

STEVEN P. DINKIN A Path Forward

VACCINE MANDATES: AN IMPASSE THAT HITS CLOSE TO HOME

On this Halloween, there's no masking the truth: When it comes to vaccine mandates, our country is at an impasse.

There are passionately held convictions on both sides of the issue. Some who are refusing vaccination claim that mandates violate their civil liberties. They don't see COVID-19 as a threat. Or they distrust the vaccines (and the institutions behind them), raising concerns about potential side effects.

The vaccinated among us think that mandates further civil liberties by protecting public health — and particularly, the health of vulnerable populations like older adults and communities of color, hit hard by the disease.

The impasse brings to mind Laurence Tribe's 1990 book, "Abortion: The Clash of Absolutes." Tribe wrote about the questions raised by abortion and the entrenched views of people on both sides of the debate. He wondered if the conflict was resolvable, given the absence of mutual understanding. Thirty years later, we know the answer.

For a career mediator like me,

it's hard to admit that there are issues for which we can't seem to find a shred of common ground. Along with abortion, we are at an impasse on gun control. Did we ever imagine, after the Sandy Hook school shooting, that we couldn't pass broad gun safety measures? The immigration issue seems unresolvable, too — even as illegal border crossings have soared to a record high.

Now we have another "clash of absolutes" on our hands, in the form of vaccine mandates. The sides have dug in, as we're seeing across the country.

• About 4,500 Chicago police officers — one-third of the force — didn't comply with a city requirement to report their vaccination status by Oct. 15, risking their pay. Officers are required to be fully vaccinated by year-end. Some worry that the mandate could leave the force "dangerously depleted" in a city that has seen a dramatic rise in violent crimes this year.

• Southwest Airlines was recently crippled by a surge of flight cancellations — 2,000 in all — which the airline attributed to

weather and air traffic control challenges in Florida. There was speculation that a pilot "sickout" was a contributing factor. Southwest had just announced a vaccine mandate, requiring that employees be fully vaccinated by Dec. 8 or risk losing their job.

• Brooklyn Nets basketball star Kyrie Irving has been unable to play because of his defiance of New York City's vaccine mandate. Irving told ESPN he fully understands the ramifications of his decision but wants to be re-spected for it. Irving still hopes to return and play for the team this season.

• An In-N-Out restaurant located in San Francisco was temporarily shut down because it wouldn't comply with the city's mandate to check people's coronavirus vaccine status. The company described the requirement as unreasonable, invasive, discriminatory and unsafe to enforce. The business is now complying with the city's health order by limiting service to take-out and outdoor dining. On Tuesday, health officials in Contra Costa County shut down an In-N-

Out in Pleasant Hill after it ignored warnings to verify the vaccination status of customers who wanted to dine indoors.

• The San Diego Unified School District has joined other school districts across California in announcing a mandatory vaccination policy for students ages 16 and older, with a Dec. 20 deadline. Students who don't comply can enroll in SDUSD's virtual learning program. In response to the mandate, some parents pulled their kids out of school earlier this month.

While I don't know what the next "clash of absolutes" will be, it sure feels inevitable. The real question to answer now is how we can stop the downward spiral that is deepening divisions and polarization in our country.

We can start by seeking out individuals with differing perspectives (rather than avoiding them, as we are apt to do) and then listening to what they have to say with an open mind. Next, we need to be empathetic, rather than judgmental, to gain understanding — and then use that understanding to guide our actions.

And finally, we can't abandon the search for common ground.

For many of us, that sounds like a lot of hard work. And it is. The alternative is turning to the court system in search of legal solutions. Already, a 16-year-old Scripps Ranch High School junior and her parents have sued San Diego Unified, stating that her religious beliefs prohibit her from getting the vaccine.

It's hard to imagine where the lawsuits will end. But the decisions they yield won't matter one bit at the household level, where families are soon to grapple with this year's Thanksgiving dilemma: Who gets invited for Thanksgiving dinner and who doesn't? Do the unvaccinated have to wear masks? Or do the vaccinated not get invited, to avoid their righteous indignation?

Our national impasse is beginning to hit very close to home.

Dinkin is president of the National Conflict Resolution Center, a San Diego-based group working to create solutions to challenging issues, including intolerance and incivility. To learn about NCRC's programming, visit ncronline.com.

PROGRAM AN INCENTIVE FOR OWNERS TO PRESERVE OLD HOMES

Carlsbad considers Mills Act for tax breaks on properties

BY PHIL DIEHL

CARLSBAD

Owners of historic buildings in Carlsbad could get a property tax break of 40 percent to 60 percent annually as a preservation incentive under a widely used state program.

Dozens of older properties could be eligible if the city adopts the Mills Act program, which is based on a law the state Legislature enacted in 1972. However, Carlsbad has one particular site in mind, the Culver-Myers-Capp house at the corner of Highland Drive and Oak Avenue, built in 1887.

The two-story Queen Anne-style Victorian has been vacant for years, and the family that owns it has offered it for sale. The city's Historic Preservation Com-

mission and the City Council have discussed ways to prevent the property from going to a developer that would demolish the historic structure and build multiple homes on the large lot.

One possibility is the Mills Act, which has been used by 90 local governments across the state, including eight in San Diego County. About 370 properties in San Diego County have used the program for property tax benefits, according to the County Recorder's Office.

In return for the tax benefit, property owners agree to do what's necessary to preserve or protect the property. A Mills Act program can be adapted to meet the needs of individual cities, and each contract with a property owner is unique, based on the goals for the individual site.

"It's an awesome program," Carlsbad Councilmember Peder Norby said during the council's Oct. 19



PHIL DIEHL U-T FILE

Carlsbad is considering a program to protect structures such as the 1887 Culver-Myers-Capp house.

discussion. "It's a carrot approach, rather than a stick" for preserving historic properties.

Encinitas adopted its Mills Act program in 2003 and first used it in 2005 to approve a contract protecting a Tudor Revival house

built in 1926 on Sunset Drive by Anthony and Katherine Berhalter. The Berhalters were leading figures in the area's early development.

Coronado, a small, wealthy community with many older homes, had more than 150 Mills Act agree-

ments as of June, according to a list on the city's website. Chula Vista, Escondido, La Mesa, National City and the city and county of San Diego also have adopted programs.

Structures eligible for the Mills Act benefits must be at least 50 years old and be listed by the city or state as an historic resource.

The Culver-Myers-Capp house is one of 19 properties the Carlsbad City Council designated as sites of historical interest in 1986.

Council members agreed this month that city staffers should work out details of the Mills Act program and bring a recommendation to the council for consideration. Approval of the program could take a year or longer. Relatively few applicants are expected.

"I don't see us having a big rush on this," said Councilmember Teresa Acosta, who added that the program would be an inexpensive way to encourage the preservation of historic

structures throughout the city.

Participation would be voluntary, although there could be penalties for withdrawal once a contract is signed. The contract runs with the land and remains valid if the property is sold, so the tax break could be a benefit to the buyer.

To obtain a contract, the property owner would have to pay for a pre-approval inspection and hire a consultant to develop a preservation plan at a cost of \$7,000 to \$10,000 per site, according to a staff report. The owner also would have to pay all restoration costs, which would vary.

The city's cost would be less than \$3,000 to review each application and about \$500 every five years for an inspection to monitor the condition of the property. A typical contract for the program would last a minimum of 10 years.

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COMMON

FROM B1
cling distance.

"It's about revitalization. It's a new heartbeat in that we can feel the energy ... There's excitement that we as a community deserve this type of environment," said Sotelo-Solis. "We don't have to leave our community. In fact, people are starting to come to National City. We're creating those 10-minute communities where you don't have to get into your car to experience and enjoy."

Located at Eighth Street and B Avenue, the mixed-use development offers 127 modern furnished and unfurnished studios, one- and two-bedroom apartments, two-bedroom townhomes and furnished co-living suites. The building has a shared rooftop lounge for community events and perks such as high-speed internet, weekly cleanings and units equipped with basic household supplies. It also includes two stories of on-site parking and ground floor commercial spaces for retail and small offices. Leases could go to local businesses who have shown interest in renting, including a bakery, gym, restaurant and barbershop, Malick said.

Common at Parco was completed late summer and has been attracting hundreds of renters since, said Phoebe Dinner, spokesperson for



JARROD VALLIERE U-T

A mural decorates the Parco complex in National City. Co-living options have helped keep rents down. Co-living suites start at \$960 per month. Studios start at \$1,500 a month.

property manager Common. Over the last month, when leasing opened, occupancy quickly reached 50 percent.

Rent is one — if not the main — attraction to the property. Co-living suites start at \$960 per month and studios run for about \$1,500.

The concept of co-living, where tenants live together

in shared spaces, is what gives the high-end building a cheap price tag, said Malick, who added that rent is not income-restricted and stays within the 80-110 percent area median income range.

"Housing is expensive and the first thing that (co-living) allows you to do is share some of the costs of

common spaces with more people and that brings the rent down," he said. "If you can convince somebody to live in a smaller space, you can fit more people in a building. That reduces the cost of land per resident and construction."

Resident Jordan Jennings, 23, lives in an apart-

ment and said that while he has more amenities in his unit, the common areas have become spaces to connect with neighbors since moving in a week ago.

"I'm in the military, I just got stationed out here. So, I don't really know the area," he said. "The people here are really cool. They've helped

me out and told me about cool places around. The rooftop is where I plan to go hang out and edit photos, videos."

Sotelo-Solis, who toured the development on Thursday, said she sees the residential building "creating a whole other community environment. We've talked about it as the three S's: sailors, students and seniors. That's going to be an intergenerational opportunity for so many."

To tie it all together with a touch of National City history and culture, the building's exterior features a large mural and metalwork brought forth by a partnership with the developer and the local nonprofit A Reason to Survive (ARTS). The organization was behind a beautification project of an auction home that once stood on the site where Common at Parco now stands.

"There's sort of this lineage that ARTS has with this space and being able to come back with developers is really exciting," said James Halliday, the nonprofit's executive director. He said the simple, earth-toned mural depicts "the flow of the (Paradise Creek) that runs through National City and the abstract renderings are the mountains we see. The metal piece is an abstract take on the street grid."

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SMOLENS

FROM B1
public safety should staffing shortages result.

In Washington state, nearly 1,900 state employees subject to Gov. Jay Inslee's vaccine mandate either quit or were terminated as of last week, according to The Seattle Times. That's about 3 percent of the state's 63,000 workers. Another 1,900-plus workers "received an accommodation" to work in a less-public role without being vaccinated, while nearly 2,900 workers are in a state of flux, according to the Times.

While much of the local focus has been on the San Diego Police Officers Association's opposition to the mandate — and to a lesser degree, the firefighters union — the San Diego Municipal Employees Asso-

ciation recently questioned Gloria's order.

All three endorsed Gloria in last year's election. It's hard to say what leverage they may have with the mayor regarding the mandates, though their support for Gloria — along with much of organized labor — was substantial.

Regardless, the unions have legitimate concerns about the mandates — aside from those members who are out-and-out opposed to getting vaccinated. Workplace safety and staffing issues are among them, along with whether the mandate is being equitably applied.

In August, the city said vaccinations would be a condition of employment. The unions are in negotiations with the Gloria administration about what fate unvaccinated employees will face — firing, suspension or something else,

according to David Garrick of The San Diego Union-Tribune.

The deadline to be vaccinated had been Tuesday, Nov. 2, but late last month the city agreed to push the compliance date to Dec. 1.

The Municipal Employees Association, which represents thousands of the city's white-collar workers, was the most recent to speak out. The union had several concerns about the vaccination mandate, including that it did not apply to city contractors or members of the public who enter municipal facilities.

The MEA stressed it is not challenging the science behind the vaccines and noted that more than 80 percent of its membership has been inoculated. Further, the organization agreed the city had the right to require vaccinations for new hires, but questioned whether that

should be applied to existing employees.

By comparison, the county of San Diego has a vaccine mandate for current employees that allows for regular testing for unvaccinated workers. New hires do not have that option.

In Los Angeles, Mayor Eric Garcetti and the City Council approved a vaccine mandate that was supposed to kick in two weeks ago. But after problems with the rollout and a lack of compliance, the city extended the deadline to Dec. 18.

The rules require employees to get vaccinated unless they receive a medical or religious exemption.

The plan states that workers who haven't followed the requirements by Dec. 18 will face "corrective action," but it was unclear what that would be, according to the Los Angeles

Times.

In July, Newsom ordered that state workers must be fully vaccinated against COVID-19 or undergo weekly testing. But according to recent reports, vaccination and testing rates are lagging.

The vaccination deadline under President Joe Biden's mandate is Nov. 22 for federal employees and Dec. 8 for federal contractors. The administration is taking an encouraging, not punitive approach.

"To be clear, we're creating flexibility within the system. We're offering people multiple opportunities to get vaccinated," Jeff Zients, White House coronavirus response coordinator, told The Washington Post. "There is not a cliff here."

There's a lot on the line for the president, the governor and the mayor. They've made a case that the vac-

cine mandates are essential for the public's well being and to help pull the nation out of the pandemic.

If they're seen as not enforcing the requirement in the face of resistance from friendly unions, that message could undermine schools and private employers who face skepticism of their own mandates.

Tweet of the Week

Goes to Ry Rivard (@rrivard) of Politico New Jersey and an alum of the Voice of San Diego.

"My favorite Mort Sahl joke: Nixon was the kind of guy that if you were drinking 50 feet off shore, he'd throw you a 30 foot rope. Then Kissinger would go on TV the next night and say that the president had met you more than half way."

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