

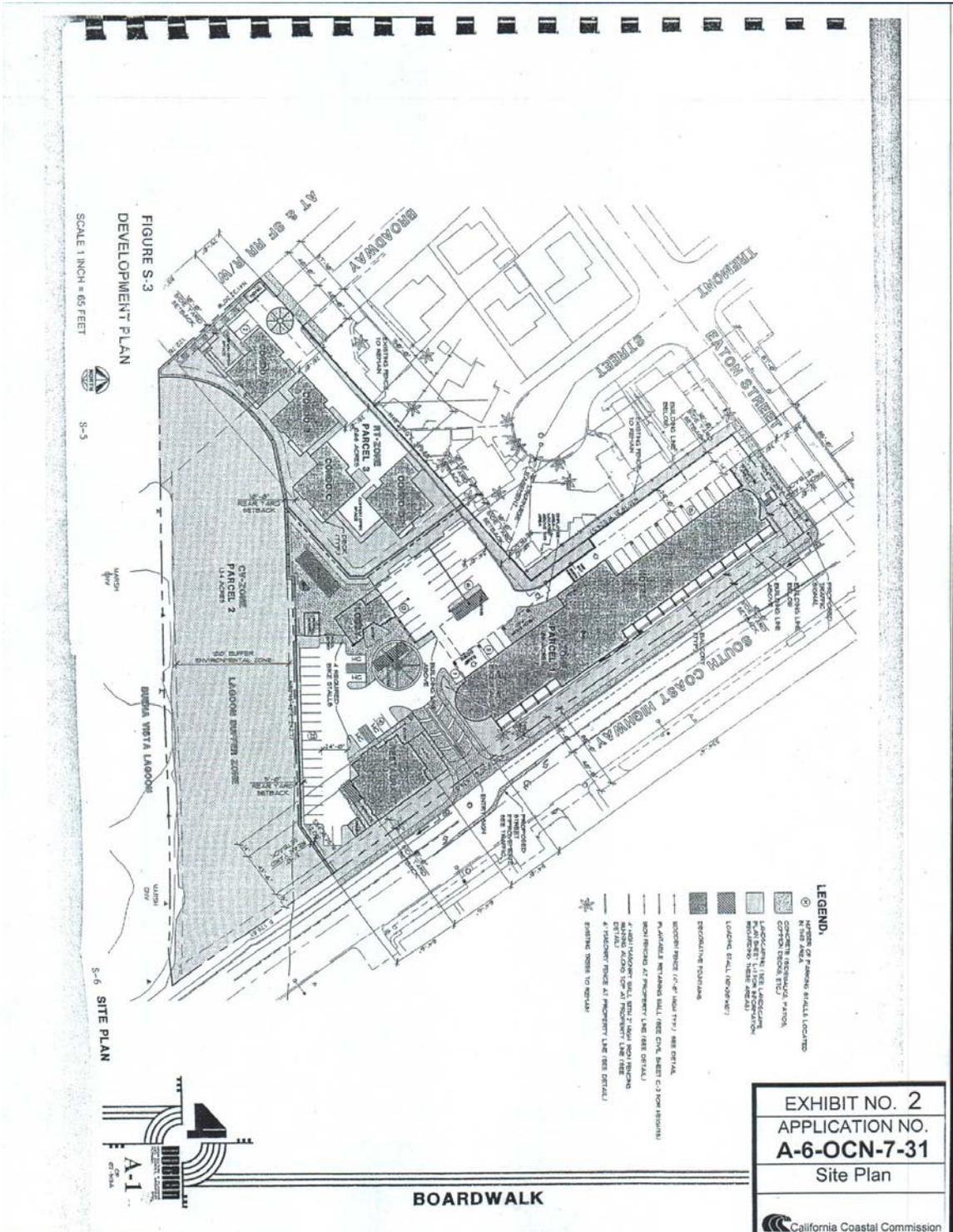
**Affinis**

Shadow Valley Center  
 847 Jamacha Road  
 El Cajon, CA 92019

**PROJECT LOCATION ON  
 USGS 7.5' SAN LUIS REY  
 QUADRANGLE**

FIG

**EXHIBIT NO. 1  
 APPLICATION NO.  
 A-6-OCN-7-31  
 Location Map**



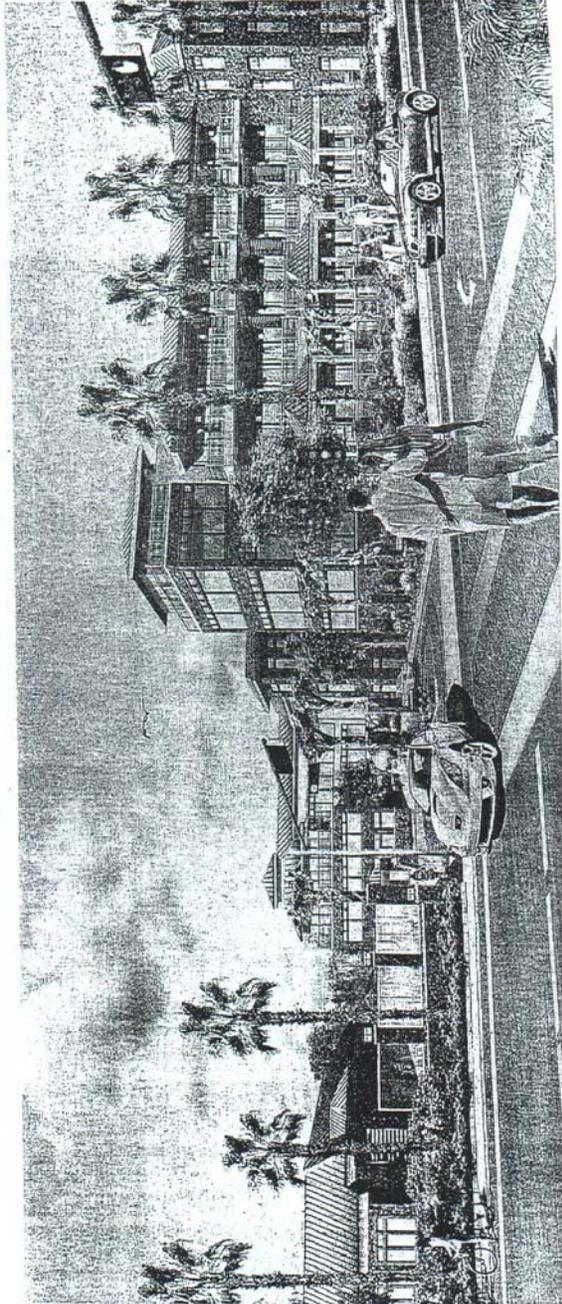


EXHIBIT NO. 3
APPLICATION NO.
<b>A-6-OCN-7-31</b>
Project Design



K/

To the Coastal Commission:

As a resident who has spent almost my entire life in this area, I am dismayed by the possibility of losing yet another open space which should be preserved. I am writing to urge you not to allow the development of a hotel on the land adjacent to the Buena Vista Lagoon in Oceanside. The lagoons and beaches are for all people to enjoy, not just those wealthy enough to purchase the opportunity.

Recently, I donated money to the Preserve Calavera group which worked long and hard raising funds to buy and preserve property containing riparian wetlands upstream of the Buena Vista Lagoon. What a shame for their diligent efforts to protect the water flowing to the lagoon to be countered by the disgrace of shameful and exploitative commerce along the lagoons waterfront.

The citizens of this world must be the stewards of it and work on behalf of its best interest. We are too quickly devouring this world's most precious jewels for our own consumption. Please stop this development.

Sincerely,



Carol Jefferies

P.S. Please see enclosed plea from my 6 year old son. Thank you.

RECEIVED

MAR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 4
APPLICATION NO. <b>A-6-OCN-07-31</b>
Letters of Opposition
 California Coastal Commission



*Buena Vista Audubon Society*  
PO Box 480  
Oceanside, CA 92049-0480

September 10, 2007

California Coastal Commission  
San Diego Coast District Office  
Toni Ross, Coastal Planner  
7575 Metropolitan Drive, Ste. 103  
San Diego, CA 92108-4402

RE: Appeal No: A-6-OCN-07-31

Buena Vista Audubon Society is submitting these comments in support of our appeal of the "Coastal Lagoon Hotel" project proposed by Oceanside III for a 3.8-acre parcel of land adjacent to the Buena Vista Lagoon Ecological Reserve in South Oceanside, California. A development permit was approved for this project on a 3-2 vote by the city council on February 14, 2007.

We believe this project should be denied for the following reasons:

\*The wetlands delineation on this property as provided by the developer's consultant significantly under represents the extent of coastal wetlands as defined under the Coastal Act. An impartial analysis of soils, vegetation, and slope characteristics present on the site shows extensive wetlands coverage. The southern fringes of the property extend into the wet marsh, and contain typical marsh vegetation. Isolated pockets of wetland vegetation still occur throughout the property, despite its heavily degraded condition. The average elevation of the bulk of the parcel is less than 1-2 feet above the water level of the adjacent lagoon, and is subject to flooding and pond formation during periodic years with high rainfall totals. Soil types on the property are consistent with those of coastal wetlands. The Coastal Act precludes placing development in areas that meet the Act's definition of "wetlands". (Pub. Resources Code, #30255).

\*Development of this property would result in significant negative impacts to the habitat and native flora and fauna populations of the adjacent state ecological reserve. The Coastal Act defines "environmentally sensitive areas" as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." (Pub. Resources Code, #3107.5)  
Even should this project provide for an undeveloped buffer zone and impose other available environmental safeguards in the development plan, this project would result in significant impacts from night lighting, structure bulk, height, and density, proliferation of exotic pest animals, invasive plants, unnatural noise, and increased traffic. It is not enough to merely reduce these impacts through mitigation measures. The Act requires *direct* protections of environmentally sensitive areas.

\*Of particular concern is the inadequate buffer zone proposed as part of this development plan. Assuming that the buffer zone would only begin to be measured from the point of a more extensive wetland delineation boundary than that proposed by the developer, a 100' buffer would not provide adequate protection from significant impacts from this development. The project plan calls for the use of non-native plants and brush-clearing activities within the buffer zone, both prohibited as conditions for a CDF&G-approved buffer zone. To accommodate these activities, the project should include a strip of an additional 50' or more of undeveloped land between the 100' buffer zone and the project.

\*The subject parcel is immediately adjacent to the protected habitat of a small but growing population of Light-footed Clapper Rails, a state and federally listed endangered bird species. The 2006 Clapper Rail survey undertaken by the CDF&G, discovered eight pairs of the rails living and breeding within the lagoon, including a pair residing in the reeds immediately adjacent to the project site. The rail is only resident in certain coastal wetlands in Southern California and Baja California, and only 408 pairs of this rare bird species exist in the state. The eight pairs discovered at Buena Vista Lagoon in 2006 represent the highest number of rails ever recorded at the lagoon. Development would eliminate the possibility of an expansion of habitat for this and other sensitive species, while introducing new threats to the long term viability of these fragile populations. State and Federal law requires the protection of habitat for listed species.

\*Development of this property would preclude the possibility of restoring this parcel as full functioning coastal wetlands. As discussed above, despite its current degraded condition, this parcel already exhibits all of the attributes of coastal wetlands, and is an ideal candidate for full restoration. The recommended restoration plan for Buena Vista Lagoon calls for its return to a coastal salt marsh estuary with an open connection to the ocean. The ultimate success of the lagoon restoration will depend in part upon the establishment of a tidal prism of sufficient size to ensure a proper tidal exchange within the lagoon. Development on this parcel would limit the possibilities for expansion of the western lagoon basin, a critical key to establishing a properly functioning hydrologic regime for the lagoon. This property has been included on the target acquisition list by agencies seeking mitigation lands for public projects within the coastal zone.

\*The Buena Vista Audubon Society has been offering nature education programs at its nature center, located directly across Pacific Coast Highway from the proposed project site, since its opening in 1987. Thousands of school children and members of the public have participated in these free nature programs over the years. Additional car traffic on Pacific Coast Highway as a result of this proposed development, including traffic queue back-ups from the new traffic light proposed to be located north of the nature center parking lot entrance, would seriously impact public ingress and egress to the nature center. This would be especially true for south-bound traffic attempting to turn left into the nature center driveway. The project would also cause a significant degradation in the quality of the nature education experience at the nature center as a result of its visual bulk, the displacement of foraging habitat currently used by hawks and other bird species, and noise impacts throughout the day and evening hours. The public has taken advantage of the undeveloped and unfenced nature of the project site for many years, using it for daily access to fishing areas, birdwatching activities, and a walking and biking trail connection between Coast Highway and Broadway Street. Public recreational access to this property over the years has been recorded in numerous public documents, including

Oceanside's certified LCP. This development would preclude the unlimited public use of this long-standing trail for access to nature recreation and coastal resources.

\*The height and bulk of development proposed for this sensitive site is extensive and would destroy long-standing public view corridors to the lagoon and ocean. The size and scale of proposed development would violate provisions of the LCP which require development to compliment the surrounding natural environment and conform to existing community norms. The condo/hotel structure as proposed would be higher than surrounding development and would necessarily affect flight patterns of thousands of migrating shorebirds seeking to set down on the waters of the adjacent state ecological reserve each year. The collision of birds into buildings sited within a migratory flight path is a well-documented cause of bird fatality in North America.

\*The condo/hotel development as proposed would result in an extremely high percentage of owner-occupied units throughout the year, violating the provisions of Oceanside's existing LCP and effectively negating the claim that this project would meet coastal act goals of increasing coastal access by providing visitor-serving accommodations. The four traditional condo units included in this project plan would directly curtail coastal access for non-residents.

Buena Vista Audubon Society believes the many substantial issues evident in this proposed development are sufficient to justify denial of a coastal development permit.

Thank you for your consideration.

Sincerely,



Andrew Mauro, Conservation Chair  
Buena Vista Audubon Society



**Preserve Calavera**

Coastal North San Diego County

September 16, 2007

Lee McEachern, Toni Ross  
California Coastal Commission  
7575 Metropolitan Dr Suite 103  
San Diego, CA 92108-4402

Subject: Appeal of Regular Coastal Permit (RC-8-02)  
Boardwalk Project

Dear California Coastal Commission:

Please accept these comments as further clarification of several of the issues raised as part of the Appeal of the City of Oceanside Boardwalk Project.

**Geotechnical Hazard**

The staff report concluded that the city of Oceanside did address this issue. We do not refute this conclusion, and in fact there are numerous conditions added to the project because of the extreme geotechnical challenges of this site. However, since the geotechnical analysis was done, CA Coastal Commission conducted further study of the wetlands delineation which has been found to be in error. We now also question the validity of the engineer's determination of lagoon boundaries. This was done by engineer's decree, which likely considered the faulty wetlands delineation. There was no bathymetric or soft ground (mud line) study of this end of the lagoon. Such mudline studies have been required in other places along the coast (Northern California).

This is a seismically hazardous site. The soft soil in the lagoon will be subject to about 1/4 of gravity (0.25g) or more in horizontal ground acceleration during seismic shaking. Since the soil is saturated (water table is high) as well as loose/soft, it will volumetrically consolidate (settle) and the land may laterally spread toward the open lagoon water. Given the soft/loose soils, settlement of buildings, rupture of sewer, water and other conduits are likely during or shortly after the design seismic event. Simply embedding shallow foundations or utilities into densified shallow fill over soft / loose soils will not fully mitigate this ground condition. This is of particular concern because a traffic intersection is proposed near or in the seismic hazard zone - an intersection that will be the main egress for the new hotel site.

Concerns about this were raised in the EIR and are included on pages 72-75 of the CCC staff report. At the Oceanside hearing the project architect stated that this would be "handled" during design. A development of this size in a lagoon bottom near the ocean

Received

SEP 20 2007

California Coastal Commission  
San Diego Coast District

[www.preservecalavera.org](http://www.preservecalavera.org)  
5020 Nighthawk Way, Oceanside, CA 92056

will be corroding and deteriorating at a rapid rate and will require constant attention. The foundations will have to be sealed against water vapor intrusion to reduce corrosion of reinforcement and concrete. Corrosion will be a significant factor in the planning, design and maintenance of the building. This combination of potential corrosion and seismic loading has not been addressed. Further mitigation, including provisions for long term inspection and maintenance, still need to be included as project conditions. The following report should be used as the guideline document: "Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Liquefaction in California," dated March 1999, by Southern California Earthquake Center.

We believe that given these constraints, a water table that is within 4-8 feet of the surface, unstable soils, and the weight and mass of this building that there are other potential indirect impacts to the lagoon ecosystem that have also not been considered. What about the water table? What about the long term effects of leeching of heavy metals into the groundwater? How would conversion of the lagoon to a salt water regime effect underground steel reinforcement?

In the recently approved Firtel residence project, just a few feet from the proposed Boardwalk, the geotechnical report recommended to add a note to all of the foundation excavation plans that they must be reviewed and approved by the city's Geotechnical Consultant prior to the placement of any steel reinforcements. We believe this project also warrants this extra level of review, and that there should be further technical review of potential direct and indirect impacts from such massive development in this sensitive area.

#### **Flood Hazard**

The proposed project will build even more embankments and add fill into the lagoon, reducing its capacity. This will potentially make existing flooding conditions in the western basins of the lagoon even worse. Currently winter storms result in flood water spilling over S/Coast Highway just south of the proposed project. These floodwaters are then constrained by the weir at the mouth of the lagoon.

In addition to the issues noted in the staff report, we call your attention to flood control measures installed in this portion of the lagoon in 2004 as covered by Regular Coastal Permit RC-01-03. This project included the construction of a berm along many of the residences at St Malo- just a few feet from this project. One of the mitigation measures associated with this permit was for the maintenance of a 15 foot native plant buffer along this berm. Such a planted buffer not only protects the lagoon from run-off from the adjacent development, it also slows and dissipates flood waters. We recently became aware that this buffer has not been maintained as required by the conditions of RC-01-03. Furthermore there have now been two developments approved, that we are aware of, in the floodplain, within this portion of the lagoon. FEMA maps have not been revised for these two projects. This additional development in the floodplain, plus the lack of adequate native plant buffers would further effect the adequacy of flood hazard analysis associated with the Boardwalk project.

Also, as noted by Andrew Guatelli in comment letter included with the EIR, the weir at

the mouth of the lagoon is likely to not meet Current FEMA standards ( "Engineering and Design-Design and Construction Levees." Publication Number EM 1110-1913, April 30, 2000, by U.S. Army Corps of Engineering (USCA). While there has been some preliminary planning for a weir replacement project, none of the detailed engineering plans have been completed

Flooding is an issue in the western basins of the lagoon. Current roadway flooding adds pollutants to the lagoon. Failure to include more extensive flood control analysis will result in piecemeal CEQA review. Out of date FEMA maps, new dam safety standards, existing flooding across the roadway, and a new intersection potentially effected by flooding associated with new project conditions all contribute to the inadequacy of the flood hazard analysis and mitigation for this project.

#### **MHCP Vol III Appendix E**

Appendix E of the MHCP includes "Conditions for Estuarine Species" that specifically includes Buena Vista Lagoon. While many of the listed guidelines have been addressed in project conditions- several have not been. For example:

E.2.5 Use of chemical pesticides for mosquito control.

E.3.1.c Erection of fences or other physical barriers for breeding areas to restrict access. The 2006 Light-footed Clapper Rail survey found new nesting sites that have not yet been protected- one is just a few feet from the proposed project.

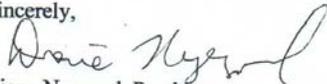
E.3.3 Public awareness and education program. While the adjacent Buena Vista Audubon Nature Center has been doing extensive public education, it is really a public responsibility to take on such an on-going program for the lagoon. The proposed project and associated public trail will add hundreds of visitors to the perimeter of the lagoon. Public education is needed from the beginning- not after the resources have already been damaged.

#### **Conclusion**

This project does not comply with key provisions of the Coastal Act, the City of Oceanside Local Coastal Plan, and the MHCP. The appeal should be granted and the permit issued by the City of Oceanside should be revoked.

Thank you for your consideration of this appeal.

Sincerely,

  
Diane Nygaard, President  
On Behalf of Preserve Calavera



THE LEAGUE OF WOMEN VOTERS OF NORTH COAST SAN DIEGO COUNTY

Agenda No. 8 a  
Application No. A-6-OCN-07-31  
Kathy Christy, League of Women Voters  
Opposed to "Boardwalk" project

May 3, 2007  
California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4421

Dear California Coastal Commission:

The League of Women Voters opposes the "Boardwalk Project" for the following reasons:

Both National and California State League of Women Voters have positions for safeguarding open space. The League prefers that no development be brought to the land next to the Buena Vista Lagoon. Undeveloped coastal and lagoon areas are becoming scarce and we must protect them from development so that the public can continue to benefit from their beauty and use.

However, if there is development on this site, we must insure that there will be adequate public access to the lagoon area. Both the LCP and the State Coastal Act require that public access be provided to coastal resources. We request enlarging the 100-foot buffer area so that public trails could run adjacent to the buffer zone. This would protect sensitive portions of the lagoon while allowing public access to the lagoon area. Not providing public access is not acceptable.

Impacts to public views to Buena Vista Lagoon must also be addressed. The existing view from southbound South Coast Highway will be blocked and views looking south from Eaton Street and Broadway will be partially blocked, as stated in the EIR. The citizens of Oceanside deserve to have the views of their lagoon left intact. Loss of public views to Buena Vista Lagoon is unacceptable and must be avoided.

Because the adverse impacts to aesthetics and land use are significant, the League of Women Voters requests the California Coastal Commission to appeal the decision of the Oceanside City Council to approve the "Boardwalk" development.

Sincerely,  
*Kathy Christy*  
Kathy Christy, League of Women Voters  
3552 Mira Pacific Dr  
Oceanside, CA 92056

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CALIFORNIA COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT  
MAY 09 2007  
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CALIFORNIA COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

P.O. Box 131272, Carlsbad, CA 92013 (760) 736-1608  
www.lwvncsd.org

THE LEAGUE OF WOMEN VOTERS IS A NONPARTISAN ORGANIZATION WITH MEMBERSHIP OPEN TO ALL CITIZENS OF VOTING AGE

LETTER OF OPPOSITION

PLEASE DON OT  
BUILD A HOTEL  
BY THE LAGOON.

SINCERELY,  
LEL WEEFFERIE

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MAR 09 2007  
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SAN DIEGO COAST DISTRICT

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MAR 21 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

March 20, 2007

Dear Coastal Commission Member,

Please deny the three-story timeshare complex to be developed adjacent to the highly disturbed Buena Vista Lagoon Ecological Reserve.

It is a assault on the environment. Please protect what remains of California's coastal wetlands.

Sincerely,



Marie Freitas

**KARL E. STEINBERG, MD**  
**Stone Mountain Medical Associates, Inc.**  
3608 Napa Court  
Oceanside, CA 92056  
(760) 414-7263

FELLOW, AMERICAN ACADEMY OF FAMILY PHYSICIANS

DIPLOMATE, AMERICAN BOARD OF FAMILY MEDICINE

March 26, 2007  
VIA US MAIL

California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive Ste 103  
San Diego, CA 92108-4402

Re: *Buena Vista Lagoon Development Project*

Dear Coastal Commission:

I am writing to express my extreme opposition to the proposed development of a timeshare/hotel and associated commercial and condo structures virtually on top of the Buena Vista Lagoon. You are no doubt already well aware of the history of this proposed project and of the developer, so there is no need for me to give you details on them. I think the obvious environmental impact of these structures on the lagoon itself would be enough to give you pause before approving such a project. But there are many other issues that must be taken into account.

First of all, the Oceanside Planning Commission roundly defeated this proposal, calling it (if I am not mistaken) a "monstrosity," by a vote of 6-1. The developer then made an end-run around the Planning Commission, taking it directly to the City Council, where after a very emotional 4-hour session which I attended, they approved the project 3-2. You are no doubt aware of the vagaries of local politics and politicians—in this case, the Mayor voted against the project, and the many interested parties who spoke at the Council meeting were at least 75% opposed to the project for a variety of legal, environmental and social reasons that I assume you have access to and are familiar with. Despite that, and with no real acknowledgement of the problems, three of the councilmembers elected to approve the project in its current state in spite of all the issues.

I have grave concerns about the ethics of this developer. To give a few examples (most of which you probably already know), I will recount a few facts that give me pause for great apprehension, considering the promises and "concessions" he has made about the project:

Received

MAR 27 2007

California Coastal Commission  
San Diego Coast District

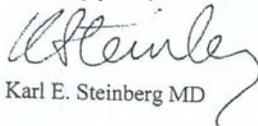
1. The developer hired paid signature-gatherers to collect his roughly 1000 petition signatures, allegedly supporting the project. In fact, the way these signatures were gathered was by posting signs in front of local supermarkets that proclaimed, "Support higher paying jobs in Oceanside!" This is misrepresentation of the most shameful degree. In fact, several people who had already publicly come out *against* the project, signed the petition without reading the small print. I believe only a tiny minority of these supposedly favorable signers actually did favor the project; they simply signed the petition because it seemed like a good cause.
2. The developer had a paid lobbyist address the Council at the meeting, and she presented numerous "facts" that were completely false. For example, she stated that the City Attorney had "said [the project] was a good thing," to which Mr. Mullen—who was sitting at the same table as the Councilmembers—emphatically shook his head "no," strongly suggesting to me that he had never in fact said that. This lobbyist went on to show on a PowerPoint slide a list of local organizations with whom the developer had allegedly met and who had *given approval* for the project. These organizations included the St. Malo HOA and the Sandpiper HOA, among many others. Later in the meeting, the Presidents of both of these HOAs got up and stated that they and their organizations had *never* met with the developer, and that the extent of their communication had consisted of a mailed prospectus and some kind of letter saying "We hope you can support our project" or something to that effect. Once again, these blatantly dishonest and reprehensible tactics do not paint a favorable picture of this developer and his cronies, and if this is his behavior *before* the project even *starts*, I fear that it bodes very ominously for his *future* integrity and reliability once the project gets underway!
3. The lobbyist and/or architect for the developer stated in the Council meeting that the proposed condominium (I believe it's "Number 8") that would block access to the lagoon from Broadway would be scrapped to leave that area open, yet when the actual project was voted on, this omission of the westernmost condo was not included in the vote. (Please review the transcript or tape of the meeting, and you will see where they indicated their willingness to scrap this; I urge you—if you do consider allowing them to go forward—to insist that this be part of the plan.)
4. There is good evidence that Caltrans and other agencies and charitable organizations have expressed an interest in this property, with a desire to keep it as undeveloped wetlands area. In order to cleverly extricate himself from any possibility of one of these agencies going forward with this (to me clearly superior) plan, the developer has put the property into escrow so that no discussion can even take place. He clearly has only one agenda: to erect this behemoth eyesore within a few feet of the lagoon, just for his own profit.

These multiple examples of dishonesty and misrepresentation paint a clear picture of the kind of shady businessman and unethical human being we are dealing with. I pray that you will exercise extreme caution when even considering any project that he proposes. Clearly, he cannot be trusted. In a highly sensitive wetlands area like the

Buena Vista Lagoon, I know that you are painfully aware that once damage is done, it is very difficult to undo. The bell can't be unring.

I implore you to do everything in your power to consider what is best for our environment and our community, before giving this developer carte blanche to ruin this little corner of paradise. Please carefully consider the legal obstacles the proposed development presents as well. I am well aware and supportive of the rights of property-owners to have a certain degree of freedom to build and develop. But this is not the right project for this space, and it would be a grave miscalculation to allow it to go forward—especially knowing the kind of dubious and profiteering scoundrel this man has already shown himself clearly to be. Give credence to the dissenting votes of Mayor Wood and Esther Sanchez, and particularly Councilmember Sanchez's passionate but carefully considered opposition. Consider the Oceanside Planning Commission's near-unanimous disapproval of this project. I urge you to deliberate carefully and extensively, and keep in mind that the opposition to this project is not just a loosely organized group of tree-huggers, but a widely based and well-organized, passionate group of citizens who are as appalled as I am at this proposal and the developer's shady tactics. Please, I entreat you with every bit of my intellect and my heart, do not reward this callous developer's already extensive dishonest behavior by allowing him to contaminate the beautiful Buena Vista Lagoon with this ill-advised project.

Sincerely yours,



Karl E. Steinberg MD





March 27, 2007

To Whom It May Concern:

Please accept these approximately 2700 petition signatures as a sign that this development should not happen at this location. This area is used for a wide variety of reasons and by a large number of people from all over the country.

Please see the number of petition signers grow daily and read their heartfelt comments at:

[www.PetitionOnline.com/7369/petition.html](http://www.PetitionOnline.com/7369/petition.html)

Sincerely,  
The Friends of the Buena Vista Lagoon

**RECEIVED**  
MAR 29 2007  
CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

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APR 05 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

California Coastal Commission  
45 Fremont St. Suite 2000  
San Francisco CA 94105

March 15, 2007

Dear Coastal Commission:

I encourage you to disapprove of the proposed development on the banks of the Buena Vista Lagoon in Oceanside. This is the exact type of development that the Coastal Commission was created to stop. This development is too big and threatens a very clean lagoon and sanctuary. There are so many problems with the proposal it's hard to understand how it got as far as it did in the approvals. Please put an end to this development.

Sincerely,

  
Julie Ann Petrisan  
4625 West Talmadge  
San Diego CA 92116



February 12, 2007

City of Oceanside City Council  
300 North Coast Hwy  
Oceanside, CA 92054

RE: 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) - Boardwalk Complex

Dear City Council Members,

This letter is to express the desire of the San Diego County Bicycle Coalition to allow and preserve bicyclist access south of Broadway through the proposed Boardwalk Complex development, and to ensure the development does not impact bicyclist traffic on Coast Highway.

The proposed development is just south of the current Coastal Rail Trail ending in Oceanside, and currently bicyclists use Broadway, Eaton, and Coast Highway to go north and south. Although the current plans for the Coastal Rail Trail do not include constructing the trail south across the lagoon, future developments in the rail corridor might provide an opportunity for such a trail extension, and it is important to preserve and easement and access for bicyclists along the corridor.

Good bicyclist and pedestrian access to and through the site will certainly be a major benefit to the project, and I hope the Council and the developer will work together to provide such access that meets both the statewide design standards and the needs of the bicycling and walking public.

Please also ensure that current bicycle lanes on Coast Highway north of the city limits are not impacted by this development, and any improvements to Coast Highway take bicycle access into account in their design.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Kathy Keehan". The signature is written in a cursive, flowing style.

Kathy Keehan  
Executive Director

Received

MAR 16 2007

California Coastal Commission  
San Diego Coast District

San Diego County Bicycle Coalition  
P.O. Box 34544 San Diego CA 92163  
(858) 487-6063  
[www.sdcbc.org](http://www.sdcbc.org)

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MAR 21 2007

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CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

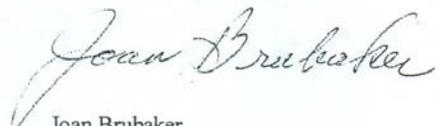
San Diego Coast District Office  
7575 Metropolitan Drive, Ste. 103  
San Diego, CA 92108-4402

To The Members,

Much has been said about encroachments on natural habitat in our coastal areas and the Coastal Commission is the major authority to assist in the preservation of such areas for future generations as well as the ones presently living in those areas.

A hotel and restaurant development in the extreme southern edge of the city of Oceanside is the topic of concern in this correspondence. The project was turned down by the city planning commission only to be pushed through a council session by the development hungry constituency of that body at this time. In addition, it permits ownership lodgings for longer periods than overnight use which possibly would be in conflict with section 30222.3 of AB 1459 when this section is adopted.

Aside from that aspect and equally or possibly more important is environmental issues on this location. Restoration efforts have been exercised in this area and are continuing at Buena Vista Lagoon at the border of Oceanside and Carlsbad cities. With this development at the edge of the lagoon, how can restoration continue and be effective? Dollars already spent will have been somewhat wasted. The folly of this project is a poor reward for the taxpayer dollars used for restoration. Please examine this project.



Joan Brubaker  
1606 Hackamore Road  
Oceanside, CA 92057  
760-941-5378

TR

Received

MAR 15 2007

California Coastal Commission  
San Diego Coast District

1606 Hackamore Road  
Oceanside, CA 92057  
11 March 2007

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MAR 14 2007

CALIFORNIA  
COASTAL COMMISSION

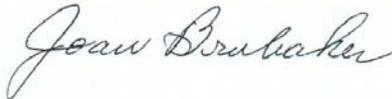
The California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

To The Members,

Much has been said about encroachments on natural habitat in our coastal areas and the Coastal Commission is the major authority to assist in the preservation of such areas for future generations as well as the ones presently living in those areas.

A hotel and restaurant development in the extreme southern edge of the city of Oceanside is the topic of concern in this correspondence. The project was turned down by the city planning commission only to be pushed through a council session by the development hungry constituency of that body at this time. In addition, it permits ownership lodgings for longer periods than overnight use which possibly would be in conflict with section 30222.3 of AB 1459 when this section is adopted.

Aside from that aspect and equally or possibly more important is environmental issues on this location. Restoration efforts have been exercised in this area and are continuing at Buena Vista Lagoon at the border of Oceanside and Carlsbad cities. With this development at the edge of the lagoon, how can restoration continue and be effective? Dollars already spent will have been somewhat wasted. The folly of this project is a poor reward for the taxpayer dollars used for restoration. Please examine this project.



Joan Brubaker  
1606 Hackamore Road  
Oceanside, CA 92057  
760-941-5378

March 9, 2007

Deborah Lee, Coastal Commission District Manager  
San Diego Coast District Office  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108

Deborah Lee:

I was outraged and disgusted to hear that Oceanside is planning to build a hotel/resort on the Buena Vista Lagoon. This land should be protected instead of destroyed! As a tax-paying resident of Oceanside, I am very disappointed by this irresponsible decision. I would hope that the Coastal Commission would insist on fighting to stop this.

The Oceanside City Council needs to be better educated and be prevented from making such appalling decisions.

Sincerely,



Amber L. Perkins  
Oceanside Resident

Received

MAR 16 2007

California Coastal Commission  
San Diego Coast District

TO	Gracie/Toni	3/14	12:10
FROM		AREA CODE	NUMBER
OF	(Called to voice their objection as 80-year S.D. natives)		
MESSAGE	Betty and Jack Stevenson		
	165 Ridd Rd	opposed to B.V. Casper's	
	VISTA, CA 92084	ADD TO INTERESTED	
	PARTIES LIST for A-6-OCN-07-038		
		HP	
<input type="checkbox"/> RETURNED TO SENDER <input type="checkbox"/> CALL <input type="checkbox"/> MAIL TO <input type="checkbox"/> RETURN <input type="checkbox"/> MESSAGE TO <input type="checkbox"/> ADD			

AMPAD NO. 22-172-4000178 NO. 22-372-2000278

Mar 09 07 11:43a

Marc Ordman

/605290022

p.1

RECEIVED

MAR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

3/9/07

Hello,

I'm writing regarding yet another proposed condo/restaurant/hotel development, this time on the Buena Vista Lagoon estuary in Oceanside.

This was just approved by the Oceanside City Council, three for, two against (Councilman Chavez and the Mayor). They voted to overturn their own Planning Commission!

Councilman Chavez, dissenting, said we can always build another hotel, but we can't build another wetland or lagoon. So true.

I understand the decision is being appealed to you.

This estuary is beautiful and one of the very few we have left. The only building around it is the Audubon Nature Center. People fish there, walk around, etc. Why? Because it's still natural!

I drive through the estuary often on the PC Highway on my way to Carlsbad from Oceanside where I live. The thought of another development there - more people, cars, pollution, danger to wildlife. When is enough enough?

I'm not entirely sure of your legal charter, but if you can prevent this latest assault on a natural setting, I would strongly encourage you to do so.

I appreciate your attention and I am thankful for organizations like yours.

  
Marc Ordman  
3664 Seaflower Lane  
Oceanside, CA 92056  
(760) 529-0022

112

3/28/07

RECEIVED  
APR 02 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

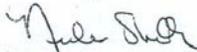
Dear Kind People,

I am writing to request that you take a second look at the Oceanside, California's City Council decision to allow the construction of a hotel/resort in the middle of critical wetlands. Our local Planning Commission, after extensive study, voted to deny the developer the right to build adjacent to the Buena Vista Lagoon but the Council overruled the Commission and the will of the residents living near the lagoon along with local conservation groups and members.

This area of proposed development is home for many species of rarely seen birds including the endangered Light-footed Clapper Rail. The Department of Fish and Wildlife recently released the results of a survey of the affected land and documented eight pairs of rails. Only 400 pairs of these birds exist in the state. In addition the area is used by many bird species and small mammals as habitat to forage in for food.

Please help us save this irreplaceable treasure for our children and for the water quality of our coastal community. Please oppose the "Coastal Lagoon Hotel" or any future project that would jeopardize our rare coastal natural lands.

Sincerely,

  
Dr. Noralee Sherwood  
1526 Hunsaker St.  
Oceanside, CA 92054

Mar 20 07 11:55a Barbara Havens

760-729-6581

p. 1

Sirs:

When the California Coastal Commission was created, it was assigned the mission of protecting Californias' coastal and wetlands. There is now a proposal in Southwest Oceanside for a large development next to the outlet of the Buena Vista Lagoon. The development consists of a three story time shares, and 82 room hotel, a large upscale restaurant, and an eight foot boardwalk on 3.8 acres of coastal land.

My wife and I strongly oppose this development. We have lived in Carlsbad near this property for more than 40 years and know that further population density, more automobiles, and habitat disturbance are not in the best interests of coastal and wetland preservation.

We thank you in advance for your thoughtful consideration of this matter.

Sincerely,

Dr. Fred and Barbara Havens

Received

MAR 20 2007

California Coastal Commission  
San Diego Coast District

Mar 21 07 07:44a

Norm Keith

760 230 1073

p. 1

San Diego Coast District Office  
7575 Metropolitan Drive  
San Diego

Dear Members of Coastal Commission,

Please deny the request to build a timeshare next to the Buena Vista Lagoon Ecological Reserve.

Too many projects are being built in areas where wildlife is living. There is never any turning back once the areas are built-up and the beauty is destroyed.

Thank you.

Marla Keith  
620 Cole Ranch Road  
Encinitas, CA 92024

**RECEIVED**

MAR 21 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Mar 12 2007 9:57AM

760 722-7604

P. 1

March 11, 2007

An Appeal to Honorable Members of the Coastal Commission;

Re: Lagoon Hotel Project (Formerly Boardwalk Project). Objection to the Approval and Certification of the Environmental Impact Report and Regular Coastal Permit (RC-8-02):

I request that the Oceanside City Council approval of the EIR and the Project Plan be reversed for failure to adhere to the Local Coastal Plan (LCP) and Coastal Plan. The LCP and Coastal Plan, as originally approved by the Coastal Commission, are very specific in the protection of Coastal access and views. Specifically:

The 15 feet Access corridor and View corridor, on the westerly side of Broadway (along the rail right of way) is to be vacated by the City of Oceanside at the request of the Owner/Developer. This strip is not an easement but is land owned by the City that the applicant wants the City to abandon. This 15 feet corridor is the only access to Buena Vista Lagoon ranging from the surf at St. Malo to the Coast Highway. The loss of this corridor forever precludes routing the Coastal Bike Trail through this area and forces cyclists to use the very dangerous Coast Highway. This is a gross violation of the Local Coastal Plan (LCP) which requires that Public Access and View Corridors be preserved above the interests of private use (Appendix B, Chapter 2). For this reason alone the EIR, in its whole, should be rejected.

2. The 65 feet of Broadway adjacent to Parcel 3, which was vacated by the City in 1982, is a Public View Corridor as defined in the LCP. The Plan calls for the City to abandon this 65 feet corridor so that the developer can construct a large residence in this right of way (Condo A). The LCP requires that View Corridors be preserved above interests of private development (Appendix B, Chapter 2). The EIR is faulty in that it does not address the issue of blocking the view with proposed Condo "A".

3. Currently the public uses a path from Broadway and across parcels 2 and 3 to access the lagoon and connect to the Coast Highway. The continuing use of this path for more than 30 years, without any attempt by the owner to block usage, constitutes an implied dedication under prescriptive rights doctrine. There is precedence for the Coastal Commission to deny the EIR in these cases.

4. The site plan arbitrarily changes zoning borders as defined by the Assessors Parcel Map. It excludes encroachment into Coastal jurisdiction. The owners' site plan is grossly corrupt (see attachments).

*BY MAIL*  
In summary, the EIR is seriously flawed. It should be rejected. The Owner/Developer has not seen fit to sit down with local residents, environmentalists, Audubon and others. Rejection of the EIR/Project will force the Owner/Developer to the table so that community concerns can be addressed. The result could be a mutually acceptable Plan that incorporates the view and access concerns of neighbors and environmentalists and could satisfy the financial interests of the Owner/Developer. Thank you for your time. Respectfully,

Douglas Freed  
2110 Broadway  
Oceanside, CA 92054

Received

MAR 12 2007

California Coastal Commission  
San Diego Coast District

RECEIVED

MAR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

1014 Laguna Dr. # 5  
Carlsbad, CA 92008

March 4, 2007

California Coastal Commission  
45 Fremont St., Suite 2000  
San Francisco, CA 94105-2219

Dear sirs:

One morning, as I was driving to work along the part of highway 101 that crosses Buena Vista lagoon, I was forced to stop by a gardener's truck that blocked the road. My annoyance turned to delight when I found out the gardeners had stopped to rescue a tortoise that was trying to cross the highway to reach the other side of the lagoon.

On February 14, the city of Oceanside approved the building of a resort hotel on the banks of Buena Vista lagoon, not far from where I had witnessed the tortoise rescue. The hotel site is part of the wetland's flood plain. It is an area that has been flooded in the past. It is also the home of many species, including tortoises, egrets and hawks.

Wetlands are an important part of the environment, acting as a buffer between salt and fresh water and as a place that stores carbon rather than releasing it into the atmosphere.

Building a hotel on this site will do more damage than destroying a view, it will contribute to the destruction of wildlife habitat and the degradation of the environment.

We need to protect and restore lagoons and wetlands, not develop them for the financial benefit of a few people.

I hope that you, in your role as the guardian of the coastal environment, will decide to preserve Buena Vista lagoon from unnecessary development.

Sincerely,

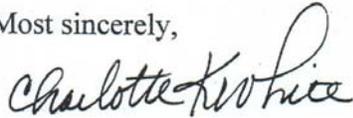
  
Mary S. Cappadonna

The California Coastal Commission  
45 Fremont St. Suite 2000  
San Francisco, CA 94105-2219

3/07/2007

My husband and I are very concerned about the Oceanside City Council's recent decision to build a hotel on the banks of the Buena Vista Lagoon, bordering both Oceanside and Carlsbad. We know that the state has already spent millions of dollars in research and development of feasible restoration projects for the lagoon. We are urging you, the Coastal Commission to intervene and put a halt to this project and help preserve the lagoon for future generations.

Most sincerely,



Charlotte White  
2060 Basswood Avenue  
Carlsbad, CA 92008

**RECEIVED**

MAR 12 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

RECEIVED

MAR 1 2007

CALIFORNIA COASTAL COMMISSION  
SAN DIEGO EAST DISTRICT

Feb. 25, 2007

California Coastal Commission  
45 Fremont St.  
Suite 2000  
San Francisco, CA 94105-2219

RECEIVED

FEB 28 2007

CALIFORNIA  
COASTAL COMMISSION

Re: Buena Vista Lagoon Development, Oceanside, CA.

To members of the California Coastal Commission:

This is a plea to this Commission to intervene to help save the Buena Vista Lagoon located on the coastal border between Oceanside and Carlsbad.

On Feb. 14 the Oceanside City Council approved a hotel development project that will adversely affect this sensitive wetland ecosystem that includes endangered species habitat.

This natural resource should be protected and nurtured not only for the present but for the future.

This environmental matter desperately needs your attention and influence. Please help.

Thank you,  
*Harriett Bledsoe*  
Harriett Bledsoe  
2166 Grandview St.  
Oceanside, CA 92054-5620

ph. 760-757-0133

# 103

1311 Knoll Drive  
Oceanside, California  
February 22, 2007

Toni Ross  
California Coastal Commission  
7575 Metropolitan Drive  
San Diego, California



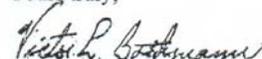
Dear Ms. Ross:

Recently the Oceanside City Council voted to approve, by a three to two margin, a development adjacent to the Buena Vista Lagoon. Two councilmen expressed the opinion that a property owner has the right to develop his property any way he wishes as long as it complies with the existing laws, one councilman agreed to the development as long as a proposed bike and walking trail is eight feet wide and that a proposed telescope not be able to look toward the existing private residences. (The report of the council meeting was published in the North County Times on Thursday February 15<sup>th</sup>.) The project is composed of a three story 82 room hotel, a restaurant and four condominiums.

Although the meeting was attended by many opposed to the project, including the President of the Audubon Society, who explained clearly the damage the project would cause to the lagoon, the city council ignored the information, in fact the three councilmen seemed to have their mind made up before any public input was heard. The proponents expressed their opinion that a one hundred foot buffer zone was adequate to protect the lagoon and wildlife.

The environment is the most important issue with this proposed development. The expert on this is the President of the Audubon Society, Dennis Huckabay. The 100 foot buffer zone is no protection for the wildlife and they will relocate elsewhere. The light and noise will be continuous to which the lagoon will be exposed. Since light travels at a rate of 186,000 miles per second and sound at 1130 feet per second, what protection is a buffer zone of 100 feet to all the wildlife? For a healthy life we all need the cycle of light and darkness for activity and rest. Imagine what it would be like having your bedroom facing one of the casinos in Las Vegas. That is exactly what the situation will be for the birds and other wildlife at the lagoon. Roxayne Spruance, lobbyist for the applicant, claims that there is no adverse effect on the environment of the lagoon from the project, but what are her qualifications as an environmentalist to make such a judgement? The only person to qualified to make that judgement, I believe, is the President of the Audubon Society who makes environmental issues his profession.

Yours truly,

  
Victor L. Bothmann  
(760) 433-7551

RECEIVED

FEB 26 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Feb 06 2007 9:45AM

760 722-7604

RECEIVED

FEB 6 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

February 5, 2007

Attn: Toni Ross  
Fax: (619) 767-2370

FACTS ABOUT THE BUENA VISTA LAGOON HOTEL PROJECT  
(FORMERLY KNOWN AS "THE BOARDWALK PROJECT" )

Implied, but not spelled out in the Project Plan or the EIR, is a proposal by the developer for the City of Oceanside to vacate the remaining 15 ' of Broadway on the westerly side along the rail right of way. This would be in addition to the 65 ' the city vacated in 1981. This 15 ' is a View Corridor AND an Access Corridor to the lagoon. This proposed transfer of ownership is currently an obscure item buried in the Project Plan /EIR. Prior to approval/acceptance of the EIR the City Council should take separate action to approve or disapprove the vacation of this right of way. The LCP specifically requires that access and view corridors be preserved. For this reason alone, the EIR is faulty and the approval of the EIR by the Planning Commission should be reversed.

Secondly, the view corridor which formerly was the 65 ' of Broadway vacated in 1981 was, at that time, visualized as a cul-de-sac. The proposal to build a large residence (Condo "A") in this vacated right of way and move the cul-de-sac northwesterly on Broadway adversely affects property owners situated along Broadway. The project proponents are requesting the City of Oceanside vacate the easement for the cul-de-sac so that they can construct this large residence in the view corridor. The proposed Condo "A" site violates the LCP in that it violates the express condition of the LCP that public view corridors be preserved. The view looking south down Broadway will be lost forever. The City Council should take separate action to approve or disapprove the abandonment of the easement. Approval by the Planning Commission of the EIR should be reversed.

The four residence buildings the developer proposes to build are not "condos", they are large stand alone residences. The proposed "condos" are in fact labeled as "condos" as a way to get around the zoning requirement. Condo "A" is especially offensive due to the blockage of the view corridor.

Unfortunately the proponents of this project are not willing to work with the local community to resolve these issues. Although they put forth certain changes, these are cosmetic and not substantial. We respectfully request a reversal of the Planning Commission approval of the EIR.

Douglas W. Freed  
2110 Broadway, Oceanside, CA  
(760) 805-9554

712  
February 9, 2007

To: Toni Ross  
San Diego Coast District  
7575 Metropolitan Drive Suite 103  
San Diego, CA 92108

From: David Reyes  
278 Puffin Drive  
Vista, CA. 92083

Dear Toni Ross

My name is **David Reyes** and I am **9 years old**. I am writing you to let you know that I am **against the hotel at the Buena Vista lagoon**. Please don't let this project go forward and save the lagoon and the surrounding areas.

Thank you,

*David Reyes*  
David Reyes

RECEIVED  
FEB 13 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

February 10, 2007

To: Toni Ross  
California Coastal Commission  
San Diego Coast District  
7575 Metropolitan Drive Suite 103  
San Diego, CA 92108

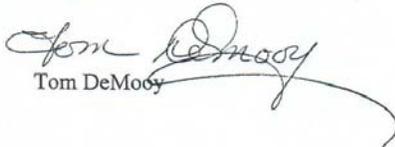
From: Tom DeMooy  
3306 Heather Ln.  
Oceanside, CA. 92056  
760 806-7521

Dear Toni Ross

I am writing you to let you know that I am **against the hotel at the Buena Vista lagoon.**  
We need to preserve this area and keep Oceanside a first class city with its beautiful  
tourist sites and **the Buena Vista Lagoon and fresh water coastal wetlands.**

Please don't let this project go forward! Save the lagoon and the surrounding areas, keep  
Oceanside a first class city! Vote NO.

Thank you,

  
Tom DeMooy

RECEIVED  
FEB 13 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

THIS PROPERTY IS ON LANTON ST., IN OLSIDE.

Received

A personal note  
California Coastal Commission  
San Diego Coast District

APR 05 2007

4/3  
TUES

DEAR COMMISSION, I AM WRITING TO STRONGLY VOICE MY OPPOSITION TO BUILDING A HOTEL ON THIS SENSITIVE OPEN SPACE ON THE NORTH SHORE OF BUENA VISTA LAGOON. ONCE IT'S GONE, IT'S GONE FOREVER. B.V. LAGOON IS AND HAS BEEN CONSTANTLY DISRESPECTED AND UNDERAPPRECIATED. THE LATEST SEWER SPILL IN THE EAST END SUNDAY IS JUST THE LATEST EXAMPLE. THIS IS VITAL BUFFER LAND FOR FLORA AND FAUNA. IT MUST AT ALL COSTS BE PRESERVED AND RESTORED TO ITS ORIGINAL CONDITION WITH INDIAN LANDSCAPING (3.8 ACRES!) WE ARE

**"Coastal Lagoon Hotel" Update**—BVAS and the Friends of Buena Vista Lagoon have filed an appeal with the Coastal Commission of the City of Oceanside's February approval of a controversial hotel/condo/restaurant project. The 3.8-acre parcel of land is located adjacent to the lagoon. The marsh plant community extends onto the property, and wildlife from the reserve regularly forages over the site. Its low elevation, soil type, plant community, and direct connection to the ocean, all make this an ideal candidate for wetlands restoration. This land is needed by the State to provide critical mitigation for much-needed freeway improvements. Scarce wetlands buffer lands like this must remain in open space for the success of the future lagoon restoration effort and the long term health of the lagoon. Tax-deductible donations to help fund this appeal should be made out to "BVAS", (notation: "for legal fees").

11/7

March - 21 - 07  
Attn. California Coastal Commission  
Re. Arena Vista project -  
CALIFORNIA COASTAL DISTRICT  
SAN DIEGO

Please think very carefully about this project that will damage our very well-used secret wild-life area -

I have visited & walked around our Leyton for many years - (to) and water it takes hard knocks from Nature and people -

This one now facing this unique nature preserve is a "death-blow" to the very essence of this area - think of the many building projects now on-going in the area - A land of cement buildings - (a lot of) just grabbing up area -  


Received

APR 05 2007

California Coastal Commission  
San Diego Coast District

April 4, 2007

San Diego Coast District Office  
7575 Metropolitan Drive, Ste 103  
San Diego, California 92108

Re: Development of the Buena Vista Lagoon

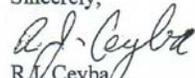
Staff Members:

This brief correspondence is to express my request to have the commission disapprove any development of the aforementioned Oceanside/Carlsbad area.

The continual development of natural environments deters the ecological balance necessary for any community. For the proponents to claim that this construction of a hotel, condo and restaurant would not adversely impact the wildlife and natural beauty essential to our coastal area is an insult to intelligent and responsible citizens.

Thank you in advance for your denial of developing this lagoon area.

Sincerely,

  
R. J. Ceyba

MESSAGE	TO	Gracie/Toni	3/14	2:10					
	FROM		AREA CODE	NUMBER					
	OF	(Called to voice their objection as 80-year S.D. natives!)							
	MESSAGE	Betty and Jack Stevenson 165 Rudd Rd VISTA, CA 92084 PARTIES LIST for A-6-OCN-07-038							
				opposed to B.V. Casoon	ADD TO INTERESTS				
			SIGNED	HP					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	AMPAD NO. 28-75-400 SETS	NO. 28-273-300 SETS							

KEEP THE OPEN  
SPACE! NO BUILDING  
ON THE BUENA VISTA  
LAGOON!

SAM

Strathmore Watercolor  
140 lb Cold Press

SAN DIEGO CA 921



California Coastal Commission  
Attn: Toni Ross  
7575 Metropolitan Dr. Ste. 10  
San Diego, CA 92108-4402

THINK OF THE BIRDS!

STOP THE GREED!  
NO HOTELS ON THE  
BUENA VISTA LAGOON!

SAM

Strathmore Watercolor  
140 lb Cold Press

SAN DIEGO CA 921



California Coastal Commission  
San Diego Coast District  
APR 13 2007  
CALIFORNIA COASTAL COMMISSION  
ATTN: TONI ROSS  
7575 METROPOLITAN DR. STE 10  
SAN DIEGO, CA 92108-4402

02+4421

PLEASE DON'T  
BUILD ON THE  
BUENA VISTA LAGOON!

Strathmore Watercolor  
140 lb Cold Press  
SAN DIEGO CA 921  
FEB 20 2007 PM 3:11



SAN

California Coastal Commission  
Attn: Toni Ross  
7575 Metropolitan Dr. Ste. 10  
San Diego, CA 92108-440

0874421 5115  
-AGE 5

NAME ON BACK  
Strathmore Watercolor  
140 lb Cold Press



PLEASE REJECT THE  
"COASTAL LAGOON HOTEL"  
BY DEVELOPER "OCEANSIDE 3"  
APPROVED BY OCEANSIDE  
COUNCIL ON FEB 14.

THIS HOTEL WOULD BE TOO  
CLOSE TO AN ENDANGERED  
SENSITIVE LAGOON AND  
INCREASE THE THREATS  
TO IT FROM HUMANS,  
TRAFFIC, POLLUTION,  
AND LIGHT ANNOYANCE.

CA Coastal Commission  
Attn: Toni Ross  
7575 Metropolitan Dr. Ste. 10  
San Diego CA 92108

THANK YOU → BACK

Strathmore Watercolor  
140 lb Cold Press  
SAN DIEGO CA 921  
APR 07 2007 PM 1 L



Please do not  
~~build~~ build a  
large hotel  
at the Buena  
Vista lagoon.

Mary Meyers  
3008 Corte  
Balde  
Carlsbad CA  
92008

CALIFORNIA COASTAL COMMISSION

ATTN: TONI ROSS

7575 METROPOLITAN DR. STE 103

SAN DIEGO, CA 92108-4401

108+4421 CO13

Strathmore Watercolor  
140 lb Cold Press  
SAN DIEGO CA 921  
APR 07 2007 PM 4 T



We only have 5%  
Left of undeveloped  
land near any lagoon.  
Please don't develop  
the hotel on the  
Buena Vista Lagoon.  
Please.

Mrs. & Mr. O'Connell  
Oceanside, Calif.

California Coastal Comm

Attn: Toni Ross

7575 Metropolitan Dr. Ste

San Diego, CA 92108-44

108+4421 CO13

Strathmore Watercolor  
140 lb Cold Press

SAN DIEGO CA 921

05 APR 07 PM 7 T



Ms. Robyn Gladish  
1836 Hunsaker St.  
Oceanside, CA 92054-5630

Received

APR 06 2011

California Coastal Commission  
San Diego Coast District

CA Coastal Commission  
7575 Metropolitan Dr. Ste. 105  
San Diego, CA 92108

4421 0019



Strathmore Watercolor  
140 lb Cold Press

SAN DIEGO CA 921

RECEIVED  
05 APR 07  
APR 09 2007



Jack Gladish  
1836 Hunsaker St  
Oceanside, CA 92054

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

CA Coastal Commission  
Attn: Joni Ross  
7375 Metropolitan Dr  
San Diego CA 92108  
Sta 102

4X5630



← NAME ON BACK  
 Strathmore Watercolor  
 140 lb Cold Press  
 BERNARDINO CA 924  
 PLEASE REJECT THE "COASTAL  
 LAGOON HOTEL" RECENTLY  
 APPROVED BY THE OCEANSIDE  
 COUNCIL FOR DEVELOPER  
 "OCEANSIDE THREE."  
 • THIS HOTEL IS TOO CLOSE TO  
 THE LAGOON  
 • THIS LAGOON IS SENSITIVE  
 AND ENDANGERED (5 MILLION  
 GALLON SEWAGE SPILL JUST  
 YESTERDAY)  
 • THE HOTEL WOULD BE  
 A DETRIMENT TO THE AREA  
 21084421  
 THANK YOU. (INFO ON BACK)

APR 2007 PM 8 L  
 CA Coastal Commission  
 Attn: Joni Ross  
 7575 Metropolitan Dr. #10  
 San Diego CA  
 92108



February 5, 2007

Attn: Toni Ross  
Fax: (619) 767-2370

FACTS ABOUT THE BUENA VISTA LAGOON HOTEL PROJECT  
( FORMERLY KNOWN AS "THE BOARDWALK PROJECT" )

Implied, but not spelled out in the Project Plan or the EIR, is a proposal by the developer for the City of Oceanside to vacate the remaining 15' of Broadway on the westerly side along the rail right of way. This would be in addition to the 65' the city vacated in 1981. This 15' is a View Corridor AND an Access Corridor to the lagoon. This proposed transfer of ownership is currently an obscure item buried in the Project Plan /EIR. Prior to approval/acceptance of the EIR the City Council should take separate action to approve or disapprove the vacation of this right of way. The LCP specifically requires that access and view corridors be preserved. For this reason alone, the EIR is faulty and the approval of the EIR by the Planning Commission should be reversed.

Secondly, the view corridor which formerly was the 65' of Broadway vacated in 1981 was, at that time, visualized as a cul-de-sac. The proposal to build a large residence (Condo "A") in this vacated right of way and move the cul-de-sac northwesterly on Broadway adversely affects property owners situated along Broadway. The project proponents are requesting the City of Oceanside vacate the easement for the cul-de-sac so that they can construct this large residence in the view corridor. The proposed Condo "A" site violates the LCP in that it violates the express condition of the LCP that public view corridors be preserved. The view looking south down Broadway will be lost forever. The City Council should take separate action to approve or disapprove the abandonment of the easement. Approval by the Planning Commission of the EIR should be reversed.

The four residence buildings the developer proposes to build are not "condos", they are large stand alone residences. The proposed "condos" are in fact labeled as "condos" as a way to get around the zoning requirement. Condo "A" is especially offensive due to the blockage of the view corridor.

Unfortunately the proponents of this project are not willing to work with the local community to resolve these issues. Although they put forth certain changes, these are cosmetic and not substantial. We respectfully request a reversal of the Planning Commission approval of the EIR.

Douglas W. Freed  
2110 Broadway, Oceanside, CA  
(760) 805-9554

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FEB 07 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT



Margaret Barboza  
P. O. Box 4724  
Oceanside, CA 92052-4724

February 26, 2007

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

**Re: Oceanside City Council  
Buena Vista Lagoon**

Gentlemen:

I have written to you in the past with regard to shady dealings by the Oceanside City Council and rulings they have made that we residents feel are in direct conflict with the findings of the Coastal Commission.

I worked with Council member Shari Macken in the past when you were of help in stopping the Manchester Project (which would have given away public park land and closed off access to the beach to the public), as well as other issues along Pacific Street involving owners closing off beach access.

Please intervene in this decision by the City Council to approve building on the Lagoon. The last thing this city needs is a high-priced hotel and upscale restaurant. We residents absolutely do not want this and do not support it!! The whole city has been paved over and there is no open space left. The Lagoon is a wildlife habitat and I believed it to be a protected waterway in our state.

Please help us stop this project from going forward. It is about time somebody in the State starts demanding answers as to what the City Council in Oceanside is up to. It doesn't matter the year or what Council is in – the results are all the same. Laws do not matter – they do what they want and we all suffer. Please do not let this project go forward!

Sincerely,

*Margaret Barboza*

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FEB 28 2007

CALIFORNIA  
COASTAL COMMISSION

RECEIVED

MAR 01 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

## Council majority threatens our lagoon

We at Buena Vista Audubon Society were very disappointed that the Oceanside City Council decided by a 3-to-2 vote on Valentine's Day to approve the misbegotten hotel development project across Coast Highway from our nature center. The thousands of schoolchildren who come to us each year for nature education deserve to see red-tailed hawks, ospreys and kingfishers over that land rather than a three-story hotel, which turns its back to the lagoon.

The council missed the opportunity to do the right thing for our beloved lagoon: Deny this poorly sited, poorly designed project and protect the views and irreplaceable open space that shelters 200-plus species of birds.

Our lagoon is in danger of silting up and drying up. Plans for restoring the lagoon are well under way, but council members Chavez, Feller and Kern just made it harder. Bad development decisions like this will only add to the cost of restoring the lagoon, and taxpayers will end up paying the bill.

As Councilman Chavez so incongruously stated after he voted to jeopardize the future of the lagoon to please the developer: "We can always build another hotel somewhere, but we can never build another wetland, another lagoon."

**DENNIS HUCKABAY**  
president, Buena Vista  
Audubon Society  
Oceanside

WEDNESDAY, FEBRUARY 21, 2007

## Lagoon project doesn't make sense

Those of us who are concerned about the few open spaces remaining in North San Diego County know that the state has already spent millions of dollars in research and development of feasible restoration projects for the Buena Vista Lagoon on the coastal border between Oceanside and Carlsbad.

The question I and other community members attending the Feb. 14 Oceanside City Council meeting are wondering is, why are we spending all this taxpayer money to restore the lagoon if our city insists on building hotels on the banks of it?

If you have kept yourself informed, you know there are a multitude of issues regarding development in proximity to such a sensitive wetland ecosystem (including endangered species habitat). Does this make sense? I am afraid not.

Please let the California Coastal Commission hear your voice. Write them a letter at: The California Coastal Commission, 45 Fremont St., Suite 2000, San Francisco, CA 94105-2219, phone (415) 904-5200.

**JACQUES DOMERCQ**  
Oceanside

## O'side residents lose, again

Thank you, Mayor Jim Wood and Councilwoman Esther Sanchez, for having the courage to support the Buena Vista Lagoon and reject the timeshare/hotel/restaurant/condos planned on the wetlands. You could have predicted the vote just by watching the council during comments ("Oceanside approves hotel for Buena Vista Lagoon," Feb. 15).

Feller, Kern and Chavez only heard what the owner's lobbyists said. If Chavez did listen to everyone, he would have

heard experts in the fields ... and he wouldn't have sounded so ignorant when he said he heard nothing that suggests there will be a negative effect on the lagoon. The three showed absolutely no concern for the neighborhood property owners (both O'side and Carlsbad), who will lose their quality of life, absolutely no concern about the ecological damage that will result from the construction and pollution generated, and absolutely no concern for the wildlife supported by the lagoon and wetlands.

So now we'll have two more traffic signals ... noise and light pollution, loss of privacy for the adjacent homes and loss of public views. And, because they want to have a gateway into Oceanside, the first structure people will see is a trash enclosure. How appropriate!

ELLEN NEWTON  
Oceanside

## Oceanside council snubs public

The Oceanside council ignored the realities of the lagoon hotel project ("Oceanside approves hotel for Buena Vista Lagoon," Feb. 15). Failure to preserve public view corridors, density (too big), traffic congestion, parking are but a few items ignored. The EIR was faulty and should not have been certified. Please, everyone, stand up to this travesty.

DOUGLAS FREED  
Oceanside

## We need to preserve our lagoons

Over the last few months hundreds of residents of North County came together to raise the money to acquire the very special Sherman property in the Buena Vista Creek Valley.

This land is part of the natural floodplain of the creek, allowing it to slow down and drop its pollutants and silt before it reaches Buena Vista Lagoon. Preserving land like this helps the entire watershed — from the creek, to the lagoon, to our beaches.

Unfortunately three members of the Oceanside City Council (Chavez, Feller and Kern) voted to undo much of the good of this land acquisition. They voted to approve a massive development, the boardwalk/coastal lagoon project right along the lagoon. We all need to get serious about protecting our coastal waterways — and this just isn't the way to do it.

DIANE NYGAARD  
Preserve Calavera  
Oceanside

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CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

**Downtown's Diegan Will  
Have An Air Of Affluence**

*Penthouse suites in the condo hotel will  
average \$1.6 million; other units \$550,000*

By Manny Cruz

An Orange County developer is bringing a new concept to Downtown San Diego — a condo hotel. At the Diegan, a 21-story tower to front on Fifth Avenue, 161 condominiums and 24 penthouses will be offered for sale. Buyers will have the option of living in the suites, putting them up for rent and sharing in the rental receipts or using them as getaway destinations during the year.

Developers are marketing condo hotels as a hassle-free way to own real estate, but the concept isn't new. Condo hotels first appeared in the early 1980s in Florida, when 1950s-built hotels were converted into condominium units selling for less than \$100,000 apiece. Joel Greene, president of a Miami company that specializes in the sale of these hotels, says the trend didn't last. A resurgence began about six or seven years ago and condo hotels are now under development throughout southern Florida and in San Francisco, Boston, Washington, D.C., and Las Vegas.

The Diegan, a project of 5th Avenue Partners LLC, is being developed in conjunction with the House of Blues at 1055 Fifth Ave., between Broadway and C Street. The two will share some structural components. House of Blues is being readied for a May 20-21 grand opening. Structural work on the free-standing hotel tower is expected to start within a month. A 2006 fourth quarter opening is expected.

Construction cost for the two buildings is \$110 million. Lee Mullinax, principal of Vertical Properties Inc., which is handling sales and marketing for the hotel, says the sales value of the hotel units is \$135 million. That will include some of his own money; he's going to buy a unit.

Studios in the Diegan will range from 320 square feet to 500 square feet while one-bedroom units will run from 720 square feet to 900 square feet. Penthouses will range from 1,000 square feet to 2,800 square feet. "The average price for a condo will be around \$550,000," says Mullinax. "The average price for a penthouse will be \$1.6 million."

Each of the units will be delivered to buyers fully furnished, including full marble baths and plasma television displays. "Everything down to the linens and flowers in vases," says Mullinax.

Mullinax figures most buyers will use their suites as a second home investment and getaway destination rather than a primary residence. "The owner can reside in it if they choose, or put it in the hotel management program where they will get 60 percent of the revenue generated by their unit," he says. "And they can use it 28 days out of the year in any configuration of time they choose, plus they get a Foundation Room club membership in the House of Blues for the first year, about a \$2,500 item."

Mullinax says the Diegan will be built to five-star standards and will include a health spa, fitness center and pool, two restaurants and Whiskey Bar lounge.

Buyers who put their units into the hotel program don't have to worry about upkeep and maintenance — hotel management takes care of that. And they can reserve the space for themselves anytime they want. "It makes little sense for an investor to own a condo as an investment, but this concept works," says Mullinax. "The owner can have a nice cash flow and get the use out of the unit as well."

The Diegan was designed by Tanner-Hecht Architects, a San Francisco company. Rockwell Group will provide interiors.

Mullinax says several hundred individuals are on an interest list, the majority of them from San Diego. Others are from Los Angeles, Orange County and Arizona. A sales office will open May 27 at 240 Broadway. The phone: (619) 702-6666.



The 21-story Diegan condo hotel will front on Fifth Avenue Downtown. Developer is Orange County-based 5th Avenue Partners LLC. Opening is expected in the fourth quarter of 2006.

March 3, 2007

California Coastal Commission  
45 Fremont St. Suite 2000  
San Francisco, CA 94105-2219

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MAR 06 2007  
CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

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MAR 05 2007  
CALIFORNIA  
COASTAL COMMISSION

To Whom It May Concern:

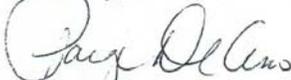
I am writing because of my concern over plans by the city of Oceanside to pursue development along the northwest edge of Buena Vista Lagoon. I am a resident of Carlsbad, a member of the Buena Vista Lagoon Audubon Society and an environmental science teacher.

California has lost well over 90 percent of its coastal wetlands and here in Carlsbad we are fortunate to have three of the remaining lagoons each in varying stages of restoration. It does not make sense for anyone to jeopardize the well being of these wetlands for commercial reasons. By allowing the proposed development we tell the next generation that our natural environment has little value. This wetland serves multiple purposes such as fishing, bird watching, and educational opportunities for humans and as part of the migratory pathway for waterfowl. Wetlands also can help absorb a certain amount of pollutants that flow through them on their path to the ocean. But wetlands are also fragile ecosystems and susceptible to damage by human activities as evidenced by the devastation of Louisiana by Hurricane Katrina partially due to wetland loss.

Does Oceanside really need another hotel, restaurant and condominium development? CalTrans may be able to purchase this land as part of a mitigation agreement and preserve it as open space. What use will benefit the wildlife and people of the area in the long run? Please consider options that help preserve Buena Vista Lagoon not degrade it.

Thank you for your consideration.

Sincerely,



Paige DeCino  
4155 Skyline Rd.  
Carlsbad, CA 92008

RECEIVED 3/1/07  
MAR 05 2007

CALIFORNIA  
COASTAL COMMISSION

*The California Coastal Commission*

*re: Carlsbad and Oceansides  
development plans on  
few remaining open spaces  
in San Diego County.*

*Commissioners:*

*I am not in favor of cities  
continuing to build on or near  
the Buena Vista Lagoon.*

*A sensitive wetland ecosystem must  
be preserved.*

*Save our open space.*

*Thank you*

*Norma J. Wolk  
2457 Levante St.  
Carlsbad  
Ca 92009*

RECEIVED

MAR 06 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

**Save Buena Vista Lagoon,  
Write Coastal Commission**

Those of us who are concerned about the few open spaces remaining in north San Diego County know that the state has already spent millions of dollars in research and development of feasible restoration projects for the Buena Vista Lagoon on the coastal border between Oceanside and Carlsbad.

The question I and other community members attending the Feb. 14 Oceanside City Council meeting are wondering: "Why are we spending all this taxpayer money to restore the lagoon if our city insists on building hotels on the banks of it?"

There are many issues regarding development in proximity to such a sensitive wetland ecosystem and endangered species habitat. Does this make sense? I am afraid not.

Please let the California Coastal Commission hear your voice. Write a letter at: The California Coastal Commission, 45 Fremont St., Suite 2000, San Francisco, CA 94105-2219. Their phone number is (415) 904-5200.

JACQUES DOMERCQ  
Trib. 3/1/07 Oceanside

Encinitas

### Save Buena Vista Lagoon, write Coastal Commission

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JACQUES DOMERCQ  
Oceanside

**M** M. Martin  
4211 Beach Bluff Rd.  
Carlsbad, CA 92008

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CALIFORNIA  
COASTAL COMMISSION

MAR 06 2007

Cal. Coastal Commission  
CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

It does not make sense  
to restore the Buena Vista  
Lagoon at TAXPAYERS  
MONEY - IF the  
beneficiaries of all this  
are going to be some  
developers.

Dont you want to leave  
something good to the  
future generations??  
Instead of destroying  
the environment &  
filling your pockets -  
you are the SCAM OF  
SOCIETY - GREED - GREED  
GREED - DO something good  
for once & PROTECT THE  
BUENA VISTA LAGOON IN

**Save Buena Vista Lagoon,  
write Coastal Commission**

Those of us who are concerned about the few open spaces remaining in north San Diego County know that the state has already spent millions of dollars in research and development of feasible restoration projects for the Buena Vista Lagoon on the coastal border between Oceanside and Carlsbad.

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JACQUES DOMERCQ  
*Oceanside*

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CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

*We agree with this.*

*Mike + Georgia  
Stroud*

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MAR 05 2007

CALIFORNIA  
COASTAL COMMISSION

3/3/07



Georgia Stroud  
10961 Treese Ln  
Escondido CA 92026

4/26/2007

California Coastal Commission  
San Diego Coast District  
7575 Metropolitan Drive Suite 103  
San Diego, Ca 92108-4421

From: Joyce Page  
6524 Easy St.  
Carlsbad, Ca 92011

**Decision Being Appealed:**

The construction of an 82-room hotel (70 units to be Condo-hotel units), 4,180 Sq. ft. Full service restaurant and four residential condominium units on a lagoon fronting 3.8 acre undeveloped site.

**Project Location:**

West side of South Coast Highway, between Eaton Street and Buena Vista Lagoon.

**Hearing Date and Location:**

Friday, May 11, 2007 at 9:00 AM

**Place:**

Crown Plaza Los Angeles Harbor Hotel  
601 South Palos Verdes Street, San Pedro, Ca

**Position:**

Opposed

RECEIVED

TRAVIS W. BENNETT, Pharm.D. APR 23 2007  
769 Sea Cottage Way  
Oceanside, CA 92054  
(760) 473-8252

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

April 15, 2007

California Coastal Commission  
San Diego Coast District Office  
7575 Metropolitan Drive Ste 103  
San Diego, CA 92108-4402

Subject: Proposed Buena Vista Lagoon Development Project

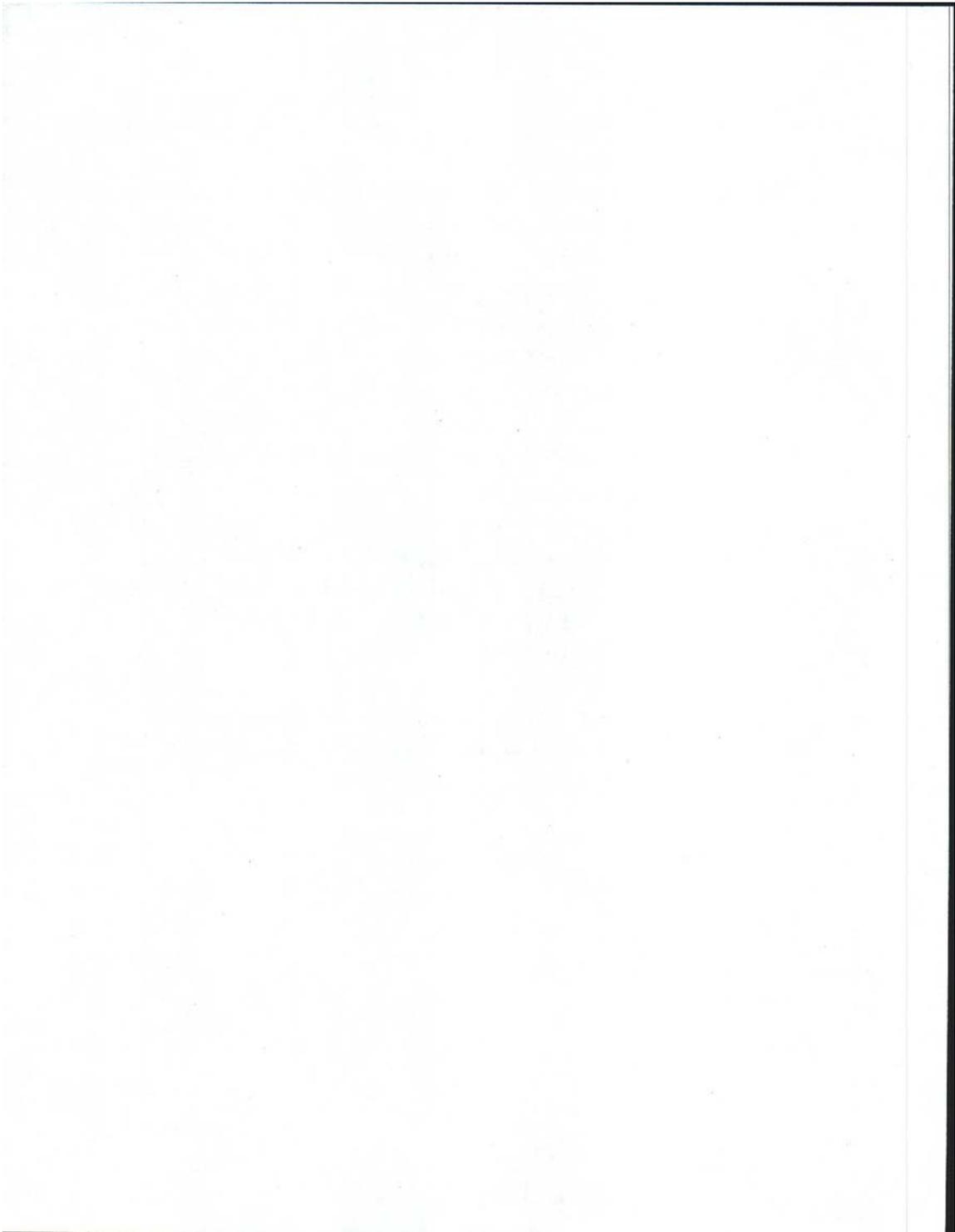
Dear Coastal Commission:

I am writing to urge you to reject the proposed development of a timeshare, hotel and associated commercial and condo structures virtually on top of the Buena Vista Lagoon at the southernmost tip of coastal Oceanside. The mere environmental impact of these structures on such a sensitive area should be enough to give you serious pause before even considering approval of such a project. Unfortunately, there are numerous other issues at hand here that you should be aware of.

The Oceanside Planning Commission defeated this proposal nearly unanimously, but this did not deter the developer. He then sidestepped the Planning Commission, taking the proposal directly to the City Council, where the project was approved by a vote of 3-2. Mayor Jim Wood voted against the project, as did Esther Sanchez, and a great majority of the interested parties who spoke at the Council meeting were similarly opposed. A myriad of legal, environmental and social reasons were offered in opposition to this project, as well as making clear some of the dishonest tactics used by the developer to impose his will on the community. Nevertheless, three of the councilmembers elected to approve the project in its current state in spite of all these issues.

The developer and his outfit, the "Oceanside Three," have used many lowlife tactics in trying to bulldoze this project through. I am sure you are aware of some of the unethical and overtly dishonest ruses he has tried. It seems painfully clear that he simply cannot be trusted. In a beautiful natural surrounding and highly sensitive wetlands area like the Buena Vista Lagoon, it is particularly important to protect this kind of unspoiled beauty and wildlife sanctuary from this kind of scurrilous developer who appears anxious to despoil the area with this ill-advised hotel project.

4



4/27/07

Re: A-6-OCN-07-031

Oceanside Three

Hearing date 5/11/07

9 AM

Crowne Plaza Hotel  
San Pedro

California Coastal Commission.

I support the appellants in objecting  
to an 82 room Hotel/Condo, full service  
restaurant and 4 residential condos  
on a 3.8 acre site.

Its not appropriate on a lagoon  
fronting location.

An environmental risk to the lagoon  
and creating excess traffic to an  
overburdened region.

Save our open space on waterways.  
Save Buena Vista Lagoon

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APR 30 2007

CALIFORNIA  
COASTAL COMMISSION  
SOUTHERN COAST DISTRICT

Norma J. Wolk  
2457 Levante St.  
Carlsbad

Ca 92009

6

May 2, 2007

To: Coastal Commission  
Fax 619-767-2384

From: Pat Bleha, 3209 Fosca St., Carlsbad CA 92009  
Fax 760-436-7853

Re: Proposed Development on Buena Vista Lagoon, Oceanside CA

If every there was a need for a professional, unbiased assessment of a development proposal, it is now.

Despite the fact there is little coastal undeveloped space left in Southern California (thanks to endless exceptions to the Coastal Protection Act passed decades ago) we are facing still another outrageous situation.

Please do not let three misguided Oceanside City Council members have the final say on the proposed three-story time share complex they advocate building right next to Buena Vista Lagoon Ecological Reserve.

It is obvious that by allowing this development (82-room hotel and a 4,000 square foot restaurant) that there will be negative impacts to the 200 plus bird species and animals that live there, including endangered ones. Consider the noise and light pollution which will alter breeding and feeding patterns as well as air and water pollution from more cars and parking lot runoff.

Haven't we had enough degradation of our environment in Southern California, algae bloom in the water, pollution, noise, and traffic? Let's save a few special places where people of all ages can appreciate the serene beauty of what was all around us at one time.

Even the Oceanside Planning Commission, as well as numerous environmental groups, think the development is a bad idea. Hopefully, you will, too. Please keep me updated on your decision. Thank you.

**RECEIVED**

MAY 02 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

7

TR

4/26

CCC

re: A 6 OCN 07 031

I cannot attend in person due to disability.

However, I wish to protest the 82,000 hotel etc. on S. Coast Hwy & Breaux Vista Lagoon, developers. No! Please consider protecting the Audubon Society that price a property I like the view right as I drive by & enjoy the lagoon.

There's plenty of other land for the developers to develop. Leave that parcel free for nature to expand.

Thank you  
Palmer Cassel

P. Cabiles  
3172 Coral Dr  
Oceanside, CA 92056

TR

Agenda Item 8 a  
Appeal: Permit Number A-6-OCN-07-031  
Opposed to the Project  
Douglas Freed

May 4, 2007

An Appeal to Honorable Members of the Coastal Commission;

Re: Lagoon Hotel Project (Formerly Boardwalk Project). Objection to the Approval and Certification of the Environmental Impact Report and Regular Coastal Permit (RC-8-02):

I request that the Oceanside City Council approval of the EIR and the Project Plan be reversed for failure to adhere to the Local Coastal Plan (LCP). Specifically:

The 15 feet Access corridor and View corridor, on the westerly side of Broadway (along the rail right of way) is to be vacated by the City of Oceanside at the request of the Owner/Developer. This strip is not an easement but is land owned by the City that the applicant wants the City to abandon. This 15 feet corridor is the only access to Buena Vista Lagoon ranging from the surf at St. Malo to the Coast Highway. The loss of this corridor forever precludes routing the Coastal Bike Trail through this area and forces cyclists to use the very dangerous Coast Highway. This is a gross violation of the Local Coastal Plan (LCP) which requires that Public Access and View Corridors be preserved above the interests of private use (Coastal Act, Appendix B, Chapter 2).

Also, the 65 feet of Broadway adjacent to Parcel 3, which was vacated by the City in 1982, is a Public View Corridor as defined in the LCP. The Project Plan provides for construction of a very large residence (Condo A) in this previously abandoned right of way. The LCP requires that View Corridors be preserved above interests of private development (Coastal Act, Chapters 2 and 3). The EIR is faulty in that it does not address the issue of blocking the view with proposed Condo "A".

Currently the public uses a path from Broadway, crossing parcels 2 and 3, to access Buena Vista lagoon and connect to the Coast Highway. The continuing use of this path for more than 30 years, without any attempt by the owner to block usage, constitutes an implied dedication under prescriptive rights doctrine. There is precedence for the Coastal Commission to deny a project in these cases.

The site plan of the Project arbitrarily changes zoning borders as defined by the Assessors Parcel Map. This re-arrangement of lot lines by the Developer, seemingly endorsed by the Oceanside Planning Department, allows construction in what would otherwise be an encroachment into Coastal Jurisdiction. The owners' site plan is grossly corrupt.

In summary, this Project Plan is seriously flawed. It should be rejected. The Owner/Developer has not seen fit to sit down with local residents, environmentalists, Audubon and others. Rejection of the Project will force the Owner/Developer to the table so that community concerns can be addressed. The result could be a mutually acceptable Plan that incorporates the view and access concerns of neighbors and environmentalists and could satisfy the financial interests of the Owner/Developer.

Douglas Freed  
2110 Broadway  
Oceanside, CA 92054

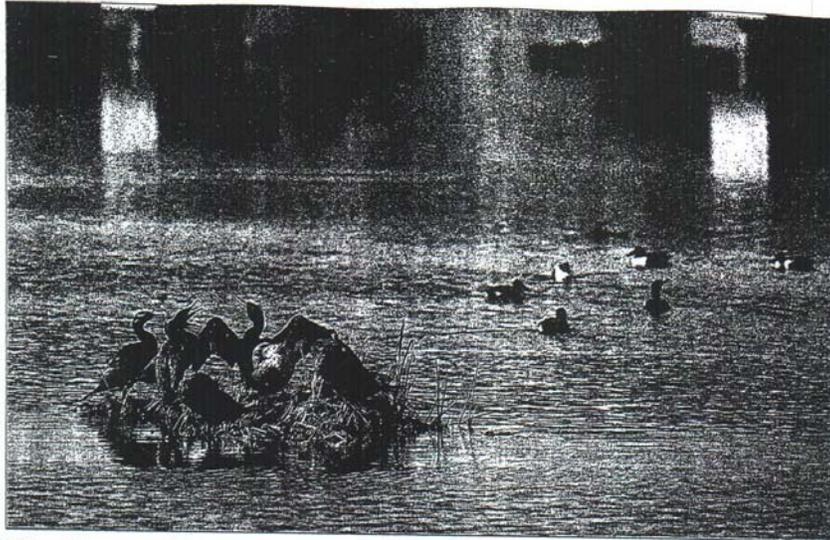
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MAY 07 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

9

## PLANS FOR BUENA VISTA LAGOON



Water birds congregate near the train trestle in Buena Vista Lagoon in Oceanside. Several environmental groups have filed an appeal with the state Coastal Commission over the approval of a controversial hotel project planned on the banks of the lagoon. (Photos by HAYNE PALMOUR IV / STAFF PHOTOGRAPHER)

# Green groups appeal hotel project at O'side lagoon

PAUL SISSON  
STAFF WRITER

OCEANSIDE — Several local environmental groups have appealed a controversial hotel project slated for the banks of Buena Vista Lagoon to the California Coastal Commission.

Encinitas attorney Marco Gonzalez said Tuesday that he filed an appeal with the commission on grounds that the project violates Oceanside's coastal plan — guidelines for developments close to the beach — and that it will block views of, and access to, Buena Vista, the lagoon shared by Carlsbad and Oceanside.

"They are putting a gigantic structure, completely out of character with the neighborhood, right on the edge of the lagoon," Gonzalez said.

Roxayne Spruance, a spokeswoman hired by developer Oceanside Three, said Tuesday that the appeal has her clients concerned.

"We've already met with Coastal Commission staff, and we've met with (the state Department of Fish and Game, and they have told us that what we have proposed is adequate," Spruance



The Buena Vista Lagoon and Coast Highway is seen while looking south from Oceanside on Tuesday.

to do at this point."

A well-known coastal activist connected to the Surfrider Foundation, Gonzalez is working for two local organizations: The Buena Vista Audubon Society, which operates a nature center on the shore of the lagoon, and Friends of Buena Vista Lagoon, a coalition of neighbors who live nearby.

MARCH 9 07

TO CALIFORNIA COASTAL COMMISSION

FROM 90 YEAR OLD US II VETERAN

PLEASE LEAVE THE LAGOON  
ALONE

HOTELS WE HAVE A PLenty  
ONLY ONE LAGOON.

TO SEPARATE 2 CITIES BY  
LAGOON THAT HAS BEEN THERE  
SINCE TIME BEGAN

TO PUT ANOTHER HOTEL THERE  
SHOULD NOT BE

Jim Shannon  
JULY 2nd 1916

356-09-1404

Received

MAR 13 2007

California Coastal Commission  
San Diego Coast District

TR

3/2/07

Coastal Commission -

Airs & Meadows -

I'm against building on the Bureau  
Vista Pajon between O'Neil &  
Carlebad!

No buildings! Except, perhaps

I vote against building on wet  
land areas.

Palma Cabiles

Palma Cabiles  
3172 Coral Dr  
Oceanside CA 92056-3928

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MAR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

TV

June Ginger  
4807 San Jacinto Cir. W  
Fallbrook CA 92028

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MAR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Dear Coastal Commission,

I am saddened and shocked that Oceanside City Council have voted to have the hotel & condo complex built just across the road from Buena Vista Lagoon and Nature Center.

I have been helping with the monthly lagoon bird census since 1984. The birds in the <sup>surrounding</sup> natural vegetation also get counted, and are also important. This decision is a terrible mistake. Those who love & value the lagoon hope very much that the Commission will keep the land as permanent open space.

Sincerely,  
June Ginger

*Dear District Mgr. Debra Lee*



3-9-07

Dear District Mgr.: Debra Lee,  
I truly hope the Coastal  
Commission can find a way to  
educate the Ocean Side City  
Council! The Buena Vista  
Lagoon needs help being  
restored - not destroyed!

They can build a hotel in  
an area that doesn't  
destroy the only fresh water  
lagoon on our coast. - North  
County is counting on the  
Coastal Commission.

Please - "Stop The Madness!"  
Very sincerely,  
Debra Lee



  
 To: Calif Coastal Comm.  
% San Diego Coast District  
7575 Metropolitan Dr.  
SD # 103  
SAN DIEGO - CA  
92108-4402  


The Museum of Modern Art  
 11 West 53 Street, New York, NY 10019  
 Dear Commissioners: I REG you  
 to reject, or at least downsize  
 The oversized 3 story time-  
 share - hotel - condos etc.  
 at Buena Vista Lagoon  
Reserve. our wetlands  
 and their habitat are  
 so very important to us,  
 our children. Please  
defend. Deny.  
Maurie Brown

from:  
 Maurie Brown  
 1991 Fairlee Dr.  
 Encinitas, CA 92024

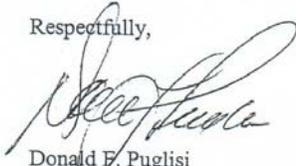
San Diego Coast District Office  
7575 Metropolitan Drive #103  
San Diego, CA 92108-4402

To Whom It May Concern:

I have lived near the Buena Vista Lagoon for the past 15 years, and I would like to write to express my concern about the proposed development adjacent to the lagoon in Oceanside. They have proposed to build a large hotel/time share complex, which will have many negative effects on the ecology of the lagoon. Specifically, it will encroach on the habitat of a pair of light-footed clapper rails, which are endangered. I hope to see all of our 200 bird species flourish, and to that end, this development must be stopped.

Thank you for taking the time to listen to my voice, as I hope to speak not only myself, but the birds and other animals, who cannot speak for themselves.

Respectfully,



Donald F. Puglisi  
2040 Avenue of the Trees  
Carlsbad, CA 92008

Received

MAR 21 2007

California Coastal Commission  
San Diego Coast District

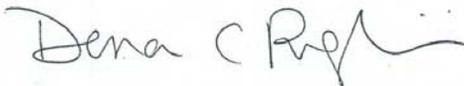
San Diego Coast District Office  
7575 Metropolitan Drive #103  
San Diego, CA 92108-4402

To Whom It May Concern:

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Thank you for taking the time to listen to my voice, as I hope to speak not only myself, but the birds and other animals, who cannot speak for themselves.

Respectfully,



Dena C. Puglisi  
2040 Avenue of the Trees  
Carlsbad, CA 92008

Received

MAR 21 2007

California Coastal Commission  
San Diego Coast District

San Diego Coast District Office  
7575 Metropolitan Drive #103  
San Diego, CA 92108-4402

To Whom It May Concern:

I have lived near the Buena Vista Lagoon for the past 15 years, and I would like to write to express my concern about the proposed development adjacent to the lagoon in Oceanside. They have proposed to build a large hotel/time share complex, which will have many negative effects on the ecology of the lagoon. Specifically, it will encroach on the habitat of a pair of light-footed clapper rails, which are endangered. I hope to see all of our 200 bird species flourish, and to that end, this development must be stopped.

Thank you for taking the time to listen to my voice, as I hope to speak not only myself, but the birds and other animals, who cannot speak for themselves.

Respectfully,



Christine J. Puglisi  
2040 Avenue of the Trees  
Carlsbad, CA 92008

Received

MAR 21 2007

California Coastal Commission  
San Diego Coast District

San Diego Coast District Office  
7575 Metropolitan Drive #103  
San Diego, CA 92108-4402

To Whom It May Concern:

I have lived near the Buena Vista Lagoon for the past 6 years, and I would like to write to express my concern about the proposed development adjacent to the lagoon in Oceanside. They have proposed to build a large hotel/time share complex, which will have many negative effects on the ecology of the lagoon. Specifically, it will encroach on the habitat of a pair of light-footed clapper rails, which are endangered. I hope to see all of our 200 bird species flourish, and to that end, this development must be stopped.

Thank you for taking the time to listen to my voice, as I hope to speak not only myself, but the birds and other animals, who cannot speak for themselves.

Respectfully,



Vincent J. LaPorta  
2040 Avenue of the Trees  
Carlsbad, CA 92008

Received

MAR 21 2007

California Coastal Commission  
San Diego Coast District

3-31-07

Calif Coastal Commission  
Please consider stopping  
the proposed development of a 3  
Story time share - hotel adjacent  
to our Buena Vista Lagoon on the  
Southwestern border of Oceanside, Ca.  
Please leave this as open space for  
our precious wildlife, as well as  
our human eyes to enjoy. Oceanside  
is fastly becoming a "concrete jungle",  
with monstrous houses + buildings  
taking over our beautiful coastline  
and views of the ocean.

Thanks for your consideration,

Betty Stuart  
8165 Pacific St. #C  
Oceanside, Ca. 92054

Received

APR 03 2007

California Coastal Commission  
San Diego Coast District

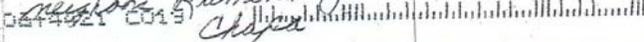
Strathmore Watercolor  
140 lb Cold Press

SAN DIEGO CA 921  
02 APR 07 PM 7 L



Please no building of  
condos or other structures  
adjacent to or near the  
Buena Vista Lagoon.  
Help us retain this  
ecologically sensitive  
wetland. Please!  
Oceanside citizens &  
neighbors Ramona + Juan  
Chapa

California Coastal Commission  
Attn: Toni Ross  
7575 Metropolitan Dr. Ste 100  
San Diego, CA 92108-4402



Please protect this small, beautiful  
piece of the California coast.  
Do not allow a hotel to be built  
on the shore of the Buena Vista  
Lagoon in Oceanside.  
It is a natural habitat that is a  
joy to the Audubon Society, school  
children, visitors and local residents.



Ms. Rita Francis  
2025 Linda Ln.  
Carlsbad, CA 92008-2042

rec'd 4/3/07

Caia Koopman  
2043 S. Nevada St.  
Oceanside CA 92054  
PH 760-433-6649  
e-mail caiak@cox.net  
www.caiaesign.com

The "Coastal Lagoon Hotel"  
project absolutely  
horrifies me!



We need wetlands  
restoration, we  
need open space.

— Caia

California Coastal Commission  
45 Fremont St. Suite 2000  
San Francisco, CA 94105

Feb 27, 2007  
17264 Liberton Dr.  
San Diego, CA  
92127

San Diego County has spent millions of dollars researching what would be feasible restoration projects for the Buena Vista Lagoon on the Coastal Border between Oceanside and Carlsbad.

The restoration efforts will be destroyed if hotels are built on the banks of it.

Keep this sensitive wetlands ecosystem (including endangered species) free from commercial development. We love to go there and see the variety of birds that enjoy this area.

Maintain this Nature Spot,  
Meriam Skerrett

**RECEIVED**

MAR 01 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

R/

A note from...

Dear Members of the Coastal  
Commission,  
The Buena Vista Lagoon  
in Oceanside, Calif. needs to  
be preserved in any and all  
ways. Please do not allow  
the building of another  
resort around this  
sensitive area. Oceanside  
does not need another  
resort. There are two  
in progress right now.  
Please help. Preserve  
the Buena Vista Lagoon.

Sincerely,  
Charles J. [unclear]  
Oceanside, Calif.



Y063627

Margaret Barboza  
P. O. Box 4724  
Oceanside, CA 92052-4724

March 30, 2007

**RECEIVED**

APR 02 2007

CALIFORNIA  
COASTAL COMMISSION

**RECEIVED**

APR 03 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

**Re: Oceanside City Council  
Buena Vista Lagoon**

Gentlemen:

I, as well as other Oceanside city residents, have written to you about the ruling of the Oceanside City Council with regards to allowing building on the banks of the Buena Vista Lagoon.

I want to send you the enclosed clipping from the North County Times about local environmental groups appealing the hotel project to your Commission.

We urge you to continue your work on an environmental impact report for restoration of the lagoon to its natural state. This is one of the few natural areas we have left in our area which have not been ruined by endless building. Please do not allow this project, or any similar project, which infringes on our wetlands and endangered species habitat to go forth.

Thanking you, I remain,

Sincerely,

*Margaret Barboza*

12



Received

APR 30 2007

California Coastal Commission  
San Diego Coast District

April 25, 2007

California Coastal Commission  
San Diego Coast District  
7575 Metropolitan Dr., Suite 103  
San Diego, CA 92108-4421

Re: Buena Vista Lagoon, West side South Coast Hwy, Eaton St.

To Members of the California Coastal Commission:

Please intervene to help save the Buena Vista Lagoon located on the coastal border between Oceanside and Carlsbad from an intrusive development.

In spite of considerable opposition, the Oceanside City Council in a 3 to 2 decision, approved a hotel development project that will adversely affect the lagoon's sensitive wetland ecosystem that includes endangered species habitat.

This natural resource enriches the lives of all of us with it's wildlife and desperately needs be preserved and protected for present and future generations.

I urge you to exert your influence to protect our environment and not allow this project to go forward.

Respectfully,

Harriett Bledsoe  
2166 Grandview St.  
Oceanside, CA 92054-5620

ph. 760-757-0133

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



MEMORANDUM

FROM: Jonna D. Engel, Ph.D.  
Ecologist

TO: Toni Ross  
Coastal Analyst

SUBJECT: Boardwalk Hotel Wetland Delineation

DATE: September 25, 2007

Documents reviewed:

- Gross, Marcia and Mike Buscosh. Nov. 22, 2004. Biological Resources Report and Jurisdictional Waters Delineation; The Boardwalk, Oceanside, California" prepared for Oceanside Three by Affinis Environmental Services.
- Affinis Environmental Services. August 18, 2006. Final Environmental Impact Report for the Proposed Boardwalk Development Project" prepared for The City of Oceanside.
- Gross, Marcia, Biologist, Affinis Environmental Services. April 11, 2007. Letter Report to Ms. Roxayne Spruance, Account Executive, Bartell & Associates. Re: Coastal Lagoon Hotel, Oceanside California.
- Vincent N. Scheidt, Certified Biological Consultant. September 2007. Directed Jurisdictional Wetland Delineation Report for the Boardwalk Development Project, City of Oceanside, California. Prepared for Oceanside Three c/o Roxayne Spruance, Bartell & Associates.

The purpose of this memorandum is to review the wetland reports and wetland boundary determinations prepared by Affinis Environmental Services and Vincent N. Scheidt for the proposed Boardwalk Hotel Development project. The proposed project is located immediately adjacent to Buena Vista Lagoon, an ecological reserve and open space area managed by the California Department of Fish and Game (DFG). While currently the lagoon is identified by the EPA as an impaired water body, restoration of the lagoon is currently in the CEQA documentation phase.

To date, a total of three wetland examinations have been conducted on the site of the proposed Boardwalk Hotel in Oceanside, California. The first was a component of the "Biological Resources Report and Jurisdictional Waters Delineation; The Boardwalk,

EXHIBIT NO. 5
APPLICATION NO.
<b>A-6-OCN-07-31</b>
Memo from Commission's Staff Ecologist
California Coastal Commission

J. Engel memo re: Boardwalk Hotel

September 25, 2007

Oceanside, California" and consisted of a one day site visit (5/10/01) during which the edge of the lagoon was staked by Affinis Environmental Services and "surveyed in [sic] by Fraser Engineering, to delineate the limits of U.S. Army Corps of Engineers (ACOE) and CDFG jurisdictional waters." This is the extent of the methodology description. The wetland section of the report concluded that the edge of Buena Vista Lagoon was the wetland boundary. In a Letter Report dated April 11, 2007, in response to my concerns and questions regarding the wetland survey component of the report, Marcia Gross, Affinis Environmental Services, writes that "fieldwork was conducted in 2001 to determine the extent of wetlands associated with Buena Vista Lagoon so that the 100-foot wide buffer could be established. The federal (3-parameter) methodology was used at that time although with inconclusive soil data, the outer limits of the wetland habitat were measured at the limits of standing water, the top of bank, or outside the landward side of wetland vegetation, whichever distance was greater."

These statements raised serious concerns regarding conformance with Coastal Act and Commission policies related to wetland delineations. First of all, without a complete wetland delineation study, it is not possible to make a wetland boundary determination. The Coastal Commission's regulations (California Code of Regulations Title 14 (14 CCR)) establish a "one parameter definition" that only requires evidence of a single parameter to establish wetland conditions:

*Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. (14 CCR Section 13577)*

The Commission's one parameter definition is similar to the USFWS wetlands classification system, which states that wetlands must have one or more of the following three attributes:

*(1) at least periodically the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.*

Whether one bases a wetland delineation on the ACOE's three parameter criteria or the CCC's (California Coastal Commission) one parameter criteria, the parameters that one surveys are the same. The specific attributes of wetlands that are the basis for all delineations are vegetation, soils, and hydrology. All three of these parameters are

J. Engel memo re: Boardwalk Hotel

September 25, 2007

assessed during a wetland delineation study. Both the ACOE and CCC consider vegetation to be indicative of a wetland if a predominance (more than 50%) of the plants growing in a particular area are obligate (OBL), facultative wet (FACW), and facultative (FAC) species, as identified in the U.S. Fish and Wildlife Service's National list of plant species that occur in wetlands: California (Region 0). Several indicators are evaluated when assessing whether a site supports wetland soils and wetland hydrology. Examples of soil indicators are particular soil color and chroma values, redox mottling, saturated soil within 18" of the surface, and a sulfur odor. Hydrology indicators include water marks, drift deposits, surface soil cracks, and saturation, to name just a few.

While Ms. Gross writes that the federal three-parameter methodology was used, no data is reported in the 2004 "Biological Resources Report and Jurisdictional Waters Delineation; The Boardwalk, Oceanside, California". And while Ms. Gross writes that there was "inconclusive soil data", it's not clear what this means. Such a statement relating that there was inconclusive soil data suggests that some soil samples may have evidenced hydric soils. Given that no vegetation, soil, or hydrology data was provided in the report, there is no evidence supporting the conclusion in the report and the proposed wetland boundary is therefore questionable. The wetland boundary presented in the report is the edge of Buena Vista Lagoon, rather than a boundary based on ACOE three-parameter wetland delineation criteria or the more protective CCC, CDFG, and USFWS one-parameter wetland delineation criteria.

As mentioned above, subsequent to the appeal of the project and following review of the "Final Environmental Impact Report for the Proposed Boardwalk Development Project" where the biological studies consisted of the Nov. 22, 2004 "Biological Resources Report and Jurisdictional Waters Delineation; The Boardwalk, Oceanside, California", I raised a number of concerns including the inadequacy of the wetland delineation performed for this project. In response to my concerns regarding the absence of a formal wetland delineation, Marcia Gross conducted an updated wetland survey on March 28, 2007. Ms. Gross reported the results of this work in her April 11, 2007 Letter Report.

Ms. Gross' March 28, 2007 wetland survey consisted of staking the edge of the wetland based on the location of the edge of standing water, the top of a well-defined bank bordering the lagoon, or the outer edge of wetland vegetation (as was done in the original 2001 study). Ms. Gross also took a total of four wetland samples in areas outside and within the 100-foot buffer zone Affinis assigned to their wetland boundary. Ms. Gross referred to the locations where she collected samples as "additional areas of concern." She labeled these areas Area A, Area B, and Area C, and reported that these areas were evaluated using CCC wetland delineation criteria. However, as detailed more fully below, Ms. Gross' wetland survey does not include all the data necessary to perform a wetland delineation and wetland boundary determination consistent with CCC protocol.

J. Engel memo re: Boardwalk Hotel

September 25, 2007

The Commission requires that the following standard information be a part of wetland delineation reports:

- 1) Introduction
  - Dates field work conducted.
  - Personnel conducting delineation including description of training, and experience (someone on delineation team must have botanical taxonomic expertise)
- 2) Site Description
  - Location.
  - Size - acreage and dimensions.
  - General site description including topography, geology, soils, hydrology, and vegetation communities.
  - Hydrology of the site (how water gets on and off the site), including significant features such as water bodies, culverts, swales, ditches, etc. Description of significant hydrological features on property adjacent to the project site.
- 3) Sampling Methods
  - Description of wetland delineation methodology used (routine, comprehensive, etc.).
  - When feasible for difficult sites, after the first few rains of the season, visit the site shortly after significant rainfall and map all inundated areas. Return and remap inundated areas after seven days. On both occasions, assess shallow soil saturation in potential wetlands.
  - Rationale for the sampling method used.
  - Rationale for changes to standard methods if appropriate.
- 4) Results and Conclusions
  - Summary results of vegetation, soil, and hydrology sampling.
  - Description of the characteristics, location, and size (acreage and dimensions) of each wetland area.
  - Description of the surface feature used to map the wetland boundaries.

The wetland report in the 2004 Biological Resources Report and Ms. Gross' April 11, 2007 Letter Report provided only a small subset of the standard information the Commission requires and needs to adequately review wetland delineations. While Ms. Gross appropriately used the 1987 ACOE data form for routine wetland determinations and collected vegetation, soil, and hydrology data, her sample size (number of samples) is too small and an upland/wetland boundary determination is not possible given her sample location placement. Ms Gross' wetland sampling scheme consisted of collecting two samples (2 & 3) near the lagoon edge and outside the property boundary in the area she designated Area A, one sample (4) approximated half way into the 100 foot buffer and inland of the lagoon in the area designated Area B, and one sample (1) adjacent to the lagoon edge in the area designated Area C (see Figure 5, April 11, 2007 Letter Report).

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The actual results of these samples are listed in appendix 1 of this memorandum. According to these results, both samples collected in Area A met the one-parameter test for a CCC wetland. The sample collected in Area B was negative for a CCC wetland. And the sample collected in Area C was negative for a CCCC wetland. Ms. Gross, in my opinion, erroneously concludes that the original Affinis wetland boundary determination was correct and no adjustments are necessary.

Based on the paucity of data provided in both the 2004 Biological Resources Report and Ms. Gross' Letter Report which included the results listed in appendix 1, I determined that a site visit to examine on the ground conditions in person was necessary. In addition I had serious concerns about the information Ms. Gross related regarding Areas A, B, and C, that I discuss below. The site visit took place on August 6, 2007 and included myself and two other Commission staff, Toni Ross and Gary Cannon, Marcia Gross and an assistant, and Boardwalk Hotel representative Roxayne Spruance. During the site visit we walked Affinis' staked wetland boundary and carefully examined Areas A, B, and C.

The portion of Area A sampled by Ms. Gross was an area south-west of the property line dominated by ice plant but also supporting six individuals of spike rush, *Juncus acutus*, a FACW species. The two wetland samples taken by Ms. Gross in this area were both positive for hydrophytic vegetation and sample 3 also was positive for wetland hydrology. However, Ms. Gross suggested in her Letter Report that Area A is not "likely a functioning wetland" because it is too small and is isolated from the lagoon habitat. The presence of positive wetland samples indicate wetland characteristics and, therefore, warranted more detailed sampling of this area. During the site visit, I informed Ms. Spruance that additional wetland samples would be required to adequately delineate Area A.

Area B is a disturbed area where past activities appear to include stockpiling of spoil materials and fill, construction material dumping, and compression of soils. In her Letter Report, Ms. Gross discusses the presence of non-native, non-wetland indicator grasses, as well as two wetland indicator species, salt grass, *Distichlis spicata* (FACW) and brass buttons, *Cotula coronopifolia* (FACW+), which she estimated comprise 20% of the vegetation. She concluded that Area B is not a wetland based on lack of wetland hydrology, soils, or prevalence of hydrophytes. However, only one wetland sample was taken in Area B. While Area B is certainly a disturbed zone, I observed several additional wetland indicator species including alkali heath, *Frankenia salina* (FACW+) and seaside heliotrope, *Heliotropium curassavicum* (OBL) which indicated to me that further sampling was warranted and I informed Ms. Spruance that in order to adequately delineate Area B, additional wetland samples would be required.

Finally, I have several concerns regarding Area C. In her Letter Report, Ms. Gross described Area C as "one of the lowest points on the property and thus appears to retain water during rainy periods." Neither the 2004 Biological Resources Report nor

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Ms. Gross' March 28, 2007 survey has historical hydrology data from which to evaluate days of inundation or saturation. It is possible such data would indicate that the low area and other sections of Area C would meet the hydrology criteria for wetlands. Ms. Gross also wrote that "[W]hile vegetative cover was sparse in this area, the most prevalent species was brass buttons." Brass buttons, *Cotula coronopifolia*, is a FACW+ species; that is, a wetland indicator species. During the August 6 site visit, the brass buttons had died back but salt grass, *Distichlis spicata* (FACW) was the dominant plant throughout Area C and I also observed alkali heath, *Frankenia salina* (FACW) and seaside heliotrope, *Heliotropium curassavicum* (OBL). Ms. Gross reported that soil samples dug in Area C in 2001 did not show hydric soils and she did not collect wetland samples in this area in 2007. Only one wetland sample was taken in Area C in 2007 and that sample appears to have been collected from the top of an artificially raised area or berm referred to by Ms. Gross as the "top of bank" that parallels the whole lagoon edge (in some areas in good shape, in other areas in bad shape) along the proposed hotel property. Vincent N. Scheidt, Certified Biological Consult, hired by the Boardwalk Hotel to perform the third wetland study requested by the Commission, suggested that the artificial berm was built sometime in the 1930's as a flood control measure (pers. comm., V. Scheidt, September 2007). The 2004 Biological Resources Report did not include wetland sample data sheets and Ms. Gross wrote that the 2001 soil samples were inconclusive. As stated above, it is not clear what constitutes an inconclusive soil sample. I dug two soil pits in Area C on August 6 and both samples were positive for wetland soils. Ms. Gross concludes her remarks about Area C with this statement: "Based on the prevalence of the brass buttons, it is probable that this area would meet the CCC criteria as a wetland, but it is well within the proposed buffer area (approximately 75-85 feet from the edge of the development foot print), within the portion of Parcel 2 under CCC jurisdiction, and thus would not be impacted by the project."

To address that statement, the purpose of a buffer is to protect sensitive habitat. Buffers are not part of that habitat; rather they begin at the boundary of sensitive habitat. The City of Oceanside's LUP has a provision for establishing adequate buffers to protect areas surrounding sensitive habitat that states:

A buffer zone shall be established around all sensitive habitats. The buffer zone shall be generally 100' for small projects on existing lots. If the project requires substantial improvements or increased human impacts, a much wider buffer area shall be required. Likewise, a reduced buffer area will be considered if, in consultation with the State Department of Fish and Game it can be demonstrated that 100' is unnecessary to protect the resources of the habitat areas.

Based on Ms. Gross' April 11, 2007 Letter Report, my observations and soil pit results, I instructed Ms. Spruance that additional wetland samples would also be required to adequately delineate Area C. I followed my site visit with an email on August 8, 2007, to Ms. Spruance, confirming that further wetland sampling was imperative and that a

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formal wetland delineation conducted by a certified wetland biologist must take place. I provided guidance regarding the number and placement of samples that would be necessary to properly delineate a wetland boundary.

On Aug 24 and Aug 31, Vincent N. Scheidt, Certified Biological Consultant, and an assistant, conducted the third wetland study on the proposed Boardwalk Hotel site. Mr. Scheidt was hired by the property owner to perform a formal CCC one-parameter wetland delineation. I provided Ms. Spruance and Mr. Scheidt with documents that detail CCC standard wetland delineation protocols and guidelines for preparing a wetland delineation report ("California Coastal Commission, November 16, 2006 Workshop, Definition and Delineation of Wetlands in the Coastal Zone" and "Suggestions for Preparing a Wetland Delineation Report for the California Coastal Commission"). In addition, as I stated above, I provided guidance regarding the number and placement of samples that would be necessary to properly delineate a wetland boundary. Unfortunately Mr. Scheidt did not adhere to the wetland delineation guidelines provided nor did he follow the sampling scheme that I recommended (I suggested that adequate sampling would require a minimum of six to 12 wetland samples strategically spaced in each of Area's A, B, and C to be able to establish an upland/wetland boundary). Instead, Mr. Scheidt collected fewer samples along three transects laid out more or less perpendicular to Buena Vista Lagoon. Mr. Scheidt collected two samples from Area A, five from Area B, and seven from Area C. He reported his results in "Directed Jurisdictional Wetland Delineation Report for the Boardwalk Development Project, City of Oceanside, California." In Area A one of Mr. Scheidt's samples was positive for a CCC wetland (13) and one was negative (14). In Area B, samples 8 and 10 were positive for a CCC wetland and samples 9,11, and 12 were negative. In Area C samples 1, 3, 4, 5 and 6 were positive for a CCC wetland and 2 and 7 were negative (See appendix 1 for the full sample results and Exhibit A ((Figure 2, V. Scheidt's report)) for the sampling scheme layout, attached)

Conclusion:

The Coastal Commission's regulations specify some general decision rules for establishing the upland boundary of wetlands:

...the upland limit of a wetland shall be defined as:

- a. the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
- b. the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or
- c. in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not. (14 CCR Section 13577)

J. Engel memo re: Boardwalk Hotel

September 25, 2007

Unfortunately, despite the fact that three separate wetland studies have been conducted on the proposed site of the Boardwalk Hotel, the absence of a complete wetland delineation report restricts our ability to independently define the wetlands boundary.

At this time, no information has been submitted addressing the historical hydrology of the site. Of the three reports, Mr. Scheidt's "Directed Jurisdictional Wetland Delineation Report for the Boardwalk Development Project, City of Oceanside, California" provides the most complete set of wetland sample data. Neither the 2004 Biological Resources Report nor Ms. Gross' April 11, 2007 Letter Report provide the data necessary to make a wetland boundary determination and therefore the wetland boundary proposed by Affinis is not accurate. Mr. Scheidt acknowledges in his report that much of the site previously identified as buffer and development area, meets the CCC wetland criteria standard. However, Mr. Scheidt does not provide a wetland boundary determination as part of his report findings.

Combining Figure 2 and Figure 3 of Mr. Scheidt's report, I present an estimated CCC criteria wetland boundary based on my site visit observations, the information presented in all three biological reports, and the results of Ms. Gross' set of four and Mr. Scheidt's set of 14 wetland samples (see Exhibit B, attached). This estimated wetland boundary is problematic and incomplete in all of the areas identified because a lack of samples make detection of the upland/wetland boundary questionable. More specifically, the wetland boundary determination is problematic in area A because no wetland samples were collected within the subject property; problematic in area B because a number of samples were collected on top of fill mounds; problematic in Area C because the sampling design leaves a large gap of information between samples 5 and 6. This gap includes a significant elevation change and samples spanning that change are desirable. **The boundary I recommend here is my best approximation given the available information, but a more accurate boundary determination would be possible if additional samples and study were conducted.**

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## Appendix 1

### **Synopsis of wetland sample results from Ms. Gross' March 28, 2007 wetland data sheets ((1987, ACOE Wetlands Delineation Manual – Data Form for Routine Wetland Determination)**

- #1: No hydrophytic vegetation, no wetland hydrology, no hydric soils – Not a CCC wetland
- #2: Hydrophytic vegetation, no wetland hydrology, no hydric soils – CCC wetland
- #3: Hydrophytic vegetation, wetland hydrology, hydric soils – CCC wetland
- #4: No hydrophytic vegetation, no wetland hydrology, no hydric soils – Not a CCC wetland

### **Synopsis of wetland sample results from Mr. Scheidt's Aug 24 and Aug 31 wetland data sheets (ACOE Wetland Determination Data Form – Arid West Region, Version 11-1-06)**

#### Area A

##### Samples 13 to 14

Sample 14 (Terrace floodplain): Sampled on the artificial berm? No hydrophytic vegetation, no hydric soils (pure sand, no oxidation at roots), no wetland hydrology – Not a CCC wetland sample

Sample 13 (Lagoon edge): Hydrophytic vegetation, hydric soils (top 2" of soil is black organic material, sulfur smell evident), wetland hydrology – surface water present, water table present, saturation) – positive CCC wetland sample

#### Area B

##### Samples 8 to 12

Sample 12 (mounded): No hydrophytic vegetation, no wetland soils (extremely fine), no wetland hydrology – Not a CCC wetland sample

Sample 11 (mounded), Sample taken on a mound: No hydrophytic vegetation, no wetland soils (very fine), no wetland hydrology – Not a CCC wetland sample

Sample 10 (depression): Hydrophytic vegetation, no hydric soils (soil is extremely compacted – unable to dig pit), no wetland hydrology – positive CCC wetland sample

Sample 9 (Terrace floodplain) Sampled on the berm?: No hydrophytic vegetation, no hydric soils (very fine), no wetland hydrology – Not a CCC wetland sample

Sample 8 (Lagoon edge): Hydrophytic vegetation, hydric soils (a definite layer of organic material in upper layer of sample, sulfur odor apparent), wetland hydrology (surface water present, water table present, saturation present) – positive CCC wetland sample

#### Area C

##### Samples 1 to 7

Sample 7: No hydrophytic vegetation, no hydric soils, no hydrology – Not a CCC wetland sample

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Sample 6: Hydrophytic vegetation, no hydric soil, no hydrology – Positive CCC wetland sample

Sample 5: Hydrophytic vegetation, wetland soils (clay, dense and redox concentrations), hydrology present – saturation at 18 inches – positive CCC wetland sample

Sample 4: No hydrophytic vegetation, hydric soils (very fine, redox concentrations), no wetland hydrology – positive CCC wetland sample

Sample 3: Hydrophytic vegetation, hydric soils (very fine, redox concentrations), no wetland hydrology – positive CCC wetland sample

Sample 2 (Terrace/floodplain = berm?): Soil disturbed by previous uses of site - No hydrophytic vegetation, no hydric soil, no hydrology – Not a CCC wetland sample

Sample 1: Hydrophytic vegetation, hydric soils (sandy, sulfur odor present), wetland hydrology (saturated) – positive CCC wetland samples.

Exhibit A

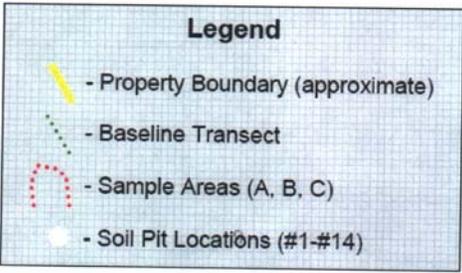


Exhibit B

FIGURE 3. Habitat Areas

