

STAFF REPORT*CITY OF OCEANSIDE*

DATE: November 1, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION CONTINUING THE TEMPORARY CLOSURE OF LAGOON VIEW DRIVE WHILE RESERVING ACCESS FOR EMERGENCY RESPONSE VEHICLES AND ACCESS FOR STORM DRAIN AND OTHER MAINTENANCE**

SYNOPSIS

Staff recommends that the City Council adopt a resolution continuing the temporary closure of Lagoon View Drive while reserving access solely for emergency response vehicles and various maintenance activities.

BACKGROUND

Lagoon View Drive was originally part of Route 14 located between the cities of Oceanside and Vista prior to Highway 78 being constructed. It is bounded by Highway 78 to the north, Jefferson Street to the east, and the protected waters of Buena Vista Lagoon to the south and west. In 1951, the State of California ("State") started construction on Highway 78 and this portion of Route 14 was relinquished to the City of Oceanside for public road purposes. In 1973, the State re-configured the overpass on Jefferson Street and re-aligned a portion of Lagoon View Drive to accommodate a new eastbound offramp at Jefferson Street. Upon completion of this re-alignment, the State relinquished the right-of-way to the City of Oceanside. Lagoon View Drive is owned by the City of Oceanside in fee. The parcels on both sides of Lagoon View Drive are currently owned by the State.

Spanning approximately 0.35 miles long, Lagoon View Drive is not open to through traffic; however, it is used occasionally for helicopter evacuations of crash victims from the surrounding highways and as a means for emergency response vehicles to access the lagoon during fires, hazardous spills, and rescues. The road is also used to maintain a dual 72-inch City storm drain outfall that serves the Fire Mountain community. There are no other public utilities in Lagoon View Drive.

Because Lagoon View Drive is secluded from the surrounding neighborhoods and not easily visible from a major arterial roadway, over the years there was a substantial increase in transient and illegal activities. The City received a number of complaints related to transient and/or illegal activity occurring on Lagoon View Drive, as well as

illegal dumping. Between July 2020 and June 2022, Oceanside Police Department responded to 14 calls for various violations including, but not limited to: illegal drug use and sales; theft of motor vehicles, trailers, and personal property as well as unregistered vehicles; illegal dumping; sexual assault; homeless encampments; and overnight RV camping/dwelling.

The proximity of Lagoon View Drive to the protected waters of Buena Vista Lagoon raised concerns related to illegal littering and dumping of waste from RV's and homeless encampments. As a measure to minimize the adverse environmental impacts caused by such illicit and criminal activities on Lagoon View Drive and limit vehicular access to the area, staff (including the Oceanside Police Department) recommended the City Council adopt a resolution approving the temporary closure of Lagoon View Drive to the public and reserve access solely for emergency response and maintenance vehicles (Attachment 1).

ANALYSIS

On June 8, 2022, the City Council approved the temporary closure of Lagoon View Drive. Vehicle Code Section 21101.4 authorizes the temporary closure of highways by local authorities when, after a public hearing and based on the recommendation of the police department, the local authority finds and determines that serious and continual criminal activity or serious and continual illegal dumping exists along the portion of the highway. In addition, the temporary road closure must be based on findings that: (1) the road is not designated as a through highway or arterial street, (2) vehicular or pedestrian traffic on the road contributes to the criminal activity or illegal dumping, and (3) the closure will not substantially adversely affect traffic flow.

The road closure is allowed for no more than 18 months at a given time, but may be extended for no more than eight consecutive 18-month periods provided that certain conditions are met. In total, if all extension requests are adopted through City Council resolution then the maximum road closure term is 13.5 years. Each extension also requires a public hearing. This is the first extension request since City Council approved the temporary closure on June 8, 2022.

Since the temporary closure, staff has monitored the area to determine its efficacy and relation to nuisance activity. During the temporary closure, there have been no vehicle campers and only occasional foot-bound campers within the boundaries. Total trash collected is not available for the period prior to the temporary closure, however, encampment-related trash cleanups were required two to three times per week. This frequency has dropped significantly and the area only requires cleanup one to two times per month with 159 bags of trash and debris collected between February and August 2023.

Prior to the closure of Lagoon View Drive, Public Works and Oceanside Police Department staff received numerous service requests and complaints related to on-site activities. Staff sought comparison data to better understand whether conditions

improved since the street closure. Public Work staff indicated that prior to the closure, staff would respond three to five times per week to remove trash (outside of the special street sweeping events) and clean the area of debris and other materials. Public Works staff also noted that since the closure, the requests for service and complaints related to activities on Lagoon View Drive have stopped. OPD has noted that since January 23, 2023, only one call was received in April regarding an individual coming from the I-5 freeway. Crime Suppression and Encampment teams have had no recent issues and believe the continued closure to be a community benefit.

For all public hearings regarding the temporary road closure, staff is required to provide written notice to all residents and property owners, as shown on the last equalized assessment roll, of property adjacent to the portion of the roadway to be temporarily closed. In this case, Caltrans is the only such property owner and has been notified of the public hearing. As of this writing, no comments have been received from Caltrans. Therefore, staff recommends that the City Council continue the temporary road closure of Lagoon View Drive to help continue preventing the illegal dumping and illicit activities that occurred prior to its closure.

FISCAL IMPACT

Fiscal impacts are being absorbed through other departmental funded projects related to homeless encampment clean-up and other efforts.

COMMISSION OR COMMITTEE REPORT

Does not apply.


CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution continuing the temporary closure of Lagoon View Drive while reserving access solely for emergency response vehicles and various maintenance activities.

PREPARED BY:



Brian Thomas
City Engineer

SUBMITTED BY:



Jonathan Borrego
City Manager

REVIEWED BY:

Michael Gossman, Assistant City Manager
Hamid Bahadori, Public Works Director
Darlene Nicandro, Development Services Director



ATTACHMENTS:

1. Resolution with Exhibit A

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CONTINUING THE TEMPORARY CLOSURE OF LAGOON VIEW DRIVE RESERVING ACCESS FOR EMERGENCY RESPONSE VEHICLES AND ACCESS FOR STORM DRAIN MAINTENANCE****(LAGOON VIEW DRIVE)**

WHEREAS, pursuant to the California Vehicle Code, Section 21101.4, the City Council of the City of Oceanside may, by ordinance or resolution, adopt rules and regulations for temporarily closing to through traffic a highway under its jurisdiction if it finds and determines, based upon recommendations of the police department, that serious and continual criminal activity or serious and continual illegal dumping exist along the portion of highway recommended for closure; and

WHEREAS, on June 8, 2022, the City Council approved the temporary road closure of Lagoon View Drive based on findings that: (1) the road is not designated as a through highway or arterial street, (2) vehicular or pedestrian traffic on the highway contributes to the criminal activity or illegal dumping, and (3) the closure would not substantially adversely affect traffic flow; and

WHEREAS, California Vehicle Code Section 21101.4 provides that the portion of highway may be temporarily closed for not more than 18 months, except that this period may be extended for not more than eight additional consecutive periods of not more than 18 months each if, prior to each of those extensions, the local authority holds a public hearing and finds, by ordinance or resolution, that: (1) continuation of the temporary closure will assist in preventing the occurrence or reoccurrence of serious and continual criminal activity or serious and continual illegal dumping, (2) the highway is not designated as a through highway or arterial street, (3) vehicular or pedestrian traffic on the highway contributes to the concern, and (4) the immediately preceding closure has not substantially adversely affected traffic flow; and

WHEREAS, the City Council conducted a public hearing on November 01, 2023 to consider extending the temporary closure of a portion of Lagoon View Drive, and written notice of the public hearing was mailed to all residents and owners, as shown on the latest equalized assessment roll, of the property adjacent to the portion of highway where the temporary closure is proposed; and

1
2 WHEREAS, since the temporary closure of Lagoon View Drive, illegal dumping and
3 illegal activities in the area have diminished compared to the period from July 2020 to June
4 2022; and

5 WHEREAS, Lagoon View Drive is occasionally used by emergency vehicles to access
6 the lagoon during fires, hazardous spills, and rescues; and

7 WHEREAS, Lagoon View Drive is used by City Public Works employees to maintain a
8 dual 72-inch City storm drain outfall.

9 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE and
10 order as follows:

11 Section 1. The City Council hereby finds and determines that:

- 12 A. Continuation of the temporary closure of Lagoon View Drive will assist in
13 preventing the occurrence or reoccurrence of serious and continual criminal activity
14 and serious and continual illegal dumping;
- 15 B. Lagoon View Drive is not designated as a through highway or arterial street;
- 16 C. Vehicular traffic on Lagoon View Drive contributes to the criminal activity and
17 illegal dumping described herein; and
- 18 D. Temporary closure of a portion of Lagoon View Drive, has not substantially
19 adversely affected traffic flow, safety on the adjacent streets or in the surrounding
20 neighborhoods, the operation of emergency vehicles, the performance of municipal
21 or public utility services, or the delivery of freight by commercial vehicles in the area
22 of the highway that was temporarily closed.

23 Section 2. The 0.35-mile section of Lagoon View Drive lying westerly of Jefferson
24 Street, in the City of Oceanside, shall continue to be closed for another 18 months.

25 Section 3. The 0.35-mile section of Lagoon View Drive lying westerly of Jefferson
26 Street, in the City of Oceanside, is hereby reserved for emergency access and access for storm
27 drain maintenance.

28 /////

1 PASSED AND ADOPTED by the City Council of the City of Oceanside, California this 1st day of
2 November, 2023, by the following vote:

3 AYES:

4 NAYS:

5 ABSENT:

6 ABSTAIN:

7 Mayor of the City of Oceanside

8 ATTEST:

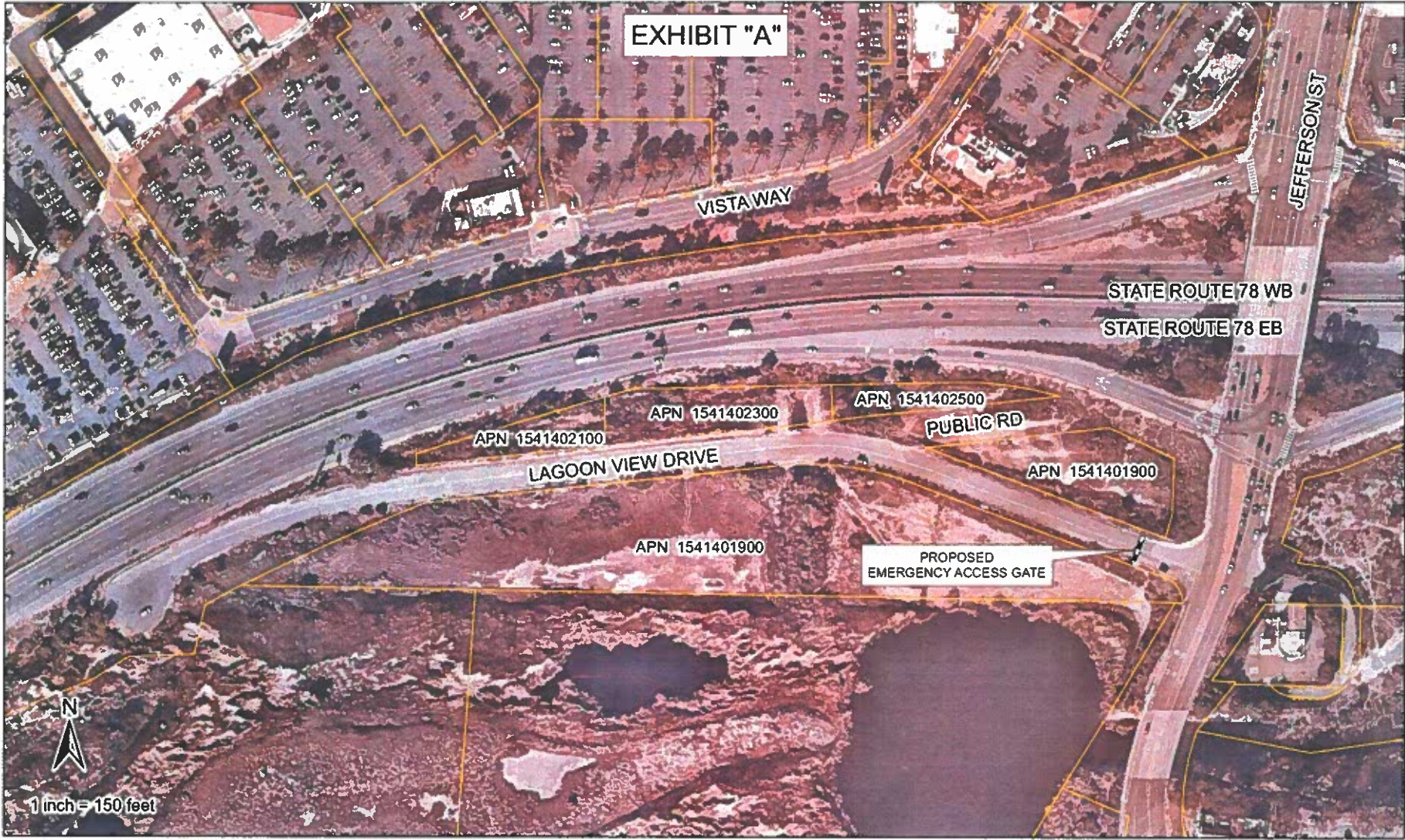
9 APPROVED AS TO FORM:

10 City Clerk

11 
12 City Attorney

13 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE**
14 **CONTINUING THE TEMPORARY CLOSURE OF LAGOON VIEW DRIVE**
15 **AND RESERVING ACCESS FOR EMERGENCY RESPONSE VEHICLES AND**
16 **ACCESS FOR STORM DRAIN MAINTENANCE.**

EXHIBIT "A"



VISTA WAY

JEFFERSON ST

STATE ROUTE 78 WB
STATE ROUTE 78 EB

APN 1541402100

APN 1541402300

APN 1541402500

PUBLIC RD

APN 1541401900

LAGOON VIEW DRIVE

APN 1541401900

PROPOSED
EMERGENCY ACCESS GATE



1 inch = 150 feet

EXHIBIT "A"

DATE	11 30	78	03
C. H. Sayer			
DISTRICT RIGHT OF WAY ENGINEER, DISTRICT 11			

CITY OF OCEANSIDE

T. 11 S., R. 4 W., S.B.M.

SEC. 31

According To U S Government Survey Approved April 3, 1881

(Total remaining area (4800 ± 100 sq) shall be used and again used following same



FOR DETAIL OF EXISTING R/W. SEE SHEETS 3 & 4 OF 32 OF 1951 SURVEY

FOR PREVIOUS R/W INFO SEE L.O. 27503

APN 154-140-21

APN 154-140-23-00

APN 154-140-19-00

LAGOON VIEW DRIVE

CITY OF OCEANSIDE STORM DRAIN EASEMENT



RIGHT OF WAY MAP

FOR PREVIOUS R/W INFORMATION SEE MAP NO. 384 of 32 of 1951 survey

Scanned 10/20/2004

L.O. - 27500.3

SCALE 1" = 50'

11 - SD - 78 - PM.03 SHEET OF

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APPROVED	
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FOR THIS AREA SEE L.O. 3788.1

RIGHT OF WAY RELINQUISHED TO CITY OF OCEANSIDE

FOR THIS AREA SEE 3788.1

FOR THIS AREA SEE MAP L.O.27500.4

Scale
1" = 100'
1" = 200'

CITY OF OCEANSIDE

FOR PREVIOUS R/W SEE SH 485 OF 32 OF 1951 SURVEY

APN 154-140-25-00

APN 154-140-19-00

LAGOON VIEW DRIVE

APN 154-140-19-00

HOSP EUCALYPTUS

BUENA VISTA LAGOON

CITY OF CARLSBAD

TRACT NO. 1

CITY OF CARLSBAD

FOR PREVIOUS R/W INFO. SEE L.O. 27504

EXHIBIT "A"

RIGHT OF WAY RELINQUISHED TO CITY OF OCEANSIDE

SURVEY OF 1967

FOR THIS AREA SEE MAP

INSET

FOR PREVIOUS R/W INFORMATION SEE MAP NO. SH 4 & 5 of 32 of 1951 survey

LEGEND & NOTES		STATE OF CALIFORNIA	
<ul style="list-style-type: none"> ○ Access Denied ○ Access Granted ○ Private Road Data ○ Easement Area ○ Easement Area 	TRANSPORTATION AGENCY DEPARTMENT OF PUBLIC WORKS DIVISION OF HIGHWAYS DISTRICT II		
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FOR FEDERAL JURISDICTIONS: SEE MAP NO.		L.O. 27500.5A	
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