

A Time of Reckoning

I have always said this property dispute was an assault on our community.

We have been in a war on the soul of our retirement paradise for over six years, and we are now at a Time of Reckoning...

Currently in San Diego county, at least 8 golf courses have closed, and several more are teetering on the edge of destruction. In virtually every case, the neighbors are confronted with a dilemma: do they put up a fight or roll over and accept a community remodel they don't respect?

Like us, those groups will all have to make some difficult decisions...

Six years ago a group of local homeowners formed ECCHO to defend the community from a bully who was out to flip the community's centerpiece golf course to make a lot of money.

We all know that recently the Escondido City Council approved The New Urban West plan for 382 new homes by a slim 3 to 2 margin. Council members Mike Morasco, Ed Gallo and Olga Diaz said the concerns of the community had been adequately addressed. But they never denied that the project would:

- Intensify growing traffic jams
- Dramatically increase demands on water, electricity, police and emergency services
- Undermine the retirement theme of our community

Nevertheless, according to our City Council and the developers, the deal was done.... ECCHO appealed that approval, and as you know, Judge Roland Frazier ruled against us.

But ECCHO's lead attorney, Everett Delano said the judge totally misunderstood the meaning and intent of a key provision of the Escondido General Plan. A provision called Proposition S. We just heard former Mayor Jerry Harmon talk about that important amendment to the General Plan, and why it is vital to the future of our city.

Additionally, we believe Judge Frazier overlooked an inadequately researched and poorly documented Environmental Impact Report. The leaders of ECCHO made another tough decision: they decided to challenge Judge Frazier's ruling.

So here we are, still battling, still trying to do the right thing for the future of this neighborhood.

Many of you want to know, "What have we accomplished in six years?"

Well, up until just a few days ago, we still had

- 110 acres of open space, trees and wildlife.
- We don't have construction noise, dust and truck traffic
- Most importantly, we have stuck together to protect the character of our neighborhood.

People ask me, "Why haven't we had more success?"

When major land development disputes occur, we turn to our elected officials to help protect our interests and investments. We expect them to represent our interests *in proportion* to those of the property owner. And we expect them to respect the integrity and dignity of our community.

But the truth is, all this time, we have been fighting with one arm tied behind our back.

Every indication is that City officials, the mayor, some council members and some planning commissioners never really supported our efforts. They were projecting an *illusion* designed to soften the impact of the conversion of the golf course to housing.

They knew their "Open Space" actions would be overturned. Their own attorneys told them that. I believe they were making a political play, to calm the community temporarily.

When they decided it would be too expensive to challenge the Citizens Property Rights Open Space Initiative ruling, the *illusion* was revealed. Ever since that ruling, the City has been more aligned with the interests of Michael Schlessinger than with our community.

The bottom line is, New Urban West has been given permission to do exactly what Michael Schlesinger always wanted to do. To build as many houses as he could get approved on the now fallow fairways.

'The Villages' plan is Proposition H with lipstick...

I am sure a lot of you are wondering, "why do we keep fighting?"

The answer is, it's all about respect. Golf course repurposing is very contentious because it can totally change the nature and character of a long settled neighborhood. People who have invested their life savings in that neighborhood ought to have *some* say about how those changes are made.

I think we can all agree that our community has been disrespected by both the property owner and the City.

Michael Schlesinger said he was willing to compromise. That never happened. Then Mayor Abed claimed he sympathized with our situation. He told us to "trust the process." Every indication is the Mayor, on one hand encouraged Schlesinger to build houses on the golf course. while on the other hand, he was telling us the City would protect our interests.

They both misled and disrespected our community.

So now, we have to use the court system to force the City to *respect* us and to respect Proposition S!

So it is our contention that in their rush to get this ugly and expensive battle behind them, the city violated the terms of the General Plan *they wrote!* By approving the Villages Project without voter approval the council ignored the 1998 General Plan provision that specifically requires new project upzoning must be approved by the voters. Since The Villages Plan calls for attached and multifamily condominiums on land designated as single family residence only, it clearly upzones R1-7 zoning restrictions.

That means it should have been placed before the voters.

The City can disrespect us, but they cannot disrespect the law, unless we let them get away with it. That is why we must appeal Judge Frazier's ruling. We must demand the Judge show respect for the Escondido General Plan!

Someone once said, "No one wins in court. It's just a matter of who gets hurt worse."

Our community has been very fortunate to have had excellent legal representation since the very beginning. We must trust our capable legal professionals to navigate the court system to protect our rights and the future of our community. Of course, we all know our justice system favors those with deep pockets because they can sustain a protracted court battle. That is where we find ourselves right now. We are David fighting a financial Goliath.

But there is another important reason why we must stay the course...The Escondido Country Club battle is the tip of the spear in golf course repurposing battles that are happening all over the country. Our battle is a petri dish and we are being watched by other anxious homeowner organizations.

In the end, it may well come down to the will and determination of the community members. It is a critical moment, and as in any battle, there comes a Time of Reckoning.

This is that time.