

**MINUTES OF A  
REGULAR MEETING OF THE  
CITY COUNCIL OF THE  
CITY OF CORONADO  
Coronado City Hall  
1825 Strand Way  
Coronado, CA 92118  
Tuesday, August 15, 2006**

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  
City Clerk Linda Hascup

**2. INVOCATION AND PLEDGE OF ALLEGIANCE.** Chuck Howe provided the invocation and Mayor Smisek led the Pledge of Allegiance.

**3. MINUTES:** Approval of the minutes of the Regular Meeting of June 20, 2006, the Regular Meeting of July 18, 2006 and the Special Meeting of July 12, 2006, a copy having been provided Council prior to the meeting, were approved as submitted. The reading of the minutes in their entirety was unanimously waived.

**MSUC (Tanaka/Downey) moved that the City Council approve the minutes of the Regular Meeting of June 20, 2006, the Regular Meeting of July 18, 2006 and the Special Meeting of July 12, 2006, a copy having been provided Council prior to the meeting, as submitted.**

**AYES: Downey, Monroe, Tanaka, Tierney, and Smisek**

**NAYS: None**

**ABSENT: None**

**4. CEREMONIAL PRESENTATIONS:** None.

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

Councilmember Downey commented on Item 5f. She understands why the City is removing the in-pavement flashing crosswalk but she appreciates the staff keeping up on the technology so that at the time it becomes a more feasible alternative that the City Council can look at it again.

Councilmember Tanaka also commented on Item 5f, saying that he shares Ms. Downey's opinion. In his mind, Del Mar is an example of how to do the flashing pavement correctly. He doesn't want to abandon this project but does want to abandon it at that intersection.

Councilmember Monroe stated his concurrence with both of those comments.

Bob Lindsay, 1117 Isabella Avenue, said he just became aware that this was happening. He uses that crosswalk quite a bit. When it was first installed it worked fairly well but it has gone downhill since then. He said he believes this one is powered strictly by solar. The other ones that he has used in northern California have been hooked to the electrical grid and have been much brighter. A lot of them have audio warnings and they are pretty effective.

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

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

**5a. Approval of Reading by Title and Waiver of Reading in Full of Ordinances on this Agenda.** 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. 10052075 thru 10052789 audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

**5c. Approval and Acceptance of the Completion of the Glorietta Bay Civic Center and Promenade Project Phase 1-B.** PCL Constructors was issued a contract on February 9, 2004. The project was substantially completed in accordance with the project plans and specifications on July 15, 2005. The delay in the Notice of Completion is due to the completion of the City Hall and Community Center buildings, Promenade, north parking lot and Boat House Restaurant 1887 trash enclosure. **The City Council accepted the project and directed the City Clerk to file a Notice of Completion.**

**5d. Approval and Acceptance of the Completion of the Temporary Animal Care Facility.** OSSO Miller Pacific was issued a contract on July 24, 2006. The project was substantially completed in accordance with the project plans and specifications on August 4, 2006. **The City Council accepted this project and directed the City Clerk to file a Notice of Completion.**

**5e. Adoption of a Resolution Supporting H.R. 2804, the ADA Notification Act.**

Congressman Foley (Florida) has introduced new legislation to require that a 90-day window of opportunity be provided to correct minor ADA access violations. It appears that the spirit of the Americans with Disabilities Act of 1990 is being abused by a growing number of attorneys. These lawsuits are being filed without giving small business owners the opportunity to remedy the alleged minor technical access violations. Therefore, the City of La Mesa is seeking support of California cities for an amendment to the Americans with Disabilities Act to require a 90-days to correct violations, prior to filing a lawsuit. The General Assembly of the League of California Cities will consider adopting a similar resolution at its annual meeting on September 9, 2006.

The City of Coronado works to ensure equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. Coronado's village atmosphere is maintained by many small "Mom & Pop" retail and restaurant establishments. An amendment to the Americans with Disabilities Act would allow these small businesses to remedy any alleged violations before a lawsuit is filed.

H.R. 2804 would inhibit the abusive practice of certain attorneys filing lawsuits for easily correctable ADA infractions and would enable small businesses to work with the disabled community to correct minor violations and improve accessibility for the disabled.

Upon adoption of this resolution, staff will track these pieces of legislation and send letters of support as necessary. **The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO CALIFORNIA SUPPORTING H.R. 2804, THE ADA NOTIFICATION ACT. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8166.**

**5f. Report Regarding the In-Pavement Flashing Crosswalk at the Intersection of Ocean Boulevard and Isabella Avenue.** In March 2005 the Engineering Department conducted a pedestrian count survey to determine the amount of usage of the lighted crosswalk and to observe if pedestrians were activating the LED flashers. The survey was conducted on Sunday, March 26 between 12:00 and 2:00 p.m. to capture the assumed peak pedestrian hours during the traditional "spring break" vacation period.

It was apparent that the most heavily used crosswalk is the one fitted with LEDs. What is surprising is the low number of activations of the LEDs by crossing pedestrians. Staff has spent time observing pedestrians crossing the lighted intersection and determined that many are unsure of the function of the lights or are unaware how to activate them.

The attractiveness of the LED system the City installed is its low power consumption, wireless operation capabilities and little, if any, maintenance concerns. Unfortunately, staff has found that the raised pavement markers housing the LEDs are not necessarily maintenance free and they are very susceptible to damage from street sweeping operations. Also, because of their proximity to the beach, the plastic lenses covering the LEDs and solar cell get heavily abraded, possibly reducing the efficiency of the units. Since the inception of this demonstration project the City has had to replace four of the LED raised pavement markers. The manufacturer of the crosswalk system, Spot Devices Inc., provided replacement LEDs free of charge for the first year. All replacements thereafter are the responsibility of the City at a cost of \$500 per LED.

Currently, there are two LEDs that are not working. Unfortunately, the particular LEDs the City installed are no longer being marketed by Spot Devices as they have developed the next generation LED that is significantly improved in design and function and is not compatible with our current system. It is estimated that it would cost approximately \$2,000 to replace them with the updated model, assuming compatibility issues can be worked out.

Lighted crosswalks are a relatively new technology as a traffic control device and the design and function of that technology will continue to improve. While initially impressed, staff feels that the flashing crosswalk needs improvement to the design of the LED housing to reduce the amount of maintenance, the LED's light output needs greater intensity to be seen by drivers during daylight hours and it needs a more effective way to have pedestrians activate the flashing lights. The issue of the lighted crosswalk was presented to the Traffic Operations Committee (TOC) in September 2005. At that time the TOC agreed to leave the crosswalk in place and monitor its functioning while not committing a large amount of resources for maintenance. **The City Council directed that the existing flashing crosswalk be removed. The City Council also directed that no additional lighted crosswalks be installed at this time but to continue to examine the technology as it evolves for possible future use.**

**5g. Resolution Appropriating funds to the Community Development Revolving Fund and Authorizing the Disbursement of Such Funds to the Community Development Agency of the City of Coronado (CDA) for Redevelopment of the Glorietta Bay Marina, Secured by Revenues from the Marina and Leasehold Property.** There is a duplicate item appearing on the CDA agenda related to this item. The loan has been structured similar to previous loans with the CDA, as a line of credit to the Agency not to exceed \$4,000,000. The loan is to be repaid within 15 years and provides flexibility for early repayment. It is secured by the revenues generated by the leasehold property, which includes the marina slip rents, charter operations, boat rentals, and the restaurant rent. **The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO APPROPRIATING FUNDS TO THE COMMUNITY DEVELOPMENT REVOLVING FUND AND AUTHORIZING THE DISBURSEMENT OF SUCH FUNDS TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF CORONADO. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8167.**

**6. ORAL COMMUNICATIONS:**

**a. Norman Funk, 1415 Second Street,** introduced himself to the City Council to say that he was applying for the open position on the Citizens' Advisory Committee to the CDA.

**b. Steve Bruce, 618 I Avenue,** spoke regarding the negative aspects of leaf blowers. He played a recording of the sound and displayed a picture of a leaf blower.

**c. Lisa Thompson, 360 F Avenue,** spoke in favor of making Coronado smoke free and told of an incident when she experienced respiratory arrest as the result of exposure to cigarette smoke.

**d. George Lanman, 815 Second Street,** spoke regarding the school pool. He asked that the City Council consider putting in writing a policy to not ever provide funding for the

school pool, or to explain to the tax payers why they do not have such a policy. He brought up the traffic and parking issues in that already impacted area.

**e. John Orlowski, 421 D Avenue**, read a statement about the legalities of the City's purchase of property for low-income housing. He also requested that his written communications be added to the minutes from the July 18th meeting.

**f. Councilmember Downey** apologized to the person who called her regarding an interview by a Boy Scout for a merit badge. She advised that her phones had died and all of her messages were lost. She was hoping someone who knows him would pass the word that the Council members often do this and she would like to have the opportunity to work with the Scout.

**7. CITY MANAGER:**

**7a. Update on Council Directed Actions and Citizen Inquiries.**

**8. PUBLIC HEARINGS:**

**8a. Public Hearing: Introduction of an Ordinance Adding Paragraph 6 to Subsection 40.48.055 of Chapter 40.48 of Title 40 of the Coronado Municipal Code to Establish a 9:00 p.m. to 6:00 a.m. Curfew at Bayview Park [CP 1-06 (PC 8-06)].** City Manager Mark Ochenduszko explained that staff's recommendation is to table this item and explained the issue that came up at the Coastal Commission. Councilmember Downey questioned whether the original proposal would meet the Coastal Commission's approval. Mr. Ochenduszko responded that it would not. **City Council consensus was to table this item.**

**9. ADMINISTRATIVE HEARINGS:**

**9a. Administrative Hearing: Appeal of the Historic Resource Commission's Determination that the Residence Located at 300 First Street Meets the Criteria to be Deemed a Historic Resource in Accordance with Chapter 70.22 of the Municipal Code (NOI 5-06, Jeanne L. Beck Trust).** Mayor Smisek explained the rules of an administrative hearing. The City Council members can ask comments of staff following the staff report. They will also provide knowledge of any information received prior to this hearing that is not contained in the staff report or the documents submitted to the City Council in the agenda packet. Then Mayor Smisek will call the speakers forward. First will be those supporting the decision followed by their witnesses. The next speaker will be the appellant followed by the appellant's witnesses. There will be time for a supporter's rebuttal and finally an appellant's summary. The City Council will deliberate following the testimony.

Tony Pena, Director of Community Development, explained that prior to 2004, demolition permits were issued essentially over the counter in the Building Department. They were a non-discretionary, ministerial permit. In 2004, the City Council adopted an ordinance requiring that, for buildings that were 75 years of age or older, staff refer the property owner to the Historic Resource Commission (HRC) which would then determine whether this property met the criteria considered historically significant. If the property owner wanted to pursue a demolition permit

and the property was considered historic, then they would have to submit another application to HRC requesting an alteration permit which would include demolition if so desired. At that point the HRC would have a different set of criteria to evaluate the request for demolition. Some of the criteria may include hardship, the condition of the building, etc. In this case, the property owner inquired about a demolition permit. Because the property was significantly older than 75 years, he then applied to the HRC to see whether the property met the criteria for historic significance or not. The HRC determined that the property was historic. So, that action was appealed to the City Council on June 28th and now it is the City Council's responsibility to either uphold or overrule the HRC action. If the City Council upholds the HRC recommendation, the property owner can still submit to the HRC later on for an alteration permit which would include request for demolition. If the City Council overrules the HRC recommendation, then the property owner would be free to request a demolition permit.

The staff report contains some of the findings made by the HRC on this item. The HRC found that the property at 300 First Street is a good example of a Hawaiian plantation beach architectural style of which there are not many in the community. They also found that additional significance was added because of property related to the Jessop family and Dr. George Thompson who were significant figures in the community.

Susan Keith, 801 Tolita Avenue, Chairperson, Historic Resource Commission, spoke as a member of City staff. She said the decision was a slam-dunk as far as the HRC was considered. There was much discussion about this property because the HRC does not take this lightly. This piece of property is 103 years of age. It is a Hawaiian plantation style. It may be the last remaining one in town. It was associated with Dr. George Thompson who was either the first or the second Navy flight surgeon as she had heard her parents discuss occasionally. He lived in that house for many years and in that time he treated all the citizens of Coronado. The Jessop family was also involved with this house. At one time Mr. Joe Jessup, Jr. gave an oral dissertation/interview to Joe Dittler, the Executive Director of Coronado Historical Association and pointed out to Mr. Dittler the houses that his family built along First Street, of which this was one. So, for all of those reasons, the criteria was met and the house was designated historic. The staff report points out some questions about the relationship between 300 First Street and 320 First Street. On a vote of 3/2 the HRC allowed the 320 First Street property to receive a demolition permit. It was over 75 years of age but it was not identified with any people or families of note. A perfect example of its architectural style was right next door. She personally felt that the criteria needed to be stronger for making 320 First Street historic. The vote on 300 First was 5-0. Another subject that has come up is the condition of the house. The house is in poor condition. There is nothing in the ordinance that speaks to that as criteria that this Commission is supposed to use. If HRC did take into consideration the condition of houses there would be many of the 82 places in Coronado that would not have been granted historic designation. Trant Manor is a perfect example. The condition of property is not subject to review by HRC. If the HRC decision is upheld and the applicant wishes to come back to the City Council with a demolition permit, he has that process available to him and at that time the condition of the property can be brought up as well as any financial hardships. But during this process, that is not called for. That comes in the next process. Ms. Keith stated in conclusion that the HRC has reviewed 41 or 42 applications for demolition and has granted 38. The members take their job very seriously and know that the decisions they make affect the property owners, the neighbors, and the community, and they respect the personal property rights of everyone. She owns property and has property rights but only within the laws of the City. She cannot build a 10-story property at her house nor can she open a gas station because it is against

the laws of Coronado. The laws of the City of Coronado right now say that this home is historic. She said that this is a very historic structure for Coronado and she hopes the City Council will uphold the vote of the HRC.

Mayor Smisek asked Mr. Pena to reiterate the two options and how they would affect the applicant.

Mr. Pena explained that a City Council action to uphold the HRC finding that this is a historically significant property would confirm their decision that it is a historically designated property. Therefore, the property owner could submit an application to the HRC requesting a demolition permit. At that time different variables could be taken into account by the HRC, including the condition of the building, levels of hardship, the economics involved and a variety of contributing factors that would create an appropriate decision at that point. That decision is also appealable to the City Council. He added that, in that same process, if the property is considered historic then the City Council has to consider CEQA as part of the process prior to granting a demolition permit. Staff is not sure what that would amount to at this point. The second option of the City Council, to override the actions of the HRC, would essentially provide a statement to the property owner that it doesn't meet the criteria for historic designation and therefore, the action of the City would then lead the applicant to immediately apply for a demolition permit ministerially through the building section of the Community Development Department.

Councilmember Downey asked about the applicant having to ask for demolition twice. Mr. Pena affirmed that there is a two step process. The intent was to demolish the structure. When that first became apparent to staff, staff referred the trustee to the HRC. Mayor Smisek added that then the HRC made the determination that it was a historic resource and the trustee has to apply to them for the permit through the HRC permit process. Ms. Downey said she was simply trying to suggest that there can be one step to apply for the demolition. They can request the demolition with the caveat that if there is an historic determination they are still intending to request demolition.

Mayor Smisek asked Ms. Keith about the house next door. Ms. Keith said she voted affirmatively to allow its demolition with the rationale that 300 1<sup>st</sup> Street was right next door, so that there would still be another structure of Hawaiian design and because no one of note had lived in that house, nor was there a noted architect or contractor. The only thing it had going for it was the age and the architectural style. It is not believed to have been a Jessop home.

Councilmember Monroe asked what time frame would be involved if the appeal is denied and the property owner has to come back to request a demolition permit. Mr. Pena explained that it is a public hearing item. The general time frame would be approximately one month to go through that process at both the HRC and then the City Council.

Mr. Monroe turned to the idea of CEQA coming into affect. What is Mr. Pena's prediction about whether a situation like this would get a Categorical Exemption or does it drive a homeowner into a \$100,000 CEQA study by a consultant? Mr. Pena responded by saying that the two-month process would make an assumption that there would be a Categorical Exemption under CEQA providing for the request. If it should go to a Negative Declaration or an EIR it will not be a two month process.

Mr. Monroe asked if it is Mr. Pena's feeling that it would probably qualify for a Categorical Exemption. Mr. Pena does not feel that he is able to answer that question at this time. Ms. Keith suggested that SOHO might be able to answer that question. Mr. Monroe pointed out that the recommendation from staff is to uphold the HRC decision and asked Mr. Pena what he based that recommendation on.

Mr. Pena explained that it is staff's position to support the City's commissions. Staff feels it is a rational action that the HRC took. Staff did provide an alternate recommendation for Council's consideration.

Mr. Monroe asked if the statement that the condition of the property is not to be considered at this time is a legal restriction on the City Council at this time.

City Attorney Morgan Foley explained that the appellant might want to set forth whatever reasons he has for not designating historic as he or she may want to do. He thinks that Ms. Keith is referring to the simple fact that this is an appeal on the designation itself. The City Council has to determine whether the HRC was correct in finding that it met the elements to call it a historically designated property. After that, when the next round comes to the HRC and ultimately, perhaps, to the City Council, there would have to be a determination as to whether any other factors existed, notwithstanding that designation, to justify issuing the demolition permit. With respect to the CEQA issue, there have been reported cases where a historically designated building or property has required CEQA review. There has not been analysis on this yet, but there could be a Categorical Exemption under some circumstances or it could require an EIR under other circumstances.

Mr. Monroe was interested in the statement about the condition of the property because in both the minutes of both hearings at the HRC the subject of 320 and 300, both staff reports indicated that the properties were not in good condition. The Commissioners themselves talked about the condition of the property as they were deliberating at that time. To hear that they can consider that but the City Council cannot seems strange to him when the record itself reflects that was an issue particularly for 320.

Mr. Foley reiterated that he does not feel that this is something the City Council cannot consider, but it is not necessarily relevant to the decision as to whether there is historic significance to the property. The condition now does not determine whether a noteworthy person or an architectural style, or a famous architect or the age should be different just because it is in poor condition. What the City Council is considering now are these factors that determine whether it should be, regardless of its condition, designated an historical resource.

Mayor Smisek asked if any Council members have any information to disclose.

Mayor Smisek disclosed that he had a conversation with Ms. Keith about the issue. He has driven by the property and has looked at it from curbside.

Councilmember Downey drove by as well and spoke with Dave Gillingham who had toured inside the property. She reviewed the reports. She also did some research on the mold issue.

Councilmember Tierney knew the former resident and saw the inside of the home. He had discussions with Susan Keith on this issue.

Councilmember Tanaka spoke with Ms. Keith, visited the property twice on the outside and received emails from Dave Gillingham.

Councilmember Monroe discussed the issue with Susan Keith on the telephone, received permission to tour the property from the owner and did so with Dave Gillingham. They found that many windows have been replaced that are not historic and that the exterior was tex-coated in the 1960s.

Mayor Smisek called for testimony from the supporters for the HRC decision. He called Ann McCaull, Susan Keith, Gerry MacCartee, Deni Herron, and Florence Draper who all said that Ms. Keith had given clear, thorough comments and they did not need to also speak.

Sharon Lynn Sherman, 1109 Eighth Street, spoke on behalf of the Cottage Conservancy. She feels that this issue just isn't about the owner and his family. This issue is about the entire community. It is a very difficult job for a democratically elected City Council to balance the property rights of an individual against the community's right to regulate its land usage for the benefit of all the citizens of its community. She doesn't underestimate what a difficult job the previous City Councils have had in doing this balancing test and determining what is appropriate for the community, but they did all of that hard work and through that hard work they passed the City's historic preservation ordinance. That ordinance directs and mandates that the community's historic resources must be preserved for the mutual benefit of the community, for those who live in Coronado, for those who visit Coronado and for their children, grandchildren and great grandchildren. This issue affects hundreds and thousands of people. Under the City's ordinance, the HRC is tasked with the duty to determine which of the City's structures are historic resources and they are given a very specific set of criteria to do that. Condition is not one of those criteria. Once they have evaluated those criteria, if the HRC says that the structure meets those criteria, then by the democratically enacted law, they have to deny the demolition permit. The job before the City Council isn't to restart the debate over personal property rights versus the rights of the community as a whole to regulate its land use. It is not the City Council's job, to have a referendum on historic preservation. And it is certainly not the City Council's job to determine whether this particular applicant and this particular applicant's trust and family should be exempted from the City's law as it stands today. The City Council's job today is to determine whether the criteria were met for this particular structure, and clearly it is. It is over 75 years old. It is part of the First Street compound of the Jessop family and the Conservancy does have a copy of the interview between Mr. Ditler and Joe Jessop, Jr. Was it the first or second flight surgeon that lived there? She does not know. But naval aviation was born at North Island and whether he was the first or second, he is a person of renown who lived in that house, became a member of the community, and treated a lot of people who lived here before there were full time physicians at night. It also may be the last example of Hawaiian plantation architecture on the island. She focused, too, on what can be told to this applicant. Somehow it is made to sound that if this house is an historic resource the owner can't do anything with it and that is far from the truth under the City's historic ordinance. The ordinance gives any land owner owning an historic resource an opportunity for waivers of all sorts of building requirements. This piece of property that is valuable to the community can be made into something that would meet the needs of a family today. The Cottage Conservancy has made that offer to this particular applicant - to give its resources. Their offer has been declined. In any case, the Cottage Conservancy stands ready to help Mr. Beck and his family in any way it can to make a win/win

situation out of this - to keep a historic resource for the benefit of the community in general and to make a development project that will be an economic return for him and his family.

Martha Jordan, 1125 G Avenue, shared an old photograph of the house facing the Spanish bight before it was filled in. She said the picture showed what a prime location it was in and that it is a very important building. She urged the City Council to have the courage and integrity to save it for the community.

Nancye Splinter, 1027 G Avenue, thinks that this agenda item is about much more than 300 First Street. She and her husband don't believe that the lower density initiative would have made it to the November ballot if the citizens of Coronado were confident that the majority of the City Council had a firm commitment to historic preservation and a reasonable density. There are increasing concerns that a majority of the City Council condones lot splits, McMansions, billy boxes, and destruction of historic homes. The Mills Act and the RSIP that the City Council has put in place certainly go a long way in a positive manner, but there is no doubt that this house is historic and there is no doubt that it can be renovated. The community really benefits from each historic house that is salvaged. SOHO and the Cottage Conservancy have stepped forward to try to make this work for the current heir. There are some realtors who specialize in selling historic homes. This house needs an owner who sees the potential and is willing to take on what will be quite a project. There is no doubt that the house meets the criteria. There is no other house on the island like this particular one. What is in doubt is the City Council's commitment to historic preservation and whether it will back its own HRC.

Caroline Murray, 770 Coronado Avenue, did not speak.

Bruce Coons, 51 Aruba Bend, Save Our Heritage Organization (SOHO), passed out some photographs of a Hawaiian plantation house in Hawaii. He said that 300 First Street has always been of interest to SOHO. It is an extremely important, extraordinary house. There is not another house like it in San Diego County. The house he passed out the photo of was built in the 1850s called Grove Farm. It is a city museum on Kauai. It is very much like the house at 300 First. SOHO believes that it is eligible for the national register. It is older than the date that the City has. It is definitely 1890s and is all Victorian materials. It probably dates in the same time as the Red Roost or maybe a little bit earlier, which is on the national register. There are some condition problems on the house that can be taken care of. This house is largely all hard redwood, first grove redwood, so it is easily repairable. There has been discussion about economic prosperity. 81% of Americans traveling last year visited cultural and historic sites. What they wanted to see were neighborhoods and areas that are different from where they came from. They spent more money than any other kind of tourist, they stayed longer - it is economically essential for Coronado to retain its historic character. They believe that they could arrange, given time, if the owner was willing, a willing buyer to buy this house and realize as much if not more profit than he would from building new on the site by retaining the house in its current form. SOHO hopes that the City Council upholds the designation, but if they choose not to, the Fair Argument Standard under CEQA has already been made by the action of the HRC. For purposes of CEQA, it has to be treated as historic today. This house, since the discretionary process was started, cannot be removed from the discretionary process and the Fair Argument Standard will hold even if the designation was overturned. This house is extremely important to Coronado and represents what the ordinance is all about.

Alana Coons, 51 Aruba Bend, SOHO, feels that this is an extremely important home that reflects Coronado's cultural patrimony. That is not something that can be regained once lost. This is an irreplaceable piece of Coronado's heritage. One thing Coronado does not need, nor does it gain from, is yet another stucco box, even a decorative stucco box. This community is losing its character every day. The City Council, as City leaders, must begin to take a stand to protect this community, especially its most significant pieces of its architectural heritage. Financial hardship cannot be claimed on a \$1+ million property, not even in Coronado, especially when the property can realize as much money, if not more, by doing the right thing. The fact remains that historic properties are more valuable than a comparable, non-historic home. The condition of the property is moot point. The extreme rarity of the home demands restoration and care, regardless of the condition. It has also been SOHO's experience that homeowner's requesting demolition always claim two things - the condition is poor and cannot be restored and financial hardship. The homeowner has been offered assistance at every level, from assessment of the condition to restoration of it to marketing of the home, even to bringing interested buyers to the home and the homeowner has not made an attempt to work with the preservation community. She spoke environmentally by saying that it is irresponsible for people in this day and age to build new with new materials and expending new energies when there is an existing and wonderful building.

John Eisenhart, SOHO, and practicing architect in the City of San Diego, said that he has never really encountered that a property is diminished by keeping it historic resource. One can do an addition respectfully, create more density than is there right now and it will be economically in a better position in the future. It really is important to save the fabric of the building. They talk about green architecture now. The materials here are more than 100 years old. There is no old growth lumber any more. The character, the feel of an old home, the way it sits on the land is all irreplaceable. He hopes that the house is saved and that the City Council continues to look at the community in Coronado as a wonderful collection of different styles. It is very valuable to retain a different era, a different way of perceiving life.

Welton Jones, SOHO, San Diego resident, commented that when Coronado passed its preservation ordinance two years ago, preservationists throughout the County were impressed and delighted with the City Council's stewardship of the County's most concentrated historical community. 300 First Avenue is a stunning treasure. He had no idea that such a gem still existed anywhere in the County. And to find it in such pristine condition and protected is bliss indeed for a preservationist. He urged the City Council to take the next step and uphold the ordinance.

Other supporter's witnesses were Elizabeth Courtier, SOHO, and Storey Vogel, 350 D Avenue. They were not present. Correspondence was received from the following supporter's witnesses:

Ron and Kathy Clark, 707 First Street  
Nancy Kennedy, 176 F Avenue  
Jean Organ, 744 F Avenue  
Helen and Edwin March, 909 First Street  
David Tugend, 161 F Avenue  
Mark Johnson, 1504 Glorietta Boulevard  
Mary Joralmon  
Susie Piper, 930 I Avenue  
Constance Turner  
Bob Lindsay, 1117 Isabella Avenue

Mayor Smisek invited speakers for the appellant to speak.

Barry Beck, appellant, gave his presentation. He began by saying that he is before the City Council to appeal the decision made on June 21, 2006 by the Historic Resources Commission resolution 2006 designating 300 First Street a historical resource and denying his application for a demolition permit. He went on to challenge the three criteria the HRC states that his house meets. After researching Dr. George Thompson he has found no documentation nor has he been presented with documentation showing Dr. George Thompson's status of being first or second flight surgeon or ever having lived at 300 First Street. It is not enough to merely say he lived at 300 First Street. Because of the seriousness of these proceedings and the profound effect it may have on the Beck family, there needs to be documentation. The Jessop family did build several homes along First Street, but this home was not one of them. Documents indicate the property was purchased by the Simpson family. The house was also built by the Simpson family. There is no documentation of any involvement of the Jessop family on this property. As for George Thompson, identified as a person significant in local history, who assisted the military and civilians needing medical needs within the community at any time - day or night - Jean Beck and Edgar Beck both had history in this community. Jean Beck provided medical care to both civilian and retired military as an intensive care nurse at Coronado Hospital for 30 years, caring for hundreds of patients. Edgar Beck was a retired Naval officer, survived Pearl Harbor after being forced into the water when USS OKLAHOMA was bombed and then helping with the rescue efforts of its crew. He also served as a member for many years as a master of the Masonic Lodge in Coronado. Before he died he was manager of the Coronado Golf Course and was also instrumental in the redesigning of the front nine holes to accommodate the Coronado Bridge. Within the project analysis of NOI 5-06, their application for a demolition permit, Ann McCaull made reference to the HRC of 320 First Street, having similar architectural style and was owned by Arthur Simpson in the 1920s as well as 300 First Street. There is a good reason for this comparison. Both properties were owned by the Simpson family. Both houses were built around the same time, with the same type of material and method. It also had board and batten and single wall construction, a veranda across the front of the house, same type windows and low hip roof. But on April 12, 2005 the HRC adopted Resolution 20-05 which formalized their findings. The property at 320 First Street does not meet the criteria to be considered a historical resource. If you look at Criteria C in that same document you will note the HRC's opinion was, "it is not one of the few remaining examples in the City possessing distinctive characteristics of an architectural style or is valuable for the study of the type, period or method of construction, has not been substantially altered." Page 10 of the same document NOI 4-05, paragraph 3, Ann McCaull says, "the structure reflects a truly simplistic beach house architectural style found in Coronado and other beach communities and is similar in architectural style with the property at 300 First Street, also owned by Arthur Simpson." Further down in that paragraph Ms. McCaull indicates that other than architectural style, she could not find any other criteria indicating this property should be deemed a historical resource. If you look at one home, you can't help but see the similarities to the other home. It was often said that the house at 320 was built as a guest house for the main house at 300 First. He asked where the consistency is in the decision made by the HRC. He said he only asks for the same consideration. He thinks real property ordinances need to balance legitimate community interests with the needs and rights of individual homeowners to use their property as they see fit within the law. The HRC's decision, in his case, is a substantial taking of value from the Beck family without an equal, adequate gain to the community. The result is an unnecessarily extreme hardship to the Beck family. The historic component of the HRC's decision seems minimally significant to the City of Coronado

in this case. Prior to June 21st of this year he had the right, under existing City ordinances, to spread his property and the HRC's decision preventing this demolition frustrates this right and denies the Beck family substantial value and the ability to build a new home. The Beck family has owned and lived on this property for 48 years. They have lived and worked for this community since 1956 and have built a portion of their own history in this community. Yet, the people who speak against them don't seem interested in their rights, desires or plans for their future in this fine City. After hiring a structural engineer to inspect the house, what he suspected became clear. If one looks at the engineer report, you will find the condition of the roof and walls has deteriorated to a dangerous point. The recommendation of the engineer is to close off the house and limit access. Because of the type of construction, repair is not possible. Replacement of major portions of the structure, including the roof, roof rafters, ceiling, support walls and tying all of these together with a new foundation by today's structural codes would amount to building a new home, not restoration. This would be an insurmountable financial hardship on his family and would force him to give up his property which is not acceptable. He and his family are asking the City Council to overturn the HRC's decision denying the application for a demolition permit and to remove the Beck property from the historical list.

Mayor Smisek allowed Council members to ask questions of Mr. Beck.

Councilmember Monroe asked about Mr. Beck's parents.

Tom Dawson, 708 E Avenue, feels like he is bridging two worlds because he is very much in favor of preserving homes like this. It has already been subdivided. On the other hand, it is important to not see the other side of what may be happening. Mr. Beck has provided important information that the records of the City of Coronado and the County of San Diego show written documentation that Mr. Simpson bought the property at 300 First Street from the Coronado Beach Company. He built the home in about 1903, according to written documentation and subsequently lived in the home, but no mention of the Jessop name appears in those records. There has been testimony given about an oral history given by Joseph Jessop, Jr. with regard to family interests on First Street in Coronado that seems to indicate a Jessop presence at 300 First Street, but this interview was given almost or maybe more than 100 years after the land was originally purchased and developed by Mr. Simpson. The oral communication is contradictory to what City and County records document. He thinks, on the issue of the flight surgeon as an historic person, there are hundreds of them. He has known folks from the military who have lived in Coronado and if that was going to be criteria, there would be a lot of houses that are going to be historic just for that. Is he enough of a local figure? He is not sure. Did he actually live there? There is no written documentation that he was actually there. Is he as significant say, as the late Admiral Stockdale, who was a nationally or even internationally known figure with ties to this community that ran deep and long? It is an interesting thing. He thinks it is important that he bring up his concerns on issues that he thinks are in doubt and that the decision made by the HRC can be questioned. He is very much in favor of preserving Coronado's architectural history but he doesn't think it should come at the expense of the owners of those structures. It should not cause a hardship. The criteria the HRC decided to have qualify this home as historic were not well researched. He asked that be part of the City Council's consideration.

Gary Rigsby, 408 Glorietta Avenue, commented that his house was built in 1915 and he can possibly see himself before the City Council some day. He has known Barry Beck for 20 years. Mr. Beck is an individual with a large amount of integrity, honesty and truthfulness. Mr. Beck has taken his time to research this. He has an awesome responsibility that has been put on his

shoulders by his family. He does not take this lightly. He has spent many sleepless nights and days of time in research trying to come up with the right answers for his family. He doesn't know a lot about history but he does know a lot about people. He thinks that Mr. Beck needs to be listened to. He thinks that the facts need to be straight one way or the other. He also feels that it would be worthwhile for members of the City Council to have another conversation with him, possibly before it makes its decision. Mr. Beck's family is historical in the community as well. He feels there is almost a steam roll effect going here. He hopes that the dialogue can be opened up further and Mr. Beck can get his case out and get the facts out. Also, he added that he is an electrical contractor and he surveyed the house. The house does not come up to any current electrical codes. It could be rewired but because of the structural condition he would be afraid to send his men in there to crawl in the attic or underneath the house to do that.

Other witnesses listed for the appellant were:

Glen Shirer  
Mike Kephart  
Nancy and Tony Adkins (correspondence received)  
Laura Swick (correspondence received)  
Charles Bennett, 816 10th Street (correspondence received)

Mayor Smisek called for the supporters' rebuttal.

Mr. Pena deferred to Chair Susan Keith.

Ms. Keith spoke to the comments about Ann McCaull and not including information in the HRC's agenda packets. That is what public hearings are about. The information is put out. people come to public meetings and information is taken. It was not Ann's fault that some of this information was not written down in the packet. This was brought out at the public hearings and that is why there are public hearings. She is sorry that the HRC did not know about the Beck's historical background. She thinks they could be included in reasons to save this house. 30 years of nursing at Coronado hospital and 48 years of living in Coronado and working with the golf course certainly would mean a lot to many people. Her cousin played at 300 First with George and Ada Thompsons' son. You can't get any better documentation than first hand knowledge. She is not going to get into a debate about the historical significance of Naval officers and Naval flight surgeons. The documentation on Joe Jessop is an oral tape that was done when he was in the prime of his life. It was not included in the packet when the HRC first had its meeting because the HRC did not know it at that time. It came out at the public hearing when Joe Ditler announced that he had held the interview. First hand knowledge is more important than anything else in history is.

Mayor Smisek called for the appellant's summary.

Mr. Beck said that he does not blame Ms. McCaull for a lack of information delivered. She was instrumental in helping him as well. As far as the documentation, the San Diego County records show that Blanche L. Simpson purchased the lots at 300 First Street and the Simpson family has owned it since. That is written, recorded documentation. He doesn't mean to disparage Joe Ditler's interview with Joe Jessop, Jr. but the documentation still exists and it cannot be denied.

Mayor Smisek reminded the City Council that if they have any questions of anyone who has spoken to help clarify a misunderstanding, but he asked that the respondent simply answer the question asked.

Councilmember Tierney asked if there is any record - rent receipts, property receipts, property taxes - anything other than the oral communication that shows that Dr. George Thompson resided at or owned that property. Ms. Keith said that, to the best of her knowledge, there is no written documentation. It is strictly oral, first hand knowledge. Mayor Smisek clarified that Ms. Keith's position is that Dr. Thompson lived there, not that he owned the property. Ms. Keith agreed. Mr. Tierney asked if there is any information about the time period that he lived there or how long he lived there. Ms. Keith responded that he lived there in the late 1920s and early 1930s. He rented the property. Ms. Keith has been assured by Mr. Ditley that he was in the car with Joe Jessop, Jr.

Councilmember Downey asked if there is any reason to believe that the Simpson family was somehow related to the Jessops. She understands the applicant's confusion because if there is no Jessop family name on the property records it creates confusion. The oral interview was done in 1993 and the history was already quite old. She looked at the houses on the street and those two didn't seem to match the architecture of the other Jessop houses. If she could find some records that would link the Simpsons to the Jessops that might explain the missing link.

Ms. Keith said that she is not aware of anyone who knows the answer to that question.

Mayor Smisek thinks that if everyone has good knowledge of what they speak that it can be assumed that the Simpsons purchased the lots from the Hotel Del. The Jessops built the house on it and Thompson lived in it at some time. From the data that is available, that is the best guess. He doesn't know if the Jessops were builders and not purchasers of land or if they were some type of contractors.

Ms. Keith explained that the Jessops were brought over and first settled in the Miramar area. It was Mr. Spreckels who asked Mr. Jessop to come to Coronado. To get him to come to Coronado Mr. Spreckels deeded him some land. At that time, old Mr. Jessop, Mr. Jessop, Sr., built his house on First Street between E and F and then he subsequently built cottages for family members who were coming over from England. There was no bayside housing at that time. She believes there were five or six houses.

Sharon Sherman added that she is in possession of the interview. What occurred was that Joe Ditley, in 1993, was with Mr. Jessop, Jr. one day and they were trying to locate the home that the Jessops built for Glen Curtiss, founder of Naval Aviation. What they were doing is they were going down First Street in the car and discussing the various houses on First Street. They were talking about the main house. They talked about the Israel house. And then Mr. Jessop started talking about the fact that there were a number of homes for the Jessop clan and as they went down the street he pointed them out and named the addresses. When they got to the corner, Mr. Jessop said, "And that is one of our houses, too...300 First Street." He was talking about the whole area of Jessop family areas and homes.

Mr. Beck said that he has documentation from the County Recorder stating that Blanche L. Simpson purchased the lots in 1902. It makes no sense that the Simpsons would purchase the lots, give up the lots and then reacquire the lots, owning them until the 1940s. They purchased

the lots, they built the homes at 300 First and 320 First and retained them until the 1940s. That is documented.

Councilmember Tanaka pointed out in the staff report where it says that City records indicate a sewer permit was issued in 1901 for connection to the City's public sewer system. The owner at the time was B. L. Simpson and the contractor was N. Purcell. It goes on to mention other permits that were issued. He asked what kind of documentation Mr. Beck has.

Mr. Beck responded that he has a Xerox copy of the County Recorder's microcopy. Purcell was probably the plumbing contractor that did the sewer hook up at that time. The record shows that Blanche Simpson purchased the property in 1902.

Mr. Tanaka asked why there would be a sewer permit to connect to the City system in 1901 and then purchased afterwards in 1902. Mr. Tanaka does not doubt that a purchase occurred in the year Mr. Beck is saying. But, it cannot be determined when the house was built. There are only piecemeal documents that mention certain years. He has not seen anything that shows when the house was initially constructed.

Mr. Beck supposes that the owner of the property who sold it to Blanche L. Simpson was the Coronado Beach Company and at that time they may have decided to develop the property prior to sale. That is the only reason he can think of as to why a sewer permit would have been issued prior to her purchasing the property. That makes sense to him, being in the construction business. The 1902 date is fixed and is part of the record.

Mr. Tanaka asked Mr. Coons about the dating of the property and his comments during testimony.

Mr. Coons commented that he gives lectures on how to date houses and he does professional inspections to date people's houses and to tell what changes have been done. They also do restorations. This house was built before the turn of the century. The hardware that was used in the house, the windows, the doors were not made in 1901. They are earlier than that. They are Victorian. The board and battens were used in both periods. He can't tell who built it, but if it was still owned by the Coronado Beach Company it is theoretical that it could have been built by the Jessops, it could have been still owned by the Beach Company considering their close relationship. He added that it only takes one criteria to designate a house. Architecturally, the house next door was not the same architecture, even if it had similar materials.

Mr. Tierney recalled that in the early days, before the sewer lines were put in, there were septic tanks. Mr. Coons explained that they were called privies. The sewer hook up does not tell when a house was built. He wondered how well defined Mr. Coons' analysis and if there were support or other backup that would go along with Mr. Coons testimony.

Mr. Coons explained that there are a number of things that go into a determination like this. It is done from lumber sizes, profiles, nails, hardware, window glass, etc. Everything about this house that he could see from the front porch and looking through the front window indicates that it is prior to the turn of the century. The beaded tongue and groove wainscoting inside is the 1880s style.

Mr. Tierney doesn't know if anyone has had access to the City's records from that time to further examine this. Mr. Coons agrees that further inspection into those issues is warranted. He would rather stay away from speculation. If the house was connected to a sewer in 1901 and Ms. Simpson didn't own it yet, there is clearly something else going on. The architecture alone makes this unique within the County of San Diego. Mr. Coons went on to provide his speculation. The Jessops built these houses and they still belonged to the Coronado Beach Company. It would not be uncommon because they were having a very difficult time selling lots after 1888 when the boom ended. That really didn't pick up again until 1903 to 1909 when more houses were coming along. Then World War I was the next big boom.

Ms. Downey added that because of how long it took and the fact that County recording was not as efficient as it is now and asked if it is possible that the property could have been purchased but the recording date was after. Mr. Coons said he has never seen that. The document may not get processed but the first date carries.

Mr. Monroe asked Mr. Coons about the house at 300 being more architectural significant than the house at 320 First. Mr. Coons explained that, because of the Hawaiian plantation style architecture, the house is set apart from 320 which was more of a normal, single wall construction, bungalow which is more common. The house at 300 First is unique. It is single wall construction but because of the verandas, the pitch of the roof and the way the house is shaped it is more unique. Mr. Monroe talked about the Hawaiian construction. In this case the sides of the house go to the ground and even though the porch is up and the floor is up it is not that open air underneath kind of Hawaiian construction. Mr. Coons thinks that Mr. Monroe may be thinking of native Hawaiian and particularly Tahitian construction. Hawaiian plantation architecture was built by Americans, the English and Germans. The features of Hawaiian plantation construction are the very high pitched roof and the wrap around verandas and the board and bath style construction. The roof at 320 is similar. Mr. Coons doesn't think they are exactly the same. He referred to two homes in La Jolla Cove that are on the national register. The reason they are on the register is because they are such early bungalows. He believes this is one of a similar period. They are some of the first of their types. The walls and the wainscoting are all first growth, all hard, vertical grain redwood. The flooring is the vertical grain Douglas fir. The tex coating on the outside does not necessarily have to be removed.

Mr. Monroe asked a question of the City Attorney. In Mr. Coons' previous testimony he said that some bell had been tolled already.

City Attorney Morgan Foley responded by saying that Mr. Coons said that, notwithstanding the City Council's decision today, because the HRC made a determination that the property is an historic resource and there is now a fair argument under CEQA that it has this historical significance and that the impact to the environment by demolition of this building would have to be assessed based on that fair argument statement. Prior to changing the City ordinance where the City created the ability for the City to determine this designation itself there was no fair argument that could be made, generally speaking, in issuing a demolition permit. So, what that does is it changes the way the City approaches demolition permits when there is a fair argument that it is historic. Mr. Foley added that what the City Council does today matters for purposes of determining an historical designation. It simply makes a fair argument if the City Council determines that the property should not have been designated and issues the demolition permit. A person would then have a fair argument to contest that decision. It opens a can of worms a bit

by going through this ordinance process. He reminded the City Council that it is not being asked to issue the demolition permit, but rather to determine whether it is an historic resource.

Mr. Monroe is confused because he is looking at the different courses from this day forward that could be possible. No matter what the City Council does it could end up in court. Mr. Foley added that the City Council was warned about this when there were discussions about having an historic resource ordinance. There was a warning that it could lead to this situation. The City Council decided to go ahead and move forward with an ordinance that would protect what might be historic resources. This was the process that was adopted and this is the process that gets the City Council to the point where it gets to determine whether or not it is an historic resource. If the City Council decides it is not an historic resource, then the Becks would have to fight the battle on the demolition permit and the City would probably be dragged into that if there was a challenge to a decision, even though it is usually ministerial.

Ms. Downey referred to the pictures of the identified Jessop homes. They are 610, 816, 822 and 800 First Street. She sees the similarities of those structures. That is the thing she still didn't get about 300 and 320. They don't match with the style of the other ones. She is still trying to get her hands around the fact that there aren't any links to the Jessop family other than the recollection orally from Mr. Jessop, Jr. She doesn't see that she has enough to consider it a Jessop home. She is hoping that someone who knows more about the Jessop Compound has done some research and can tell why it is or isn't. Ms. Keith thinks that she might be able to help with that. The Coronado Historical Association has someone's master thesis on the Jessop Family. Additional information may be gleaned from that.

Mr. Tierney commented that the City has hand written meeting notes and journals that go all the way back to the turn of the century. Has anyone checked those out to support any of this? Ms. Keith explained that staff checks them all the time. Mr. Pena confirmed this. Part of the background information staff provides comes from those records. Mr. Pena asked if Mr. Tierney is referring to the Sourcepoint survey that was put together in 1985. If so, that is what staff is referring to. If Mr. Tierney is referring to the old 'sea scrolls' from the vault, those were reviewed by Dr. Brandes when the Sourcepoint documents were researched.

Mr. Tanaka recalls going through some of those documents. In the old days, a building permit was a small piece of paper. Record keeping from that time did not facilitate some of the historic preservation that is desired now. The original building permit could be out there somewhere in CHA's vaults or the City's vaults. Mr. Pena added that the County assessor records tend to be better kept than the old building permit records the City has.

Mayor Smisek called for a brief recess. The City Council went into recess at 5:15 p.m. and returned at 5:25 p.m.

Mayor Smisek gave Council members the opportunity to speak on the matter.

Councilmember Tierney thinks that there is a lot of emotion involved with this issue but that the City Council should go with the rules. Sometimes oral histories can get clouded with age. This causes him concern. He wants to save this property but he feels that he must be true to the City's rules. There has to be a specific amount of evidence and that is all the City can deal with. The documentation does show a train, a line, of who owned that property. Whether it was a beach house rental before it was purchased or something else is all supposition in his mind. The hard

facts suggest to him that this house was owned by B. L. Simpson. There is no documentation that Dr. George Thompson, other than oral which he cannot rely on, lived in that house. If he had some additional facts he would cling to them because he does not want to see that house go. Unless he hears something else from other Council members he is stuck. He has to go with the rules.

Councilmember Tanaka feels that this is a very narrow road. The job of the City Council at this point is to determine whether or not the Historic Resource Commission acted appropriately or inappropriately on its findings of fact within the City's municipal code. The staff report shows what their decision was and what it was based on. "In accordance with Chapter 70.22 of the Municipal Code, we all agree that this house is 75 years or older." There is no disputing that this house is at least 75 and therefore the Commission had to decide whether or not two out of five possible criteria were met. The Commission found that three criteria were met. The one that he has heard disputed was whether it was a Jessop house or whether George Thompson lived there. He certainly agrees that those claims could be backed by better evidence but he is comfortable with what he has heard to believe that the case is there. If one wasn't, though, it is still vetted on three criteria and not two. His opinion is that HRC acted properly. The most compelling point where he doesn't really think there is any disagreement is on Item C - it is one of the few remaining examples in the City possessing distinctive characteristics of Hawaiian plantation beach house architecture. Mr. Coons picture shows what that means in a larger context than Coronado. Item C is the slam dunk for Mr. Tanaka. It is clearly a special piece of architectural history. Seldom does he visit a property and feel like he takes a step back in time. That is the whole point of historic resources. They should provide a feel of the past. He is not as concerned about whether the house dates to 1902 or 1901. He is very convinced that it is a very old house and to him Item A is met. This house does exemplify and reflect special elements of the City's history. He thought Mr. Beck's testimony and his reflection on his own family's special part in that history. Mr. Beck's own family are special persons in the City's history. Regardless of who owned the home or who rented it or whether or not it was a Jessop house, to him it is very clear that it meets Criteria A. A very important point of this house and one that no other house in Coronado has is that it was at the corner of Coronado next to all of the naval aviation. That is where the flight surgeon fits in. Even if the specifics cannot be hammered down with a rent receipt, people know these things happened. It is clear that this house was part of the City's fabric. That is the whole point of the preservation program. He agrees with the speaker who said that if the City Council does not uphold the HRC in its decision it is clear that the City does not believe in its own historic preservation program. He thinks it does set a bad precedent. He doesn't see the grounds under which one would reject what the HRC did. It is fairly clear that they took the City's ordinances and applied them fairly and evenly. The house is a historic resource. There is nothing in the code that says to give an exemption if there is a problem with how it has been maintained or the upkeep problems. They are supposed to factor in the place this home had in the City's history. He added that he feels for Mr. Beck. He doesn't like being in a position where the City Council is telling someone what they can and can't do with their property. Ordinarily he agrees that people should be able to do what they want with their property. The fact of the matter is that this ordinance is on the books and it has to be applied fairly to all or it has to be removed. The ordinance says that once a house is designated as historic there are certain rights the owner has. They are outlined in the staff report as well. "Any proposed relocation or demolition shall require one or more of the following findings: the proposed action is necessary to provide a public use; demolition is necessary to protect the public health;" etc. All the claims that this house is falling apart and is a public safety hazard can be

addressed but that happens at the next step. Today's action is fairly straightforward. The HRC was correct in rendering this an historic resource.

Councilmember Monroe thinks the Jessop connection is questionable and weak. He agrees with Mr. Tierney's comments at that point. He is also interested that the historic person to connect with the Navy is a flight surgeon. The fact that a flight surgeon lived there is a reach, too. Maybe that is important to some people, but to him it is a reach. He is particularly conflicted with the difference between what happened with 320 and 300 First. He referred to page 177 and 178 of the HRC minutes about the decision at 320 First Street. Daphne Brown's testimony was of interest to him. She agreed with Ms. McCaull that "...it is very difficult to say that this house, 320 First, has historic significance. It has charm until one goes inside. This house could be very charming had it been maintained. The house is in very poor condition. There is no architect or builder of significance. This cottage can no longer be saved with the exception of some of the windows. Let us preserve the important houses in our town." Her testimony was followed by Deni Herron who said, "The significance of this home is from the outside but to make it habitable would be difficult." He is interested that in their determining historic or not historic the commissioners themselves talked about habitability. "Some properties are beyond salvation," Mrs. Herron said. Finally Commissioner Draper agreed with Ms. Herron. In the end the third vote was Commissioner Keith who said that Ms. Brown's comments changed her mind. It is charming but it is not historic and therefore they did not determine 320 was historic. He challenges anyone to go down there and look at the two houses. First of all, 320 is in a lot better condition than 300. Even Ms. Keith said that when they let 320 go they knew they still had 300. He doesn't like that set up that seems to have happened between those two homes. He did go inside the home and he was struck by the condition of the home. Dave Gillingham went with him and said that he wouldn't know where to start fixing it up and he wouldn't do it. It is unsafe. There is a report that says that walls are overloaded 10 to 11 to 1. It is an unsafe structure today. To try to make that structure good would mean totally gutting the inside. Single wall construction means that there are no studs. He objects to those who said that the restoration of this building is a piece of cake. He does not agree that this is easily repairable. It is not in pristine condition. He is really conflicted. He voted all the way along for the ordinances. Maybe the system is there for dealing with an historic situation that is in totally bad shape, but he thinks the words 'totally bad shape' apply in this case. Some people say that the City has to preserve this building. Maybe the path of the City Council is driven into step 2 and 3.

Councilmember Downey does not think that the City Council has enough. She struggled with this greatly. She wasn't thrilled with the ordinance. She testified before she was elected because she saw this coming. She likes to support staff and the City's commissions. She prefers to say that they are the experts. She does not consider herself an historic expert. Two things that concern her have been raised by fellow Council members. She disclosed that husband was a flight surgeon for many years. She questioned if just the fact that Dr. Thompson may have been one of the first doctors who took care of people could possibly have significance. When she thinks about why someone would want to designate an historic property because someone lived there it needs to be known who that person was. She tried to look up Dr. Thompson and failed to find any reference to him. The City might need to figure out what the standard is. If the building was the first clinic or something like that, she might get there, but she does not think the sheer residence of Dr. Thompson met the criteria that would force her to take away property rights. For her it is a very high threshold to get to that point. She moved on to the Jessop connection to see if she could justify it under that connection. There needs to be more than oral testimony. It is good if it is substantiated with some other physical evidence that can't be disputed. She isn't

there, either. She agrees with the Hawaiian architecture factor. But to go that extra step she really needs to have something more for the second one. It is a beautiful home. She spoke with Mr. Gillingham about having someone come in to help save this home and he said that the problem is that the house is so structurally unsound that Mr. Beck cannot live in it safely and it would be extremely difficult and expensive to even try. It cannot be moved. The City doesn't want to split the lot so that he could live on the other part. The City is stuck between a rock and a hard place. The City is taking the economic value of this man's property in order to preserve something. She is concerned that, even if the City Council found that it is historic, the City Council will be back a second time with the questions of safety, etc. She does not think she will vote that it is historic.

Mayor Smisek provided some information on the development of the historic program. It came into effect as an attempt to save a building on Ocean Boulevard that was thought to be headed for demolition. Coronado used the criteria of 75 years instead of a lesser number the neighboring areas of San Diego use. The City Council talked extensively about the volunteer aspect of the program. The ultimate goal was to use the 75 years as the initial criteria to stop the destruction of the homes until there was a good program in place that would have good, solid footing to it and those homes that were of historical value to the City could be preserved. This was to be roughly 200 to 250 homes. That figure would probably be appropriate in a small city such as Coronado. That did not mean that every home of a certain architectural style would need to be saved. Saving two or three might be enough to provide representation in the community. That is an issue that was not resolved. He was hoping that, under the volunteerism portion of it, some of those people would try to do that, get the benefits of designation and the Mills Act and save those properties and then the City could let the others go by the wayside. The idea of using the ordinance through time, and the HRC has worked very hard to winnow out what is historic and what isn't historic, was to stop the destruction of the homes until the City could get something solid. One of the criteria that came up was the situation where there is a home less than 75 years old but someone like Admiral Stockdale lived in it. For many people it is the architectural style that matters. He was never excited about who lived in the houses as the criteria. He was much more interested in the architecture and the time frame that it would represent. Now the City is still at the 75-year criteria that starts the whole ball game rolling and then there have to be two out of three other items. Mayor Smisek thinks Mr. Tanaka hit the nail on the head as to where the City Council could justify two of the criteria, that this is a structure that isn't seen often in Coronado and it is of a time frame that is significant. If there is a way to preserve it, that would be nice. He is trying to divorce himself from the condition issue. It is because the City laboriously went through the design of this ordinance to make it a two step ordinance. There is a lot of leeway to work on this issue. His feeling is that the City Council has enough justification to be able to make this an historic resource, but he will be very open to listening to the rationale regarding the condition, if it comes before the City Council again. If it does go into the next phase he will request the City Council take a walk through. The City Council has to be fair. If it blows this one, they are jeopardizing the whole ordinance. At this point, in the first step, there are solid grounds to vote to uphold the HRC's recommendation.

**MS (Monroe/Tanaka) moved that the City Council uphold the Historic Resource Commission decision.**

Ms. Downey asked which criteria the historic designation should be based on. Mayor Smisek said he feels that Item A is satisfied in that it represents the Hawaiian plantation beach

architectural style and Item C, that it is one of the few remaining examples of the Hawaiian plantation beach style in the community.

Mr. Tierney said that in listening to his fellow Council members and in light of Mayor Smisek's selection of the items he chose, he would support the motion.

Mr. Monroe asked if the City Council needs findings.

City Attorney Morgan Foley explained that, if the City Council is adding anything to what was presented by the HRC there would probably need to be findings. He thinks that the City Council is saying that the property meets those criteria based on the evidence presented. He would recommend putting that in the findings of the resolution.

Mr. Monroe withdrew his motion and deferred to Mr. Tanaka.

**MSUC (Tanaka/Monroe) moved that the City Council affirm the Historic Resource Commissions' designation that this is an historic resource based on the fact that it is at least 75 years or older and it meets the following criteria: that it does exemplify or reflect special elements of the City's military, cultural, social, economic, political, aesthetic, engineering or architectural history, specifically the Hawaiian plantation beach architectural style; and, it is one of the few remaining examples in the City possessing distinctive characteristics of a Hawaiian plantation beach house architectural style and is valuable for the study of a type, period or method of construction and has not been substantially altered.**

Mr. Tanaka clarified that his motion leaves out Item B.

Mr. Tierney clarified that the only reason he could go along with Item A is that it specifically mentions architectural history. All of the other elements are out the window.

Ms. Downey envisioned that the City Council would do exactly this and that the issue will be back before the City Council again in the next phase. It appeared that the owners wanted to save this home originally. She is not sure whether the Cottage Conservancy or SOHO who can find a way to help them save this house, but she highly encouraged the community to do so. She wants to find a way to save the house but not at the expense of the family. She will vote in favor of the motion.

Mr. Monroe recalled that idea with the historic ordinance was to slow down the process of demolition. There would be public hearings. People would have the opportunity to go to the owners with alternatives, etc. His understanding was, in the long run, if the owner said that he has to do it, the house will be torn down. If the City slows down the process and brings a lot of visibility but didn't prevent that from happening that would be acceptable.

Mayor Smisek reminded that this does trigger a CEQA potential. If they pass through all the CEQA steps satisfactorily he assumes that would happen but the City will still have to issue the permit.

Mr. Tierney commented for the public that this has been one of the most difficult items in his tenure on City Council. He hopes he doesn't have to go through another one like this.

Mr. Tanaka agreed that this is difficult. The way the ordinance is written, this is a beginning. There are protections in the ordinance. It is all spelled out in the ordinance.

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

**10. COMMISSION AND COMMITTEE REPORTS:**

**10a. Report from the Port Commissioner Concerning Port Activities.** No report.

**11. CITY COUNCIL BUSINESS:**

**11a. Council Reports on Inter-Agency Committee and Board Assignments.**  
Mayor Smisek continued this item with the agreement of the other Council members.

**11b. Consideration of Developing an Ordinance to Prohibit Smoking at all City Beaches and Public Parks.** Mayor Smisek introduced the item and explained that he and Councilmember Downey had requested that this be discussed before the City Council.

Thomas Ledford, staff intern, provided the staff report. The issue before the City Council is whether to direct staff to develop an ordinance banning smoking at City beaches and parks. This was requested by Mayor Smisek, Councilmember Downey and Councilmember Tierney. Tobacco control is becoming an increasingly relevant topic in recent years with groups like Coronado SAFE and the Tobacco Free Communities Coalition (TFCC) advocating for greater tobacco control. Other cities in the region have taken steps towards greater tobacco control including adoption of similar ordinances. At the State level, the California Air Resources Board, in January 2006, voted to classify second hand smoke as a toxic air contaminant. Public and environmental health had been the major concerns driving this issue with focuses on second hand smoke and its negative affects and the undesirable results of cigarette litter. Enforcement, for many cities, has been the primary question when it comes to this ban. Thus far the precedent has been to allow citizens to self enforce through a voluntary compliance and support this by investing police officers with the ability to ticket offenders. Implementing the smoking ban would be viable should Coronado choose to pursue it. At the large scale, the cities of San Diego and Los Angeles have both taken similar steps and Solana Beach and Del Mar are both representative of local cities that have successfully implemented bans. Although the TFCC has suggested several other alternatives for greater tobacco control measures, at this time it is staff's recommendation to direct staff to develop an ordinance banning smoking of tobacco products at City beaches and parks.

Mayor Smisek commented that the City Council is going to determine whether or not it wants to direct staff to form the ordinance. He added that SAFE sent him a binder of the different types of ordinances that are available to the City Council. Some of them are quite voluminous. One is nice and precise and succinct. It targets, at this time, beaches and parks only. He would like to

get the Chamber of Commerce, MainStreet and others involved if there is discussion about banning smoking outside of restaurants and on the sidewalks. To get the ball rolling, the request from Mayor Smisek and Councilmember Downey was to target the parks and beaches area and then see how the police force handles it and how it goes and then press on from there. He asked Mr. Kelegian to tell the City Council a little bit about how Solana Beach did this.

Joe Kelegian, Solana Beach Councilmember, explained that Solana Beach was the first city in the continental United States to ban smoking on its beaches and its parks. That was in November 2003. The City Council acted after a group of high school students went out to the beach and collected an about 6,000 cigarette butts in a little over an hour. His personal choice on this was very easy. He remembered that as a Council member it was his duty to protect the health, safety and welfare of the citizens. There seemed to be a disconnect between a product that is injurious to health and youth and beaches where youth and families are encouraged to come and congregate. That choice for him was very easy. Since going smoke free Solana Beach's experience with the ordinance has been hugely successful. They put up ID signs that say that Solana Beach is a smoke free beach and the lifeguards do not feel any extra burden with an occasional encouragement of compliance. The public adheres to these rules. Since they did this in November 2003, no citations have been issued. He thinks there have been a couple of times where people have complained that people did not put out their cigarettes and the lifeguards had to call the sheriff. He hopes that California will eventually have an uninterrupted stretch of smoke free beaches going from north of Los Angeles all the way down to the Mexican border. There has been some talk about tourism going down and beach attendance going down. Solana Beach's tourism is up. Beach attendance is also up. 80% of the people who come to their beaches do not live in Solana Beach. San Diego County is a healthy place to live. He wants to keep it that way and encouraged the City Council to ban smoking on beaches and in parks.

Councilmember Monroe thanked Mr. Kelegian for coming to speak to the City Council. He informed everyone that Mr. Kelegian is the chairman of the SANDAG Transportation Committee and as such has served for many years to improve transportation throughout the region. His leadership in this issue is profound and much appreciated.

Mr. Kelegian is also the president of the League of California Cities in the region. He thinks this will go state wide fairly quickly.

Deborah Kelly, Vice President for Government Relations of the American Lung Association of California in San Diego, thanked Mr. Kelegian for being a tireless advocate on this issue. Her job is to give the City Council the big picture. Mr. Kelegian is absolutely right in that there is a growing percentage of smoke free beaches and parks ordinances in San Diego County. They are working with the Port Authority and the State of California to make sure that the properties that are owned or managed by those entities will also become smoke free. It takes action by local cities to get the State to do anything. What Coronado does will be instrumental in that. They may be coming back to Coronado, if it goes forward with this, to ask for a resolution they can present to the State. She mentioned that Chula Vista is the first city to have smoke free outdoor dining patios. She encouraged the City Council to look at that in the future. The League of California Cities statewide convention is going to be in San Diego in September and her organization will have an exhibit and a recognition program for the smoke free star cities. She said she hopes the City Council will pass this. The American Lung Association will be happy to work with the City on this.

Councilmember Monroe asked if the Coastal Commission has taken any position - support, neutral, oppose - on this. Ms. Kelly said she does not believe they have, but she doesn't know if they have been officially approached.

Colin Bowman, 1152 Orange Avenue, CHS student, said he doesn't like smoking, or running on the beach and inhaling second-hand cigarette smoke. He would not be afraid to tell someone who his smoking when they aren't supposed to be to put it out. He doesn't think the lifeguards would be either.

Arlene Griffin, Program Director, Coronado SAFE, said she was before the City Council to advocate for adopting smoke free beaches and parks and sidewalks on behalf of the families and youth that she serves at Coronado SAFE. From the standpoint of long-term effects, there is no such thing as a hard drug or soft drug. In the long run, all drugs are hard drugs. Cigarettes are no exception to this. Smoking is responsible for more than 400,000 deaths annually in the United States. She is not going to provide the City Council with shocking mortality statistics on smoking and second-hand smoke because those are available in all media forms. This is about Coronado's responsibility to show its youth that this is a community that values living a healthy lifestyle. Children model their behavior according to how adults behave. This is why Coronado must adopt a comprehensive non-smoking policy so that the adults can set the example to the children to let them know that everyone cares about keeping Coronado citizens healthy. Prevention and education are useful tools in preventing youth cigarette smoking. Alone, though, they are not enough. If the adults of Coronado, who are supposed to set the examples for younger citizens, do not show that they value the health and welfare of the community, then the children are likely to follow that negative example.

Molly Bowman Styles, Association, Policy Manager, American Lung Association, commended the City Council on behalf of the San Diego Tobacco Free Communities Coalition for exploring the opportunity to designate the City of Coronado's parks and beaches as smoke free. The San Diego TFCC's model ordinance work group has worked closely with city leaders across the county to encourage the passage of ordinances that protect the public and the environment from the dangers associated with second hand smoke and tobacco litter. They are delighted to support Coronado SAFE's advocacy campaign to extend the reach of smoke free outdoor venues to the beautiful City of Coronado. Mindful of the City's willingness to explore the passage of a smoke free beaches and parks ordinance, public health advocates encourage the City Council to take this opportunity to consider banning smoking in other public outdoor venues such as the City's Skateboard Park, extensive bike trails, and other family oriented venues. In light of the Surgeon General's recent report which states that there is no safe exposure level to second hand smoke, the City Council's attention to the important matter of clearing the air and protecting the environment from the toxins present in tobacco is timely and holds the promise of saving countless lives.

John Orłowski, 421 D Avenue, requested that the City Council please ban smoking in Coronado as soon as possible.

Harriet Sangrey, healthcare worker, supports the formation of such an ordinance. She hopes the City Council will pass this. There is a common misconception that cigarette butts are less harmful to the environment than other types of litter because cigarette filters are made of cotton. This is not the case. Cigarette butts are made of cellulosic acetate, tiny intertwined plastic fibers that resemble cotton and that can take years to biodegrade. This means that as people leave their

cigarette butts on the beaches and more and more accumulate, inevitably this will turn the beautiful beaches into one big ashtray. The hospital campus is a smoke free campus, but now they have to tolerate the cigarette butts on the sidewalks. She would like to see that explored as well.

Samantha Bowman, Executive Director, SAFE, 1152 Orange Avenue, stated that the Surgeon General, among others, has made it clear, with absolutely no exception, that second hand smoke must be avoided at all costs. It is exciting to her that with this one piece of legislation the City Council has the opportunity or the privilege of protecting so many of Coronado's citizens and visitors and especially the children. She encouraged the City Council to look at areas within the City most affected by this terrible toxin. She asked that the City Council look at locations where the public congregates and where second hand smoke cannot be avoided - any area where people are exposed to second hand smoke and they cannot avoid it. They have advocated for the most obvious locations in the communities parks and beaches. In addition, she beseeched the City Council to consider public right of ways. Where other cities have opted to regulate smoking on restaurant patios, she argued, in the protection of the business community, that one has a choice as to whether or not to patronize an individual establishment and with few exceptions as more and more businesses realize that, based on current findings, their business will actually increase by enacting a smoke free dining experience they will self regulate with some remaining available to those who smoke in a way that others won't be exposed. She is not advocating that the City Council regulate the restaurants in the City. However, being subjected to and at times inundated by this life threatening toxin simply by walking down the sidewalk is unacceptable. It is known that side stream smoke is harmful. It is known that a small child or pet can become ill or even die from the ingestion of just one cigarette butt and doesn't that knowledge mean that there is an obligation to protect not only those exposed to those threats but the City from the risk and liability that ignoring this issue may bring about. This has been proven to be primarily self enforced. Worrying about enforcement is a non-issue. Due to the high cost of enacting an ordinance, although the City Council did encourage only looking at just beaches and parks, she requested that the City Council save the taxpayers the money and do the research to include sidewalks as well. When surveyed by SAFE not one restaurant, with the exception of McP's, objected in any way, shape or form, to smoke free sidewalks. They are using public sidewalks as dining areas, making a private profit, but then are also allowing the public to be inundated by second hand smoke. She asked that the City Council show the community that the City Council takes seriously their fiduciary partnership with the partners and the authority to protect the health, safety and welfare of the citizens and visitors and even pets.

Chuck Howe, 1101 First Street, began by saying that three of his close relatives died of smoking related illnesses. He feels that the City Council needs to do whatever is possible to protect the young people of Coronado. This is one of the steps that will help. It will show them, again, that smoking is not the right thing to do. He encouraged the City Council to pull together for non-smoking on the beaches and parks and as soon as possible throughout the City sidewalks and restaurants.

Bill Seager, 1314 Second Street, SAFE member, strongly supports the staff recommendation that an ordinance be developed with respect to beaches and parks.

Councilmember Monroe asked about the Skatepark. Isn't the Skatepark a part of the City park system and wouldn't it be included? He asked if the medians of Orange Avenue are part of a

park, particularly on the 4th of July. He requested that staff look at those questions as they work this process through.

Councilmember Tierney feels that the City Council should move ahead on this particular item. He feels very strongly that this littering that takes place on the beach is a lot of hard work and the City has to go through and clean it all up. With San Diego coming forward with their cigarette bans, Coronado is going to end up with an ashtray mentality where people will come to Coronado just to smoke on the beach.

Councilmember Downey appreciates staff moving on this. She would also like staff to look at the medians. She thinks this would be a big time saver for City staff keeping the beaches and parks clean.

**The City Council agreed by consensus to pursue development of an ordinance as recommended.**

**12. CITY ATTORNEY:** No report.

**13. COMMUNICATIONS - WRITTEN:** None.

The City Council recessed to Closed Session at 6:35 p.m.

**14. CLOSED SESSION:**

The City Attorney advised that Mayor Smisek and Councilmember Downey indicate their recusal from Closed Session Item 14d.

Councilmember Monroe and City Manager Mark Ochenduszko recused themselves from Item 14c due to conflict of interest of real property ownership.

**14a. CLOSED SESSION: CONFERENCE WITH CITY'S DESIGNATED NEGOTIATOR**

AUTHORITY: Gov. Code §54957.6

CITY NEGOTIATORS: Mark Ochenduszko, City Manager; Leslie Suelter, Director of Administrative Services

EMPLOYEE ORGANIZATION: Coronado Firefighters' Association (CFA)

**14b. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION**

AUTHORITY: Gov. Code §54956.9(a)

NAME OF CASE: Carroll Wayne Eads v City of Coronado

San Diego Superior Court (Case No. GIC 868464)

**14c. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION**

SIGNIFICANT EXPOSURE TO LITIGATION

AUTHORITY: Government Code 54956.9(b)  
Number of Cases: One (1) potential case

**14d. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL  
ANTICIPATED LITIGATION**

Initiation of Litigation Pursuant to Subdivision (c) of Section 54956.9  
One (1) potential case

**The City Council resumed the regular meeting at 8:06 p.m. with all Council members present except Mayor Smisek and Councilmember Downey.**

City Attorney Morgan Foley announced the following:

On Item 14a no action was taken.

On Item 14b direction was given to the City's legal counsel.

On Item 14c direction was given to the City's legal counsel (Councilmember Monroe and City Manager Mark Ochendusko did not participate due to real property ownership conflict).

On Item 14d the City Council directed the City Attorney to file an action in Superior Court to challenge all or part of the proposed initiative measure.

**15. ADJOURNMENT:** The meeting was adjourned at 8:12 p.m.

Approved:

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Tom Smisek, Mayor  
City of Coronado

Attest:

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Linda K. Hascup  
City Clerk