

**MINUTES OF A
REGULAR MEETING OF THE
CITY COUNCIL OF THE
CITY OF CORONADO
Police Facility – Emergency Operations Center
700 Orange Avenue
Coronado, CA 92118
Tuesday, April 19, 2005, 3:00 p.m.**

Mayor Smisek called the meeting to order at 3:05 p.m.

1. ROLL CALL:

Present: Councilmembers Downey, Monroe, Tanaka, Tierney
and Mayor Smisek

Absent: None

Also Present: City Manager Mark Ochendusko
City Attorney Morgan Foley
Recording Secretary, Brenda Bridgeford

2. **INVOCATION AND PLEDGE OF ALLEGIANCE.** Joan Kantor, Worship Committee, Unitarian Universalist Church, provided the invocation and Mayor Smisek led the Pledge of Allegiance.

3. **MINUTES:** This item was continued at the request of Councilmember Downey to allow for the revision of Item 11b in the minutes of the Regular Meeting of April 5, 2005. The item is to be revised and the minutes transcribed verbatim.

4. CEREMONIAL PRESENTATIONS:

4a. Proclamation: Arbor Day. Mayor Smisek presented the proclamation to Ron Henderson, member of the Street Tree Committee, and Scott Huth, Director of Public Services, representing Dave Brazier, the City Arborist.

Mr. Huth encouraged people to come out for the Tree Planting Day. He said the Tree Committee is a great group of people and have been very active. They recently developed the Tree Master Plan which was recently adopted. He said if people want to get to meet them, they should come out to the tree planting on the 30th of April.

Mr. Henderson reiterated the invitation for people to join in the tree planting. It will be at 8:30 a.m. It is rewarding to see the joy that you see in the kids when they are participating. In 20 years they will be able to point out the beautiful tree they planted.

5. CONSENT CALENDAR: The City Council approved, adopted and/or accepted as one item of business Consent Agenda Items 5a through 5e.

MSUC (Tanaka/Monroe) moved that the City Council approve the Consent Calendar Items 5a through 5e

AYES: Downey, Monroe, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None

5a. Approval of Reading by Title and Waiver of Reading in Full of Ordinances on this Agenda. The City Council waives the reading of the full text of every ordinance contained in this agenda and approves the reading of the ordinance title only. **The City Council waived the reading of the full text and approved the reading of the title only.**

5b. Approval of Warrants. The City Council ratified payment of warrants Nos. 10042961 thru 10043260 audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

5c. Update on Capital Improvement Program Projects – Informational Item. **The City Council accepted the report.**

5d. Adoption of a Resolution Authorizing Destruction of Certain Documents Located in the City Manager’s Office. A records retention schedule for the City of Coronado was adopted by the City Council on April 15, 2003. This retention schedule, in accordance with State of California Government Code §34090, permits the destruction of certain City records which are no longer required for the effective operation of the City, provided there is approval of the City Council by resolution and the written consent of the City Attorney.

Listed on Exhibit A to the attached Resolution, are the miscellaneous records that are being considered for destruction, along with the dates of the records and their retention periods. In compliance with Government Code §34090, it is not believed that these records have a lasting administrative, legal, fiscal, historical, or research value. The City Attorney has reviewed the list and has approved of the documents’ destruction. **The City council approved A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO AUTHORIZING THE DESTRUCTION OF CERTAIN DOCUMENTS IN THE CITY MANAGER’ S OFFICE. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8061**

5e. Adoption of a Resolution Authorizing Emergency Repairs to the Sewer Main Beneath Third Street Between B Avenue and D Avenue. The 6" sewer line has deteriorated to a point where immediate repairs are necessary. Currently, the sewer main is partially blocked from a rock that is protruding inside the main from a hole at the top of the pipe. There are also other holes in the top of the pipe where there are voids in the exposed soil above the main. These voids could form sinkholes in the pavement above if the line is not fixed and the soil is allowed to continue to be washed away by the constant sewer flow. By declaring this repair an emergency project, the City can forgo the formal bidding process and select a qualified contractor to perform the repairs as soon as possible. BRH-Garver West, Inc. is recommended for the emergency repair work as they are currently working on the sewer main replacement and alley repaving in Block 171, the alley between C and Orange Avenue from First to Second Street. BRH-Garver West, Inc. has successfully installed sewer mains for the City in the past and they have the expertise, qualifications and personnel to perform the work in an expeditious manner. Engineering and Project Development staff is currently assembling all the required information to submit an encroachment permit to Caltrans to allow the work to occur in the highway right-of-way.

California law requires that before emergency construction may occur, the Council make a finding that the emergency will not permit a delay resulting from a competitive solicitation of bids. This finding is supported by the evidence presented in this staff report, and must be approved by a four-fifths' vote. The resolution, also by a four-fifths' vote, may delegate the City Manager or any other nonelected agency officer the authority to order any action to respond to the emergency. **The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO FINDING THAT AN EMERGENCY EXISTS AND AUTHORIZING THE EMERGENCY REPAIR WORK TO THE SANITARY SEWER MAIN UNDER THIRD STREET BETWEEN B AVENUE AND D AVENUE. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8060.**

Also, the City Council approved transfer of \$75,000 from the FY 04/05 Wastewater Master Plan CIP account number 510781-9862-WWMP to an individual project account number 510781-9862-WW3RDST-8040.

6. ORAL COMMUNICATIONS:

- a. Ed Lehman, Business representative for AFSCME, representing the City of Coronado's blue collar employees, 7864 Mission Vista Drive, San Diego,** stated that two weeks ago, their president, Joan Raymond, came to Coronado to speak about their hope that they would soon be having an agreement with the City since they were going back to the bargaining table. However, when they did return to the table they were given a proposal which, to their view, seems designed to have sought their rejection, which is what happened unanimously. He said the City's proposal puts less money on the table than had been in the City's previous proposal for a three-year contract. The City's proposal expects employees to not get a raise for most of the fiscal year '05, when most other employees have already received a raise. The City continues in its proposal to do nothing about the measly \$13.60/month which it contributes towards a retirees' health insurance. The City has always indicated that they want to be at the median in all the ways that AFSCME measures things, but we learned that most of the cities in the PERS

- system, as Coronado is, are going to be covered by a new law that requires that those contributions be ramped up by 2008. 99% of PERS cities will be contributing nearly \$100/month towards retirees. Coronado is exempt from that provision, but AFSCME would hope that the City would go to the table and raise the contribution so they are similar to the ordinances for other cities. Whereas the City's former proposal had some money for weekend differential pay, the new proposal removed that in favor of the status quo. Whereas the former proposal contained a reopening clause to negotiate flex benefits, the new proposal would link them to the City's police and fire units, and AFSCME knows that the police and fire units are tied to what the unrepresented employees get and they don't get to bargain. Whereas the City's previous proposal increased the comp time off cap to \$180, the new proposal lowers that amount. There is another bargaining session scheduled for this Thursday. AFSCME will present a counter proposal at that time. AFSCME hopes that this dispute can be ended with an agreement, but thinks that is going to require that the City stop engaging in regressive bargaining and that the City really listen and respond to AFSCME's concerns. The City's AFSCME member employees do an excellent job for the City and believe the City should value them with adequate compensation.
- b. **Jerry McDonald, General Manager, Coronado Cays Homeowners Association**, spoke on behalf of the Coronado Cays Homeowners Association. He said he received several phone calls from some distressed homeowners concerning the proposed relocation of the animal shelter to two possible sites in the Cays. He is getting the impression that an animal shelter is not wanted or needed at the Cays. He asked Council to take that into consideration.
 - c. **Darlene Davis, 1229 Tenth Avenue, San Diego taxi permit holder**, said she is aware that the City Council has a taxi item on the agenda next week. She offered a report to the Council she wrote in 2000 regarding the assignment of unassigned permits in San Diego and the upcoming Council item to determine the method of assignment.
 - d. **Councilmember Monroe** asked for clarification that when Ms. Davis was referring to "the city" in her comments, she was referring to San Diego. Ms. Davis responded affirmatively.
 - e. **Caroline Reynolds, General Manager and owner of Coronado Cab, P.O. Box 180179, Coronado**, informed the Council of her many years of doing business in Coronado and the feeling she has for the community and providing service to the community. She feels that if industry and the City can work together, both can protect the interests of all the people and continue to provide a viable operation.
 - f. **Ginger Raaka, Coronado Historical Association and Visitor Center**, provided the monthly Visitor Center report. There were over 4,300 walk-in visitors, a thousand over last month and continuing to grow. There is a new exhibit in the Museum, "The Heroic Journey of Vice Admiral and Mrs. James B. Stockdale, A Life of Love, Honor, Courage and Commitment." Taylor Stockdale will be speaking at an event a little later on in the month. The Historic Home Tour is scheduled for May 15. Finally, she mentioned that the Visitor Center and the Museum of History and Art will be hosting an exploratory meeting with representatives from the Chamber, MainStreet, the Public Art Commission, CoSA, the Library, Lambs', Coronado Playhouse, Coronado Lifestyles, Coronado Art Association, several artists, and hotels tomorrow morning regarding the possibility of having an annual art walk in Coronado.
 - g. **Toni Gaylord, Coronado MainStreet Executive Director**, reported on the Fifteenth Annual Motor Cars on Main Street event that was held on Sunday. There were about

350 cars and over 40 volunteers who helped put it on, which are appreciated by the downtown businesses she thanked the City for letting them put this on, and City staff for helping in many ways. She presented Mayor Smisek the collector's t-shirt.

7. **CITY MANAGER:**

7a. **Update on Council Directed Actions and Citizen Inquiries.** No report.

8. **PUBLIC HEARINGS:** None.

9. **ADMINISTRATIVE HEARINGS:**

9a. **Administrative Hearing – Appeal: Appeal of the Planning Commission's Determination That a Mixed-Use Development in the R-4 (Multiple Family Residential) Zone May be a Permitted Use With a Major Special Use Permit. (PC 8-05 Hutchison, Dr. Dan & Rory)** Mayor Smisek explained the process for an administrative hearing.

Councilmember Tierney recused himself from hearing this item due to the proximity of property he owns.

Tony Pena, Director of Community Development, provided the staff report on this item. He said that Dr. Hutchison applied to the Planning Commission for a determination of use. The proposal at 555 Orange Avenue was to replace an existing professional office with residential units off the alley, with a new professional office in the form of a dental practice with residential units above. This was a determination of use because that type of mixture of uses was not spelled out specifically in the zoning ordinance, so staff went to the Planning Commission for a public hearing and determination of use. The Planning Commission deliberated, looking at the facts presented in the Zoning Ordinance. The R-4 Zone's primary use is multiple family residential. Secondary to residential use, by way of a Major Special Use Permit, a number of uses are listed including professional offices. None of the listed uses combined professional offices with residential uses. The Planning Commission, however, pointed out that since these uses could be located on lots adjoining each other, they should be allowed to be located vertically. The Commission determined this was consistent with the zoning and could be allowed with the approval of a Major Special Use Permit (MSUP). The determination of use section of the Zoning Ordinance states that a determination of this type applies in the entire zone in which the application is focused. Therefore, the Planning Commission ruled that at 555 Orange Avenue a mixture of these uses could be applied for with a MSUP and that it also applies to the R-4 Zone in general. The Planning Commission's action is final in this type of determination, unless appealed to the City Council. After the Planning Commission took its action, an appeal was filed on March 22, 2005. The City Council is asked to review the Commission's actions and take appropriate action as it deems fit.

Mayor Smisek asked for clarification of the Council Authority section of the staff report on page 51. "A Determination of Use by the Planning Commission is a discretionary act involving the interpretation of regulatory ambiguities within the Zoning Ordinance. As such, it is not an "administrative decision" (sometimes called a "quasi-judicial" or "quasi-adjudicative" decision)

which involves the application of existing laws or policies to a given set of facts. So when a Determination of Use is appealed to the City Council, it is a policy matter reflective of the Council's legislative role. Therefore, a person that would challenge such a legislative action..." That would be a person who would challenge the City Council's legislative action, not the Planning Commission's. After Council makes a decision, the next sentence comes into play but it really doesn't come into play as far as the decision made by the Planning Commission.

Mr. Pena explained that it is saying that the City Council has broad discretion.

Mayor Smisek thought there might have been some confusion that a person who could challenge such a legislative action must prove the decision was "arbitrary, capricious, entirely lacking in evidentiary support, or unlawfully or procedurally unfair". He confirmed that it only if they challenge the Council's decision, not the Planning Commission's. Mr. Pena agreed. Mayor Smisek said that, regarding the definition of mixed use, the City Council has consistently thought of mixed use in the commercial zone where residential units are introduced they were typically not permitted.

Mr. Pena added that it was covered under the Orange Avenue corridor Specific Plan. That is what the focus was on, commercial and residential, because residential is not allowed in the commercial zone. In that respect it was a higher degree of mixed use requiring more sensitive compatibility between the two uses.

Mayor Smisek said there has been a lot of discussion with the public for many years on the topic of mixed use. The Downtown Specific Plan has, in essence, banned any further mixed use in the commercial zone until the City evaluates the repercussions of the mixed that use that has already been developed, which is located primarily in the First Street area. He is concerned about the potential with this project of allowing a combined use in the R-4 zone where there hasn't been a public vetting. This one project came forward with a request for a Determination of Use and now it has set the standard for the whole R-4 zone. The City Council has not really heard how the public feels about this, so it's a determination that he is not comfortable with. He said his interpretation of the determination is even much more restrictive than the Planning Commission's motion appears to be. It reads, on page 65 of the staff report, "Commissioner Ryan made a motion to approve PC 8-05 – Determination of Use in accordance with section 86.02.120 of the Municipal Code as to whether a site containing an existing professional office building and residential units can be demolished and replaced with a new professional office building with residential units above and whether this would be a permitted use in the R-4 zone; and if permitted, whether a special use permit would be required for the site addressed as 549-555 Orange Avenue and located in the R-4 (Multiple Family residential) zone..." Mayor Smisek said this could be interpreted to mean that what was voted on 4-1 was if there is already a professional building with residential units, it could be torn down and rebuilt with the residential units on the top or bottom of the professional use. But, the property next door which doesn't have residential units, or two doors down only has residential units, by virtue of this action taken they could also have this combined use.

Mr. Pena explained that his focus in terms of the staff report was that, even though the determination was site specific, it was related to a general finding that allowed that to occur. The last sentence of the motion states with a "...finding that the proposed development of a professional dental office and residential units above is allowed in the R-4 zone with the granting of a major SUP." He thinks the finding was general, but the applicant was told they could do what they wanted to do based upon the description of their project.

Mayor Smisek said the case he is trying to present is that the whole focus was on this specific instance. Because there were existing buildings of this type at the location, it was okay to make them new and reproduce the existing condition, not looking at the whole R-4 zone. He asked how many other lists of uses are there besides professional offices allowed with SUP's and what would be the situation regarding those uses and could they combine with residential units.

Mr. Pena responded that there are about half a dozen types of uses. Mr. Pena responded that the other uses weren't considered for combination with residential.

Mayor Smisek said he thinks that needs to be discussed and if time is not of the essence to make a determination at this point, he would really like to see Council take a look at this in a much broader spectrum and get the whole R-4 zone looked at.

Councilmember Downey said it would be helpful if the Council could hear from the original applicants to address the issue of urgency of the matter before going further. She thought that would tell the Council how much more detail it needs to get into at this point.

Mayor Smisek announced that he had been advised by counsel that the best way to proceed would be to follow the procedure. Since the supporters of the decision will speak first, they could comment at that time.

Mayor Smisek asked if anyone on City Council had received information prior to the hearing that is not contained in the staff report or the documents submitted to the City Council in the agenda packet.

Councilmember Monroe disclosed that he has had numerous conversations with both the Hutchison's and the Purvis's, including a look in the back room over the buildings and Orange Avenue. He said he has had numerous conversations about the issue and most of those were regarding his remembrance of looking at the R-4 area when the Specific Plan for the Orange Avenue Corridor were done, the background and consensus building that was done, and he was able to share that with both parties.

Councilmember Tanaka said he had met with the Purvis's and with Ms. Hutchison prior to the appeal of this action.

Councilmember Downey disclosed that she knows the Purvis's and has had a conversation with them about this meeting. She didn't learn anything more except that there might be possible other uses going on in the future.

Mayor Smisek disclosed that he met with Ms. Hutchison, and has discussed this on the telephone with the Purvis's and with Mr. Bowman. There isn't really other information, but there was a sharing of personal opinions and some thoughts on the process. Everything they wrote in their letter of appeal was covered in the conversations. Almost everything he has seen here was discussed with Ms. Hutchison because she was attempting to try to find a way to make her project work.

Mayor Smisek asked the supporters of the Planning Commission's decision to present their information.

Rory Hutchison, 700 Coronado Avenue, began by saying that there is a rumor that their (the Hutchison's) escrow has expired. She and her husband have asked for an extension while this issue is being settled. The property has been resold and the buyer is considering letting the Hutchison's back into the project. Also, there is a question about that buyer's financing. So, she doesn't think it is done until it is done. With respect to the people who live on the property who have come to voice their concerns, if this project doesn't go through, they are displaced. People have asked her why she is bothering with doing a mixed use because it is more expensive, more trouble, and the developers don't want to do it. She said she doesn't like to send her neighbors packing. She thought it was the appropriate thing to be able to let them and her family live there. She started going to meetings and finding out who the concerned citizens are. She approached dozens of people to see what they thought about her proposed plan and no one had a problem with the mixed use. She inquired about their thoughts on architectural design and some people spent a lot of time discussing their preferences and options. Some people, three in particular, were adamant that if it includes a third story they would fight the project from the beginning, with no further consideration, which is why she is before Council.

Ms. Hutchison thinks there are some real misconceptions about mixed use. The R-4 mixed use is completely different from controversy over mixed use at the other end of town. She said the Hutchison's have been on the subject property for eleven years. The neighbors' windows are roughly ten feet away, so things like compatibility of noise, smells, etc. are not an issue, and they don't mind living next to the Hutchison's. She said, in fact, they are the same people who want to move into the Hutchison's building because they don't see a problem. The building was built by Jim Verneti in the 1950s, which means it has been next door to residential for many years. The offices next door, where Dr. Goldman's office is now, has been mixed use for decades. The idea that Coronado doesn't have any experience with mixed use isn't a very good argument. She doesn't think that most people even know that there is mixed use at this location because it is so quiet. The workers go home at 5pm; no one calls the City to gripes; there are no big signs or big windows; they don't need a lot of parking. Most people don't even know they are there unless they happen to need the services they offer. Another misconception is that by adding this condition of being able to do mixed use in that corridor it will suddenly bring in a flood of developers wanting to do something on Orange Avenue. She went out as an ordinary person trying to find a developer who would do this with her and they all turned her out of their offices. The reason being, as they pointed out to her, down on First it is a commercial zone where the residents are not allowed, but if they are invited in, the residential property sells for more than the commercial property. So, there is a real benefit to have them come in and there are few properties and there is a much nicer situation. On Orange Avenue that is not exactly a real high end market for luxury condos, but what they do know is square footage. A square footage of commercial sells for less than a square footage of residential. They saw absolutely no benefit to going out and doing a project that would be \$150,000 more for the insurance, roughly \$150,000 for the permitting, and it would be more trouble to find a builder who would have the proper credentialing to do that kind of a project. Then she found out about the litigation aspect of people who do mixed use. That led to another insurance problem for the homeowners.

Ms. Hutchison said she has heard that a very important person, who was the chairman of that committee, gave out a lot of facts. She found out that there were many good people who were involved in that discussion who completely disagreed with Mona Wilson's facts. She realized that she needed to find out more about it. She learned that they were not discussing this zone because

they have no complaints about this zone. From her perspective, time is still of the essence because, if this is turned down, she has no reason to waste the time of the buyer. If this is not turned down, then they have every reason in the world to go bother him. By the same token, if the buyer of this property changes their mind, the Hutchison's are still without a location and that is what started this whole thing in the first place.

Ms. Hutchison wanted Council to look in its package on page 73 that she had provided for the Planning Commission hearing. The lack of potential locations for her project was really disheartening to her because she thought it would be really easy to go out and find another location. She is now somewhere around 9 ½ months into this and has discovered that there aren't many locations for the professionals with 2400 square feet. She said that amount of space is needed because of ADA requirements for ramping, hallways, lab, bathrooms, and so they are able to keep the staff they currently have. Ms. Hutchins provided two letters. The first is from Dr. Potter, who is being displaced on the corner of 6th and Orange. His building, which has been a professional building for decades, is being torn down and is being replaced with what any responsible builder would build - luxury condos. His situation is really dreadful. The other letter is from Dr. Goldman, who is also being displaced. He would like to relocate into the Hutchison's project, if there is one.

Ms. Hutchison introduced her daughter to represents the next generation.

Dana Hutchison, a freshman at Coronado High School, explained that she hopes to become a professional as well. People her age will need office space here for a long time to come. But as land values go up, so do the rents. Because of this everyone pays more for professional services. Right now some professionals have already lost their offices when the owner of the land decided to do something else with it. That is why it is better for the citizens if the professionals are able to own their own locations. But there is not much land available to buy in Coronado that is zoned for the professionals. There aren't many businesses or condos to buy either. She said that by continuing to allow her father, or any other professional, to share land with residents in the R-4 zone, just as they have been doing for 50 years, it makes it possible to have another option to buy or create an office that cannot be taken away. In her case, it makes it more likely that she and others of her generation, as they become Coronado's future service providers, will be able to continue serving the people of Coronado with the top quality care they have right there, right now. Otherwise, it won't be long before people have to drive to San Diego for a dental visit, eye glasses, a visit with the veterinarian, hardware or almost anything else. Professionals are good neighbors. They vote "no" on the appeal.

Alysha Herron, resident at 551 Orange Avenue, said she wanted to make three points. First, in order to preserve the important aspects of the community that already exist in Coronado in order to retain the dynamics that already exist. It is so expensive to live in Coronado and is very difficult for young couples. She and her husband are both active duty Navy and they expect to live in this area for many years. She talked about the importance of being an established family within a community and how important that is to her. She said that mixed use is a great way to retain a young population because it is affordable – that is why they need the third story. She and her husband can't afford the space unless it is the third story which is a smaller area. She lived on the boardwalk in Venice, California, which is unbelievably mixed use. It was a wonderful place to live – it is dynamic. Right now they live not more than three feet away from the dentist's office. It doesn't pose any problems even though they are both home during they day at various times while business is going on. She said her last point she had to do with the appeal. It has to do with the

responsibility of choices. She doesn't understand why people, who have moved into the residential area, knowing that the R-4 zone exists where it does, now feel that it is their right to change it when they had the choice to move further into the residential area, away from the R-4 zone. The people appealing also don't live in front of the property or next to the property – they live behind it. Their properties face onto a different street, which is very beautiful. She and her husband don't like that they have been separated for the better part of 2 ½ years, but they both understand that is part of the commitment they made to serve the Navy and they deal with it. That is the point she wanted to make. She concluded that this project can go forward with a lot of wonderful people. The City should take the opportunity to work with people who are really understanding and want to work with the City.

Eric Kleymann, resident, said the R-4 zoning issue does need to be discussed and decided, however, this is a discussion about a specific site and use. At the last meeting they heard gripes from surrounding people who are upset about a three story building being put there. Whether or not this project goes through, whether or not these are going to be the buyers of this property, eventually all those lots on Orange Avenue are going to turn into three story buildings. He stands on a corner and looks and sees a building on the left that is six units of commercial. The building on the right is six units of residential. They co-exist. To him, on the same block, in the same community, is mixed use. To simply having a residential unit upstairs and a commercial unit downstairs doesn't seem to make much difference. One of the complaints that is that there will be a parking issue; but there won't be. Noise and smells are not issues. The density won't be changed. All that will happen is that what exists now will be improved. In regards to the coexistence of a business and a community; when the folks are gone during the day and the businesses are open during the day, it is a benefit. It is a benefit because there is always someone on site. He said the City Council has an opportunity to make a decision that best suits the community. By allowing this specific site to have a mixed use, they are keeping a local business that has been here for many, many years, and giving some local residents the opportunity to take full ownership in their community. This current specific situation best suits the needs of the community.

Mark Warner, 404 Pomona Avenue, thinks that the City Council needs to look at the consequences of what is going on here. The neighbors on C Avenue are concerned about the properties being built, and the height and density. Everyone understands that no one story building can be built on Orange Avenue at the current price of land. One consequence could be that nothing happens there. What exists now is a bunch of buildings built in the '30s and '50s. Those buildings are getting old and run down. The owners are unable or unwilling to spend money on those properties so they are economically obsolescent. As a result of that, the ability to drive rent goes down. There are less desirable people as tenants and there is downward spiral cycle on the individual properties. The other consequence there is that there could be a bunch of mini Trant Manors. It seems to make sense to allow mixed use in R-4, and especially in this specific case, because it exists now and has for quite some time. No body seems to be complaining about it, although a professional office combined with residential units seems to be a logical use of real estate. To build it to the density it is currently allowed seems to create a situation where a new project is financially feasible and it will work for the owner/use, or developer. It seems like a good project. If the project goes forward but isn't allowed to have as dense or high of a building you start to compromise the economics of the project. Mr. Warner thinks the City needs to be sensitive to the neighbors on C Avenue, but he thinks those concerns could be dealt with through Design Review with the architect to mitigate the concerns about their privacy. The City Council needs to be strong.

Kathleen Garrett, 710 Coronado Avenue, talked about the beauty of Coronado. She said that Coronado has been known as an Admiral's Island, but today few retiring admirals can afford to purchase a home in her, much less recently retired captains. She talked about how Coronado has been her family's home for many years and what it means to her. She and her husband raised their children in Coronado and it is the only place they call home. Rory Hutchison, who is a friend and neighbor, offered Ms. Garrett a chance to have a condo in the building she and her husband would like to build for his practice. The Hutchison's would like to build a mixed use building on Orange Avenue where the ground floor would be professional office space and two other floors of condo residences with underground parking. She would like to list the reasons why she is in favor of that plan. 1) Orange Avenue is the central business corridor running through Coronado from the Ferry Landing to the Hotel Del and the Strand. Orange Avenue also contains condos, apartments, and some individual homes. It makes sense to have, scattered along Orange Avenue, professional services like doctors, dentists, lawyers, architects, etc. in order to serve the various neighborhoods of Coronado and would also be especially convenient for seniors and disabled who must either walk or use the bus. 2) Mixed use makes sense in a place like Coronado where land is at a premium. It has been done successfully for centuries in Italy, France and England. 3) She can't think of a more simpatico arrangement. 4) For a mixed use building, professional services are quiet businesses to coexist with residences. They are the type of businesses that likes a neat, attractive setting for their clients; the type of setting that is compatible with residences. During business hours, condo residents are usually at work and condo residents would have the building to themselves in the evenings, on weekends and for holidays. This will minimize parking conflicts. The owners of the professional services know that residents will keep an eye on their offices during off hours and it can be a mutually beneficial arrangement. Extremely high prices are making it difficult for middle class residents and middle class businesses to stay in Coronado. She thinks that is a shame.

Scott Grimes, 565 I Avenue, Coronado Chamber of Commerce President, wrote a letter to the Mayor and City Council. He addressed specifically the use issue, because he thinks that is what the hearing is really about. With the Orange Avenue Corridor Specific Plan, the City, and for the right reasons, limited first floor space on Orange Avenue to everybody except professional offices. In effect, the inventory that is currently available to doctors, dentists and lawyers has been trimmed down, in that area. The inventory was once depleted and if the City were not to allow mixed use in the R-4 zone that further depletes that inventory for the City's professionals. He thinks that the way it currently exists is great and is an asset to the community. Current development trends would say that, in this specific example, there would be six condominiums as opposed to five condominiums and a dentist office. He thinks that if this decision isn't pushed now, those spaces will continue to be lost. Time is of the essence on this particular case because there is a chance with one set of buyers who may keep the dentist office there and he thinks that the second set of buyers, who now seem to be in first place, will probably put six condominiums there. That is just speculation, but... The Chamber really thinks Coronado needs these spaces available for the professionals in the community. The Chamber would like to see mixed use allowed in this specific zone.

Ms. Hutchison commented that Lawrence Rueden couldn't stay this long but was going to address the architectural aspect. Professionals blend in. People don't even know they are there. They don't need special signage or windows or architecture. Any design that is approved by the design committee is something that any professional can fit into. That was in a letter from both Joe Cristilli and from Lawrence Rueden, both local architects.

Liz Forsythe Lovell, 1032 Flora Avenue, is very concerned about why this appeal is here. Mixed use, height – those issues in the R-4 zone have not really been an issue. The Downtown Specific Plan did not include them. As she recalls, the R-4 zone between Sixth and Second Streets, by State law, has to be a high density area to allow professional use, to allow more low income housing condos, hotels, motels, and the economics of this City. Coronado's professionals, the service based businesses, are disappearing for the pure fact of one family doesn't like something behind them. If they bought on C Avenue, next to Orange Avenue, it is a given that the development will happen in the future. Her family came to Coronado in the '40s and fought bitterly for the R-4 zone to keep some sanity of where things could be located. It has worked. But, as was stated, the buildings are dilapidated and economics bring up the fact that a three-story building has to be built to make it economically viable. Mixed use is not a cheap operation, either in construction or insurance, so Dr. & Mrs. Hutchison are doing this as a gift to the community to keep the services in Coronado. The City really needs to look at the future. It concerns her greatly that someone who lives behind it doesn't see the long term effects because it will effect everywhere in that corridor. Coronado is losing a lot of the available commercial and R-3, R-4 is coming up the ranks. She would like to get this decision. The City's forefathers made that R-4 for a reason. The Hutchison's have become part of the community and they have been very giving and understanding in talking to all of the entities. She appreciates them going forward to do this.

Mayor Smisek called for comments from the appellant. He said they have ten minutes to present their position and their witnesses have three minutes each.

Kelly Purvis, 560 C Avenue, thanked the City Council for hearing the appeal of the Planning Commission determination that mixed use in the R-4 zone is an acceptable use. She stated up front that they are mainly concerned with how this Determination of Use will affect the entire R-4 zone. They may be in support of mixed use in the R-4 zone, but they clearly don't have enough information or standards to understand how it would be implemented. Obviously, mixed use in this block has worked. They are small in scale and, although parking is sometimes an issue, they have never complained – they try to be good neighbors. For many years they even sent their children to the neighborhood dentist, Dr. Skaalen, however the project that is proposed by Dr. Hutchison bears very little resemblance to what currently exists in the block. It reads more like the mixed use projects that are taking shape on First Avenue and that is why the appellants are before the Council. When the three appellants were notified of the application by mail they believed that this mixed use determination would only affect the property which was identified in the notices. And, again, the notice in the paper was very site specific. Frankly, she believes that many people in attendance at the Planning Commission meeting, as well as some of the commissioners, were surprised to hear that it had an impact on the entire R-4 zone. As she walked her neighborhood she found neighbors who would be impacted were unaware of the issue. All the people she talked to signed a form requesting a review of mixed use to determine standards for such development before determining that would be an acceptable use in the R-4 zone. No one said refused. The applicant has confirmed that she is no longer in escrow with the property and that, as of Saturday, the property is in a new escrow. She has heard, but has not confirmed, that the new buyer intends to run a business in the front office and remodel and rent the three units in the back. So, a quick decision on this project is no longer relevant. In fact, a quick decision would not be wise. What is relevant is that the City needs a process to determine if mixed use is an acceptable use in the R-4 zone and, if so, is a Major Special Use Permit the mechanism to review it. Or should the City determine why and how it wants mixed use to fit into the R-4 residential zone and identify, establish, and adopt standards for future projects. After seven mixed use projects were approved on First Street the Council stopped voting

for them, she asked why. Those projects were reviewed with a Major Special Use permit. Many Coronado residents will tell that it greatly impacted that area of town. She believes a discretionary process of a Major Special Use Permit is not the most effective review of a mixed use project anywhere in the community. A discretionary decision made by an appointed or elected commission or council will often result in a decision made with not as much thought or research and there should be a process and study to establish standards and there should be a community process to establish a vision for other Coronado standards. There are standards in the commercial zone that were established by the Orange Avenue Corridor Specific Plan and recently RSIP has been working to establish residential standards. In this case she believes they have tried that Major Special Use Permit and it hasn't worked on previous mixed use projects on First Street. It is time to identify, establish and adopt standards for mixed use based on careful study of what a mixed use project is and how it will fit into the R-4 zone. With those the City will get appropriate projects that blend with the residential and the R-4 and R-1 zones. This is the first project, for example, where an R-4 zone abuts an R-1B zone. It has been mentioned, how they can not know they were next to an R-4 zone. They knew when they bought. But they also knew that there was no buffer zone. Usually within this town there is an R-3 between. So, this is a special condition which should be considered before a Major Special Use Permit process is applied. This particular Determination of Use on this project seems to be a moot point. However, as it stands, the decision will impact the entire zone, literally the entire community. They view this application and subsequent appeal as an opportunity for the City to adopt a mixed use policy in the R-4 zone to have a standard and to encourage the kind of projects that Coronado wants and deserves rather than dealing with this one applicant at a time or even worse, reacting after one bad project is built. The City has already had an experiment that has left its mark on the community with mixed use. She believes that a review of the R-4, the R-3 zones have been on the priority list of the Planning Commission for several months. Their request is the Council continue this appeal to study the issue. Put a hold on future projects for the short term, just as was done when the City examined the historic demolition ordinance, and in a timely fashion, examine the R-4 mixed use issue as well as the use of professional offices, develop standards and quickly adopt a thoughtful standard for future applications.

John Bowen, 550 C Avenue, stated that the issue here, what is relevant, is the process to determine if mixed use is an acceptable use in the R-4 zone and if so, is a Major Special Use Permit the mechanism to review it. His request is that Council would continue this appeal and study this issue further to get more input on it. This decision, on this site specific thing, will, in essence, affect the whole corridor and the whole development picture for the City going forward. Rather than dealing with this one applicant at a time, he thinks it is really important to continue the process and decide exactly how this is going to be going forward. On a personal note, there is nothing for him to want to keep those people out of living in Coronado. That is really not the issue. He is concerned about how this thing is going to play out for the entire City. This literally happens to be right across his fence. Coronado is their backyard. That is how he is looking at this and that is why he is encouraging Council to continue this and nail it down.

Jim Purvis, 560 C Avenue, commented that the decision the Planning Commission reached happened quickly, very quickly. It happened too quickly. He doesn't believe there was even proper notice given about the magnitude of the decision. He was at the meeting and when Mr. Pena explained to the group that the conclusion was that this decision was going to affect all of the R-4 properties throughout the entire community, he can assure everyone that was new news to essentially everyone in the room. The notice that went out specifically identified the site specific conditions of the existing configuration of buildings. It also noticed this address and so anyone

reading it in the newspaper would assume, as he did, that this was about that particular site. The notices that were mailed out were only mailed out to 300' from that existing property. So, the larger picture was not of common knowledge at all when the Planning Commission made their decision. He thinks that is a large part of the problem. This decision happened and now all R-4 is combined use, mixed use and the standards and criteria for how individual projects would be looked at are unknown. This particular project is evolving even now. Last Saturday one person fell out of escrow and now someone else may be in. Perhaps those two will join forces and so instead of one professional building with condos around it there may be two professional offices with some condos around it. No one knows and there are no standards or criteria the City would have to apply against the reality of what they are trying to accomplish with this combined use for the R-4 zoning. Without additional investigation or study and without standards and guidelines to measure an individual project against, each one will have to be handled on a case-by-case basis and a large part of the decision may end up being whether this is a person that is liked or some out of town developer from Arizona. That certainly isn't any way to base a decision on an important topic such as this. He thinks that more decision time is necessary; more study time is necessary. A continuation of this issue will not necessarily impact the current people involved in as much as the facts have changed since the Planning Commission made its decision. Council should take it under advisement to continue this issue for additional study to understand exactly what type of impacts this combined use or mixed use may have.

Mona Wilson, 60 Half Moon Bend, explained that this whole process represents precedence. When talking about one unit in the R-4 zone, it is really about all of them. For her, not being supportive of mixed use anymore, she is horrified at what she has seen on First Street with mixed use. She really doesn't think she could possibly support mixed use of this sort along Orange Avenue. It came up during the Specific Plan discussions and was beaten to death. The decision was that they really couldn't support mixed use in the R-4 zone. She appealed to Council to continue this and take a thoughtful time for Council to really consider how much impact this will have on the City of Coronado.

Ruth Ann Fisher, 549 Palm Avenue, stated that Amy Stewart wrote a letter she asked Ms. Fisher to read. As residents of the 100 block of D Avenue they have witnessed and continue to witness the City's failed experiment to combine residential and professional offices. The traffic congestion has significantly increased and continues to increase at their end of town. Parking is at a premium. This increase in traffic has impacted the Navy traffic in that the motorists are backing up on every available side street and making illegal turns. The towering buildings are creating canyons on their once quite, residential street. These structures are simply too large for the community and the population density created by such projects is increasingly alarming. Traffic is the number one issue in Coronado. How many more condos does the City have to add before there is complete gridlock on the streets and the community atmosphere is destroyed? They ask Council to stop now before the entire town is ruined. Do not allow the experiment gone bad at their end of town to contaminate the rest of the community. Ms. Fisher commented on the Major Special Use Permits issued on First Street. She worked on First Street at 1132 First Street, a project called Crown View. The myth that professional offices do not create congestion is just that – a myth. She was in an office that had five employees and next to her was an art gallery that had one employee. The art gallery left and a professional office came in with ten full-time employees. So, it creates a huge issue. They had parking issues where they were parking a block and a half away from their office to get to work. She asked that Council wait to see what impact First Street has on the community before making any future decisions and that the community needs to look at all of R-4 and mixed

use in consideration with parking and other items that impact the surrounding community. She spoke, as recently as yesterday, with the new buyers. They were removing their contingencies today. It is her understanding that they are opening a professional office in the professional building and remodeling and renting the three units.

Marianne Turnipseed, 540 C Avenue, explained that she is one of those who lives across the alley from this proposal. Interestingly enough, she has lived there for 32 years. She has had excellent neighbors, both sideways and across the alley. What heavy traffic there has been, interestingly enough, has been from professionals during the day. She strongly recommended that Council take as much time as necessary to do the research to really find out what impact traffic wise, especially, noise wise, density – there is so much to consider – everyone is going to be affected by this.

Carl Turnipseed, 540 C Avenue, commented that if the new applicant or owner of this property has to get all kinds of permits to do any improvements on that property, it is going to take time. He doesn't see why any decision has to be rushed into today. Another comment is that all but one of the people that spoke on the Hutchison's behalf are not impacted at all by any improvement on the property across the alley from their house. They all live some place else in the City. He agrees with everything that the Purvis's have brought forth and he really doesn't see the need to rush into this decision today.

Mayor Smisek called for the supporter's rebuttal.

Ms. Hutchison commented that there are still misconceptions. She doesn't like First Avenue either, but what she thinks she doesn't like is that it is huge. This is the wrong forum. If it is hugeness that isn't liked, that isn't a mixed use issue. That is a height issue and that needs to be addressed in a whole different arena. That has nothing to do with mixed use, whether it is six people in there as residents or six people as offices. She is not sure people are comparing apples to apples. The next comment was about time being of the essence and that people are not impacted because they don't live in Coronado. Those are the new neighbors. They are the people who would be moving in. That is why they were concerned about what they think about living next door to a professional. That is why they came to speak. On the traffic, one of the comments was that all the traffic is because of professionals. No it is not. It is the VFW Hall and the Masonic Lodge. Their employees do park in back, as they do now in the lot right next door. She doesn't think an art gallery qualifies as a professional. Not every professional has a large staff. They do, but they also have all off-street parking built onto their project. It also removes, if one goes down that alley at night especially when the VFW Hall or Masonic Lodge is doing something, or on the next block it will be the church group, or in the next group the motel group, there is parking in the evening by people who are there evenings, weekends, holidays and the thing that the professional brings to that mix is that they aren't there evenings, weekends, holidays. All of those spaces become utilized by the people who are sharing that space. What is different down on First is that there is commercial use. There seems to be a big confusion over what happens in commercial. There is a real estate office there. They have all of their real estate people and then all of their customers coming. There are 30 people there having lunch with all of their cars. That is not what this situation is. So, she goes back and looks at what has been happening with the professionals who have been in the R-4 for 50 years and can't figure out what they have done wrong. They are hearing about the commercial at First Street. They are being punished for it. She hears this business about time not being of the essence. They don't feel that way at all. The people that want to move into it and the people who are about to lose their places and for them who want to get an office set down time is

critical. What exactly have they done wrong, as a professional, not as a commercial, not as a developer?

Mr. Kleymann commented that there is talk about handling each property, each project, one at a time. In a small town he sees nothing wrong with looking at each project one specific piece at a time. There is nothing wrong with that all. The City Council could take a little bit more time and get involved with shaping the community the way everyone wants it to be. There is nothing wrong with approaching things one at a time. With regard to First Street, that is a huge problem. The only problem he sees is that people have referred to it as huge. Take a look at the lots. It would take about three or four lots on Orange Avenue combined to equal something similar to First Street. Someone will probably buy two adjoining lots and join them together somewhere along the way, but it is not going to even come close to First Street. With regards to traffic and the problems that can happen, they are not really increasing the density of the population on the specific lot. Three aircraft carriers have a little bit more to do with the traffic in Coronado than this. Also, the new owner, the person who is in line to buy the property, is going to spend \$2.2 million for three residential rental units and one commercial unit. That is a lot of money. Council knows for a fact that this area is going to change. There is too much money involved.

Mayor Smisek called for the appellant's summary.

Ms. Purvis commented that this is a land use issue. It is not a personal issue. It is a land use issue and how they are going to look at their town a year from now, five years from now, ten years from now – she would like to think the City took some thought and really looked at how a mixed use project was going to impact the R-4 zone. She took a brief look at the project that was submitted. If it was built as 6 residential condos there would be 12 parking spots. If it is built with a 2,400 square foot dental office, which is quite big in Coronado, there would be parking that would equal 17 or 18 spots. That is a difference. Talking about being gone all day, she is home all day. She is in her house. The Turnipseeds are in their house. The Bowens are in their house. They are at home kind of people who work out of their homes or are volunteering in the community. So, the argument that they are not impacted – she can't tell the number of times she opens her garage and can't back out. When something new is coming to town she wants to make sure she understands it and wants to study it and wants to make sure the City does the right thing. Talking about First Street is very relevant. A lot of professional offices are going in where they thought commercial would go in. The comments that the City is going to need professional space are true. The City is going to. She wants to make sure it is done right. She has heard of three doctors who are being displaced. She knows there will be professional offices eventually and mixed use probably eventually in the R-4 zone, but she just wants to do it right. That is what they are asking today. There is no legal standing in escrow by the applicant anymore. Time – it is important that the City take it and look at this issue and do it right. Please continue and start a study and do it quickly.

Mayor Smisek stated that the oral presentation portion is now closed. Council discussion ensued.

Mayor Smisek referred to the comment made about noticing. He asked if all the neighbors that abutted the R-4 zone in the community were noticed about the Planning Commission meeting.

Mr. Pena explained that the notices provided for the public hearing at the Planning Commission level were mailed to all property owners within 300' of the applicant's site as required by the Code.

Mayor Smisek clarified that it wasn't from 300' of the other R-4 properties, which is the point he wanted to make. It appears that, since the determination became for the whole R-4 zone, the noticing wasn't of the whole R-4 zone.

Mr. Tanaka began by saying that he is a little conflicted on this issue. There are a few things he sees. First, there are peoples' perceptions of what mixed use is and does this conforms to that definition of mixed use. It took a while for him to reach the conclusion, but something he came to is when mixed use is banned it is an attempt to ban someone taking a use that is not permitted and piggy backing on top of a permitted use. He agrees with any of the speakers who are unhappy with mixed use on First Street. He is not someone who, in any way, shape or form, supports how things have gone on in the First Street area. The reason he doesn't is because to him, what has happened on First Street, is that commercial land that he has heard is valued at less than residential that has been made commercially and economically viable by selling off residential condominiums. That he abhors because people don't do it in scale. He could have lived with it if it was a one-to-one or a two-to-one ratio, but what he doesn't like is taking a commercial piece of property and selling off condominiums at 4, 5, 6, 7, 8, 16 to one, depending on how you look at the frontages.

He ran, in part, because he was unhappy with the way mixed use had gone in Coronado, but what is tough for him is to have to explain that this is a different sort of a mixed use. The reason he is going to say that is because if one looks carefully, the reason this is an issue is because the Hutchison's dental practice could, in fact already does exist there. A dentist has in the past has received an SUP; they are allowed to have that professional use with a Major Special Use permit. The Code does allow for someone to take an R-4 property and develop it to what its legal maximums are. The complication here is whether or not two permitted uses can coexist in one building. He feels that, as someone who is an anti-mixed use person, he doesn't believe that mixed use bans were meant to prohibit two permitted uses from coexisting. He is someone who is not in favor of taking something that is a banned use and allowing it to piggy back into a zone that it wouldn't exist in. He does see a problem with professional space in the City. His heart does go out to the Hutchison's because they want to keep their practice in Coronado and they are serving Coronado residents. This is a very Coronado based request. There are a lot of things that are compelling about this. He finds it very discouraging that, as someone who is not happy with what has gone on at First Street, she can't find an office space that fits her there. With all that abundance of new commercial or whatever space was built there, her practice doesn't fit there. On the issue of whether a professional space could go in there, he would support that. The reason he is not a big fan of mixed use is that it increases density in areas. The R-4 area already allows for a lot of density. Does he want to see a three-story development there? He, personally, doesn't. Does he want to see all condominiums there? He personally doesn't. His conflict is with the R-4 zone, not with the dentist being on the first floor. To him, the trick to make this work is the Major Special Use Permit does have to work. He doesn't think Council has to grant that permit, but it is fair to say that if Council were to grant a Major Special Use Permit it shouldn't be categorically ruled out that they couldn't be part of the same building. He warned people that if average community members were asked if they would rather just have the scale that is out there now – a one story dental office – a lot of people would say yes. That is the desired scale. He gave the following warning – the scale of projects in Coronado – their height and number of stories – is always going to be an issue. As far as the Major Special Use Permit and the Design Review process goes, he doubts that the same issues will come up again. Just saying that it is allowed to have a professional space on the bottom doesn't really deal with the big issues. He is comfortable with how the process works now. The Hutchison's are allowed to ask for a Major Special Use Permit. If it is granted they can have a

project in that zone and potentially there could be residential on top. He really thinks the nature of the City is that the bigger that project gets the more likely it will be faced with this again and again. A Major Special Use Permit is discretionary. In that venue he would find himself siding more with the people who want to have Coronado on a smaller scale. The issue is that the City really needs to figure out what it wants to do in R-4. He doesn't see the grounds to overrule the Planning Commissions' decision.

Mr. Monroe feels that Mr. Tanaka has covered it all. A lot of people have talked about why the City hasn't stopped projects from coming into R-4 and why it hasn't been made two stories. A lot of folks don't realize that the State, about five years ago, put in a law that says that a city cannot decrease its potential density. The State has a real serious problem with housing possibilities in the State of California. If R-4 is taken down to R-3, density has to be added to some other area of Coronado so that the same number of potential units exists in the State of California. He thinks it will also apply if people come by and just summarily take the third story off of R-4. The City would be losing units and that would violate the State law. That is one of the tough laws that the City faces on the other side of this issue. He has been dealing with the R-4 area for about 9 years now. When he was on Planning Commission they put together a team that had very, very diverse views and they did the Orange Avenue Downtown Design Guidelines. They looked at the commercial area, then the L-C area, and the R-4 area and developed and updated the guidelines to that. With the R-4 area, it was probably the most interesting area that was dealt with. There were many diverse views on that. There was a pained consensus. Trade offs were made. Some unique things were done. Everyone ended up being happy with it. They left the 40' height limit in R-4, which was a big deal on his part. To not promote the canyonization of Orange Avenue, to meet the FAR requirement of any development that was on Orange Avenue, they didn't want that development to be able to put an internal atrium in the unit and push the front right out on Orange Avenue. That possibility was taken away and setbacks on the first story, second story and on the third story are required. They essentially took the volume out of the project, on the front of the project, so that it would be off of Orange Avenue. They wanted to create a good parking plan because the current plans, within the footprint of a 50' x 140' lot just couldn't do a good parking plan. In order to do a good parking plan, they allowed people to put the parking garage 6' up above grade, the rest underneath, and penetrate 12' into the 25' setback in front. Literally, the cars underground can come forward. The idea was that they could come on top of that with a deck and landscape and make it beautiful on Orange Avenue. That was a nice trade off that was done. It was issues like that that gave the trade offs one way or the other. One very important thing happened. He is glad that Ms. Purvis talked about it. When that was done, it was Gus Theberge who actually gave the City sort of a zoning lecture one day. He said that what is done is that the least attractive houses are put along the main thoroughfare, in this case Orange Avenue, and that is R-4. The very big density is R-4, then you go R-3 and then you get to R-4 – you sort of protect the R-1 with those other things. They didn't recognize, in those days, that there are three blocks of R-1 right next to R-4. That is the three blocks that are being talked about now. That fact did not come into the thinking at that time and it is a valid point. He did say that there are two uses. The agreement was to allow professional offices come – medical, dental, legal offices – with a Major Special Use Permit. In his mind, he never thought that if the City allowed the professional office use in the R-4 area that the City was dedicating that entire lot to a professional office. That was never part of his thinking. He assumed there would be a project where there would be condos and one of those condos may be a lawyer's office or a doctor's office of something of that nature. The people he dealt with and the agreements that he made with people is that consensus is built – the lot was never isolated to professional offices only. Because of that, they ask if mixed use is appropriate in the R-4 zone.

Based on where he has been and where the City has gone today, he likes Mayor Smisek's idea of combined use. He thinks combined use is appropriate in the R-4 zone. His history in the last nine years has supported that and as he has looked at uses, certain uses such as professionals, it is appropriate. People have mentioned mixed use criteria. He wonders what that means. It probably means something like what do people want. In the R-4 area, should it be limited to two or three to a building? What kind of criteria would the City put in there? He does support taking a good look at R-4 because of the discussions today. He knows that one of the reasons Mayor Smisek doesn't like mixed use is because of density. The odd part of this is that if an R-4 building and put a professional office in, it is actually a decrease in the density. That plays different than some of the other projects. He thinks he will find himself upholding the Planning Commission decision today if Council votes on it. He would also like to see the R-4 area looked at again to answer some of the questions that have come up today. He is concerned about the noticing of the Planning Commission meeting.

Ms. Downey agrees with Ms. Wilson. At the time the City was talking about mixed use she was a supporter of mixed use because she has looked for office space in Coronado. It took her ten months to find a place for her own business. The reason the Hutchison's cannot find a large enough dental office in Coronado is because no one can find any large office in Coronado. She put on record that the reason she spoke with Ms. Purvis is because she wanted to get her opinion. When she first read this she was all in favor, and still is, to support the decision to let the mixed use go in because she firmly believes that Coronado needs more office space for professionals. She was rather disappointed when the Orange Avenue restrictions came out because she would have loved to have bought one of those offices on First Street and have her office on the first floor and live above it. She can't do that because she isn't a retail establishment. She thinks the City needs to find a way to do that. That being said, she agrees with the idea that she doesn't want sweeping conclusions that are going to take all the R-4s and suddenly make them something they are not. She disagrees that if Council does something today, that would be the effect. She thinks that, with the assistance of the City Attorney, and a very narrow construction of what the Planning Commission found, the City Council can make a finding specific to this case. She agrees and looks forward to being involved in whatever way the City goes about setting standards for the R-4 zone, but she likes Mr. Monroe's thoughts that the City didn't say that it couldn't have this. The City can have mixed use of professional offices in the R-4 zone. She will be happy to make a very tailored motion such that it can be specific.

Mayor Smisek commented that his whole problem is the generality of the coverage. He has never liked the idea of a headline that reads, "They snuck it through." He didn't even know that when this came to Planning Commission that this was going to be the result. He had already had discussions with Ms. Hutchison beforehand as she was searching for ways to find a way to be able to get their business settled. He believes that the combining of uses is appropriate because they are allowable. He thinks that one of the things that will come out of this, the City doesn't want to give anyone the false impression that the City can't be very restrictive with the Special Use Permit. The City can be extremely restrictive as it has demonstrated in some of the other projects in town. The City does have that right under a Special Use Permit. His general feeling about the final outcome is that he would love to see it be that if any kind of a use that requires a Special Use Permit would be combined with an acceptable use. If it doesn't then the whole project would have a Special Use Permit. He thinks that the proper way to do that would be to disallow and overturn the Planning Commission but the other option, because it sounds like people including himself would like to see a project of this type, is to continue it until the City finds out if some kind of a motion could be

made that would limit it to just this and even better would be if the City could quickly have the Planning Commission and the Community Development Agency discuss how they want to handle this whole combining effort because there are five or six other uses that require Special Use Permits that could be in that same zone. How does that affect parking and the required formula? He has been saying that R-4 is coming back right after RSIP. There might be some opportunities, with not only this project but another project that is being discussed, on maybe making a three story building that hits the 32' and 35.2' ridge line but hides the third story so that it looks like a two story or something like that. Maybe that could be set as the new criteria for the R-4 zone. This kind of thing would be helpful because he doesn't want to give the Hutchison's or anyone else the impression that they are going to be able to come in and build a 40', three-story building under an SUP. He will not vote for that. He is going to try to squeeze it down as much as possible because the SUP allows him to do that. He thinks it would be much cleaner and better if first everyone was noticed within 300' of the R-4 zone instead of just that specific lot. The City Council should find out if a determination can be made that this would not be, for this specific case, if Council continued this hearing. Council needs to know if it could make a decision that would not be precedent setting for the entire zone. In that same timeframe, perhaps the City could come up with some guidelines and some ideas of how to handle a combining of all the different opportunities that are going to be there for permits that require Special Use Permits in the R-4 zone.

Mr. Monroe commented that he is concerned about spot zoning. It sounds like the four City Council members are not opposed to the combined use with professional buildings. It may need further definition, but that really is the issue before Council today, even though it is on this lot. The idea that it might apply to the whole R-4 zone, it sounds to him like Council is for it as it is defined today with the SUP.

Mayor Smisek understands that Council might be in agreement, but he really doesn't think that the public has been properly noticed. He doesn't think the proper procedure has been used. He thinks that the City should take another look at the R-4 zone. If Council really feels there are problems with the R-4 zone, then it really is appropriate that Council doesn't spot zone. He doesn't see consistency in doing things this way. He sees a much more consistent pattern in doing it the right way the first time. He really thinks the City needs to look at this thing as a package and have everyone notified.

Mr. Monroe clearly understands why Mayor Smisek said setting precedent. He doesn't think this sets a precedent. The first time Ms. Hutchison came to him she expressed concerns about being able to do mixed use in R-4. He explained to her that he never thought that, when there was a professional building, that the whole lot was dedicated to that. He thinks there is an ordinance today that permits this, and that is what the Planning Commission said, and that is what is being appealed before the Council today. He doesn't think there is a precedent being set, he thinks the ordinance is there to do this today and if the City wants to change that ordinance he'll jump on that band wagon quickly.

Mayor Smisek said his disagreement is if the ordinance is there that said they could do it they would never have had this determination of use. He thinks that what has happened is that the Determination of Use now applies to the whole R-4 zone. If there is a disagreement among members here about whether it applies or it doesn't to the R-4 zone (in City staff there seems to have been a lot of disagreement) that needs to be clarified.

Mr. Tanaka agrees with a lot of what Mayor Smisek is saying. He is torn between having the applicant being where she is and she needs a ruling. Under the existing rules, he tends to side with her. Council is being asked to appeal the Planning Commission's ruling. He is at the point where he is more ready to not overturn the Planning Commission's decision. He feels they are in the same boat Council is. They tried to interpret the Code and the Code is vague. This discussion is taking place because the Code can legitimately be interpreted either way. Under that thread he can see the reasons for continuance. He asked Mayor Smisek how to get where he is going. He agrees that the R-4 is a problem area. There are one of two ways to go. Council can either deal with this appeal and either vote on that or continue that, but then the bigger issue of R-4 needs to be dealt with. To him it is not fair to the Hutchison's to hold them up for that long. Council either needs to decide that it is continuing this because it needs more time to decide this appeal. He is not in a hurry, but he wants to be fair to the applicant and he wants to be fair to the City. He doesn't want to make the wrong decision. He would rather wait two weeks or however long if something is going to come of that. If the Council is just going to end up in the same spot it is now, would like to resolve it now.

Mayor Smisek is not suggesting that the City needs to resolve the whole R-4 issue before making a final decision. He said he would just like to take it step by step. Have a continuance on this topic, notify all the neighbors within 300' of the R-4 zone on the topic of combined uses. He said he would really like to get away from the term mixed use because it has a bad name in this town that means commercial and residential that is an accepted use with an unaccepted use. This issue is not that case; one use is an accepted use by right; the other requires a special permit which means that it does not happen by right, but it can be used. There is a difference. He would like to get the notification out, and then have a discussion at a City Council meeting of the R-4 combined uses and look at all of them. At that point Council can make the decision of how to proceed. He does not agree that this decreases density; he thinks it increases density by putting that kind of a use in there because more people will live there, but it does decrease housing which is another problem. It would just be a lot cleaner to him if it is going to affect the whole zone.

Ms. Downey asked if the City Attorney could give a legal opinion as to whether or not, when Council takes a vote on this, it has precedential value.

Mayor Smisek explained that, normally, when these kinds of things are done, that isn't done on the spot. Council can either go into a closed session on that item or his preference would be to give the City more time to look at that. There is already one opinion from City staff. Staff and the City Attorney can talk. Mayor Smisek hopes that the Hutchison's are not under the impression that they can max out that building. It would be an inappropriate size for the neighborhood.

MSUC (Monroe/Tanaka) moved that the City Council continue the item for notification for a month or less.

Mr. Monroe added that he is really worried about the noticing. He thinks if there are people who didn't agree with the decision today, that is a fatal flaw.

City Attorney Morgan Foley responded, however it was off-microphone and was not recorded.

Mayor Smisek added that the City Manager reported to him that legally the City may be correct on noticing, but traditionally that is not the way the City has handled issues like this.

Mr. Monroe would like to hear this again within a month.

Mr. Tanaka agrees because even if the City is on firm legal footing, perception matters. He doesn't have any interest in creating the impression that Council did this too quickly or rammed this through or didn't give people the chance to speak. He would rather err on the side of taking the extra month.

Ms. Downey said she wants to be sure that what the Council is continuing for is proper notice for the people in the R-4 zones, not that the City is going to do the entire study of how it wants the R-4 to be with an RSIP type effort, just so that the City gets the proper notice.

Mayor Smisek added that Council will also make a determination of whether it covers the whole R-4 zone.

AYES:	Downey, Monroe, Tanaka and Smisek
NAYS:	None
DISQUALIFIED:	Tierney

Councilmember Tierney returned to the dais.

10. COMMISSION AND COMMITTEE REPORTS:

10a. Report from the Port Commissioner Concerning Port Activities. There was no report.

11. CITY COUNCIL BUSINESS:

11a. Council Reports on Inter-Agency Committee and Board Assignments.

Councilmember Downey attended a meeting of the Shoreline Preservation Committee that is part of SANDAG, a meeting of the Friends of the Library, the Flower Show, the Glorietta Opening Ceremony meeting, a briefing from the Hotel Del and she publicly thanked Ed and Sherry Martin for hosting the last meeting of this year's Military Ball Committee.

Councilmember Tierney reported on the League of California Cities meeting, the Revenue and Taxation meeting, a meeting with the General Manager of the Hotel Del, the Flower Show, 2005 MotorCars on MainStreet and the Public Utilities Advisory Commission meeting.

Councilmember Tanaka attended a Capital Improvement meeting, a meeting of the Chamber Board, a meeting with Ms. Purvis and a meeting with the Hotel Del.

Councilmember Monroe met with Liza Butler and Nick Inzunza and the manager of the Strand housing, the Tunnel Action Team, met with Jeff Tyler of Lambs' Players, chaired the Bayshore Bikeway meeting, met with Greg Cox, with the Transit System about Route 904, attended the Shores meeting, two SANDAG meetings, a meeting with the Hotel Del and ASAP 21.

Mayor Smisek attended the High School demo, “Every Fifteen Minutes,” a meeting of the CIP subcommittee, the Flower Show, MotorCars on MainStreet, a meeting of the Library Board, the Golf Course meeting and a meeting with the Hotel Del.

The City Council recessed to closed session at 7:03 p.m.

11b. Video Presentation by Michael Nesbit, SDG&E Public Affairs Manager, of Summer 2005 Preparedness and Long Range Planning Goals. Scott Crider, Public Affairs Manager, thanked Council for being available. The presentation is basically a summer outlook and an energy update. He introduced JC Thomas to give the presentation.

JC Thomas, Public Affairs Manager, explained that he, Scott Crider, and Terry Smith work with the local cities in the County of San Diego on energy issues. His role is a little bit different in that he works on some of the larger infrastructure and transmission lines, in particular. That is kind of the focus of today’s presentation. He explained that there was supposed to be an 8-minute video but it isn’t quite done yet. It uses some animation to explain the energy business and how electricity flows into homes and businesses.

Mr. Thomas began by saying that this SDG&E has been working with the other utilities, the California grid operator, the Governor’s office and the State Legislature and the Public Utilities Commission to make sure that they are prepared for this summer. SDG&E knew, going into this summer, that there would be adequate supplies of energy. There will not be a problem. If there is a situation where there is a really hot day in the summer, there could be a problem north of the area that could affect the Coronado area because everyone is interconnected on the transmission system. There are some demand response programs and a small, brand new power plant coming on line off of Miramar Road. That will serve the entire region.

In looking ahead, SDG&E has identified three major challenges. There is increasing demand. Every single day the demand goes up. There is population growth. There are existing power plants and transmission lines that are getting older that were built more than 25 years ago. SDG&E also has a new goal – to supply 20% of our region’s energy with renewable power – wind, geothermal, biomass, and solar energy. To help meet those needs, SDG&E developed a long-term resource plan that has a learning order. The first, and the easiest for all of us to do, is reduce demand. Once all that can be done is being done in that area, then turn to renewable energy because that mandate exists. Then they look to building local power plants and the fourth piece is building new transmission lines. They put forward this plan and it was adopted by the California Public Utilities Commission last year. They worked with SANDAG to make sure they had regional input. They worked with various stakeholders in the energy industry and locally in San Diego there are two private power plant owners to make sure that they will continue operating. It complimented what the state’s goals were. It required partnerships and they worked with their cities and the County to make sure they could implement that plan. It is really important that Coronado know today that SDG&E is implementing the first phase of that. That update was shared with SANDAG and they wanted to make sure Coronado is aware that they are going forward with that – they are building two new power plants. The first thing is energy efficiency. The megawatt that isn’t used is the cheapest and easiest way to serve the SDG&E customers. It sounds kind of backwards, but it does work, whether it is using energy efficiency appliances or energy efficient air conditioning systems.

They offer rebates and programs to help customers save money and save electricity. It is a lot easier than building power plants and transmission lines. They are also using and looking into some advanced metering technology where their customers will be able to manage their energy usage through high-tech meters, looking day to day at how much energy they consume. At some point in the future – it could be a few years off, it could be about ten years off – a person could be sitting in his/her office and be able to control some of the appliances in his/her home. The technology is there. It is very expensive. SDG&E hopes the price comes down. It is labor intensive to put in the backbone infrastructure, but they see some changes coming around the corner. They are adding renewable energy. Yesterday they made an announcement that SDG&E is getting photovoltaic energy systems for its rooftops. They put forward a proposal and will solicit some bids. The p-v solar panels will be placed on SDG&E facilities throughout the County. They see that not only as a trend but as a necessary part of their plan. That, if they are going to buy renewable energy through either wind or biomass, they also need to look to their own facilities as an asset to that, so they are moving forward in that direction. Another piece is local power plants. They still need new power plants in San Diego County as a whole to keep the lights on. It also goes back to a point in time during the energy crisis where there seems to have been a shortage of energy. There was a big push to build more power plants. SDG&E is getting two local power plants – one at Otay Mesa and one at Escondido – that will take care of the two ends of the County, and that feeds into the electric grid locally. The Escondido one will come online in 2006 and Otay Mesa in 2008. He added that those two power plants are very large, in terms of output. It is about 500 mega watts of power, which should be enough to serve at least 500,000 homes. There are two older plants, one in South Bay that is scheduled to retire in 2010 and it may be replaced. Duke Energy owns that. There is one in Encino, up in Carlsbad. There is no set schedule for retirement of that plant but it is an older plant. It could be replaced or repowered in the future. Once they have done everything they can with power plants, renewable energy and conservation, they still need to improve their transmission system. They are doing some local changes. They have a Miguel substation that is kind of a central hub of the transmission system. It is located just east of Bonita. They are also making some changes to the corridor that connects that substation up into Mission Valley where there is another substation, and then it goes the other way to the south and comes back around into Linda Vista, the Old Town area. That is a critical piece. It allows them to move power out of the power plant down in Otay Mesa and move it to a lower voltage and serve the customers. They are going to need a new 500 kilovolt line – that is really the thrust of what he is before Council for. SDG&E is reaching out now – they want Council's input and explain why they need a 500 kilovolt line and what that means. It is the highest voltage that is installed in California. San Diego County has one single 500 kilovolt line built over 20 years ago. They made some upgrades to it in the last 20 years, but it is pretty much at its capacity and at some point, probably in the nearer future, they are going to need to build a new line connecting San Diego to the outside world. He added that when they look to putting in new transmission they have to look at all of the options and take public input in the cities and the county input very seriously. It is going to take the regional support and a regional voice to make sure this happens. It is not an easy task. The one that was built 20 years ago is over 200 miles in length and it connects San Diego to Arizona. It makes stops along the way, but it allows us to move power in and out of San Diego. It is pretty much coming in now, because the demand is so high in San Diego, but there is some point in the future where a second link will be needed. Because of the changes in California, renewable energy, on the right, is a major component of why they would site a new transmission line. Believe it or not, transmission lines allow them to move power and relieve some congestion or access cheaper power. The congestion piece is a little tricky to visualize. The only analogy that they have been able to come up with is it is like a freeway. That one transmission line, the 500 kV that was built 20 years ago, is full. No more cars

can be put on that road. At some point they are going to have to build a new, major road analogous to maybe the tunnel project being considered in Coronado. SDG&E needs to have something to move megawatts or electrons back and forth, especially into San Diego to serve their customers. They just can't do it anymore with the one that they have. Reliability is a two-pronged issue. They get up to a certain point where the demand in San Diego continues to grow and they have to have the infrastructure to support that demand. The other part is, what happens if something should happen to the line that does exist? What if the line falls down because of a wind or an earthquake or a fire hits it? If that line goes out of service there is no back up system. On the local side, when power is moved between homes and neighborhoods, there is a redundant system. On the transmission they really don't; there is only the one line that serves the region. Regarding the reliability benefits, SDG&E foresees a shortfall for 2010 that goes out to 2014. There are a lot of ways to meet that shortfall. They can do it by building more power plants, which they are doing, but again, they would have to continue to add power plants every couple of years. Renewable energy can be used, but those kinds of power plants would have to be added every couple of years. And conservation, but eventually, the point will come where the system, the transmission line will have to be built to serve the region. Mr. Thomas addressed the economic benefits. It costs the customers money just to have the lights on as a back up to the lights that are staying on. He explained that there is a cost to the backup supply. There is a cost to having the two older power plants in San Diego County. They are there in case they are needed, but they have to be paid to man and staff them whether they are at full power or at 10% power. They have to be there, operational ready to go, for when SDG&E needs them and there is a cost associated with that. SDG&E can relieve some of that cost by adding transmission. The last point is renewable energy. It is real important to San Diego County and to SDG&E that they go out and look for renewable energy – the biomass, the wind – and they will do everything they can locally but there is a limit. A lot of the potential for solar energy, the wind is in the high mountains and the geothermal is in the desert and some sea area. There is a lot of potential for a tremendous amount of renewable energy out in the desert and they are looking at options. They are out now trying to get stakeholder input on the technical side. Mr. Thomas is not an engineer, but SDG&E has a team of engineers who are working with others throughout California, with other utilities, to make sure that if they are looking at transmission that it is the right technical answer to the problem. The California Energy Commission is a major driver behind this. They are the entity that permits power plants and are looking at the combination of power plants and transmission lines, especially renewable energy power plants, to make sure they all work together and compliment each other. Locally, they are working with SANDAG and others to make sure they get input. Other challenges include an uncertain approval process. They had a project that was turned down after 3 ½ years of work. A tremendous amount of money and resources went into that project and because of some opposition in the Riverside area, where they proposed the project and it was shut down by a 3-2 vote. So, they want to make sure that they get the collective input up front so that they don't propose a project that the community is going to be opposed to. When he says community, he is referring to the greater San Diego County community, including all 18 cities in the County of San Diego. He showed a map that was difficult for the Council to see. The red line down below is that one 500 kV line. There are about 47 lines like that in California, but only one is connected to San Diego. The other 46 are to the north of San Diego, all the way up to Oregon. There are tremendous land use challenges. There is the state park system and private property owners. They will have to sit down, consider some of the issues, and look for a possible route solution that is acceptable to the San Diego community. They are making progress. They have a hearing. There is a transmission plan that they have put forward to the California Energy Commission. It is not very detailed in terms of routes and where a line like this should go yet. They are really talking about the fact that they need

it and they want to make sure that they have consensus throughout the state that this line is needed before they proceed forward. He concluded by saying that they are working with stakeholders and are committed to working with all of the interested parties and customers and they expect to file an application for a project as soon as possible, possibly toward the end of this year or the first part of next year. There is website where people can go and view documents, maps, etc.

Councilmember Downey explained that, in her capacity as a private attorney, she is actually chairing the regional working group on permitting and an environmental process for that line. Mr. Thomas is correct that it is a regional solution and everyone has to work together for the greater good of California. She appreciates the presentation. It helps inform everyone that the line needs to be built. She encouraged everyone in the audience, if they don't know the web page, just go onto the SDG&E site. She gets updates on a daily basis when electricity is an issue. She encourages those people who can to curb their electricity use to do so. It is as simple as not doing laundry that day and putting it off to another day. If nothing else, it reminds everyone that cutting current use is the easiest, cheapest way to avoid having any black outs.

Councilmember Monroe was glad that Mr. Thomas addressed problems with the transmission line. A lot of people want a lot of renewable energy. Some people want as high as 50% of the energy used to be renewable. One of the problems with San Diego County is that the wind is only in certain areas, and the thermal energy is over in Imperial Valley. San Diego is actually tapping about 5% of the thermal energy pool. It is a wonderful idea to use renewable energy, but it has to be gotten to San Diego somehow. That is why this transmission line is so very, very important.

The City Council accepted the report.

11c. Review and Comment upon CEQA Analysis for Airport Land Use Compatibility Plan for NASNI. Tony Pena, Director of Community Development, began by saying that the City Council submitted a letter to the Airport Authority on April 15 on the Land Use Compatibility Plan. Now this is an opportunity to review the CEQA documents that have been prepared for that Plan. In the staff report, we are recommending that the Council authorize staff to write a letter incorporating comments in the staff report as well as what you may gather in today's meeting. As you can tell, we have very specific comments to make. Chiefly, among them, is that we believe that a full Environmental Impact Report should be required of this Plan for the NASNI compatibility area. We also are claiming that Coronado is the responsible agency under CEQA. We are very concerned that the Airport Authority would do a Negative Declaration on such a far reaching plan and then the City of Coronado, later on, following up on the Plan's requirements, would likely have to prepare a full EIR on their own and we just don't think that is appropriate. With that, I wanted to indicate that Mr. Ted Sexton, Vice President of Operations for the Airport Authority, is present today to respond to concerns or questions that you may have. That is staff recommendation on the content of our report.

Mayor Smisek: Okay, thank you. Welcome, Captain Sexton. Good to see you.

Ted Sexton, Vice President of Operations, San Diego Regional Airport Authority: Honorable Mayor, Council members, it is a privilege to be before you this afternoon. I hope that the Council members and the Mayor are in receipt of a letter drafted and sent to you on the 15th of April by the Agency. I am here to restate that position and then be responsive to your comments and take those

comments back. I am the Vice President of Operations for the Airport and as such am responsible for its day to day operations, security, maintenance, environmental compliance. I am not a planner. But I am familiar with the documents that you have reviewed and I have also had a chance to review the staff analysis that's been provided to you. If I might, sir, with your permission, just one section of the letter, not to restate what you already know. The letter states, in part, from Thella Bowens, President and CEO of the Agency that, "Due to the concerns expressed, in this process the Airport Authority would like to take the opportunity to make the following recommendations to our Authority Board: That the April 25th Strategic Planning Committee Meeting, staff intends to recommend that the Board approve additional time for coordination with operators and affected jurisdictions that are developing compatibility plans for the following airport." And NAS North Island stands listed among those nine airports; "to direct staff to develop a timeline for completing the compatibility plans for those nine airports which include NAS North Island, with inputs from the affected jurisdictions, to work closely with the elected officials, staff and other affected jurisdictions, the airport operators to revise the compatibility plans for these airports." My report to you, then, is that we intend to recommend to our planning committee, and again to the full Board which meets May 2nd, in sufficient time to be approved by them for the jurisdictions involved in developing these land use compatibility plans. We have that time to make those recommendations and inputs and decide what actions that you believe are important for your jurisdictions. Sir, that is the staff report from the Airport Authority to yourself and to the Planning Commission.

Councilmember Monroe: I have one comment to add. Ted doesn't know I heard Joe Craver speak this morning at ASAP 21 that he was very optimistic there would be a three month extension. So that is today's news.

Mr. Sexton: I wouldn't want to substitute my judgment for theirs in terms of the time that they may select, but we are recommending that they provide a sufficient time. And I understand from your staff that input from this body might be forthcoming too, which might contain a statement with your recommendations for this time.

Mayor Smisek: Captain, yesterday we had our Navy Complexes Coordinating Committee meeting and we discussed with Captain Alexander, current skipper at North Island, liaison with their office so that our staff and their staff will be working hand-in-glove on the recommendations, especially as you remember the '84 AICUZ. They have actually put in for a new AICUZ study through Southwest Division because they feel theirs is out of date. But it is the current AICUZ as we sit here right now. So, they are going to be, they can't assign a full time person, but they said that on each issue as it comes up that they are ready to come and work with us on that. So, that just goes along with what we stated in our last Council meeting, that we would be making that gesture to the Base and they are going to help us with that.

Mr. Sexton: Sir, and the Board members have been made aware of those deliberations by Council members and the stated position that you come forward with.

Councilmember Tierney: I'd like to go on record as also saying that I personally am wanting to have more dialogue with our representative, Paul Nieto. I have never seen the man. If he got off of a bus here in Coronado I wouldn't even know who he was. I think as a representative, he has a duty to work with elected officials and indeed with the communities. And so I echo, very strongly, Mayor Padilla's comments which were issued in the paper, which, also, he was very upset with the

government intervention. I feel personally that he has a responsibility to contact me or at least some of the other members who would like to have some discussion with him regarding his views.

Mr. Sexton: Thank you, sir.

Mayor Smisek: OK, any questions of Captain Sexton?

Mr. Monroe: I would just like to say that the fact is that that AICUZ study was done when guys like you were in the Brig. And they are a lot calmer today, Ted, than they were then.

Mr. Sexton: You're bringing quite a bit up from the past, appreciate it. [Laughing]

Mr. Monroe: But they have changed the landing 9 degrees off now, the helo's come up, and they don't do IFR, there is so much different there now that we may be a special case. And if every body gets a three month extension, because for ours look well, and it's a huge impact on Coronado. Our entire City is in the zone. And so if we need a new AICUZ study we're going to need more time. It's nice to see you again.

Mr. Sexton: Yes sir, it's a pleasure to be here too.

Councilmember Tanaka: I just want to thank you for coming here. I am very glad to hear what I've heard, because I know our staff has been under the gun and one of the things I wanted to do was thank the staff for acting so quickly. But I do think that extra time is really important. I think it shows the good faith that we are looking for from the Airport Authority Board. And frankly, I wish you had been here at the last meeting because we were all a little skeptical. We were hearing that maybe there would be an extension and what you've said really I find more reassuring than what I heard two weeks ago, so thank you.

Mr. Sexton: Thank you sir.

Councilmember Downey: You won't remember, but we met at some North Island functions many times. It's a pleasure to see you. I'll get a friendly face on the other side of the microphone, so that is wonderful. Three things: The first is I do thank you for the efforts and I'm sorry that Angela had to leave because I know she was very active in getting or trying to get that extension. We greatly appreciate her efforts. And I also wanted to say, although I personally filed comments on Friday, all of our comments are so that we can reach a decision that will work for everybody and they are not meant to be negative towards your staff work. I know your staff is working just as hard as our staff had to. So I just want to preface the comments with that. We have, I didn't see it. It was probably my fault; I didn't check my fax machine this morning. I didn't see a copy of the letter. But once the vote is taken I will feel a little more comfortable when I see it in writing. So, until that time, as I did on Friday, I filed my comments by the 8th because I hadn't seen the extension until the 15th. I will say that it is possible we could talk about maybe not filing comments now, but not until we see something in writing, is my concern. But I appreciate the efforts, but I haven't seen anything yet extending it. Then, I don't think this is the time, Mr. Mayor; you want me to talk about my comments of environmental natures?

Mayor Smisek: We'll talk about that in a moment.

City Manager Mark Ochendusko: I just would like to answer the comment about the letter. We did receive the letter, Captain, thank you. It was addressed from Thella Bowens to me and it came in the mail on Friday afternoon. I haven't had a chance yet to share that with the Council, but we are looking forward to, with anticipation, the April 25th meeting where the Board will consider this, and then again, the May 2nd meeting, where the Board will make a decision. Our only concern about the letter was that the letter, although it did acknowledge the special concerns that exist at the nine airports and North Island, which is important to us, but that the staff would be coming back with a time schedule for working together to resolve the conflicts that we're concerned about. We only ask that enough time be allowed in putting that time scheduled together to assure that we can resolve the issues between us and make sure that the airport can operate safely and the community can remain developed in its current way, and in a way that isn't impacted by your current operations.

Mayor Smisek: Thank you, sir. Now Council members, what we'll do is if you have any additions, subtractions or comments about staff's recommended letter that would be sent with the items included, let's hear those now and then we can take a vote on sending the letter.

Ms. Downey: I'll just go through my list for the record. Can you hear me? I'm just checking because they are telling me we have problems some times. One of the things that was an issue both for me in the Plan itself and in the review of environmental effects from the Plan is that the statute that establishes the need for the Airport Land Use Commission talks about an orderly development of each public use airport in the State and the area surrounding these airports so as to approve the goals and objectives. Because we are already built, overbuilt some would say, any restrictions on what we can do here is not going to promote development in surrounding areas. As a matter of fact, it is going to decrease it significantly. Now, some people here might think that's a great idea, but that does not serve the purpose of the statute and so that's one of my concerns, that that is an environmental effect. As Mr. Monroe pointed out earlier, we have density requirements that are going to be harder to meet and, as I get into some more specifics about the zones that need to be addressed, it seemed to be very easy for the environmental, negative declaration to discuss, well, it is not a problem, we'll just move the school to another zone. Well, that is a problem when you are overbuilt and that does have an environmental effect. And so, I don't think they have properly addressed promoting development in surrounding areas. As a matter of fact, there is no way to promote it by saying we can't do it. That is my first concern. The second is the decision that the Airport Authority made that they didn't have to do an environmental impact report at all because they were going to push that over to the individual jurisdictions. Their argument was, Well we're not really doing anything; we are just proposing a plan. There are two problems with that. The first one is, I will quote from page 99 of our agenda, but it is page 2 of the San Diego Regional Airport Authority's Compatibility Plan Initial Study. The top paragraph says, "The ALUC is therefore empowered to establish height restrictions." Well, as anybody in this community knows, if you want to establish a height restriction it is going to require an Environmental Impact Report, because we just do that here. Unfortunately, if we want to do anything, the community demands we look at all aspects of the environmental affects of our actions. So, for them to make a blanket statement that they aren't going to have an effect when their own plan admits that they are going to be instituting basically a zoning restriction because of height; that would require further environmental review. The second problem with the assumption that they can push an environmental review out to us is under CEQA. If they are the lead agency and we are the responsible agency and we disagree with what their findings are, whether it be a negative declaration or mitigated negative declaration, we have several options. One is, during the process we try to convince them to change, and that is

obviously what we are doing. But if that's not successful we have two choices where we are bound by that determination. That is the problem that I think the Airport Authority needs to understand. If we allow you to do this and we don't fight it we either have to sue you for your finding and prove in court that it was wrong or we have to do our own Environmental Impact Report. That's the only way we can overrule your determination that there was no environmental effects. And, since I know you are experienced in Coronado, Captain Sexton, if this town doesn't do a thorough environmental review, we will be sued. So we are going to have to make a choice – either we sue you or we get sued. The solution to avoid that is for the Authority to do an Environmental Impact Report.

Now, I understand our jurisdiction is slightly separate or distinct than others. Maybe it would be a different environmental review for our airport plan, because I understand there are separate plans and we could do that. Maybe in the plans and other areas where you're using an existing airport land use decision, such as San Diego Airport or some of the others you wouldn't need to do that, and you'll do a specific environmental review focused just on Coronado. I'm not going to speak on behalf of the City or my other fellow Council members, but maybe there is some joint opportunities here for our staff to work with your staff in the decision on how to make such an environmental document specific to us. But I want it to be understood; under CEQA we don't have a choice. If you do what you do and find a Negative Declaration, for us to say you were wrong, we either have to sue you or we have to do our own, because otherwise you are the lead agency. We are the responsible agency, we are going to be stuck with your finding; that is the way it's interpreted. So I have a concern with that. I don't know that we want to go there. Our hope is that we can put this out, get the right plan and get it in effect. I want people to understand that we are not trying to be obstinate; that is what the law says. And in this community I don't think we could accept a Negative Declaration for the effects that we see happening here in Coronado. So, we are going to be stuck doing something.

This is just a process comment and I don't mean to sound like we're coming down hard, but the same requirement that you have in the Land Use Plan to consult you have under CEQA and because we would be bound by your document because you are the lead agency, I think we need to do a little more consultation on the environmental view and I think that would solve my earlier concern if we did. If we worked together and our staff who are sitting behind you worked so hard and are very good at this to help come up with the proper environmental analysis. And it's not just me saying this; that is what the guidelines say is supposed to happen when the lead agency takes over from the responsible agencies. The alternative is we could all go fight and try and have us declare ourselves lead agency but that is obviously not a route we want to go either.

And then, only one other one, and I'll save the rest because I'm quite confident that we will be able to work something out, or I'll just file private comments again, but I think the solution is for your understanding of what our concerns are environmentally and the loss of units due to the down zoning that would happen is a big concern. I'll be honest; I was kind of offended by the comment that after..., my favorite one is on page 46 of the North Island Compatibility Plan Initial Study, page 143 in the packet today, the last five words on that page. Agenda 143. The *Potentially Significant Impact* discussion and if you go to the last five words on this page and it's going to carry over to the next it says, "To the extent such restrictions conflict with current plans to locate new school sites and parks within the airport environs, adoption of the Compatibility Plan could cause schools and parks to be shifted to locations from where now planned. Based upon the above, the Airport Authority has determined that further and more detailed analysis of this topic is not

required.” That is counterintuitive. That doesn’t make any sense, whether grammatically, environmentally, legally; it doesn’t make any sense. If you are admitting we have to make wholesale movements of facilities that would argue that there is an impact. Whether we later decide it is significant or not, we can argue about that, but that is the example of why I don’t think this Initial Study is enough for the environmental review of the Plan’s affects on Coronado. Thank you Mr. Mayor.

Mr. Tanaka: I am really kind of thrilled to be able to follow Carrie because with your last point...I find things like this difficult to go through. I find that I have really amateurish training in reading these things. But one thing I have learned in the last few years is, to me, when someone is trying to get a Negative Dec. rather than really considering the people they are affecting. And again, using my amateurish wit to get through this, there are a few pages that stuck out to me that I didn’t like. So, Page 94 of our staff packet where finally the determination is, “On the basis of the environmental checklist and...study...We find the proposed...could not have a significant effect on the environment, and a negative declaration is hereby adopted.” That’s the first thing, why I was like, well how could they have reached that conclusion. The next one says, well you could have significant impact. To me it is very clear that if you really wanted to and you went through this document, it would be very easy for someone else to check that we could find there are significant effects on the environments. I say that because the more I read this the more it seemed to me that this gentleman who signed this page and signed the others, I just get the impression that he wanted that finding. He wants the finding of: I couldn’t find a significant impact. And Ms. Downey’s point I found to be very interesting because that page he is pointing out a very big impact. He is pointing out that in a city that has no extra space, one of its few schools - we have only one high school; we have only one middle school; we have two elementary schools. One of our schools that has to be moved to a location that doesn’t exist and his next sentence is, but there is no impact, so let’s move on. And I really feel like a lot of these boxes have been checked just so he can see he’s checked them. Ms. Downey’s point is correct that if we go along with these findings we are stuck with them. There is no way we can agree on some of those points that elimination of one of our schools or having no where to put it or all these things, they do have an effect and they do need to be mitigated. The same way when the City of Coronado takes on a project we don’t have the luxury of saying, Well, this might dwarf you, but it has no effect. I want to point out the areas that I was able to spot and just be on the record with them. On page 127, just under General Comment, I felt like the very beginning of the General Comment to me was a whole cop out, out of the whole document, because it says, “Although the Compatibility Plan may influence future land use development...it is speculative to anticipate...” And then it goes on to say at the very bottom, “State law establishes a procedure [where the] local jurisdiction can overrule the [whole process].” And I feel like a lot of the environmental document is deliberately saying, Well, there are impacts, but the City of Coronado can deal with them. There are impacts, but rather than admit it in their environmental document they use logic that I think is flawed; where they feel that state law says you can overrule it. And I think this document should be stating what the impacts are and instead of concluding there would not be an impact. We have to admit there could be, that there are impacts. And since the Airport Authority is going to be the lead agency they have a fiduciary responsibility not to be misleading but try to find the truth. And I don’t think this document is trying to find the truth. On that page, on page 141, *Total Airport Influence Area*, it says, “Implementation of the Compatibility Plan would (*sic*) enable higher residential densities in some ... and would require lower densities in others compared to the densities currently planned.” That effect is though is that it is a fugue. What I found odd about that part of page 141 is that it says, “The net effect, though, is that the total number ... units that can be built in there (*sic*) ... would not be significantly affected

and therefore further analysis is not required.” And I just want to..., it just keeps saying that, rather than admitting, Well, there is a problem here. There are some areas where density will be lower. There are some areas where a whole block will be removed. And then the conclusion is, Well, no analysis required. They’re not explaining how they reached that – they do it in less than a paragraph really, and I will admit that this isn’t what I do for a living but that is a flawed document to me. That isn’t doing what the document is supposed to do; admit where there are problems and admit how they are going to deal with them, or that they are not going to deal with them. But instead of reaching conclusions that are unfounded, than just saying that they don’t need more analysis, or like I said before, they just reached a conclusion, determination that could not have a significant effect. I really don’t see ultimately how this document could reach conclusions that it could not have when the other option is clearly that it could have and does have some impact.

Mr. Monroe: My only concern is, and Casey read the thing, the phrase that says this can be overruled by the local jurisdiction. There are really severe consequences to that. I think our letter points that out. It asks a lot of questions about that, what are our liabilities; does that mean that if we want a project we’ve got to go back to the Airport Authority and say, Mother May I? But it sounds, when some of the speakers from the airport talk about that, it’s, If it really hurts you bad you can overrule us with findings. But there is a lot more that we need to know specifically about their statements and how that works and I am uncomfortable just hearing them say that.

Mayor Smisek: Mr. Tierney.

Councilmember Tierney: Yes, Mr. Mayor, I have also made comments to, regarding the fact that we haven’t really talked clearly, I don’t think, on what CEQA guidelines we want. We don’t want, as far as I’m concerned, a Neg. Dec., we want a Environmental Impact Report (EIR), a full EIR and that is from my side of the house. And I want to be very clear on that. To go from a no impact to a neg. is not going to be sufficient. The second thing is, it is rather important; is that it has come to my attention that the Hotel Del is bisected by a particular line which breaks it in part into two segments and that, to me, is unacceptable. The Hotel Del should not have to go and divide a building in half and that is exactly where the line falls. And that information was given to me by the General Manager of the Hotel Del. So, we would like to see that corrected. Thank you.

Mayor Smisek: Thank you. As you can see, what our intent is, is, we don’t want to go and let everything just kind of flow along and then we have to take our two-thirds vote and say, Well that didn’t count, we’ll be exempting ourselves. The idea, and we discussed this at a last meeting, was that is, the more we can work together and come up with an acceptable plan that every body is comfortable with and still does the job that you have been tasked with doing, the happier we’ll all be. And then it would be a rare incident and I would hope that we’d ever have to take that action where the City would have to exempt itself. So, we’ll present these things. You’ve heard us talk. Your predecessors last time heard us talk. We’re hoping that we get these extensions that it sounds like may occur and we’ll continue to work with you, hopefully, your having, what’s the name of that ... that there is a good liaison going on with Sheila Donovan over at North Island. The Skipper, Tim Alexander, told us that she’s the proper person to be involved and that’s who we are going to be talking with, also. So we’ll be seeing a lot of you guys.

(off microphone, not audible - sounded like a response from Mr. Sexton)

Mayor Smisek: All right, thank you. The recommendation is the City Council review the attached material and Mayor Smisek stated the recommended motion below.

Mayor Smisek: Is there a Motion?

Councilmember Tierney: So Moved.

Councilmember Monroe: Second.

Mayor Smisek: Any discussion? Please vote.

- MSUC** (Tierney/Monroe) moved that the City Council authorized that a letter be sent to the San Diego County Regional Airport Authority that:
- 1. Transmits the City's staff's analysis of potential Initial Study errors detailed in the staff report;**
 - 2. Asserts that the City of Coronado is a Responsible Agency under CEQA for the "Project" of San Diego County Regional Airport Authority adoption of the Naval Air Station North Island Airport Land Use Compatibility Plan; and**
 - 3. Asserts that a full Environmental Impact Report is required to comply with the California Environmental Quality Act (CEQA) for the adoption of the Naval Air Station North Island Airport Land Use Compatibility Plan (and not just a Negative Declaration as proposed).**

AYES: Downey, Monroe, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None

Deputy City Clerk, Brenda Bridgeford: The motion passes, all voting aye.

Mayor Smisek: Thank you, and thank you for staying all this time, Ted.

Councilmember Downey: Mr. Mayor, could I also ask, and I apologize to the staff if we could just do a verbatim transcript of just our comments so that they can be sent to the Airport Commission? Our staff did a good job summarizing, but I think I added a few extra comments that I would like the Airport Authority to have.

11d. Preliminary Review of Alternative Sites for the Animal Care Facility. Paul Crook, Coronado Police Department, explained that the staff report involves a recommendation of potential alternative sites for the relocation of the current Animal Care Facility. As the Council is aware, the Community Development Agency (CDA) is moving forward with the development of an affordable senior housing project at the former police department site at 578 Orange Avenue, which also includes the existing Animal Care Facility property. The senior housing subcommittee indicated that the retention of the existing animal care facility will have a negative impact on the ability to maximize the site potential. The current site consists of approximately 1,500 square feet,

consisting of a 987 square foot building, outside areas and a small storage building. In preparation of this report, the City Manager met with key staff and developed a preliminary list consisting of 29 potential sites, listed on page 152 of the agenda package. The list was reduced to ten sites and eventually to six sites which met the parameters of acceptable land use, compatibility with surrounding uses, sufficient size to accommodate a facility and service level similar to the existing Animal Care Facility and addressing the facility deficiencies that were identified in 2003, City ownership or control and the site does not require cumbersome permitting requirements from other agencies. Based on the listed parameters, staff recommends the following six sites:

- 1) Police Department Emergency Operations Center, with the EOC being relocated to the “expansion area” on the second floor at the rear of the police facility.
- 2) Police Department Sally Port – remodeling of the prisoner intake and bicycle storage areas on the first floor.
- 3) Coronado Cays – next to/near Fire Station.
- 4) Coronado Cays – next to the tennis courts/dog run area.
- 5) Senior Center and lawn area – with a new senior center being included in the design of the Senior Housing Project
- 6) Adjacent to NAB – on City-owned parking lot at end of Strand Way.

Based on previous City Council direction to maintain levels of service, and in order to expedite the site selection process, it is recommended that the City Council accept the list of the six potential sites for further analysis, direct staff to proceed with obtaining consulting services to assist in space planning and site analysis and return to Council with a site recommendation, and appropriate \$25,000 from the General Fund balance to a project account for the space planning.

Mayor Smisek commented that there are reasons why some of these sites were eliminated. He asked what groundwork has been done on the Coronado Cays sites.

City Manager Mark Ochendusko explained that, at this point, this is a list that staff has identified of preliminary sites that simply meet the criteria and would require further evaluation. There has been no public discussion or input yet; that would be something staff would anticipate doing when directed by the City Council to go forward with consideration of any of these particular sites. Staff thought that the Cays site might be acceptable given the distance between the potential location of the facility and the houses, which is buffered by the Park.

Mayor Smisek thinks that the City, if the City Council makes the decision to go forward with consideration of the six recommended sites, the residents in the areas near the sites should be notified immediately so that they understand their areas are under review and that there is nothing yet being built there, but there will be public hearings, etc. so that they can make their thoughts known.

Councilmember Monroe asked for clarification on why some sites were eliminated. He said site of Engineering Dept. facility at First Street and Avenue seemed to him that it would work. He also thought that having the facility be combined with the new Maintenance Facility at the Golf Course was like a likely location, and is quite a ways from housing. He would like to know why those two were eliminated.

Mr. Ochendusko responded that certain locations didn't make the second round of review to proceed with further evaluation due to several factors, including incompatibility of some locations. The Engineering site wasn't recommended for further evaluation because it is immediately adjacent to a residential project and in front of a restaurant and retail center, which really aren't compatible uses to an animal care facility. The Golf Course site was also not further considered because of the City's interest in bringing animals in and out and trying to find an exercise area for the animals, staff didn't feel it was really compatible with being so close to the Golf Course.

Mayor Smisek said he thinks that one of the problems with the Golf Course was that if someone wants to take a dog out and walk it, there is a huge liability issue for people walking around there, as well as the problem with stray golf balls.

Councilmember Tierney would like to make sure that everyone is operating off the same sheet. It is his understanding that wherever the facility is located, it would be similar to the veterinary hospitals in the 100 and 800 blocks of Orange Avenue in that they would be virtually sound-proof from the inside so there would be no noise.

Mr. Ochendusko said that is true; that is what is intended to be achieved.

Councilmember Downey questioned where the five criteria that were used to break down the list came from.

Mr. Ochendusko responded that the Committee that is working on the Senior Housing project asked staff, who were then directed by Council to come back with a plan in the event the Committee felt that animal care could not be accommodated at the current site. Prior to developing anything, staff brainstormed and identified all the sites that could potentially be considered for an Animal Care Facility. To narrow the list and come up with a workable group, the criteria were applied to the list before going any further.

Ms. Downey said she received questions from some citizens as to why CoraMart was pulled off the list; if it was because the City doesn't own it. She wondered if the Council in the past had been reluctant to exercise eminent domain.

Mayor Smisek believes that the City Council had made a determination a long time ago when talking about potential sites for animal shelters that it would be on City owned property. The City has been extremely reluctant to use eminent domain. He thinks there would be a very difficult time for the health and welfare of the City to condemn Cora Mart and make it an animal shelter.

Ms. Downey said she wasn't pushing that option; she understands the reasoning. But people had called her and she wanted it on the record so the community would also know the reason why.

Mr. Tierney wanted to know if he had in mind the correct NAB location on the City-owned parking lot at the end of Strand Way. He believes it is the dirt road that runs adjacent to the Amphibious Base at the south end of the base where the Navy parks uninsured cars. Mr. Tierney followed up by asking when the City will know one way or the other whether this is a viable site and whether the City will have any easements or any boundary disputes.

Mr. Ochenduszko explained that it is an unpaved site on the southwest portion of NAB that is at least partially, if not entirely, City-owned. He said he has asked staff to do a title search and to examine the restrictions that may apply and particularly find the boundaries of that site.

Mr. Monroe said it seems that one of the advantages to having the facility in town is that people who volunteer to walk the dogs, etc., don't have to drive to the facility. He is concerned that having the facility further away would result in fewer volunteers.

Mr. Ochenduszko feels that is an important consideration and is something the City should think about as it goes through further evaluation of the sites. His concern about some of the criteria is that an animal care facility really belongs in a light industrial zone and Coronado doesn't have one. Therefore, identifying a site may be difficult. The City will have to do the best with the site that seems to be the best.

Mr. Monroe said he would recommend that if the Council decides to keep a site in the Cays on the list, that the location next to the Fire Station makes more sense than the location near the tennis courts, which he requested to be removed from the list.

Mayor Smisek responded that he would like to turn the list over to staff as they have requested. He has a feeling that, despite Mr. Monroe's protestations, there could be a lot more that needs to be discussed about the Cays. Plus, the distance may be enough of a disqualifier.

Nancy Splinter, 1027 G Avenue, Vice President, PAWS of Coronado, thanked the City Council for all its time and energy. She said the PAWS Board is very happy to see this item on the agenda. They stand ready with their \$1+ million to help in mutually identifiable ways to make this shelter bigger and better. She didn't see how a basement site at the police department could possibly be considered, but if it must be included it will be.

Mayor Smisek explained that the Sally Port of the Police Station is not the basement; it's the extension on the other side of the building away from the EOC.

The basement is not a site that is being considered. Ms. Splinter said she was relieved to hear that. She said the PAWS Board would request that at least one of their members be involved in evaluating the sites. It is impossible to give any input on the specifics without being included in the research. She added that there are numerous volunteers in town, including a librarian who walks over in her high heels to walk dogs every lunch hour, who have been able to volunteer on a regular basis who may be lost if the facility goes to far away. PAWS is very excited to help in any way the City sees fit.

MSUC (Tanaka/Tierney) moved that the City Council accept the list of six potential sites recommended for further analysis; direct staff to proceed with obtaining consulting services to assist in space planning and site analysis and return to Council with a site recommendation; and, appropriate \$25,000 from the General Fund balance to a project account for the space planning

Councilmember Tanaka said he was glad to hear that the police station basement was not being considered. He admitted he also had the Sally Port confused with the basement, and he is happy the

City is not suggesting putting the animals in the basement. He thinks there are two groups the City needs to work a little better with, the Coronado Cays and PAWS. Even though the City is not trying to keep PAWS out of it, they need to do a better job of getting them involved and to improve communication with each other. He thinks people need to understand how the City of Coronado works, as a Council/Manager form of government. Mr. Ochenduszko really is the “go-to” guy. He thinks a lot more can get done if the City and PAWS work together. Mr. Tanaka thinks the Cays could be a good location, but whether or not a location in the Cays is a solution, if the City is going to consider a location in the Cays, the City needs to let the residents know ahead of time so they can be included in the process. The City should do a better job of meeting with them and he would be happy to help with that effort.

Mr. Tierney commented that he does not feel very comfortable with any of the locations at the Police Station. Accessibility to the public is also an issue. He doesn't like the idea of having additional parking in this area and that is why the Police Department EOC and the Sally Port do not fit his concept. The public must be made aware, through a workshop, that the City intends to have the best facility and the public would have the ability to participate. He said he feels the Cays site near the Fire Station towards the highway is a viable area as long as it is sound proofed, etc.; however the area next to the tennis courts is not unacceptable. There would be a noise issue with barking dogs, etc. The Senior Center and lawn area idea is unacceptable for the very obvious reason that it deletes precious land use. It makes very little sense to close the Senior Center and include room for their activities in the new senior facility, and reduce the amount of room available for more affordable senior housing. He said he thinks the ideal site is adjacent to NAB, assuming that the City Manager and staff are able to resolve whether the property is available. It is next to the highway and there is plenty of room for parking space. It is geographically centered and very close to the new Civic Center. Depending on what the building looks like it makes sense. People wouldn't have to come into the Village area impacting it, and people wouldn't have to go down to the Cays and impact that area. He asks that the Council members who haven't visited that site do so.

AYES: Downey, Monroe, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None

11e. Prioritization of the Elements of the SR75-282 Congestion Relief and Corridor Enhancement Project. This item was continued to the next meeting.

12. CITY ATTORNEY: None.

13. COMMUNICATIONS - WRITTEN: None.

The City Council Recessed into Closed Session at 7:14 p.m.

14. CLOSED SESSION:

14a. CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATORS

AUTHORITY: Gov. Code §54957.6

CITY NEGOTIATORS: Mark Ochendusko, City Manager; Pam Willis, Assistant City Manager; Leslie Suelter, Director of Administrative Services

EMPLOYEE ORGANIZATION: American Federation of State, County and Municipal Employees (AFSCME) Local 127

14b. CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATOR

AUTHORITY: Gov. Code §54956.8

PROPERTY: Easterly 240' of Parcel 3A PR 997820 (Chicago Title) Adjoining the Coronado Yacht Club, 1631 Strand Way, Coronado, CA

NAME OF NEGOTIATOR: Mark Ochendusko, City Manager

NAME OF OWNER: San Diego & Arizona Eastern/Metropolitan Transit System

UNDER NEGOTIATION: Price and Terms

14c. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

AUTHORITY: Subdivision (a) of Section 54956.9 of the Government Code

NAME OF CASE: Citizens for Preservation of Coronado Beach v. City of Coronado

San Diego Superior Court Case No. GIC 845202

The City Council adjourned from closed session at 7:26 p.m. The Council then reconvened at 7:28 p.m. and Mayor Smisek announced that directions were given to the City's negotiators.

15. ADJOURNMENT: The meeting was adjourned at 7:29 p.m.

Approved: April 19, 2005

Tom Smisek
Chair

Attest:

Linda K. Hascup
City Clerk