMarts. She finds it ironic that Mr. Abada generously donated the property which the Audobon Society sits on, and yet they are one of the fiercest opponents. Audobon has a 50-foot buffer, while this project would have a 100-foot buffer. Yet no one seems to complain that there is only a 50 foot buffer on the other side.

[Councilmember Feller returned to the dais at 8:01 pm]

She does not believe in any way that this project would detract or destroy the lagoon and its inhabitants. She lives adjacent to a habitat area and after all of the construction was through, and there is still some construction going on in some of the areas out there, it really has not hurt anything out there. The animals, the birds and the coyotes are all still flourishing and are still in the area. They adjust to what goes on and she does not think the project would detract from it. She thinks it would enhance that corner. She urged the CDC to vote yes on this project.

**PAMELA MYERS**, 910 North Pacific Street, had an opportunity to talk to some folks that came down from up north because of our great beaches. They made a comment about how much open space we have on North Pacific Street. She was

February 14, 2007

Joint Meeting Minutes  
Council, HDB and CDC

stunned because they were talking about how our beach area was better than Santa Monica beach. We do have great openness in Oceanside. This is a great parcel of land that is open. She does not want development there. She would like to keep it as open space.

[Deputy Mayor Chavez left the dais at 8:03 pm]

Taking the analogy of water and food that we need to sustain life, we also need spirituality and happiness of heart. She feels coming from Carlsbad into Oceanside gives her great joy because of the openness and the nature that it has. She would like to see the CDC preserve this area as open space. So much is happening in Oceanside, and it is becoming built up so much that we are losing our character and our open space. People are going to be moving out, and we are going to be like every other beach community. What makes Oceanside different than other beach communities is our beautiful beaches and our beautiful open spaces. She urged CDC not to pass this and to find a way to preserve it as open space.

**KATHY CHRISTY**, 3552 Mira Pacific Drive, is a member of the League of Women Voters of North Coast San Diego County, and they only take a position on an issue after they have studied the issue. Then they have to get a consensus on the position at their unit level. Their Board of Directors also has to come to a consensus. In this instance, they studied the development and its EIR, and they did get consensus at both levels. The details of this development were scrutinized in accordance with the land use positions of the League of Women Voters of California. Their State growth management policy says land use decisions should relate to and protect the overall quality of the environment and should be addressed at the local level. Part of this development is in the jurisdiction of the California Coastal Commission, and the primary objective of that Act is to protect, maintain and enhance the quality of the coastal environment.

The League of Women Voters opposes this project. The League does not feel or believe that this development will in any way protect, maintain or enhance the quality of the environment. The League does not feel this development recognizes the fragile, biological sensitivity of our lagoon. The physical and visual quality of our lagoon are at risk. Our remaining open spaces along our coast and our lagoons are very few. They are very precious areas that we really must protect. The League of Women Voters requests denial of this project tonight.

**JAN NELSON**, 2196 South Coast Highway, Sandpiper Cove, wanted it noted that Sandpiper Cove homeowners did not approve this project. She has only lived there for 5 years. Her husband bought the property 9 years ago, and it is been their Shangri La. She is asking CDC not to take it away from them. This would ruin a beautiful area of south Oceanside.

**NADINE SCOTT**, 550 Hoover Street, lives in the Loma Alta neighborhood. She had an occasion to run into one of the petition takers for the owner of the property. Their methods were extremely unscrupulous. They lied about where the project was located. They got it confused with another lagoon. They said this was a dead lagoon; it is covered with tarps; we are killing it with bleach and this owner is going to renovate this entire lagoon and make it a beautiful, wonderful, wetland again.

[Deputy Mayor Chavez returned to the dais at 8:08 pm]

A lot of people signed under that fabrication. If CDC is considering those signatures from the paid petition takers, she would not give them a lot of validity. Lots of other lies were given about the bulk size and scope of it.

She wanted to get her concerns about the bike path on the record. It does not seem particularly accessible or usable because of the end piece of property. She knows there is a lot of talk about the owner giving the property to the Audobon Society, but at

one time apparently he was quite the philanthropist and really believed in the lagoon and the health of it. Now, for some reason, he has gone to the dark side.

In January 2007, the new municipal storm water permit was put in place by the Regional Water Quality Control Board. According to her legal opinion, that constitutes a legally changed condition that has not been considered in the documents for this project.

**KAREN DUGAN**, 2106 South Tremont, said that one Councilmember said he was concerned about this property owner's rights; also he indicated he would protect mine. If this CDC approves this project, my rights and those of others in this area will be violated. They elected the Council to be stewards of this area. It will be hypocritical if the Council approves this project. No view corridors would remain. There is no beach access here. There is no guarantee people will purchase \$500,000 rooms.

This is an old established neighborhood. A hotel is not compatible. The quality of life we value will be no more. You will put your citizens through years of increased traffic, noise and pollution.

The best evidence is that energy consumed in building and maintaining these types of projects generates anywhere from one-third to half of all greenhouse emissions. Also, a recent study said the effects of air pollution from construction equipment is staggering in California. It cites adverse effects from exposure to soot from diesel emissions. She would hope CDC is investigating the negatives on our population. By allowing this project to proceed, we are contributing to the problem.

The owner put this project in escrow. By doing so, he is not able to negotiate with Caltrans. He would have full market value and tax credits. This would be a win for all.

This project would supersede the City's LCP. She challenged CDC to creative, and think of ways to generate revenue without ramming hotels and other egregious ventures down our throats. We, as constituents, lose everything for the benefit of a few. She asked if they would be the last to implement a plan to maintain our environment, or continue to slash and build for dollars. This is a moral issue she puts before the CDC. She asked if they would vote for this project if it were in their neighborhood.

**JOYCE PAGE**, 6524 Easy Street, Carlsbad, stated she used to work at the Audobon Nature Center. She invested 15 years and many hours teaching children about nature. She cannot say how many times she had groups of 25 children, and they looked up and saw a red-tail hawk. The hawks were looking in the area they are thinking about developing to look for their prey. Sometimes they would see the red shouldered hawk. This was something that thrilled children who normally do not pay any attention to nature because their families are too busy. This area is something that is used every single working day to teach children about nature.

**ELLEN NEWTON**, 301 Vista Way, stated the petition gatherers have apparently only been out since last Friday. Everybody is appalled at it. Signed petitions give the CDC an idea of how their constituents feel. We have spoken to and have had petitions signed by Oceanside residents, residents of other North County cities, and even visitors over the past many weeks. Often they are astonished by this project, and many had not even heard about it. The overwhelming reaction was, "on the lagoon?"

The Coastal Lagoon Hotel issue, formerly the Boardwalk Hotel, creates a strong reaction. Last Friday was the first time they saw petition gatherers with signs that say better paying jobs for Oceanside. The petition says nothing of jobs. It is only in support of the Coastal Lagoon, and it is full of vague, misleading statements.

The Buena Vista lagoon and its surrounding open space is the attractive gateway

into Oceanside. This project will create a long corridor of buildings on the west side of Coast Highway, creating a boxed-in atmosphere. It says \$3,000,000 will be spent on public improvements, which she thinks is sometimes for the owner. The buffer zone between the hotel and the lagoon is a requirement, not a public improvement. Building a 6-foot tall block wall surrounding the project is not an improvement.

If birders want to come and look at the lagoon and are going to be on the hotel side, they are going to have to bring ladders to climb up and look over the wall. There is native vegetation on the buffer zone, and she wonders what they mean on that petition that 62% of the project is going to be landscaped. They also mention a formal walking path, which is apparently a 2-4 foot wide path between the block wall and a parking lot. Also, if a traffic signal is required for this hotel, where it is proposed is going to cause a bottleneck on that part of Coast Highway. If a signal is needed, it should be at Eaton where there have been numerous accidents, some fatal.

Per the plans, the drainage systems provided would be minimal. The last issue is how long it will take for \$7,000,000 in taxes to be generated, because that is what the petition said. Between Mr. Hittleman and Ms. Spruance, there was over \$140,000 in yearly revenues that were quoted. It is all speculative.

We are giving up a rare, beautiful area in south Oceanside for some dollars. We are creating many hotel rooms downtown where there is public transportation. God has given us this wonderful lagoon where migratory birds stop. It is home to many species and a destination for lots of people. This is an offensive, over-designed, over-sized, obnoxious, Oceanside-type project. Please, not this time.

**GREG GARDNER**, South Pacific Street, is in support of the project. His understanding is that it is this gentleman's property and his family's property. It is not public property or these other people's property. It is his property. He is trying to build it the way it is zoned, the way it is meant to be built. This is the third rendition that he has seen. The owner has been trying to get it approved for 6 or 7 years. He has done everything that he can. It seems like a great project and what Oceanside needs.

Whenever he drives from Carlsbad into Oceanside, he sees the junk and the stuff that they cut off their trees and throw over the fence. It looks like he is driving into a dump zone. Yes, there is some grass there, but with the 100-foot buffer zone being maintained, what more can you ask for.

**DAVID NYDEGGER**, Chief Executive Officer of the Oceanside Chamber of Commerce, said that the Chamber has had several presentations by the owner of the property regarding the project in its various names and shapes and sizes. We think this is a project that would be good for the community and good for the City. Right now there is really not a whole lot as you come in from Carlsbad on Coast Highway. It is a vacant lot.

He listened to Mr. Hittleman's presentation earlier and it seems that every single thing that is required or has been asked of the owner by our City has been addressed by the applicant and the EIR. He knows that the Council continually hear lots of input from lots of folks, and that is wonderful. Our city is a growing and vibrant city, and we are heading in the right direction. He urged Council to continue in that direction.

**WADE M. GOWAN**, 555 Eaton Street, thinks it is interesting that the Council has heard from the two largest homeowner associations in the area: Sandpiper Cove and St. Malo Homeowners Association (HOA). He believes that he represents the next largest homeowners association in the area, which is Eaton Court Town Homes. It is interesting that the lobbyist said that they reached out to all affected neighbors in the area. He has lived there for 3½ years and has been the president of the association for 3½ years. He has never been contacted by anyone.

The interesting view coming northbound on Coast Highway, if you are looking at

February 14, 2007

Joint Meeting Minutes  
Council, HDB and CDC

the photograph, looks like the hotel is far off in the north distance. That is not the case. If you look at the elevations and the drawings, it is right across the street from the driveway to the Audobon Society, not at all what they are depicting in pictures.

There are 5 issues that he could come up with off the top of his head: pollution - we have light and trash pollution there; noise pollution - that is definitely going to be an issue in this area; traffic - he has personally in the last 2 months made two 911 calls for people turning left onto Eaton Street, heading east on Coast Highway; safety - we already have too many accidents in that area; and parking - there will be some overflow of parking entering our local neighborhoods. It is his understanding that this is the only freshwater lagoon on the coast in the State of California.

**RUSS CUNNINGHAM**, 405 South Myers Street #3, said as a land use planner by trade, he tries to approach his work as a regionalist. He is trying to view this issue from a regional perspective. Like a lot of folks born and raised in the Los Angeles area, he chooses to live, work and raise his child here. Reasons why he has chosen to settle in North County: Soledad, San Dieguito, San Aliejo, Bataquitos, Aqua Hedionda and Buena Vista. Nothing defines the landscape and natural heritage of North County coastal area better than these wonderful fusions of land and sea that we call lagoons. These lagoons are things of beauty in and of themselves, but they are also important physical boundaries that help to define the developed areas that surround them. For Del Mar, Solana Beach, Encinitas, Carlsbad and Oceanside, the distinctness of these communities, both tangible and intangible, is attributable in large measure to the lagoons that physically separate these communities from one another. Allowing development in these defining spaces inevitably has the impact of eroding this distinctness, and that is not a good thing.

For years we have read, heard and talked about the "Los Angelization" of San Diego County. Some of this sentiment that surrounds this term is tinged with NIMBY-ism and fear of difference and change, but much of it is a valid response to poorly conceived urbanization, in particular urban sprawl that in the Greater Los Angeles area has turned a region of once quaint, well-defined places into one enormous stretch of concrete. Anyone who has driven the coast from Santa Monica to Redondo Beach knows what he is talking about. Allowing development of this kind takes us in that direction.

Councilmembers are the principal stewards of our City's open spaces, which are in dwindling supply west of the interstate. He challenged the Council to make the preservation of Buena Vista Lagoon part of their legacy. He challenged them to be creative, bold and visionary and to find a way to fairly compensate this property owner through an open space mitigation agreement. Future generations of North County residents will thank Council for their efforts.

**ANDREW GUATELLI**, 555 Eaton Street, had already submitted a document on October 19, 2006 in criticism of the EIR document that he finds to be flawed or have significant errors that should prevent the Council from approving it. One of those issues is the traffic issue because of the constraint on Highway 101. The project cannot solve the traffic problem along Highway 101. Also, there is a significant flooding issue he does not feel is adequately addressed. Other minor things are that the EIR is built by a consortium of consultants. They do not have the number of rooms correct from section to section in the report. This information is all in the report he submitted before.

Story poles were never erected, so they never realized what the elevations were. It seemed that 6 years ago when he looked at the design from a different architect, the new group is simply repeating that design. It is fascinating that this has gone through 10 years of concerted effort on design, and we arrive back at a similar design.

He has also heard that this is the last resource in the lagoon. When they look around the edge of the lagoon, part of the reason it may be the last resource is that there is considerable problems with seismic hazard and flooding, neither of which is

going to be mitigated by the project. They can mitigate the ground under the hotel, but not those 2 hazards.

The other terms he heard tossed about tonight was that the project is adequate, and has achieved just what is required. The site deserves something that is a little bit better than what is just required or what is just adequate. This is not smart growth. He is asking Council not to approve this project in its current format and to make the applicant go back and consider a different approach.

**RACHEL WOODFIELD**, 1612 Cassidy Street, has lived in South Oceanside for 27 years. She is a biologist and has worked for over 10 years in North County's coastal lagoon. Right now she works for Aqua Hedionda, the lagoon that the lobbyist got confused with this lagoon when they were begging for signatures. She has been privately and professionally involved at Buena Vista Lagoon also for many years, and she is here to ask Council to reconsider the value of this property in the City.

She said that many years of development such as this have led to the degradation of the lagoon to the point where many more years were spent making a plan to fix it and restore the aesthetic and biological values to the City. She finds this proposed project to be completely inconsistent with those goals. It is the last significant piece of open space around the lagoon and offers this tiny little postage stamp of meager buffer to light and pollution and noise. The buffer is proposed to placate everyone, but she finds it ill-conceived and poorly described. The staff report says it is going to be vegetated with natural, native wetland plants. There should not be a wetland in the buffer. Later it says it is going to be planted with drought tolerant plants. There appears to be no real plan.

They do not really seem to know who is going to own or manage it. Fish and Game does not have a red cent to manage anything. The alternative proposed by the lobbyist was, it will get worked out somehow. Managing native habitat does not get worked out. It is very difficult and very expensive. There are invasive species that need to be controlled. Plants need to be irrigated to get started, and they are not really even sure what they are going to plant there. She is not sure how they can be sure it is environmentally effective.

She is concerned about the light-footed clapper rail. It is listed as a State and Federally endangered species. It is one of the most endangered birds in our state. There are a nesting pair within the immediate vicinity of the project site, and there is really no recommendation to protect it, except to avoid construction near the nest, if it is feasible.

She is proud that this City has finally taken baby steps towards recognizing the value of wetlands as an asset rather than a liability, starting to see the value of open space but, in this case, she is disappointed to find the City is short-sighted. This property adds tremendous potential value to our City. Once the lagoon is restored, this area may be the prime hotspot access to view and enjoy the lagoon.

Buena Vista supports over 200 species of birds. That is even more than Batiquitos. The potential for ecotourism and aesthetic value should really be considered. Look at the Bolsa Chica Conservancy. Thousands of people come from all over the world every year just to see the birds at that messed up lagoon. She would appreciate if the Council would consider this carefully before they approve it.

**WERNER VON GUNDELL**, former Planning Director of Oceanside from 1979 to 1984, stated that he is no longer a resident of Oceanside. He and his wife moved to Gopher Canyon Road 10 years ago to escape from the fog because of their arthritis. He is here because he and his wife are still actively involved in Oceanside. Their hearts are still in Oceanside. They also do most of their shopping still in Oceanside.

As long as he can remember, this property was zoned and shown in the General

Plan as a potential hotel site. This was many, many years ago. It is private property. If he had his choice, he would like to see it remain as it is now as part of the lagoon corridor, but it is private property and we have to live up to that condition. He thinks the project has gone through many amendments, and it is a compromise. The compromise has reached the best point for both the developer and public. We cannot avoid the fact that it is private land, and the applicant has a right to build something there.

He thinks that any further delay would only damage the developer and damage the reputation of Oceanside. He remembers when he was the Planning Director in Oceanside. They had very little success, almost no success, to attract new hotel developments. Tourism is probably the cleanest and the most profitable industry a city can attract. He wanted the Council to keep that in mind. He suggested that the Council approve the project.

**KARL STEINBERG**, Doctor at Sharp Mission Park Medical Group, has lived in Oceanside for about 15 years. He does not live anywhere near this proposed project. He lives in the Ocean Hills area. He is an Associate Medical Director at Sharp Mission Park. He is not here in any official capacity.

He has seen a lot of improvement in Oceanside during the time that he has been here. It is a much nicer place to live. He thinks when they are going to do a project like this, they want it to be more than just adequate. This piece of undeveloped land looks beautiful to him. That is why he is here. He has never been before this esteemed body before, and he is happy to be able to be here and make a statement.

He does not know anything about the developer or his family, but he does not like their tactics. The applicant's petition should say Coastal Lagoon. Saying it is to support high paying jobs in Oceanside is deceptive. It is unscrupulous, and he does not think that kind of thing should be rewarded. He had spoken to some of the Council and corresponded with some. He is getting a sense, including Mayor Wood, that some sort of development here at some point is going to be inevitable. If that is the case, then they will have to abide by the decision. However, just from looking around and from everything he has heard tonight, the opposition is a bunch of passionate and well organized people. He asked Council to please strongly consider what people have said. He urged the Council to vote against it for now, let the developer and interested parties get together and collaborate, and let us get this right if anything is going to be built on it at all.

**MS. DiMENTO**, 2116 Broadway Street, agrees with the former speaker. Lagoon access across parcels 2 and 3 will be blocked if this project goes forward. The doctrine of implied dedication dictates that public access used by the public for more than 5 years, and in this case 30 years without any attempt by the property owner to eliminate trespassing are essentially easements over real property that come into being without the owner's explicit consent. She believes the owner's parcels are subject to this ruling of the California Supreme Court referenced Gian vs. City of Santa Cruz, 1970. The owner/developer seems to have given over his control of parcels 2 and 3, in that the public has been crossing those parcels via trail for more than 30 years.

She cited an excerpt from *Coast and Ocean*, Spring 2003, "...the California Constitution clearly favors public access to shoreline areas." The California Coastal Act embodies this goal and Public Resources Code, section 30211, which states that development shall not interfere with the public's access to the sea where acquired through use, including, but not limited to the use of dry sand and coastal beaches.

**RICHARD EISENDRATH**, 113 Themmet, is a property owner in Oceanside. At one time he had the listing on this property, and everybody in this room had the opportunity to buy it. As long as he had the listing, nobody stepped forward, and nobody bought that property. He thinks the property owner should have a right to do as he pleases, if he follows the regulations. It seems that the applicant is within his

rights to develop this property. He would strongly support the development of this property and trying to get development going along South Coast Highway.

The owner wants to develop his property, and they have a moral obligation to allow him the right to the use of his property. He has not asked for anything above and beyond what is allowed. He is in support of the owner being able to use his property.

**DIANE NYGAARD**, 5020 Nighthawk Way, stated that they hoped that Council's hearts have been touched tonight about this special lagoon and how important it is to thousands of people in North County. She is representing Preserve Calavera and their 2,000 members. They are the grassroots organization that got 700 people to donate over \$100,000 that leveraged \$9,000,000 to acquire the Sherman property, which is a treasure for all of North County.

They are concerned about this project because it is not far downstream from the Sherman property. All of the community's effort to preserve one parcel can be thrown away if you now turn around and do bad development downstream. As this project stands before Council tonight, it is bad development. It will disrupt the secondary wildlife corridor that follows the creek to the lagoon in the coast, and it compromises the lagoon restoration by having an insufficient buffer to the lagoon. While the wildlife agency signed off on this project some time ago, she can assure Council that having seen the project conditions and the current plans for this project, the City is going to be getting a new letter and they are not in concurrence with this project.

It also does not require a public trail, something that we know is important to many and is very important to this community. She requested that Council look at the mitigation measure on page D-3. It talks about a trail, but there is no requirement for a trail. There is no trail in the project conditions. There is no trail shown on the project maps. They were told by the project applicants that it just was not worth the trouble to provide a map that actually showed a trail. One clear sign that this is a bad development is 7 pages of mitigation conditions for the geotechnical issues of this site. This ground was not meant to support the kind of big heavy buildings being proposed. Seven pages of conditions and we better hope that every one of them is right because the City assumes the risk if something goes wrong.

Tonight Council is not deciding if this land becomes open space or not. Clearly, that decision rests with Mr. Abada. However, Council has heard that Caltrans is interested. Mr. Abada will be getting a letter from the Trust for Public Land. There are millions of dollars available to keep this treasure for everyone. Council's decision tonight is to approve a bad development that damages our lagoon or to take the proper action and send this back through the Planning Commission to really deal with these issues. She asked Council to deny this project and send it back.

#### Applicant's Rebuttal

**CINDY ELDRED**, 2481 Congress Street San Diego, is a land use and real estate attorney, representing the applicant. She is not a litigator. She spends 80% of her time helping private property owners, sometimes agencies, use their private property. She works with permitting agencies of all sorts: local, state and federal. She works with CEQA every day because it is an important piece of legislation.

There has been an allegation made that the project description in the EIR is flawed, and, therefore, the EIR needs to be re-circulated. CEQA has a very definitive list of what is required in a project description and the project description in this EIR complies with those requirements, i.e. it must address reasonably foreseeable activities due to the project; it must be consistent within the EIR document; and it must state location and boundaries, provide a map, provide a statement of project objectives, a general description of the project's technical, economic and environmental characteristics and the intended use of the EIR, as well as the list of the agencies and approvals that are required to go forward with the project. This EIR does that.

Case law has indicated that it is okay to change the project description. In this case, the project description does not appear to have changed from the Draft Environmental Impact Report (DEIR) to the EIR, but there has been some change over the years. It is okay to change if the project approved is smaller than identified in the original project description. That is what your courts tell you. They tell you that CEQA anticipates project evolution over time. That is part of what the process is about. That is why this project has taken 8 years to work its way through, because of that reiterative process.

There was an allegation made that the project needs to be re-circulated, and again, the courts tell us that if the modified project description identifies significant new project impacts, then you need to re-circulate. That is not the case here. There are no significant new project impacts that have not been identified through the DEIR process.

There has been an allegation that this project is inconsistent with your LCP. She knows staff has told Council that that is not the case. This project is in full compliance with your General Plan, LCP and zoning. It implements those regulations. Without this project, you do not have that land use in that place that you have provided for in all of your land use plans.

There has been some allegation that the California Coastal Commission will not support this project. She understands there has been consultation throughout these years and recently with California Coastal Commission staff. If this project is appealed to the California Coastal Commission, we expect that staff would recommend that the project be seen to be consistent with the California Coastal Act.

She knows that there has been some talk about the December 2006 executive director's memo regarding condominium hotel units. It is too early to know if and what affect that memorandum is going to have on the California Coastal Commission and its regulations. A memorandum from the Executive Director does not have force of law and indeed it does not appear from the memorandum that the Executive Director intended that there would be no condominium hotels approved, particularly one in this instance that has already been through the process for 8 years.

In addition, as your staff has told you, they have taken extraordinary steps to make sure that there is more than adequate public access to these facilities if they are built at this spot, so that the condominium owners themselves will have limited access. The public will have the vast majority of access to the facilities.

There has been some discussion about whether or not the "no project" alternative discussion is adequate under CEQA, under the case law that defines CEQA. The no project alternative should be found to be adequate. CEQA goes on to say, not only do you look to see what would happen tonight if you disapprove the project, but what would reasonably happen in the future given the fact that your General Plan, zoning and LCP provide for commercial visitor use and residential use on this site. It is reasonably foreseeable that you would have another application, and that should be among your considerations as you consider the "no project" alternative. That is established under case law.

As for whether or not we have an adequate analysis of project alternatives, CEQA does not require that every possible alternative be analyzed. CEQA requires that a reasonable range of alternatives be considered. In this case there are 3 reduced project alternatives. That is certainly more than many projects go forward with. CEQA does not provide that the only factor that would eliminate an alternative is economic feasibility. In this instance, you have some market studies that address that issue. However, under the CEQA guidelines, a failure to meet most of the basic project objectives is a reason for rejecting a project alternative, as is the inability to avoid significant impacts.

She has heard several times tonight the allegations that there is a willing buyer for this property. To clarify, Caltrans has not made any offer to buy this property, nor has any other public entity. Therefore, we cannot respond to an offer that is not on the table. This project needs to go forward. There has been significant investment by this property owner. The property will respond to any applicable regulations, including the new storm water regulations if they are deemed to be applicable to the project.

Light, traffic, noise, safety and parking have all been mentioned briefly. Those are all addressed in the EIR. She heard one commenter note that the project cannot solve the existing problem, such as traffic. That is true, and neither can the project be required to do so. The project can only be required to mitigate for its own impacts and intends to do so.

**ROXAYNE SPRUANCE** stated that if the site were zoned differently, she would agree it should stay open space. But the fact of the matter is, it is not. The City has had 30 or more years to rezone it for open space, if that is how they wanted it. They have not chosen to do so. Nobody else has come forward to make any real offer. Maybe there are letters coming in the mail now, but it is a little late in the process. The applicant has given the City exactly what they have asked for. He has 3 different styles of architecture, has not asked for any variances, has gone through every step of the process and has met every height, setback and parking. It is all there. It meets the requirements. It is as simple as that.

As frustrating as it may be to have a lot of people be really unhappy and say you need to save the lagoon, we are not hurting the lagoon. You have a 100-foot buffer. The parking lot across the street does not have a 100-foot buffer. It is going to be revegetated. There is not a set plan yet. However, it is in there that there will be a revegetation plan. Please consider all of these things and take into account the benefit to the City.

**MAYOR WOOD** closed the public hearing.

[Recess was held from 8:52 PM to 9:01 PM]

**COUNCILMEMBER SANCHEZ** stated there is no question in her mind that the Buena Vista Lagoon is a natural beauty that we could never replace. It has been the object of a restoration project for several years, even during the time that she has been on the Buena Vista Lagoon Joint Powers Authority with the City of Carlsbad over-viewing the restoration project. In the process it has been a tremendous learning experience in knowing and learning that so many people are so involved with this natural beauty. This is a destination city place. They have a vision of being a destination City and resort.

In the last few years, the City has moved forward in terms of that vision, with development of the downtown area and with the Beach Resort. That project took about 30 years and has gone through many different configurations. The final configuration brought everyone together in agreement. Concessions were made in terms of height and density. In the final analysis, this is something we can all be proud of.

She would like to incorporate by reference the Planning Commission hearing and findings regarding the project. She was present at that meeting and listened to the comments of the Commissioners when they overwhelmingly rejected this project outright. She would like to have the tapes of the hearings be made part of this record. She would like to incorporate by reference, a copy of a transcript of that hearing that has been made available to her. She would make a copy and include that as part of the record. She would also like to make sure that we incorporate in the record, the Valentine's cards that we received from the children. She got the message that these kids had an opportunity to visit this beautiful site, and have come to realize how important it is and what a wonderful place this is for the City. She also wanted to include the 2,222 signatures [on the petition].

February 14, 2007

Joint Meeting Minutes  
Council, HDB and CDC

With respect to the petition that was filed by the appellant, she received phone calls from people very upset that they were being told that signing would bring good jobs for Oceanside. This is a demonstration of bad faith on the appellant. Council has to be above board legally and also, with respect to our faith, as we are elected by the residents of this City. She looked at some of those signatures and recognized some of the names, before it was told to her that some of them were on both [petitions]. She knew some of those people, and they are very passionately against this project. She will not rely so much on that petition.

She listened to all 33 comments. This has been something that has been circulated around for some time. There was very good notice about this hearing. Eight out of the 33 people spoke for the project and 25 spoke against it.

She had a chance to talk to the applicant and the representative of the project. She had several questions because she did not understand what was being said to her. She was told there were certain things that were going to be proposed tonight that were not made part of the record and were not considered by Planning Commissioners. We have an established process and some very critical projects have been reviewed by several of our commissions, not just the Planning Commission. This project was not; it was viewed by one Commission. She was very surprised to hear that we were going to deviate from a well thought out process that we make every project go through. When there is a denial, it goes back to the Planning Commission or if it is appealed, it is appealed based on what the Planning Commission said.

She was disappointed that the presentation by staff did not go into what the Planning Commission said. Planning Commissioners were very carefully chosen and have very good backgrounds and have lived many years in the City, including architects and people who have planning backgrounds. Having attended that hearing, she heard a number of concerns. The concerns had to do with the orientation of the project, the density of the project, public views, public access and the architecture, in which they were thoroughly disappointed. One Commissioner said it was awful. The Planning Commissioners wanted to work with the applicant. This was a denial and they knew that it would come back. They were hoping to work with the applicant because their task is to review the project and to apply the rules that the City has.

[Deputy Mayor Chavez left the dais at 9:11 PM]

She had a discussion with the City Attorney and told him she was very concerned that we were going to be hearing this matter, not in the way that we would normally hear it based on the record of the Planning Commission hearing, but on some new information that our Planning Commissioners never got a chance to listen to. At this hearing we have received proposals for some kind of architecture. She understands there are 3 potential architectural schemes that could be possibly done. We have not been given one solid presentation on architecture tonight.

The orientation of the project was not addressed at all. Regarding the retention of the public bike trail, this has been used by the public for 30 years. This is a very important piece, not just for south Oceanside. This is for the whole State of California and beyond. The Coastal trail is for all of us. By this project, to say we are going to retain this by having people go around and use a 4-foot trail that actually goes on Coast Highway is not adequate.

[Deputy Mayor Chavez returned to the dais at 9:14 PM]

She believes that we can protect public views. She referred to a letter from the Coastal staff. We need to have a LCP adopted that is based on studies. As indicated, those include a report evaluating the demand and supply of coastal overnight accommodations; the region that includes a breakdown of demand and supply by type and cost of accommodations; an evaluation of whether the region has an adequate

supply of overnight accommodations to meet its current and projected demand; a specific evaluation of supply and demand for lower cost visitor accommodations; an analysis of proposed LCP policies and standards, including mitigation requirements for condo-hotels and fractional ownerships for timeshare projects; which this is almost a 100% fractional time-share project; and an analysis of potential mitigation, including contributions to fund lower cost visitor accommodations if there is evidence of deficiencies in availability of such facilities in the region.

She tried getting her family a room this past summer. She could not find a single hotel room in Oceanside. She had to go to Carlsbad. We do not have adequate hotel rooms in Oceanside. Therefore, she does not need a study to know that we do not have enough hotel rooms in Oceanside. We are behind Carlsbad. In our vision for the City, the first thing that hits us is that we need more hotel rooms. In terms of the fractionals, she would like to see an LCP that says limited to 25% fractionals and that we have the balance be hotel rooms. Staff has indicated that they are going to come back later to discuss an LCP amendment that would address the requirement by the Coastal Commission.

She finds that the report done by staff is not adequate. It does not reflect the true conditions of the hotel rooms in Oceanside. She would want that to be done by someone who is in the profession. She does not know if the City can improve on it because it does not reflect the true value of the City. She keeps hearing from staff that we need hotel rooms. We need to find those places where we can build hotels, and fractional condo timeshare does not meet the needs of this City.

There were some statements made by the applicant that the land has been owned for 30 years, and the City Attorney has certified the EIR. The City Attorney has not certified the EIR. It sounded like Ms. Spruance did not read the project material and did not pay attention to what happened at the Planning Commission level. She was puzzled by the presentation because the people Ms. Spruance supposedly met with, denied that she met with them. It is troubling that there were facts presented by the applicant, the owner of the project, that were contradicted by people speaking tonight.

She was astounded when she first saw this project and thought, can't we do a better job; and can't we do a first-class project with first-class architecture that is going to work with the environment. This is a beautiful lagoon. We can do a lot better. As Ms. Nygaard has indicated, we are not here to say build or no build. She does not think the EIR adequately analyzed no-build because it did not include information that there are people and organizations out there that would buy the property. If we are talking about an economic analysis, there was an offer tonight by a very successful group that raised the money to buy the land that is in the Quarry Creek area.

She does not think the EIR was adequate. It did not adequately discuss the protection of the views or the protection of access. She believes the EIR is not consistent with the Coastal Act or the City's LCP.

For the reasons that were presented in the letter by Mr. DeLano and the Coastal Law Group, which she incorporates by reference in terms of her statements, she is going to vote no and urged Council to let this go back to the Planning Commission. At the beginning of this hearing, John Daley said this has become political. It becomes political when you go to the Council and skip the public process, or when you say that you met with people and you did not meet with them. She is asking Council to take a step back and to ask for excellence from all of us, and make a better project.

The requirements have not been met. If they do not want to sell to Caltrans or to the Conservancy and that they want to insist on building, then they should work with the community to build the best thing possible and maintain the bike trail, and the open space. We all deserve this excellence. We deserve to provide the whole coast of California and that bike trail. For those reasons, she would recommend denial.

**COUNCILMEMBER KERN** moved to adopt staff recommendations. The reasons are that the City laid down the rules on this property years ago, and those rules told what we wanted there. Now we get to this point in time and say that we want to change the rules. He agreed with Councilmember Sanchez that this project is not as good as it could be. However, if you look at this project, you will understand it is designed by a committee. They had an idea, and they went back and they tried to keep as many people happy as they could. It is not going to be a bold statement on the lagoon. It is a compromise, and the developer has compromised tremendously to get this through.

An example is the 6 foot wall. The developer did not want a 6- foot wall. The California Department of Fish and Game made them put it in. They had to put in a cat fence, and nobody has explained to him what a cat fence is. Then, they had to put in a 5-foot walkway.

The other recommendation he will make, and he thinks the developer brought this up, is that they are willing to put in the light at Eaton Street and one at the entrance to the project. He thinks at the very least, that should be required. As far as traffic mitigation and people stopping along that corridor, he thinks they need traffic lights at both of those intersections. It sounds like the developer is willing to compromise and put those lights at those intersections [included in the motion].

If we are still compromising and we are still designing this project by committee, the Craftsman style architecture would be his choice. He has seen the presentation several times. The only one he has not seen is the Gill style, and after seeing it tonight, he can understand why the Planning Commission denied it. It does not fit in with that particular area.

All of the other things have worked. They have tried to accommodate everything they can. One thing we have to do in this community is to say here are the rules to develop. When the developers come in and abide by all of those rules, we are bound to approve their projects.

**COUNCILMEMBER FELLER** seconded the motion. He asked about the 15-foot right-of-way.

**JERRY HITTLEMAN** responded that the 15-foot right-of-way is along the railroad tracks, and that could accommodate a drainage easement and the public walkway. It will not affect the development.

**COUNCILMEMBER FELLER** asked if this is part of the project.

**JERRY HITTLEMAN** responded there was a street vacation on Broadway Street in the 1980s, and a small portion was still retained by the City as ownership. That will still be the case. There is no street vacation with this request.

**COUNCILMEMBER FELLER** questioned if we are giving up that 15 feet.

**JERRY HITTLEMAN** responded not at all.

**COUNCILMEMBER FELLER** needs to know about the 24-hour restaurant.

**JERRY HITTLEMAN** said that is not part of the project description at this time.

**JIM BARTELL**, representing the developer, stated it is not their intent to put in a 24-hour restaurant.

**COUNCILMEMBER FELLER** inquired about the light [traffic signal] at Eaton and Coast Highway.

**MR. BARTELL** responded that they are willing to put in both signals.

**COUNCILMEMBER FELLER** said they needed to look at how those lights work going into the neighborhoods. He is glad the developer is interested in installing the signals.

**MR. BARTELL** clarified that they would want a reimbursement agreement with the City to put in the second signal.

**COUNCILMEMBER FELLER** understood, and that will happen with future development. He asked if the 5-foot path was just a walking path.

**MR. HITTLEMAN** responded that is correct. That will be a public pathway for walking. There is no exclusion to bicycles, but it would be preferable at that width to walk your bike through that area.

**COUNCILMEMBER FELLER** believed the Coastal Rail Trail goes from along Broadway over to Vista Way, on Vista Way to Coast Highway and then south.

**MR. HITTLEMAN** responded that is correct.

**COUNCILMEMBER FELLER** clarified then that this is not changing the Coastal Rail Trail or the bike trail. **MR. HITTLEMAN** agreed.

**COUNCILMEMBER FELLER** responded to a speaker's question on whether he would like this project next to him. He probably would not like it next to him, but he would vote for it if they had followed all the rules. This is a project that has followed all the rules. If this was approved, he asked whether Mr. Abada is willing to take his chances with the Coastal Commission. This looks a lot like a case of "my attorney is smarter than your attorney." He is not really impressed by which attorney has all the right answers.

He believes in doing the right thing, and his version of the right thing is to allow a property owner his rights. The Planning Commission approved a project on South Pacific unanimously, and the Council shot it down even though that applicant had done everything within his property rights. It works whenever the Council wants it to work.

The drawings that he liked were the St. Malo look of the Boardwalk mostly because it is much like what is down at that end of town already. One of the property owners was interested in access to a possible 2-car garage that they wanted to build on the back of their property off the alley between Broadway and Tremont. He asked if access would be available to his property from that alley.

**MR. HITTLEMAN** responded that is a public alley coming down in that direction. It would be a creative solution, but, yes he would be allowed access into there.

**CITY CLERK WAYNE** asked for clarification on whether the motion, with amendments, included adoption of the resolutions.

**COUNCILMEMBER KERN** responded affirmatively [to include in the motion].

**MAYOR WOOD** is not sure the owner and his family are lucky or unlucky to own this beautiful piece of property. It is location, location, location like always said in the real estate world. He is in a location that seems to be controversial. This would not be happening somewhere else in town.

He was a Councilmember when he was first contacted by a representative regarding this property a few years back. When they brought up the issue of this location being a hotel and a restaurant and some condominiums, he did not think so.

February 14, 2007

Joint Meeting Minutes  
Council, HDB and CDC

They already knew way back then that this was a Joint Powers Agency between Oceanside and Carlsbad, a freshwater inlet that is as rare as can be. It is in California, and it is not going to happen. Even though the owner has the rights and property rights, this is one of those special pieces of property.

The owners of the property are not bad people. They are here; they have certain property rights; and they just happen to be in one of those pieces of property that is really controversial. He did tell them years ago that he thought they would not have a chance in the world. If they could get the environmentalists behind this, they probably had a chance. He was told that they could get the environmentalists behind them, and that this would probably fly. At some point after that, he was told that the environmentalists were behind this, and that it was going forward. He was surprised.

He told the representatives, Mr. Bartell and some other people in the past, that all he really wanted out of this is a project proud to see when you came from Carlsbad, northbound. He wants something there. He figured something would be going on the property at some time. It is a valuable piece of property. They have worked at it and changed it so many times we have lost count. That takes time, money and effort. They have been wonderful about presenting it to Council. He still indicated in every conversation that he was supportive of a good, clean project unless there is something that he is not aware of. He received a lot of e-mails. Between phone calls, personal contacts and e-mails, the environmentalists were not behind this project in the last few weeks. That made him concerned. He had received concerns from legal advisors and environmentalists regarding the property and concerns that it would be automatically appealed to the Coastal Commission, who will have the final say. He had to agree that they had some issues that were appealable. He also talked to somebody on the Coastal Commission, who indicated on the fractional time-shares that the Board was not supportive of that type of thing, if it were anywhere close to or over 50%. That was another problem brewing in the scenes.

The owner and the family have been in the community for a long time. They did give property to the Audobon Society and have been very supportive to the community. They just happen to have a piece of property they may be lucky or unlucky to have. It just happened to be in one of those spots that had the Buena Vista Lagoon, which is really a historical aspect for a fresh water lagoon. He would support it if they had a lot of support of the environmental world. It does not appear that is the case. He thinks there are some grounds that are going to be appealable, which concerns him. He is not sure they cannot work with the neighborhood and do better. He is not sure they will ever get total support.

He cannot consider the possibility that some outside entity, whether it be Caltrans or whomever, under mitigation for this property could have bought it from them. This is not what this is about. It is about other issues that are legally grounded; he thinks there is a concern.

He has always believed that this Council would approve this project. He thinks the people that own the property should know tonight that they are doing a project that is controversial.

**DEPUTY MAYOR CHAVEZ** finds staff to be extremely professional. Staff's analysis of hotels throughout the City, the economic development of this city, and how we look at things has always been valuable to him.

Gathering signatures is an important thing; However, the false pretense is not good. It probably goes both ways. Today when he was talking to somebody who was collecting signatures at the Audobon Society, he asked the lady where it was going to go. She pointed to a spot. He said no, it will be 100 feet back from it. Therefore, he thinks it is on both sides.

He would like to go through a series of items to understand this better, such as

this 100-foot setback to protect the wetlands. He is going to be coming to the City about making a wetlands overlay for the City because he thinks it is important in the General Plan of the City to protect the wetlands. This is unique, and this city is going in for tourism. We can build a stadium and hotels, but we are not going to build a lagoon or wetlands. It is extremely important to keep this.

He asked why, on the edge by the railroad tracks, the 100 feet shrinks.

**MR. HITTLEMAN** showed an aerial photo of the site. The edge of the lagoon does bend down in one location because of the railroad tracks. They probably filled in part of the lagoon at some point. He showed the property line on the map and where the buffer goes.

**DEPUTY MAYOR CHAVEZ** asked why the property line touches the lagoon as it comes around.

**MR. HITTLEMAN** responded that is not the lagoon. The lagoon is in a different location. There is a path there and it is on a disturbed area.

**DEPUTY MAYOR CHAVEZ** stated that is a big issue to him. He thinks he is the deciding vote, listening to the discussions.

**MR. HITTLEMAN** said there are several pathways that go through the site as can be seen in the aerial. One heads down because the edge of the lagoon does bend down in that direction. It simply follows the 100-foot setback.

**DEPUTY MAYOR CHAVEZ** clarified that the 100-foot setback to protect the lagoon is still maintained, even in that far corner.

**MR. HITTLEMAN** responded, yes it is. In one location it does dip down.

**DEPUTY MAYOR CHAVEZ** sought clarification about the restaurant.

**KEN CHRISS**, architect on the project, responded that the restaurant is about the size of Dini's [By The Sea] in Carlsbad. It seats 104. It is higher than Denny's, more cloth-napkin caliber. The cost of the building is so expensive that it has to be up at that level. It is referred to as a \$5.00 cup of coffee. He was asked by a former Council person if this is a 24-hour coffee shop. He said no, it is not. He never said this was a 24-hour coffee shop. He felt very offended when that was said.

**DEPUTY MAYOR CHAVEZ** asked if there would be a wine list in this restaurant.

**MR. CHRISS** said hopefully it will have an extensive list. It is an expensive hotel and an expensive restaurant that goes with it.

**DEPUTY MAYOR CHAVEZ** inquired about the price point of the hotel.

**MR. CHRISS** said it is over \$200 per night, and that is minimal. We would like to get to \$300 or \$350. A lot depends on the architecture.

**DEPUTY MAYOR CHAVEZ** asked if the telescope could be limited to only go towards the lagoon.

**MR. CHRISS** responded that the room they are in is not 360. It only goes to the lagoon. The back side is blocked off because it would look on the top of the hotel where the air conditioning units are screened. We would not have it back towards the residential at all.

**DEPUTY MAYOR CHAVEZ** said the telescope is not an issue. He mentioned before that he thinks the project needs art, and he had asked the applicant about an art

designated area since this is the gateway into the City. He inquired about art.

**MR. CHRISS** responded that they were asked whether there is the capability of adding a piece of art to the entrance and to the signage of the particular project. There is, and it is provided in an interesting way. As Mr. Hittleman mentioned earlier, there is a setback area that if developed, would not have Local Coastal Permit approval. Instead, the State Coastal Commission would. It was part of the requirements when we originally started this project 8 years ago. That piece of property is available and creates larger setbacks. It is actually a very nice focal point, and it is screened by the backdrop of the restaurant.

**ROCK**

He pointed to a diagram, stating this is a screened area for the back yard, and that is all just front yard at the beginning of the piece of property. This is the entrance to the lagoon. The Audobon is actually further towards Carlsbad.

**DEPUTY MAYOR CHAVEZ** inquired about the bike path. He asked the width of the San Luis Rey bike trail.

**MR. HITTLEMAN** responded that the actual pavement is 8 feet wide, so it allows two-way traffic on it.

**DEPUTY MAYOR CHAVEZ** inquired if the walking bike trail could be 8 feet wide.

**MR. CHRISS** responded yes, He had checked with the engineer. They had been asked that several times. Presently it is 5 feet and they could increase it to 8 feet. To do that is to take away from the amenity of the project.

**DEPUTY MAYOR CHAVEZ** asked if it would be taking away the 100-foot buffer or impacting the front of the wetland.

**MR. CHRISS** responded that none of that is on the 100-foot buffer. It is all on the private property.

**DEPUTY MAYOR CHAVEZ** said so they will have an 8-foot bike path. He thinks there was some misunderstanding. There is a piece of art at Vista Way and Broadway. Right now the bike path dead ends at Broadway and people are riding across the area. If the bike path continues on, where Broadway dead-ends, where would the bike path be.

**MR. CHRISS** responded that they are providing a required access easement at the western side of the property. There is a gate also that is required. The path is accessible from there and runs right through there all the way. It is a walking trail presently and can be increased to 8 feet for a bike path.

**DEPUTY MAYOR CHAVEZ** said there was originally a walking path along there. The current bike trail on the San Luis Rey River is 8 feet wide. When you come off Broadway, the only trail impediment is a gate. But it will actually be 8 feet across to allow bike riding or people with strollers or walking dogs to continue on. If they continue out to Coast Highway, it would meet the bike trail that goes into Carlsbad off Coast Highway.

**KEN CHRISS** responded affirmatively.

**DEPUTY MAYOR CHAVEZ** asked Mr. Hittleman if he could be assured that we have a bike trail 8 feet across, that we have an art component at the area with our current agreement here, and that we are 100 feet off and are not impacting the wetlands.

**MR. HITTLEMAN** responded the bike trail can be 8 feet. He should point out

that the bike trail on Broadway is 8 feet with 2 foot shoulders, so it is about 12 feet wide. But, 8 feet is the actual pavement section. On the art component, we do not have that as a condition of approval for this project. Is the intent to have the applicant construct that as part of the bike trail.

**DEPUTY MAYOR CHAVEZ** responded affirmatively.

**KEN CHRISS** responded that they would provide space for the art, if that is acceptable.

**DEPUTY MAYOR CHAVEZ** said to also work with the Art Commission because they will decide what kind of art component will fit with the City. If he believed that this was going to impact upon the lagoon, he would not approve this. Mr. Daley had brought up a good point that no one has ever built on this site before. There is a reason for it. It is extremely important that we protect the lagoon, and he will be bringing forward to the Council a plan for wetland preservations, not just the lagoon there, but also in the San Luis Rey river and up the watersheds. We need to do that. He wanted to be clear with the public on that issue.

He understands the issue of private ownership and understands the City had a right to zone the property. He heard about this project at a Chambers discussion before he thought about running for Council. This project has been around for some time. He did not know the owner was here until the Mayor mentioned it. He never met him.

Character and integrity is extremely important to him. He votes on projects as individual projects. He wanted to let people know that they are going to have a lot of great things in this city. This is a project with a restaurant. Everybody says we need more restaurants in this city. This is a high-end restaurant. We need more high-end hotels for economic development. Today he spent over 4 hours in meetings about gangs and communities. The only way to address the services for kids, preventative measures and to do suppression for gangs is to get more tax dollars in the City. That is what this does.

The burden is upon us to balance it. The balance is to protect the environment, make sure the wetlands are good, give a quality project, and support amenities like bike trails and art components. It is also to make money so that we can have policemen. That is the challenge. He will be supporting this project.

**CITY ATTORNEY MULLEN** asked for clarification from staff in light of the conditions that have been attached. Councilmember Kern added a condition that the project applicant construct a traffic signal at Eaton [and S. Coast Highway]. During the discussion with the Council, that has been referred to as mitigation measures. He wanted to clarify that is not called out for as a mitigation measure in the environmental document. He asked whether the addition of that traffic signal would create any additional traffic impacts that were not otherwise discussed in the draft environmental impact report.

**JOHN AMBERSON**, confirmed that it would not. The reason is the signal was warranted under existing conditions without the project and was already on the City's CIP list for installation. The project came on board and did their analysis, and we determined that a signal was warranted initially with a full access intersection. Through a series of community meetings, it was determined to restrict access. The analysis showed that with restricted access, the signal was not warranted. If the applicant is willing to put in the signal, we would support that.

**COUNCILMEMBER SANCHEZ** questioned if the project would pay for both lights.

**MR. AMBERSON** responded it is his understanding that they will be reimbursed by the City, less their share, because the project is not creating the impact that requires

the need for the signal. The warrants are already met. The distribution of project traffic now, with the reconfiguration of the revised project, is such that it does not create a significant impact at that intersection. If the community and the City wants a signal to be installed, it is warranted. If the project is approved without the signal, they would put in turn restrictions that would remove the warrant.

**COUNCILMEMBER SANCHEZ** sought clarification that the applicant is not paying for an art project or the lights.

**MR. AMBERSON** confirmed that is correct.

**CITY ATTORNEY MULLEN** clarified that the signal in front of the project site is required to be paid for by the applicant.

**MR. AMBERSON** responded affirmatively. That is an impact that the project will mitigate. At the intersection of Eaton and Coast Highway, they are not significantly impacting that intersection because the City is restricting access, with some medians restricting turn movements.

**CITY CLERK WAYNE** asked if the motion is to include the 8-foot pathway and space for the art, and Councilmember Kern, as **maker of the motion**, confirmed that it did.

**COUNCILMEMBER FELLER** asked if they had decided on a style.

**COUNCILMEMBER KERN** had not included that in the motion. He would make the Craftsman Style part of his **motion**.

**COUNCILMEMBER FELLER, as second**, concurred.

[Recess was held from 10:01 PM to 10:11 PM]

The **motion** [to approve staff's recommendations and adoption of **Resolution No. 07-0049-1**, "...granting the appeal of Planning Commission Resolution No. 2006-P56 and approving Tentative Map (T-8-02), Development Plans (D-13-02, D-14-02), Conditional Use Permits (C-21-02, C-22-02) and Regular Coastal Permit (RC-8-02) for a multi-use project on 3.8 acres located on the west side of South Coast Highway, between Eaton Street and Buena Vista Lagoon"; **Resolution No. 07-R0050-1**, "...certifying the final Environmental Impact Report for the Boardwalk Complex Project"; and with the added conditions] was **approved 3-2**, with Mayor Wood and Councilmember Sanchez voting no.

At this time the Mayor determined to hear item 21.

#### **CITY MANAGER ITEMS**

##### **21. Status Report regarding the California Welcome Center**

**DAVID NYDEGGER**, Chamber of Commerce Chief Executive Officer, gave the report through the use of a computer slide show presentation. Leslie Gall was introduced as the new head of the California Welcome Center.

The California Welcome Center (CWC) of Oceanside is 1 of 13 in the State of California. The official designation of the CWC gives us a tremendous amount of credibility and exposure throughout the state. Oceanside is the gateway to San Diego County. That franchise ownership allows the CWC over \$75,000 value in trackable exposure that includes multiple listings and editorial in the *California State Visitors Guide*, *The Official State Map*, the *Best of California Driving Tours* and the *Official California Tourism* website.

February 14, 2007

Joint Meeting Minutes  
Council, HDB and CDC

Numbers from July 2006 through December 2006 shows a 14% increase over the same period last year. We continue to grow. The word is out about California Welcome Centers, and people are coming.

According to the State, CWC visitors are away from their homes 4-5 nights during their stay in California. We are getting a lot of people who are coming to California and staying. Two-thirds of the CWC visitors are staying at hotels/motels during their visit. Eighty percent use a CWC as the main source of travel planning. Seventy-seven percent indicate that, as a result of visiting a CWC, they would now visit a specific area attraction again. Thirty-six percent indicated that due to the CWC visit, they changed or added a travel destination to the itinerary. Some of them lengthened their stay as much as 2 more full days.

[Councilmember Sanchez left the dais at 10:14 PM]

We mailed over 5,500 visitor packs in the last 6 months, which is a significant increase in the percentage. These are people that have asked us about the City of Oceanside. The 124% increase reflects on some of the marketing and advertising. Our advertising is working for us.

We also increased our lodging referrals. We are up 17% from July 2006 through December 2006 as compared to the same period in 2005. We have a wonderful volunteer program at the CWC. We do a lot to make sure they are up to speed with what is going on in the community. We conduct educational and training tours and events for them. We also host an annual Christmas appreciation dinner. We are always looking for volunteers. People who would like to help give back to the community and help at the CWC, should give us a call.

We keep a log book of people that come into the CWC. He read some of the great things people have said. We have received through our volunteers, in-kind services. We were able to save \$44,815.68 through the use of our volunteers.

**LESLIE GALL** spoke about the advertising and co-op advertising program. We are really fortunate that we have the Oceanside Lodging Association that we work closely with. We are able to leverage our advertising dollars with their monies and increase the amount of advertising that we are able to do. In the last 6 months we advertised in the *Sunset Magazine*, *Budget Travel*, *Hotel and Travel Index* and the *California Visitors Guide*. To date, our total advertisement investment has been over \$57,000. In our ads we use the classic California tag line and iconic images of Southern California, especially images that are unique to Oceanside.

Editorial is something really important that we do, which helps compensate for our smaller advertising budget. The credibility and legitimacy editorial gives us is huge. We have received editorial and mentions in *Sunset Magazine*, *California Tour and Travel Magazine*, *Drive Magazine*, *San Diego Union Tribune* and other local broadcast stations and local media. The value of this is \$234,700. This is a conservative figure. I use a dollar for dollar amounts comparing it to advertising.

In a partnership with Advance Reservations Systems (ARES), in the last couple of months we created an online reservation service that is available on the Oceanside website. This is the website we market in all of our advertising, marketing and press releases. To date, we have had over 10,000 visitors to the online booking site. Working with ARES we are able to track actual revenues that we generated for the City of Oceanside. We are referring thousands of hotels through the CWC, but this is actual booking that we have made. We booked 83 room nights in the last 6 months, generating over \$7,000 in revenue. We did an e-mail marketing campaign in December and into January, and 70% of those reservations occurred after implementing that e-mail marketing campaign. You can see the importance of online reservations and how the internet is making such a big impact on travel and booking travel reservations.

In our partnership with Cooler e-mail, which we use to do our e-mail marketing, they specialize in developing campaigns, helping to create the database and helping to track what websites people are looking at, who they are forwarding their e-mails to, when they go online, what they are looking at when they are on our website and what they are clicking to. The partnership is good because it is a complimentary limited service and they provide us with free unlimited e-mails, which is valuable for the CWC to have that kind of relationship.

She showed and explained a sample of the e-mail marketing piece that went out to the 4,000 consumers in their database. These names are from people who opted in on our website. Of the 4,000 e-mails sent out, 1,200 were opened and read, representing 38%. In the industry, getting 12% readership is considered good, and getting over 38% is remarkable. Of the 1,200 which were read, 220 clicked over to the Oceanside Chamber website. Once they clicked over, 169 clicked for hotel packages. Fifty-five percent of all clicks were for the hotel packages.

She also shared what they hear from visitors when they come into the CWC.

**MAYOR JIM WOOD** is getting a lot of input that parents of military personnel at Camp Pendleton are coming out here before they deploy overseas. Maybe that is something we can address.

**MS. GALL** responded they get a lot of people coming into the CWC and calling in for that very thing. Coming to see graduations or coming to meet military as they come home from deployment. CWC assists them with that. We make calls for them on base, finding out schedules. We get them hotels. We have a hotel discount sheet that we provide to people who come in.

**MAYOR JIM WOOD** stated it is a good possibility that military would check the Marine Corps Magazine.

**MR. NYDEGGER** stated they do have our directory from the Chamber of Commerce on the base. We give 7,500 copies to Marine Corps Community Services (MCCS), which they give out to the new families reporting to the base throughout the year; they keep sharing the information. We work closely with the base at all times to maintain that relationship.

**COUNCILMEMBER KERN** inquired how the CWC targets the e-mails. It seems there is a very high success rate for doing that.

**MS. GALL** responded that the e-mails are what they gathered from people who have opted in on our website. There are people who are obviously interested in Oceanside and in traveling to Oceanside. It is our way to get back and market back to them for repeat and return visits.

**COUNCILMEMBER KERN** asked how often they send the e-mails.

**MS. GALL** responded she will be doing it on a quarterly basis. They will be giving them seasonal packages and updates on events going on in the area.

[This item was informational only]

At this time Council determined to hear item 20.

20. **Request by Deputy Mayor Chavez for discussion concerning Arts Commission recommendations regarding the addition of arts and cultural enhancement components to future projects, and possible direction to staff**

**DEPUTY MAYOR CHAVEZ** discussed the opportunity he had to sit through the Art Commission meetings and talk to the Commissioners. They discussed how the City

does projects. One of the items discussed was the Pacific Street Bridge project, where they had an opportunity to do some fine art. They started discussing how cities do this. He spent some time researching this. A friend in Sacramento told him they charge a percent for new projects coming in for art. In Oceanside, a percent of our capital improvement projects/public projects is for art. An example of the art is at the Wastewater Treatment Plant, where there is an art component. The City Manager gave him some good information on how San Diego does it. They also have a percent. Philosophically, he does not agree with fees. He recognizes that art is a big component and defines a city.

[Councilmember Sanchez returned to the dais at 10:30 PM]

We have a General Plan and elements for circulation, public safety and all of the different things that define the bones of the City. That is not really what makes a City great. When you go through a community it is not unlike going to somebody's house. When you walk into somebody's house you can actually feel who lives there and who they are, with the way the furniture is, the way the art is and what is of value to these people. That is culture and art. It needs to be infused, not just in the redevelopment area or particular corridors, but throughout the City.

Not that we will see it this year or 5 -10 years from now, but art will be something that people will see 50 years from now when they drive up the coast and go into Oceanside. It is amazing how there is always a different art component, a different color, or the structures of the buildings that give a feeling of who they are.

In the United States, as a relatively young country, we tend to define art as something in museums. If you have the opportunity to go to Asia or Europe, especially Italy or Greece, you will see that there is art everywhere. Older communities and civilizations have that feeling of culture and art infused within the community. The vision for Oceanside will not be measured within a year or 5 -10 years, but in decades. If we start now looking at culture and art infused in everything we do, it will be there.

We should not put a fee on people. There needs to be an incentive or desire for it. When people do a project for the city, it is something they want to give to the community. We can only do that if we tell them from the beginning that it is important to us.

All organizations make decisions through a thought process. The City does the same thing with the options before us. There is always a fiscal component, a description of it, and a legal component. He would suggest that we add a cultural art paragraph written by City staff so that when people come in, it is an area where they will have to think; to consider an incentive for a project; give a gift to the community of culture and art. His recommendation is to ask staff to come back to Council with a way to infuse culture and art in things we do within the City. It does not mean that an underground waterline would be applicable. It does not mean that a private residential project is included. But maybe they want to add a component of art. I think that is what Loma Alta is saying about art and culture.

A recognition and discussion at the Council that this is important is needed. He would think the overseers of it would be the Arts Commission, although he would not kick out the Economic Development Commission. When we as a Council recognize the power of culture and art, it will have an economic benefit. That is how you change people's minds to get rid of graffiti and gangs. Art inspires and challenges people's ways of looking at things. It is also theatre and music. There is nothing more impactful than a young person when you can get them to try to read and do theatre.

He **moved** to direct staff to address how we do decision-making, and make art and cultural enhancements a component in our decision-making process within the City.

**COUNCILMEMBER KERN seconded** the motion. He would like to see what

this looks like. When applicants come in for a developer's conference, they go through the checklist with departments. He does not know that somebody from the Art Commission would be present, but at least there would be some type of paragraph that says this is our ideal or what we want for the community. He likes the idea, but does not know how we would implement it. He would like to see staff or the Arts Commission work on that and flush out those details.

**JOHN McDONALD**, 5064 Corte Alacante, Arts Commission Chair, stated they put a set of recommendations in. The first part of it came from Councilman Chavez. We would love to participate in that discussion. It is early on to figure out the best way to do it. This would be unique. The idea of overlaying the arts and culture has been the single greatest thing that we have presented to the City and the surrounding communities, and they like it as an alternative and want to see what we are going to do.

He attended the Vista Arts Commission meeting. They were complaining about the graffiti and the lack of landscaping on the Sprinter. He had talked to them about doing the utility boxes as well in the City, and they had already learned how to do that, so we will share that expertise with the people in that area. He suggested that they take a look at the arts overlay approach and rethink the Sprinter. If you suddenly redefine the Sprinter as sprinting, not just to go quickly to Escondido or to run to the beach, but to ask the Escondido Arts Center to join us in an effort to upgrade the whole idea of the Sprinter and draw people to Escondido's Cultural Arts Center, to Cal State San Marcos, to the downtown Vista Arts Association and into Oceanside for the arts, suddenly, you have the ability to change people's minds about what might be worthwhile to invest in the Sprinter. It makes a transportation system that has meaning beyond just running somewhere quickly. Vista put 2 people from their commission on it. Their Parks and Recreation Department thought it was a great idea and wants to work with us.

They are going to the other 2 cities along the Sprinter line to present that idea to them. That is just one example of how you rethink a project that is a public project and generate business for the communities along the way and change the idea of how you make money and provide culture and arts to a city. I hope that you will take this forward. He has no idea about how it will end up. We would love to join the City Manager's office in a discussion about how to make that practical.

**COUNCILMEMBER FELLER** is trying to figure out what this looks like. He questioned who is going to pay for it. If it looks like the only way to get a project approved is by having an art component, then that is extortion. He cannot agree to that kind of thinking. If we suggest that it is part of what has to come forward, it is an added cost and someone has to figure out how to pay for it. He will support going forward, but he feels it has a lot of questions to answer.

**CONCILMEMBER SANCHEZ** stated we are a City that is over 110 years old. If you look around for the pieces of public art, you wonder what happened and why we never did anything about it before. Other cities have had developer fees, and they have marvelous pieces of public art and performing arts.

The City as a whole, including the community, supports the arts in a larger way than we have been able to. She has served on the Arts Commission and knows this has been an ongoing issue for them. It is a frustrating point in that they are being asked to serve on a commission, and they are given nothing in terms of resources. Artists who have served on the Arts Commission have felt very frustrated in their efforts to bring art to this city.

Councilmember Feller is correct in that the bottom line is going to be costs. The fact is that we are not willing to add even a small fee for the privilege of developing in this city. If we are not willing to do that for something that will be around for generations, we need to do more than just talk. Saying we want something but not really talking about how we are going to get it paid for is not going to get anywhere.

We have to talk about something very difficult, and that is how those who impact our city pay for that impact. While she will be supporting this because she wants to give hope to this Commission and to these folks who want so desperately to make something come true, she does agree that we are going to have to deal with this bottom line sooner than later. She have been talking to developers about it on their projects, and will see if it happens.

Motion was **approved 5-0**.

**MAYOR JIM WOOD** requested input from Council to go past 10:00 p.m. [per Council Policy 100-38]. Consensus was to go forward with the agenda items.

At this time the Mayor determined to hear item 18.

18. **Request by Deputy Mayor Chavez for discussion regarding the vision of the Oceanside Municipal Airport and its future benefit to Oceanside, and direction to staff regarding the building-out of the airport.**

**DEPUTY MAYOR CHAVEZ** read the following three motions about the airport, which came up after talking to some citizens about the confusion on it

He **moved** that: 1) the Council support the airport into perpetuity as required in the Federal Aviation Administration (FAA) grants; 2) that within 90 days staff will return to Council with a funding strategy to build out the Master Plan, either with grants, loans or lease, while additionally establishing a citizen group to establish a good neighbor policy; and 3) as outlined in the CBO [Citizens for a Better Oceanside] agreement, that staff establish the staff coordination committee called the SCC within 90 days.

**COUNCILMEMBER KERN** **seconded** the motions.

Public Input

**RONALD COZAD**, 3918 Valle Del Sol, lives in Bonsall but visits Oceanside daily and spends his money here. In November this Council did a very wise thing and voted to pursue development of the south side of the airport and to further study some things with the north side of the airport because we had an election coming, and there was some input that was needed from the FAA. We have now had the election and we now have the input from the FAA that is pretty clear about what needs to be done to the airport. We have come a long way in answering a lot of the questions which were open in November. We understand more recently that Costco is developing strategies that could potentially work in harmony with the future of this airport. I am excited that the City is beginning to turn a corner on the airport and that we might be able to accommodate a lot of different interests with the airport. We ask that Council each give your support to Councilmember Chavez' motion and also that they be sensitive to some of the timing constraints that exist because of the arrangements between Deutsch Company and the City back when the property was acquired.

**KARL HIGGINS**, 1517 Roma Dr., Vista, a registered lobbyist, stated his client is the Aircraft Owners and Pilots Association (AOPA) which is a national membership association. We are pleased to support Councilmember Chavez' motion and look forward to working with the City and Council on this item. We are very pleased that the City is recognizing this opportunity. We also believe there is an opportunity for a General Fund benefit to the City. He knows there are many hands that come before the City asking for help, and thinks there is a way they can help generate General Fund revenue from the airport.

**BEN MEYERS**, 5119 Via Malaguena, President of the Oceanside Airport Association, stated this is a thrill for us all to be at the point of actually getting to the brink of development of the airport. He was saddened to hear in the presentation made by the Visitor's Center that the Oceanside airport was not part of the gems of the City

that was being described and marketed. Certainly people are prepared to come to our city via air. We have a great airport that can become what it ought to be if we do the right thing. This is a great opportunity to do that. We hope public and private development that can certainly save the City dollars and help put improvements in place are explored quickly. We certainly put our support behind this initiative.

**COUNCILMEMBER SANCHEZ** would be voting against all of these motions. First of all, she predicts perpetuity will be short-lived. For the Master Plan issue to return in 90 days would violate the settlement that the City reached with the Citizens for a Better Oceanside [cbo]. It is going to take more than 90 days to do an EIR for the north side. She thinks a good neighbor policy group is an oxymoron.

There are no General Fund benefits for the airport. It is like a special district. Any funds generated, would generate only for the airport. We have gone through this over and over again. The airport has not always been the eyesore that it has become, but it has always been a drain on the City. It is a special park. It is like a dog park, except more people use the dog park than the airport. She will be voting against.

**COUNCILMEMBER KERN** stated the motion that the Deputy Mayor made is basically to come back in 90 days with some ideas. We have been floundering around. The airport is here to stay, at least in the foreseeable future. We need to go forward to see what we need to do to make it work. Regarding forming partnerships and having some of the people on the CBO on that committee that the Deputy Mayor is talking, means we have all of these people at the table so that when we go to the FAA or the State, we are all on the same page.

If we can form those partnerships and just talk to everybody, going back to the FAA and getting grant requests will work. The FAA is a little timid about coming into an airport that is controversial. We can then all go back with a united front and say that we realize the airport is going to be there. We want to make it work, and we need their help. Hopefully, the Aircraft Owners and Pilots Association (AOPA) can help. He thinks that can work both ways. However, we need to get on the same page and say we are going to make this airport work. Everybody in the community, even the people who were against the airport, probably realizes by now that the airport is going to stay. We need their help to make this all work. He is encouraged that in 90 days we will have some type of a plan to go forward.

**COUNCILMEMBER FELLER** stated that one of the ways we can look at adding money to the General Fund is if we do some sort of lease arrangement. He does not think the money has to go directly into improving the airport if we have an arrangement that whoever is leasing it from us actually is paying us rent in doing the improvements on the airport. We got a letter in October from Supervisor Bill Horn, and we should at least give him the courtesy of a response within this next period of time. Maybe this is an option for us to look at as far as generating cash to our General Fund. It has possibility, and the County is willing to take it into their system. We could have some dramatic improvements at the airport quickly.

**DEPUTY MAYOR CHAVEZ** clarified for Councilmember Sanchez that he is not requesting getting around CEQA, because he knows they have to go through that. He said that within 90 days staff is to look at funding strategies, including grants, loans or leases.

Councilmember Feller brings up a good point. Maybe a fourth point [to his motion] he will make is that we respond to Supervisor Horn's letter that they are going forward with the airport with this motion. He amended his **motion** to include that they respond to Supervisor Horn's letter and tell him the actions they are taking tonight.

**COUNCILMEMBER KERN**, as **second**, agreed. He thinks we ought to put that into the mix, but it depends on what the responses are. The responses should be that we are looking at it, we appreciate his letter, and his option is on the table. It should

not be to come on in. He was hoping that it would be part of that 90-day period to look at the County option, look at a private option, and look at the City as the FBO [Fixed Base Operator] option, etc.

**DEPUTY MAYOR CHAVEZ** agrees that we keep it open, but at least we owe a response to the Supervisor. At least tell him that we are under a 90-day review and we are looking through all of these options. That will be the **amendment** to the **motion** addition.

**MAYOR WOOD** questioned if a potential lease of the airport would supersede our enterprise fund and would the money come to the General Fund or still roll back into the enterprise fund on the airport.

**CITY ATTORNEY MULLEN** responded that his suspicion is that if Council were to lease it, and obviously that is not part of this motion, that would stay within the enterprise fund.

**MAYOR WOOD** stated one of the campaign issues for this last campaign was the airport. Citizens saw that and made their selection and that is a big factor to him. Citizens said that they wanted particular items supported. He has to weigh that heavily, number one. Number two, he wanted to make sure that the public understands, just like everybody else. We have heard a lot of presentations and speeches about the jewel that the airport can be. We all hope for that. He remembers saying a while back that he wanted to make it the jewel, so we should not do the bargain basement hangars. It was a big issue for him too.

The other issue that came up is that it needs to pay for itself; not have the citizens pay for it. That is why we heard all of the presentations at Council meetings. He was a little confused, and still is to some extent. Even when we were trying to put Costco on that property and see if it was even possible, the FAA sent the City a letter saying that was not going to be the case. He is concerned that, if that is not going to be the case, the way this airport needs to make money is commercially with something on the property to make an income. He is concerned about the balk by FAA in a sense. He is generally told that there is no State or Federal funding for this, or has not been for years, including for hangars. The airport has to be self-sufficient. He has concerns about the airport supporting itself. This particular motion concerns him regarding perpetuity, in that we are going to support the airport forever. He questioned what that means to the people who may not support the airport.

There is an end of this maybe with the FAA, or the end of the contract with FAA. He wants to give the airport its shot at trying to be what it can be. People came in from outside and very heavily influenced the election from the airport association, pilots associations, etc. who may have a voting majority on the Council. However, this is their opportunity to come through now and see if the FAA, State, Feds, are going to come through with the money. From what we heard back in D.C., there is no funding available. He hopes there will be some way at the end of 90 days that they will have the money and funds. They are putting themselves on the line. If this does not fly, it is dead. He thinks they should have the opportunity to try to do the best that they can. The citizens obviously picked this Council, saying that is one of the issues why they picked them. With that in mind, he thinks they should go forward. They should have that chance to try to do what they can.

He is not happy with the wording of forever on this motion. He will support this motion with the understanding that this is their opportunity to do it or else and see where it goes. That means they are going to have to come up with the funding. He does not know how valid the Costco issue may or may not be, but those are the types of things that are looked at to bring in revenues for the city. It is really outside of the airport, and we need to have everybody supporting something that will make the airport fly. He wanted to vote no because he is uncomfortable with this. When he votes to support it, he will be crucified in the press or the editorials. He has not switched sides,

but he has seen this thing go for years. The Deputy Mayor brought it up and it is in his lap. Take it and hope for the best.

As much time as they spent on the last election, he hopes they can pump that much money into the airport. Again, he is going to probably support this, even though he is not happy. He is not happy with the verbiage, but they will go forward.

**INTERIM CITY MANAGER WEISS** would like to let Council know, as well as the public, that there is an item scheduled for the meeting next week where the City is requesting your adoption of a resolution to submit a request for a loan to the State to fund some additional hangars. That is on the Council's agenda for next Wednesday.

**MAYOR WOOD** understands, but they have received a lot of e-mails from the last few weeks from the people who are not in support of the airport. There are several of them, and they are very vocal. When he says he is supporting this, it is to say this is your shot at it, win or lose. He also wants to make sure that people out there know that people on the Council are not changing sides. He is not. All he cares about is that they take care of their end. That is making sure that the rest of the citizens do not support the airport with their taxes, and that they make the airport into what has been alleged, a jewel. If that cannot be done in the 90-day time frame, they need to come back and say they cannot do it. That is a short period of time for both sides. They have a chance here, but if they do not get it all together, they have another problem.

They have a cause, and the other side has a cause. Councilmember Sanchez brought up one issue that he is concerned about: the agreement with the CBO regarding some things at the airport and the EIR requirement.

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

At this time the Mayor determined to hear item 17.

17. **Request by Councilmember Kern to list each Mayor and Councilmembers' local and regional committee assignments under City Council Reports on the City Council agenda, and direction to staff.**

**COUNCILMEMBER KERN** is requesting that Council list their particular regional and local committee assignments so the public knows what assignments they have. For example, he is the alternate to the San Diego Association of Governments (SANDAG) and is the Youth Commission Liaison; there would be a list during our Council meetings. There may be a time when the Youth Commission did not meet, and he would just say 'no report.' But if they did meet, he would report out what happened in that Youth Commission meeting, etc.

What he has found since he has been on Council the last few months is our communication is not as good as it could be. We should be able to come to the Council and report out what happened. Sometimes these things get lost. We will go to a meeting; we will write it down; and then we forget to report about it at the next Council meeting. He thinks having that as a reminder to report out every week about the commissions and committee meetings that we attend will hopefully inform everybody what is happening.

If you watched things happen last year, some of the things did not get reported back to the Council from people going to different meetings at the regional level. There was some confusion in that. He **moved** that we actually list the local and regional appointments and report on when appropriate.

**DEPUTY MAYOR CHAVEZ** **seconded** the motion.

In response to Councilmember Feller, **COUNCILMEMBER KERN** said for instance, he attended a Youth Commission meeting last night. They talked about CDBG

grants and other things. If you have a question of him at that time, he can answer. Otherwise, he could report back to the whole Council. If he does not have the answer right away, at least it is on the agenda saying he has to report back here. It is just reporting back on the information that he attained at his previous meeting. It is just a communications mechanism to communicate back to the Council about meetings that we have attended.

**CITY ATTORNEY MULLEN** clarified that Councilmember Kern wants to be able to report out on each Council agenda the activities that took place at a meeting which you previously attended on behalf of the City. You just want that reflected in every agenda from here on out, provided you are only seeking to tell the rest of the Council what happened at that meeting. You are not seeking to get a vote per se on something that may be coming up in the future, because that would require agendaing.

**COUNCILMEMBER KERN** agreed. It is just to keep people informed.

**MAYOR JIM WOOD** is assuming that Councilmember Kern is asking that under City Council reports, you would list all the committees in Oceanside and sub-region or regional committees each attends, have it printed out each time whether they do or do not respond. He just wants them listed.

**COUNCILMEMBER KERN** responded affirmatively.

**CITY ATTORNEY MULLEN** thinks Councilmember Kern wants to be able to list them on the agendas and hit them in each individual Councilmember's report, which is pretty much what occurs. It would just be more formalized.

**COUNCILMEMBER KERN** responded affirmatively. The idea is that if we go through this and the Youth Commission meets but he has not reported for a couple of weeks, one of the other Councilmembers could ask why he has not reported on the Youth Commission for awhile. He wants to make sure that we stay on top of these things.

**MAYOR WOOD** does not think this would be a problem. However, he usually asks his commissions if they want him there. Some commissions do not want Councilmembers present to impose their opinion on them as much as they want you there for those special meetings. There are those where they call you and say please come to this one.

**COUNCILMEMBER KERN** responded whether you go or not, if there is an action by that committee, hopefully that Councilmember would come back and report that this committee took action. It is just to keep everybody informed. As liaison between the committees and the Council, that is our job.

Motion was **approved 5-0**.

19. **Request by Councilmember Sanchez to enlarge the scope of notice required by current land use and zoning laws from 300 feet for new development/construction, and direction to staff.**

Councilmember Sanchez continued this item to the next Council Meeting on February 21, 2007.

At this time the Mayor determined to hear items 27 and 28.

#### **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.

27. City Council: **Adoption of Ordinance No. 07-0R0053-1**, " ... adding Chapter 9B to the Oceanside Municipal Code establishing franchise and PEG fees and customer service penalties for state franchise holders providing video service within the City of Oceanside."

Following the titling of the ordinance, **DEPUTY MAYOR CHAVEZ** moved adoption of the order.

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

28. City Council: **Adoption of Ordinance No. 07-0R0054-1**, " ... extending the effectiveness of and the time limit to pay indebtedness and receive property taxes pursuant to Health and Safety Code Section 33670 under the Oceanside Downtown Redevelopment Plan pursuant to Health and Safety Code Section 33333.6(e)(2)(D)

Following the titling of the ordinance, **DEPUTY MAYOR CHAVEZ** moved for adoption of the order.

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

At this time the Mayor determined to hear item 22.

#### **CITY COUNCIL REPORTS**

22. **Mayor Jim Wood**

**MAYOR WOOD** reported on the Council workshop. Originally it was going to be part of a listening tour that he wanted to have. They had a lot of feedback in the print media regarding the officer shooting last year and concerns about gangs. He wanted the ability for those neighborhoods with problems to give them feedback communication. Approximately 80 people attended last Monday at the Melba Bishop Recreation Center. They shared their thoughts and concerns on some of the items. The entire Council and some City staff including the City Attorney, Chief of Police and City Clerk were there. It was their ability to go out to that neighborhood and make it more convenient for the working people to address their concerns. They received input and listened to what people had to say.

He recently returned from Washington, D.C. and was pleased to represent the City. The City Manager, Deputy City Manager, Director of Harbors and Beaches, and ex-City Manager Barry Martin traveled with him to D.C.

He wanted people to understand that retired City Manager Barry Martin paid his way. Mr. Martin went as an expert, to present 2 very important water issues to the Senate and members of Congress that he had been dealing with for a long time. We are glad he went along.

We thought with our representation in Washington, D.C. we would have a better chance to get some of the things that we want. We addressed some priority issues, including the flood control channel, harbor dredging, gangs, and water issues. We have

a great relationship with the Senators and Congressmen here in San Diego County. Senator Feinstein was very in tune to our issues and concerns in Oceanside, including gangs, the police range at Camp Pendleton and the flood control channel. It seemed to be a very important impact on the Army Corps of Engineers. We do not have any answers yet because our requests have to go to the Appropriations Committee. We might have some results soon. It seemed to be pretty positive for us. It made a difference traveling to Washington, D.C. to seek this money.

Regarding NCTD, the Coaster is running now each Saturday for the months of February, March and April, children under 12 years of age ride free when they are with a fare-paying adult. There is information on their website at [www.gonctd.com](http://www.gonctd.com).

A lot of issues came up at SANDAG. He made a motion to have the U.S. Navy and Marine Corps sit as advisory members, without a vote since the military really impacts SANDAG and the County with their sheer population and the land they own. They have control over the traffic, the jobs and everything else which is really under the guidelines of SANDAG and what it is all about. That did not go forward.

The Officer's Wives Club from Camp Pendleton, a non-profit service organization, is raising funds to provide scholarships for the spouses and children of U.S. Marines and Navy personnel. They need donations for their up and coming auction on April 20, 2007. If you can help call 725-1531.

23. **Deputy Mayor Rocky Chavez**

**DEPUTY MAYOR CHAVEZ** participated in the North County Transit District (NCTD) retreat. It was very informative on how money comes into the district and how they measure performance and services. He will be asking NCTD to come to the Council and give an update on the Sprinter in the near future.

He attended the Senior Commission yesterday. A lot of them are serving terms that have been expired. They are starting to plan for the Senior Expo and they want to know if they are going to be there.

**MAYOR WOOD** responded that under our new policy, they stay until they are replaced.

24. **Councilmember Jack Feller**

**COUNCILMEMBER FELLER** spoke about the Martin Luther King Jr. scholarship program. Applications are available at the scholarship coordinators at the schools, as well as here at the City. The deadline is April 13, 2007 at 3:00 PM.

He gave each Councilmember a package that was handed out at the SANDAG retreat. The package included material on SB-10 regarding reorganization of the Regional Airport Authority that Senator Kehoe and Assemblyman Plesta are pushing. It is going through the process right now and they are looking for input from any interested parties as to how that should be shaped.

22. **Councilmember Jerome M. Kern**

**COUNCILMEMBER KERN** attended the SANDAG retreat with Councilmember Jack "Highway 76" Feller. He twisted everybody's arm to make sure Highway 76 is on track.

He met with Dr. Victoria Richart, President of MiraCosta College, about how MiraCosta College can be brought in as part of an economic engine for Oceanside. He and the Deputy Mayor will meet with her later this month to make sure that they work out something that helps MiraCosta integrate into the community.

February 14, 2007

Joint Meeting Minutes  
Council, HDB and CDC

Councilmember Kern and Deputy Mayor Chavez also met with OUSD board members Janet Lacy and Lillian Adams, along with Superintendent Ken Noonan about how they can work out some mutual issues. Mostly they talked about gang issues, what the schools are doing, and what the City is doing. The City has been well received as the liaison to education and they all have something they want to contribute.

He went on the library tour with Deborah Polich and she showed us what they do and all of the activities that they have for the community.

On Saturday they watched the Girls Softball with the Mayor.

Last night the Youth Commission went through their CDBG process. They asked some hard questions of those people coming forward with their grant requests. We should get some good information out of that.

[Deputy Mayor Chavez left the dais at 11:31 PM]

He reported on the tour today with Economic Development to *North County Times* and to BMW Machining in Oceanside. It was pretty informative. One of the amazing things about BMW Machining is they have jobs for machinists for \$75,000 - \$100,000 per year and they cannot find people to fill the jobs. There are jobs out there that do not need a college education. We are talking with MiraCosta and some of the schools about how we get the technical and vocational training back into the curriculum to help the economics of our community.

23. **Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** wished everyone a Happy Valentine's Day. At the next meeting, February 21, she has added on the agenda to her council item, a request to discuss master planning, the downtown area, and the Oceanside Boulevard corridor. She invited everyone to come out on February 21. We have had a lot of input about the Oceanside corridor and rethinking how it is zoned.

[Deputy Mayor Chavez returned to the dais at 11:33 PM]

**ADJOURNMENT**

**MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 11:33 PM on February 14, 2007.

**ACCEPTED BY COUNCIL/HDB/CDC:**

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Barbara Riegel Wayne, CMC  
City Clerk, City of Oceanside