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Marina Towers discussion proves contentious

By: CHRIS TRIBBEY - Staff Writer

OCEANSIDE ---- Before 33 members of the public spoke Wednesday on the proposed sale of the Marina Towers land to the condo owners in the 17-story building, Mayor Jim Wood pleaded with everyone to "keep it friendly."

That didn't last long. Council members threw accusations at condo owners, the media and each other. Condo owners in turn accused a councilwoman of spreading misinformation.

Opponents of the sale applauded after each person who shared their viewpoint spoke. Condo owners did the same.

It was a loud and contentious discussion of the fate of just over an acre of land near the Oceanside Harbor. After more than a year of closed-door negotiations, details were released in February about the city's proposed sale of the land to condo owners. Oceanside would be paid \$2 million in cash and 3 percent on every condo sale over the next 60 years, a deal that condo owners say is worth \$74 million to \$250 million to Oceanside over the length of the deal.

After hours of discussion and several angry exchanges, the council voted 3-2 to proceed with the deal and, within 45 days, vote on the proposal.

Council members Shari Mackin and Rocky Chavez opposed the proposed sale.

"The city of Oceanside has a lot of assets," said Mayor Jim Wood. "We don't buy the land to keep it forever."

Sounding off

More than an hour was taken up by speakers on the issue, with speeches ranging from short and calm to long and fiery.

"I look at this from the perspective of a business, and I don't understand how we got to this point," said Oceanside resident Ben Whyte. "Looking at the deal, the dollars and cents make absolutely no sense at all."

Condo owner Reyes Telles broke down in tears when talking about how he wants to spend his retirement in a condo he owns.

"Please vote for this sale," he pleaded.

Others asked the city to rework its current lease with the condo owners, which runs through 2036.

"Wait another 10 years to renegotiate (the current lease). Watch them squirm," said Marc Gonzalez, a lawyer with the Coast Law Group. "You've managed to hold on to this city property for half of the lease."

Chavez, saying he used the condo owners' own estimates, said that by the time the current lease runs out in 2036, Oceanside will have made \$15 million off the proposed transfer fee. But if the city retains ownership of the land, it would own nearly \$300 million worth of condo property when ownership of the building is transferred to the city when the current lease runs out.

Jules Briskin, spokesman for the Oceanside Marina Towers Association, said the city will never use the land ---
- deeded to the city as parkland ---- for its original intended use.

"Oceanside is blessed with hundreds of hundreds of acres of parkland," he said. "Here's something interesting: out of all these acres and acres of parkland, only one acre lies under a 17-floor building. And that's the one acre out of hundreds that the opposition is interested in."

Councilman Jack Feller, responding to a North County Times column that said the condo owners could use loopholes to keep from having to pay the transfer fee, wanted the condo owners' guarantee that the city won't be cheated.

"How can we guarantee this revenue stream?" Feller asked. "Just tell me how we can get \$75 million."

Buildings need repairs

Louis Galuppo, a lawyer representing the condo owners, said the city will be notified every time a condo changes hands, assuring the council that it would not be selling the land just for \$2 million.

Towers resident Joyce Resh said that living in the building isn't cheap, and with the amount of repairs and improvements needed at the building, condo owners need an incentive to fix up the building.

"Would you spend tens of thousands of dollars on your home if you knew the city could evict you?" Resh said.

Repairs are the main reason condo owners want to buy the land, according to David Wilson, director of the Oceanside Marina Towers Association board.

Both elevators, all the windows and the plumbing in all 67 units need to be replaced, Wilson said. A facade over the roof of the building has been planned for years and the white building with blue trim needs a top-to-bottom paint job. The broken hot tub is the least of the condo owners' worries, Wilson said.

Between \$1 million and \$3 million worth of repairs are needed for the building, and the dues paid by condo owners to the Oceanside Marina Towers Association are often close to the mortgage payments residents make, Wilson said.

While the current lease with the city ---- which runs out in 30 years ---- has condo owners responsible for repairs, part of the proposed deal has the condo owners promising to set aside money for the needed repairs and doing the work sooner rather than later.

Coastal Commission has a say

Several legal opinions have been issued to the council on what steps it can take next.

The condo owners' lawyer, Galuppo, provided the council with a 13-page document, responding to a Coastal Commission assertion that it would have a big say in the sale of the Marina Towers land.

The commission says that the sale would require an amendment to the Harbor Precise Plan, which is part of the Local Coastal Plan, a document that governs uses of developments along the coast. An application to change the Harbor Precise Plan would require approval from the Coastal Commission. But Galuppo wrote that because the proposed sale won't change or expand the property, and the use of the building won't change, there's no need to amend the Harbor Precise Plan.

Councilwoman Esther Sanchez agreed.

"After reviewing everything, I have to agree with the legal analysis that was provided by the homeowners association," she said, saying the person who generated the commission's opinion ---- District Manager Sherilyn Sarb ---- was only a staff member and couldn't speak on legal issues.

"I don't know why we're picking a fight with the Coastal Commission," Mackin said.

The sale would also require a property line adjustment to segregate the 1.08 acres under the building from a public parking lot and a sliver of land that may belong to the state, because it may have once been tideland. A change to the property lines could be appealed to the Coastal Commission.

For and against

Mackin, who has been an outspoken opponent of the deal, said the city is making a mistake.

"It's obvious that this council has not learned," Mackin said, accusing the city of dismissing the Coastal Commission. She said she had not received until this week any of the city generated financial information on the deal, which dates back to 2004.

◆"This deal did not sit well with me from the beginning, and after looking at the in-depth reports, it still does not," Mackin said.

She said that condo owners stand to make millions off the deal, pointing to a city-generated study from August 2004 that says the value of each condo could increase by \$100,000 or more if the current lease is extinguished. The worth of the condos could increase by nearly \$7 million total, she said.

Mackin was on the losing side Wednesday night, but she said the city and condo owners will pay in the courtroom should it be finalized.

"(This is) nothing but a land grab," she said.

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