

**MINUTES OF A  
REGULAR MEETING OF THE  
CITY COUNCIL OF THE  
CITY OF CORONADO  
Coronado City Hall  
1825 Strand Way  
Coronado, CA 92118  
Tuesday, January 2, 2007**

Mayor Smisek called the meeting to order at 3:00 p.m.

**1. ROLL CALL:**

**Present:** Councilmembers Downey, Monroe, Ovrom, Tanaka 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.** Floyd Ross provided the invocation and Mayor Smisek led the Pledge of Allegiance.

**3. MINUTES:** Approval of the minutes of the Regular Meeting of December 19, 2006, 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 December 19, 2006, a copy having been provided Council prior to the meeting, as submitted.**

**AYES: Downey, Monroe, Ovrom, Tanaka 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.

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

AYES: Downey, Monroe, Ovrom, Tanaka and Smisek

NAYS: None

ABSENT: None

5a. **Approval of Reading by Title and Waiver of Reading in Full of Ordinances on this Agenda.** The City Council 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. 10055381 thru 10055599 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 Slurry Seal Pavement Maintenance FY 05/06 Project.** Council awarded a contract to Bond Blacktop, Inc., on July 6, 2006. However, staff delayed the start of construction to September 18, 2006. This was done to avoid any conflicts with either CUSD construction or school opening activities. The project was completed on October 20, 2006. From laboratory test results it was determined that the oil content of the asphalt concrete used during this project was out of contract compliance. After several phone calls to the contractor about this problem went unanswered, staff prepared a contract change order. This change order stated that the City would be credited \$17,631.84 for the out of compliance oil content. On December 4, 2006 the City sent, by certified mail to Bond Blacktop, this contract change order with a letter of explanation. At that time the City requested that Bond Blacktop respond by December 18, 2006. As of December 21 the contractor was still non-responsive. The next step is to process the change order unilaterally as well as the Notice of Completion. Before paying the contractor for the retention, the credit for the oil content will be subtracted. **The City Council accepted the project and directed the City Clerk to file a Notice of Completion.**

5d. **Second Reading for Adoption of an Ordinance of the City of Coronado Amending Chapters 56.01 and 56.30 of Title 56 of the Coronado Municipal Code Addressing Violation Penalties and Parking Restrictions of Oversized and Non-Motorized Vehicles.** Legal Notice of the Public Hearing for Introduction of the Ordinance was published on December 6, 2006 in the *Coronado Eagle & Journal*. The notice of Second Reading for Adoption was published on December 27, 2006, in the same publication. A summary of the Ordinance will be published within 15 days after adoption. **The City Council adopted AN ORDINANCE OF THE CITY OF CORONADO AMENDING CHAPTERS 56.01 AND 56.30 OF TITLE 56 OF THE CORONADO MUNICIPAL CODE ADDRESSING VIOLATION PENALTIES AND PARKING RESTRICTIONS OF OVERSIZED AND NON-MOTORIZED VEHICLES. The Ordinance, having been placed on First Reading on December 19, 2006, was read by Title, the reading in its entirety unanimously waived and adopted by Council as ORDINANCE NO. 1984.**

**5e. Second Reading for Adoption of an Ordinance of the City of Coronado, California, Amending Coronado Municipal Code Section 40.48.055 to Add a Curfew at Bay View Park Located at First Street and I Avenue.** A legal notice of public hearing for introduction of the ordinance was advertised in the December 6, 2006, *Coronado Eagle & Journal* and the Public Notice was mailed to all owners of land within 300 feet of the park. **The City Council adopted AN ORDINANCE OF THE CITY OF CORONADO, CALIFORNIA, AMENDING CORONADO MUNICIPAL CODE SECTION 40.48.055 TO ADD A CURFEW AT BAY VIEW PARK LOCATED AT FIRST STREET AND I AVENUE. The Ordinance, having been placed on First Reading on December 19, 2006, was read by Title, the reading in its entirety unanimously waived and adopted by Council as ORDINANCE NO. 1983.**

**5f. Authorize the Selection of Tri-State Meter, Inc. for the Replacement of Parking Meters and Authorize the City Manager to Negotiate the Final Terms of the Contract.** The City requested proposals from qualified vendors earlier this year and received three responses: Duncan Solutions, Tri-State Meter, Inc. (POM), and MacKay Meters Inc. An extensive committee review of the products was conducted, which included contracting references as well as product demonstrations. All of the vendors offered similar financial control features that would enable the City to generate accurate accounting reports and thereby reconcile the amount of coins collected and what was deposited in each meter.

Tri-State Meter, Inc. is the recommended vendor to provide the new meters because of reliability, durability, ease of use for the citizens as well as employees, and service after the sale. Tri-State Meter, Inc. had the most complete proposal and was the only vendor that offered a high security, all zinc housing that is ideal for salt air conditions. Although a more expensive solution, the Tri-State Meter, Inc. proposal best meets the needs of the City over time, providing the most value. The proposal includes the cost of removal and installation of new meters.

VENDOR	PROPOSAL
Tri-State Meter (POM)	\$237,575.00
MacKay	\$186,835.75*
Duncan (higher security model)	\$224,734**
Duncan (lower security model)	\$163,202.28

\*Price does not include removal of old meters and installation of new ones.

\*\* Duncan offered two different models for consideration. The higher cost model offers the security features desired by the City.

**The City Council authorized the selection of Tri-State Meter, Inc. for the removal of old parking meters and installation of new electronic parking meters and associated equipment and training, and directed the City Manager to approve the agreement for a not to exceed amount of \$260,000.00.**

**5g. Adoption of a Resolution Opposing Establishment of a Parolee Housing Facility at 1788 Palm Avenue Located in the City of San Diego Near Imperial Beach.** The City of Imperial Beach is concerned about increases in criminal activities, given that the facility would be located along the City's main entryway. Additionally, San Diego City Councilmember Benjamin Hueso, who represents the area, is opposed to the facility. The project will be brought

back to the Otay Mesa/Nestor Community Planning Committee on January 10, 2007, for a recommendation to the San Diego Planning Commission.

The proposed facility is located approximately 4.5 miles from the entrance to the Coronado Cays. With 100 parolees, the proposed facility would have a large concentration of parolees for the business and residential area. Given the proximity to the Cays and the potential public safety impacts on all surrounding communities, it is recommended that the Council consider adopting a resolution opposing the project.

Councilmember Downey commented that she is in support of the resolution because the placement of that particular facility was not appropriate where it was proposed. She was concerned that our communities have not figured out a proper way and place to site the facilities. She seriously suggested that the San Diego Association of Governments, our area communities, and the State Department of Department of Corrections need to figure out how to site these facilities as there is a need for them. This is one of three facilities that attempts have been made to site somewhere that was not appropriate given the proximity to residences.

**The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, OPPOSING ESTABLISHMENT OF A PAROLEE HOUSING FACILITY AT 1788 PALM AVENUE LOCATED IN THE CITY OF SAN DIEGO NEAR IMPERIAL BEACH. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8195.**

6. **ORAL COMMUNICATIONS:** None.

7. **CITY MANAGER:**

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

8. **PUBLIC HEARINGS:**

8a. **Public Hearing: Second Reading for Adoption of an Ordinance of the City of Coronado, California, Amending Chapter 1.20 of the Coronado Municipal Code Regarding the City of Coronado Conflict of Interest Code.** City Attorney Morgan Foley explained that this is a required public hearing under the Political Reform Act.

Mayor Smisek opened the public hearing and seeing no one wishing to speak on the item, the public hearing was closed.

MSUC (Monroe/Tanaka) moved that the City Council adopt AN ORDINANCE OF THE CITY OF CORONADO, CALIFORNIA, AMENDING CHAPTER 1.20 OF THE CORONADO MUNICIPAL CODE REGARDING THE CITY OF CORONADO CONFLICT OF INTEREST CODE. The Ordinance, having been placed on First Reading on December 19, 2006, was read by Title, the reading in its

**entirety unanimously waived and adopted by Council as  
ORDINANCE NO. 1985.**

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

**8b. Public Hearing: Request for Approval of a Six-Lot Tentative Subdivision Map and a Request for Suspension of Subdivision Design Requirements for 1515-1525 Tenth Street in the R1-A (Single Family Residential) Zone (PC 11-06 Plumb, James).**

Director of Community Development Tony Pena gave an overview of the item. He said that the Planning Commission recommended denial of the map. He provided an explanation of the situation. In 2002, three parcels were created out of the site area and now the applicant is requesting a further subdivision for a total of six lots. This is an unusual situation as this is a sizeable area for Coronado standards and there is a ten to fifteen degree slope from top to bottom. In order for the map to be approved it would require for the City Council to approve the suspension of certain design requirements and a possible FAR adjustment. The applicant has requested the suspension of the requirement that a each property be required to have a 12' wide panhandle driveway. The proposal is for two properties to share a 12' panhandle, allowing only 6' for each, with shared use. Secondly, there is a request regarding lot configuration. This map poses some technical issues as well as some quality of life issues. Property owners in the area have expressed their concerns to staff and to the Planning Commission. There is some correspondence attached to the staff report. From a technical point of view the map comes very close to meeting City standards except for where suspensions are requested. The lots do meet the minimum lot size and access requirements, and Mr. Pena feels that overall the property will be functional. The question is whether it is functional enough for Coronado standards.

Associate Planner Peter Fait described the details of the map request using a projected map diagram. He showed the property located in the 1500 block of 10<sup>th</sup> Street on the North side of the street and the location of the neighboring properties at 924 Pomona Avenue and 1529 Tenth Street the owners of which have submitted correspondence. Part of the challenge on this property is the fact that there is a drop of about 14' from the westerly end of the property down. An existing older home on Lot 2 would remain, but a portion of the house would need to be trimmed off on one side to provide the required setback of approximately five and a half feet. A new home could be built on Lot 1. He said the homes are not proposed yet, but staff worked with the architect to show approximately what footprints of homes could look like. They also looked at how to minimize impacts to traffic and eliminated one curb cut. The existing curb cut at 1525 Tenth Street would be maintained for the shared panhandle driveway with the addition of a turn around into Lot 5 to allow vehicles to come out front first. The garage at the back of Lot 2 is a three-car garage with the northerly two spaces serving as required covered parking for Lot 1 by way of an easement. Lot 2, the existing older home, would have one covered parking space in the garage and one uncovered parking space.

As a result of concerns voiced by the Planning Commission and the neighbors, the Plumb family has agreed to additional self-imposed deed restrictions, primarily regarding Lot 4. They have agreed to provide a 30' rear yard setback in one area, a 15' side yard in a portion of the north side yard, and the remaining balance of the side yard setback along the north would be restricted to a minimum of 11'6". Additional restrictions they have agreed to include that there will be no

balconies or roof decks in the 40' rear portion of the property. One change came from the recently adopted standards for the R-1 zone (RSIP). The finished first floor cannot be higher than 30" above existing grade. Therefore, these homes, as they go up the hill, would be cut into the slope and create a series of at least two different levels on the house.

Councilmember Tanaka asked about the driveway between Lots 2 and 5. Mr. Fait explained that the driveway would be 12' in width and it would be mutual easements that would be to the benefit of Lot 1, Lot 2 and Lot 5. Mr. Tanaka asked about the red line at the end of Lot 5. He wondered what happened to that driveway. Mr. Fait explained that the 12' width goes from the street all the way back to a large paved area. He pointed out on the map further explanations of the driveway locations and widths.

Councilmember Monroe referred to Mr. Pena's wording 'suspend subdivision panhandle standards.' He recalled that Mrs. Plumb, back on August 10<sup>th</sup>, used the word 'variance' and asked for clarification if this is about variances. Mr. Pena explained that it is not a variance. A variance relates to zoning standards and there are four specific findings required by state law in order to grant variances. A suspension comes from the subdivision ordinance; the same types of findings are not required. A variance test is much greater than it is for a suspension.

Councilmember Downey wanted to verify that the alternative listed in the staff report was what was just described as being agreed to by the Plumb family. Mr. Pena responded affirmatively and added there is a corresponding resolution for approval.

Mayor Smisek asked Mr. Pena to expand on the lot configuration topic mentioned earlier. Mr. Pena explained that the subdivision ordinance requests that lot lines be perpendicular to the street and that is typical for a typical block. Lot 4 is opposite – the side lot lines are parallel to the street instead of perpendicular. Also, generally, the preferred design is that the rear lot line be at the top of the slope and not at the bottom of the slope as is the case in this instance.

Councilmember Ovrom clarified that this is R1-A with a minimum lot size of 5,500 square feet. All of the lots meet the minimum lot size requirements.

Mayor Smisek asked about FAR and the existing house on Lot 2. According to the map, it would have a 75% FAR, which exceeds the RSIP requirements. Mr. Pena explained that the way that was addressed was done in the second resolution. Essentially there are two that are built upon that have questionable zoning standards such as FAR and setbacks. They would have to be cleaned up. Portions of the homes would have to be removed to comply with the RSIP R1-A standards prior to submittal for the final map. There is a two year period in which they have to submit the final map. The City would require that all of the lots would comply with the zoning standards.

Mr. Ovrom added that the house on Lot 2 is large. The house on Lot 6 is on the peak. He asked how it could be verified that the changes were made. Mr. Pena explained that staff would require certification from an architect or engineer on the precise lot area and floor area measurements and would follow up with a site inspection.

Mayor Smisek opened the public hearing and gave the applicant the opportunity to make the first comments.

Paul Plumb, 315 Ninth Street, asked the City Council to support his family's request to split the lot. Before his father passed away in 1993 he expressed his and his wife's wishes to leave their property to their five children. When his parents purchased this property in 1947 there was one house located at 1515 Tenth Street where his brother and wife now live. There were no houses on Tenth Street all the way down to Pomona. In fact, the golf course was an estuary and sand dunes. To fulfill the wish of his parents to equitably divide the Tenth Street property, they enlisted the services of an architect, Keith Susho, to work with staff to design a logical, workable plan within the City's guidelines. In an effort to satisfy concerns expressed at the Planning Commission meeting Mr. Susho has made additional adjustments. He stated that this is not a get rich quick scheme by an out-of-town developer. This is a plan by his mother, a Coronado resident for over 60 years, for her family. He and his family thanked the City Council for its time and asked for their support.

Keith Susho, architect, 536 Fairway Drive, Redlands, provided more information on the additional limitations the family has proposed and the conditions on development. There are concerns from Lee Cargill and Sue Schaler, neighbors on the downhill side of Lot 4. He contacted both owners. They had valid concerns about privacy and not wanting to have any additional infringement on their privacy. There is a sewer line going through Ms. Schuyler's back yard. That has been eliminated. She also is concerned about the privacy of the back of her property where her son may some day want to build. Mr. Cargill is concerned that he has had two story houses built all around him that look down into a back yard that used to be private. Mr. Susho didn't want to see any additional infringement of that back yard. He has worked with Mr. Fait to come up with solutions to those problems. That is how the 30' rear setback came to be and the additional 15' on the side and the elimination of sundecks in the rear 40'. There had been discussion of increasing the driveway width to 14'. They are willing to do that. There were concerns about the FAR and the FAR would be brought down to the legal requirements. A portion of the old family house that was an addition at some point will be removed. There are some enclosures on the rear and front that could be opened up to change the FAR. Regardless, the FAR will not be exceeded. He has been in touch with Lee Cargill by email due to Mr. Cargill's being out of the country. He agreed to meet with Mr. Susho when he returns. They have done the best they can to meet the wishes of the property owners and will continue to do so.

Councilmember Downey said that she doesn't have a problem with the shared driveway and that she would rather have more green than paved area, so would prefer not widening it from 12'. She asked if there is a reason to want it to be larger. Mr. Pena responded that 12' is considered the minimum. Larger driveways tend to be a little better, but agreed that it is a balance between green area and pavement. Staff is fine with 12'.

Paul Less, 925 G Avenue, representing Lee Cargill, said he also has an interest in this but is representing Mr. Cargill's point of view. Mr. Cargill requested a continuance but that was not possible due to the rules about holding the public hearing within 30 days, etc. Mr. Cargill feels that this project should have been rejected out of hand because it requires deviations from design criteria to not dwarf existing homes. This fact was considered and accepted by the Planning Commission. Four out of five commissioners rejected the map. His thought was that if the project has been redesigned and resubmitted it should go back to the Planning Commission for more discussion and public review and to allow the Planning Commissioners to do their job. One lot doesn't even have off street parking. This seems to be a case for trying to make density work as opposed to making rules for everyone to live by to work as designed. Although this is R1-A it is almost like creating R-3 when it is done. There are a bunch of condominiums that

were on a lot and now there will be six of them. The proposal was to create lots for their five children – this creates six. Lot 4 is a major issue with the Cargills. It dwarfs their back yard. Regardless of whether there are balconies or windows, there will not be any sun when this is built. An interesting side note to this is that 920 G, which is adjacent to Lee Cargill's house, was originally owned by the Plumbs. They sold it, but if they had kept it, they wouldn't need Lot 4 and they would have enough lots. That lot is for sale right now. They could buy that lot, not do Lot 4, and everyone would be happy. He said there are a lot of other problems with this development, but Lot 4 is crucial. Lot 4 will turn the Cargill's house into a valley surrounded by stucco. That is not the idea of RSIP. RSIP is to protect the little guy and Mr. Cargill becomes a little guy. He believes that since the Planning Commission said no, that is the way it should be. If a redesign is called for, send it back to the Planning Commission to allow Mr. Cargill to be present to discuss this.

Sue Schaler, 1529 Tenth Street, said she bought her property from the Plumbs in 1951. The Plumbs built next to their fence, reaching to their property line. It created problems. She raised her children not to have feuds with their neighbors, but this is very difficult. Her main concern was to get something in writing, something legal, that would get the sewer out of her back yard. She has talked with the architect and she thinks he is a good architect but these are discussions about how the lot is going to be divided. She could not live in an enclave with all of her siblings and their children. This has to be a very unusual family if they can all live with each other and share those driveways. She sees very little green area, but that is something else. If the lot is legally dividable and if she has in writing that the sewer will be removed she will be satisfied. Another issue is that her property has a deed restriction against having a second story. There is a suggestion that Elsie Jane will build a second story on her house in addition to what amounts to a two story house anyway. The first story rises 12' above their ground level at the bottom of the first story. She spoke with Mr. Pena on the telephone and he said those things are best decided between neighbors. She is uncomfortable with the whole situation. She felt for a long time that her family bought the wrong lot. The other lot they could have bought was the Cargill lot, but now she feels that her family got the better of the two lots.

Councilmember Monroe asked for clarification on the deed restriction. Ms. Schaler said she and her husband signed a deed restriction that they wouldn't build a second story when they bought the lot. As properties change and density increases they have been advised by at least three lawyers that they could deal with the deed restriction.

Don Lektorich, 1517 Tenth Street, commented that although it is not normal to be able to live around your family, it is pleasant for his family, and he lives next to his in-laws. He thinks this is a great opportunity for Elsie Jane to build in the back of her property so that he could live in such a nice community. He doesn't think there is any problem with big families sharing big spaces.

Mayor Smisek closed the public hearing.

Mayor Smisek disclosed that he was at the site the morning of the meeting and walked the property and that he has known the Plumb family since 1960. He spoke with Duffy Lektorich that morning. He said the City Council feels uncomfortable any time the Planning Commission makes a negative recommendation that the City Council is being asked to overturn. During the 14 years that he has been on the City Council, when it comes to family properties, there is the feeling and the tendency to try to accommodate if possible. It is very difficult for people see that their children may not be able to enjoy the great Coronado environment as expensive as it has

become. The other consideration is staying within the law. Staff has done a wonderful job on the preparation of Attachment B, the alternate resolution. He hopes the architect has reviewed all of the RSIP restrictions very closely because in order to make all of those lots comply it is going to take a smart and capable architect. The City Council will expect that the existing structures will be brought into compliance. The easiest solution that would solve everyone's problems would be to get rid of Lot 4. If Lot 4 is to be kept, he thinks it might be good to look at the back yards of the current Lots 5 & 6 that go back all the way to Lot 3. He is very reluctant to go against the Planning Commission but he sees, because of the technicalities that are being talked about, this as very close to being completely legal. By an action of the City Council, it would then be completely legal. That makes this alright as far as a tentative map goes. There is a lot of work to be done to get a final map. He is hoping that the discussions that have gone on between neighbors continue and that when it comes time for the final map all of that will be resolved. Although not required, it would be nice to see the design of the home on Lot 4 in advance so that the Cargills and Schalers are informed and in agreement. Mayor Smisek agreed that the main concern of RSIP was friendliness to neighbors. He is inclined to go along with Attachment B as long as RSIP is maintained on all the lots, the existing structures comply with FAR, all 43 conditions specified will be complied with and the setbacks on Lot 4 will be complied with.

Councilmember Downey said she had a tough time with this. She wants to support a family's opportunity to try to make more room for other family members. She also spent a lot of time when the City went through the RSIP. She was the one who was concerned that the City was taking away the opportunity for people to build on the land they had in order to try to protect their neighbor's rights. She thinks that the City reached an RSIP formula that works. When she saw that all of these lots conformed with the RSIP and the new R1-A square footage, even though some creative things needed to be done, she thought it did comply with what the City asked people to do under RSIP. The architect has done a good job of trying to help the Plumbs to do that. She also likes the changes they are willing to make. She would add one more to hopefully satisfy the neighbors. She disclosed that she does live in a billy box house with a backyard that has huge condos on both sides, with very little privacy, so she sympathizes completely. One of the things they were able to do did allow her property to have some light. She would ask for the architect to find ways to design those houses and how they are facing to try to allow light to continue to go into those neighboring properties.

Councilmember Ovrom commented that in reading the staff report it appears that, from an administrative point of view, the panhandle does meet standards collectively. The lot orientation requirement is something the City can waive if it wants to. His concern is the house on Lot 4. Without elevations he doesn't see how anyone can say that the job is complete. These are all discussions about how it 'may' look. He thinks elevations need to be shown to the City Council and to the neighbors. Other than that, he thinks limitations on lot sizes have been met; there are limitations on FAR and he doesn't think those have been demonstrated as met yet but presumably there will be a way to demonstrate that. If he had his way, he would return this to allow the architect to provide elevations.

Councilmember Monroe would have liked to continue this but found out that the City couldn't legally do so. He asked if the Plumbs were asked to agree to a continuance. He was informed that Mr. Jim Plumb will be out of the country when this would need to be heard again. Mr. Monroe thinks that, because this is not the project that the Planning Commission saw, he would like to deny this today and send it back to the Planning Commission to allow them to take a look

at all the changes that have been made. Mr. Monroe recalled Mr. Pena's comments that if this is approved the Plumbs will have two years to get all the site plans, etc. Mr. Monroe does not feel a huge sense of urgency that something is going to change if this was sent back to the Planning Commission for another look. He would like some discussion on the idea of sending it back.

Councilmember Tanaka agreed that this is a difficult decision. He could go either way on it. One reason is because of the comments that it is so close. There is acknowledgement that it didn't quite make it. To some extent, Mr. Monroe's plan makes sense because denying it today doesn't mean that it is permanently denied but it gives time to have it worked on. If it is approved today there are two years to fix things but that opens up holes in terms of communicating with those neighbors and getting the final details sewn together. He believes that the entire City Council would like to see a scenario where they know more concretely where those neighbors stand on this and whether or not accommodations can be made to make the Schalers happy. He also doesn't see a sense of urgency because he doesn't see this whole project collapsing if the tentative map is denied today. The driveway issue troubles him. He doesn't like exceptions to rules. There are rules for reasons and he tries not to find reasons to grant exceptions, even though there could be some compelling ones here. He agrees with Mr. Ovrom that without elevations it is hard to determine how Lot 4 will look. There are a lot of questions that he feels are unanswered. If this is approved it is being done more on a leap of faith than on concrete facts. He would be inclined to reject this to give it more time to have details worked out. He understands there is a 30 day turn around period that has to be met, but that shouldn't compromise the City Council's deliberations on the project or compromise the ability to make sure that all of these last little details are what the City Council thinks they are. Again, because it is so close he thinks there is opportunity that the tentative map could be approved in the future.

Mayor Smisek thinks that sending this back to the Planning Commission would appear to be more of a bureaucratic move than anything else. The City Council has seen the final product and he doesn't see any sense to sending it back. They are just going to look at it again as the same thing the City Council is seeing. There are former Planning Commissioners sitting on the City Council who understand how that system works. The Planning Commission usually deals more in the black and white world. The City Council is the place for the greyer areas. The Planning Commission, by definition, has its hands tied because of the rules and regulations it operates under. The City Council does not. This is not about legality issues. If there was some large change he would be happy to send it back, but he sees this as passing the buck. This is only a tentative map. It all has to be fixed and completely legal before it can be a final map. He doesn't think there is a risk being taken here. This would keep the process moving and show that the City Council is addressing the situation. He knows it is not an easy one, but he thinks it should be gotten on with. Sending it back would not be fair to the Planning Commission.

Mr. Ovrom asked Mr. Pena about the process that would take place over the next two years and what the product would be that would come out of that. Mr. Pena responded that the applicant would have to comply with all of the conditions placed on them by the tentative map including verification of compliance with the RSIP standards, the draft documents for recordation of easements, the work being done for utilities as well as taking the project one step further by making sure that there are architectural design plans in place can be relied upon so they can meet and confer with neighbors so that when this map comes before the City Council again there will probably be more support for it. There are technical issues to be worked on as well as the quality of life issues expressed through the architectural work. Mr. Ovrom asked whether one part of the process would be to require that to happen before it came back to Council for final approval. Mr.

Pena responded that staff would be working with the applicant to make sure they produce enough verifiable documents and renderings. Normally renderings are not part of the subdivision process, but if the applicant agrees to produce some renderings that can be relied upon for either future construction or to have approved informally by the City Council at the time the final map comes around, that can probably be worked through this system. It is a little awkward but the City would have to rely on the applicant for their approval of what the City is requesting.

Mayor Smisek reminded everyone that the tentative parcel map really has nothing to do with the buildings. It has to do with the lots and whether or not they comply with all of the restrictions. The City can ask the applicant for renderings, etc. and if they agree there can be an agreement.

Mr. Ovrom thinks that the only thing in question is Lot 4. Everyone else seems to have concurrence. He agreed with Mayor Smisek that what the City Council should be looking at is the map, but given the topography that exists and the problems it poses; it is very difficult to agree without an elevation. He understands the letter, but he also understands that without that kind of information it is difficult.

Mr. Monroe asked for help with the word 'tentative'. Will the map come back without houses? Does it go through the Planning Commission? Mr. Pena explained that the final map comes back to the City Council directly. Normally, in some jurisdictions, a final map is almost considered a ministerial action because it has to comply with all of the restrictions placed on the tentative map and once that is done it takes one final action by the City Council to approve. Mr. Monroe feels that is part of the problem. The City Council has heard that there will be more discussions with the neighbors and she may build a house for her son in the back yard and wants privacy for that. He is not sure that has been resolved. He would like to make a motion that this go back to Planning. It is a different project than they saw. He would like the Planning Commission take a look at this project and come back to the City Council with a recommendation.

**M (Monroe) moved that the City Council send this back to the Planning Commission.**

The motion died for lack of a second.

Mayor Smisek thinks that the City Council either needs to approve or deny.

**MSUC (Smisek/Downey) moved that the City Council approve the alternate resolution (Attachment B) for the tentative map with the 43 conditions as specified and that staff draw up what was discussed today and review that with the applicant, mainly with respect to renderings on Lot 4. Those would come with the package that is brought back for the final map. With those conditions, the City Council approved A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO APPROVING A REQUEST FOR A SUSPENSION OF SUBDIVISION DESIGN REQUIREMENTS AND APPROVING A REQUEST FOR A SIX-LOT TENTATIVE SUBDIVISION MAP FOR 1515-1525 TENTH ST., CORONADO, CA. The resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8195.**

Ms. Downey reminded everyone of the efforts that were put in with the RSIP to say what lot sizes have to be and what FAR has to be. Now the City Council is trying to micromanage that. It seems to her that the City has already been down that road. The standards have been set. People have been told that they have to meet these standards. She understands that there are some small ways this doesn't do so, but one of the two ways it doesn't was one of the things she didn't agree with when RSIP was done with respect to treating panhandles differently. Part of the problem is that, with these large lots in Coronado, people divided them randomly before proper zoning was in place and this resulted in panhandles. It is not fault of the person who owns the lot that they got a lot that doesn't conform. It seems that this has already been done and now the City Council is being asked to say whether or not this project meets what the City told its property owners to comply with. She doesn't think the City Council has any choice. The requirements have been met. This applicant has bent over backwards to try to work with the neighbors. She appreciates that and encourages them to continue to do so. She also encouraged other people to comply with RSIP by following the rules and trying to work with the neighbors for the spirit of the RSIP which is to try to protect, as much as possible, privacy and light. This area could have been zoned for eight houses. There are only six going on it. That does promote the RSIP concept.

Mr. Tanaka agrees that in many senses this project is remarkable for how it conforms to RSIP or makes every effort to. But he thinks that it is not a normal project. The geography isn't normal. The fact that it is on a hill complicates things. There are a lot of issues that makes this not normal. He is not a big fan of panhandle lots but that is no fault of the applicant. There are a couple of issues here where an argument could be made either way. Page 92 of the staff report lists the findings that would be needed for disapproval. He agrees in spirit that when the applicant makes every effort to comply with the rules that should be looked at favorably. He also agrees that the City should try to accommodate families. He has his reservations but he is not going to hang all of his reservations on a 12' driveway. He would like the Mayor's motion to include a 14' driveway rather than a 12' one. He thinks it is shortsighted, when there is this much development, to err on the side of the less wide driveway. He likes people using their garages. He is confident that, at some point, there will be an issue of two cars trying to go in and out at the same time. To him, if they are willing to give up the foot on each side he would like to go with the 14' driveway.

Ms. Downey asked if the 14' driveway would allow for two cars to pass each other. Mr. Pena indicated that it would.

Mayor Smisek said he was willing to amend his motion. Ms. Downey agreed as well. The applicant indicated his agreement with the modification.

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

9. **ADMINISTRATIVE HEARINGS:** None.

10. **COMMISSION AND COMMITTEE REPORTS:**

**10a. Report from the Port Commissioner Concerning Port Activities.** Port Commissioner Robert Spane announced the end of his tenure as Chair of the Port Commission but indicated that he will continue to finish out his appointed four-year term. He invited the City Council to attend his Change of Command the following Tuesday. Admiral Spane also reported that a major issue on next Tuesday's Port Commission agenda is regarding noise from concerts affecting First Street residents. There was a meeting last week with the reported outcome that an agreement has been reached but he hasn't seen anything in writing yet. The understanding is that there will be a reasonable compromise between the players and it will be voted on at the next meeting. He thinks it might be beneficial for someone from Coronado to attend that meeting. He will try to get the agreement from Port staff as soon as it is complete.

Mayor Smisek thanked Admiral Spane for his service as Chair.

**11. CITY COUNCIL BUSINESS:**

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

**Councilmember Monroe** attended the City Breakfast, a solstice party at the solstice clock on the Silver Strand, and kicked off the Winter Pops concert on behalf of MTS.

**Councilmember Tanaka** had no meetings to report.

**Councilmember Downey** had no meetings to report.

**Councilmember Ovrom** attended the City Breakfast.

**Mayor Smisek** attended a MainStreet meeting and briefed Chamber representatives on the City Council agenda.

**11b. Consideration of Appointment to Fill Two Vacancies on the Historic Resource Commission.**

Mayor Smisek explained the process to be used for appointing a new City commissioner. The names are read individually by the City Clerk. Council members then vote in the affirmative for the candidates they feel should go forward in the process. Candidates with three or more votes go on to the next round. There are two vacancies. When it gets down to the final round, the person receiving the most votes will be appointed to a full three-year term and the person receiving the next most votes will be appointed to fill the one-year remainder of an existing term, made vacant due to the resignation of a commission member.

The applicants are:

Scott Aurich  
Laura Rose Crenshaw  
Peter L. Fagan  
John M. O'Brien  
Robin Lance Thomas

After four rounds of votes Laura Rose Crenshaw received the most votes and John O'Brien received the next most votes.

**MSUC (Smisek/Downey) moved that the City Council appoint Laura Rose Crenshaw to a term on the Historic Resources Commission to expire December 31, 2009 and John O'Brien to a term on the Historic Resources Commission to expire January 31, 2008.**

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

12. **CITY ATTORNEY:** No report.
13. **COMMUNICATIONS - WRITTEN:** None.
14. **CLOSED SESSION:** None.
15. **ADJOURNMENT:** The meeting was adjourned at 4:27 p.m.

Approved: January 16, 2007

\_\_\_\_\_  
Tom Smisek, Mayor  
City of Coronado

Attest:

\_\_\_\_\_  
Linda K. Hascup  
City Clerk