

**MINUTES OF AN
ADJOURNED SPECIAL MEETING OF THE
CITY COUNCIL OF THE
CITY OF CORONADO
Coronado City Hall
1825 Strand Way
Coronado, CA 92118
Wednesday, July 12, 2006, 12:30 p.m.**

A Special City Council meeting was scheduled for July 10, 2006 at 3:00 p.m. No meeting was held due to lack of a quorum and Mayor Smisek adjourned the meeting to July 12, 2006 at 12:30 p.m.

The Adjourned Special City Council Meeting was called to order at 12:30 p.m.

1. ROLL CALL:

Present: Councilmembers Monroe, Tanaka, Tierney and Mayor Smisek
Absent: Councilmember Downey
Also Present: City Manager Mark Ochendusko
City Attorney Morgan Foley
City Clerk Linda Hascup

Mayor Smisek explained that two of the City Council members present have conflicts of interest regarding the topic of the special meeting because of property ownership in or near the R1-B area. Two of the members present, Mr. Monroe and Mr. Tanaka, do not have conflicts. In order for there to be a quorum there must be three members present. The City Council method of resolving such an issue is to draw straws. Mayor Smisek and Councilmember Tierney drew straws. Councilmember Tierney drew the short straw signifying that he would remain to make a quorum. Mayor Smisek recused himself and Mayor Pro Tem Tanaka took over as chair.

2. ORAL COMMUNICATIONS:

- a. **Councilmember Monroe** apologized for missing the previous meeting.

3. CITY COUNCIL BUSINESS:

3a. Certification to the City Council of the Results from the Examination and Verification of Signatures on an Initiative Petition Requesting Redesignation of all Parcels Currently Zoned R1-B (Single Family Residential) to R-1A(E) (Single Family Residential); and Consideration of a Resolution Placing the Issue as a Ballot Measure on the November

7, 2006 General Municipal Election Ballot; or Council Referral of the Initiative to Staff for Analysis and Impact Report. City Attorney Morgan Foley provided a summary of the staff report. He explained that under the Elections Code, when an initiative qualifies for the ballot, the City has generally three options. One is to adopt the measure that is presented. The second is to place the matter on the ballot at the next General Municipal Election and the third is to first, before placing it on the ballot or adopting it, send it out for a report under Elections Code §92.12. That report is to provide information to the City Council as to the impacts of the measure. In the past the City Council has elected this third alternative in an effort to find out what impacts were being placed upon the City and its residents with a particular measure. That is staff's recommendation regarding this measure. Mr. Foley advised that the time allowed for a report is 30 days, but in order to make the deadline for placing this item on the November 7 ballot, staff recommends that it come back to the Council on the August 10. If the City Council accepts the recommended alternative, staff also recommends that the City Council set a Special Meeting for August 10.

Councilmember Monroe asked questioned if the signatures were collected and submitted within the County's deadline.

Mr. Foley responded that they were, and they were sent to the County Registrar of Voters for analysis. The analysis took some time; had they come a little earlier, there would not be a need to hold Special Meetings on this issue. This issue could have been handled at the regular City Council meeting, but there would not have been enough time for staff to complete the report.

Mr. Monroe reminded everyone that both he and Mr. Tanaka requested holding a Special Meeting on this issue due to the large number of signatures collected. They both thought the process should go forward and not be tossed out because of a legal timeline.

Mr. Foley did not think there was any objection to holding the Special Meeting. If there had not been a Special Meeting, that would not have invalidated the initiative. It would simply have postponed it over for two years until the next regular election.

Councilmember Tierney pointed out that only Councilmembers Monroe and Tanaka were eligible to request the Special Meeting. He was not in a position to call for one due to the location of his property, as was the same for Mayor Smisek and Councilmember Downey.

Mayor Pro Tem Tanaka opened public comment.

Story Vogel, 350 D Avenue, introduced himself as one of the proponents of this initiative. He thanked the City Council for taking the time to meet on this issue. And said he appreciated the good faith this shows. He commented that in the last 15 years there has been a noted increase in the building of homes on 25' lot homes that were previously 50' lots with one house. In 1990 the City Council voted to lower the FAR which effectively would have stopped the building of these "billy boxes". An initiative was put on the ballot by the realtors and the FAR went back up. Subsequent to that, a number of areas in town, Country Club and Glorietta, were rezoned to a minimum lot size. His intention through an election is to seek the community's view regarding trying to retain the historicity and the sense of place that makes Coronado what it is. He read a

short piece from a "San Diego Magazine" from the year 2002, which contained the views of various people about the building of large homes on 25 x 150' lots. Mayor Smisek was quoted in the article as saying, "Historically the residents haven't wanted Design Review; they haven't wanted to be restricted; they wanted free play. In the past, these houses were tastefully done. Now some of what we are seeing is just not appropriate for a village type atmosphere and I think that, as time goes on, sometimes what it takes is for people to see it, to get upset enough about it that they want to work on a measure to try to change that." Mr. Vogel said that this measure is to save the historicity and the sense of place that many of us know and love about our town.

Nancye Splinter, 1027 G Avenue, thanked the City Council for putting this on the agenda. She urged the City Council to put this forth to the Registrar of Voters so that the people can vote on it in November. She has seen so many older houses being demolished. She personally knows several older individuals who have been approached by contractors and realtors telling them that they can make much more money for themselves or their heirs if they would demo their homes. She said she is a personal property devotee and thinks that people should be able to do what they want with their own houses, but those in historic preservation know that it does come down to what the community wants. She urged the City Council to support the measure.

Kelly Purvis, 560 C Avenue, agrees with Mr. Vogel that it is time to take the town back. She gathered 1,467 signatures on this petition; very few people say no. She knows this is an issue that needs to be settled. The FAR was reduced in the R-1 zone under the RSIP process and at the very last minute they added back to the very smallest lot, the 25 x 140' lots. That, to her, was egregious. That is why she worked on this petition. It is time to have smaller houses on smaller lots and to save the 50 x 140' lots in the residential zone. Property rights are important but they work on both sides of the fence. If you live in a 50 x 140' lot and a "billy box" goes up next door, you would not be able to say that it didn't impact the value of your property. This is an important issue. The people in Coronado live as a community in a civil manner. A vote will tell what the community wants. It was done in Glorietta and in Country Club. She thinks the community wants one more opportunity to look at this as a group. She thanked the City Council for taking up this issue today and for doing the timeline in a manner that will put this on the November ballot.

Earl Callahan, 860 Cabrillo, commented that "billy boxes" were a misfit to start with. People were calling them boxcars. He understands that if Coronado is built out as it is, there could be over 200 more houses in Coronado. With all the condominiums that are being built, he doesn't think it is necessary to see 200 additional houses. People can hardly drive in Coronado as it is. He doesn't think Coronado needs to be another Mission Beach or Pacific Beach.

Daphne Brown, 326 First Street, feels that Mr. Callahan expressed her views very clearly. She wanted to publicly say that she applauds Kelly Purvis and Story Vogel and the volunteers who gathered these signatures. It is important for the City Council to realize that this is very important to the town and it needs to be voted on.

MSUC (Tierney/Monroe) moved that the City Council accept the City Clerk's Certification of the results of the Registrar of Voters' certification of signatures on the initiative petitions; and direct the following actions:

- a. Refer the proposed initiative to the City Attorney and City Manager for a report on its fiscal impact, its effect on the internal consistency of the General Plan or any other matters; and**
- b. Direct that a Special City Council meeting be scheduled for 3:00 p.m. on Thursday, August 10 to consider the report and consider placing the matter on the November 2006 ballot. The report must be presented to Council within 30 days after certification to the Council of the sufficiency of the petition. A special City Council meeting on August 10 would meet this requirement. Following presentation of the report, the Council shall submit the measure to the voters at the next available General Municipal Election conducted not less than 88 days from the date that the Council orders the measure to an election. The deadline for submitting the measure to the County Registrar of Voters for the November 7, 2006 ballot is August 11.**

Councilmember Monroe thanked Mr. Vogel for using the word "place" and the feeling that the residents of the community really have the right to create the kind of place they want to live in. That has been upheld all the way up through the Supreme Court. He is also aware that, up in Sacramento, there is a real movement going to take over more and more land use authority from local jurisdictions. That was seen when they did the analysis of how SANDAG has worked for the last two years. Most of their major criticisms were that SANDAG didn't have land use authority to impose on jurisdictions of things that SANDAG thinks are needed for the San Diego region. Now there is even some legislation that would further erode the City's land use authority. Coronado holds that very dear. He is glad that this is being considered at this time. The other thing that was mentioned was Design Review and that the City once looked at Design Review. He mentioned the possibility of looking at Design Review for the residential area when he ran for City Council in 2000 and he was booed off the podium. The Coronado Cays has such a process. Pacific Grove and Carmel do as well. He thinks the study is very important because it will provide information to the City Council but it will also provide information to the community. The people need to understand what this would do for at least two reasons and these are the two things he would like to see answered in the study: first, is it legal; second, if it is legal, there is a State law that was adopted in 2002 that essentially says that you can't down zone the density of your community as a whole. If one area is down zoned, there has to be a corresponding area that is up zoned. He thinks that is important to know. If this initiative passes, would the City then be required to find another area in Coronado to up zone with respect to density. This wouldn't necessarily be a lot size issue, but to find an R-1 area and make it R-3. He really thinks the City and the community need to know if it would be required to find an area to up zone in density. He hopes none of that happens.

Councilmember Tierney echoed Mr. Monroe's points. He said there would be some legal challenges to this. It is also of concern that there is a State law that causes the City to take into consideration, under normal circumstances, the zoning issue. He worries that this might hurt. There will be challenges. What people and what the City Council may feel they would like to do, may not come into being. The City Council has made the effort and put it out there to the

public and the City Council would like to have a response from the public. He feels comfortable that he knows where the public viewpoint will come from on this issue.

Mayor Pro Tem Tanaka said he thinks it is going to come down to what the voters want and what the courts want. He suspects that the City Council won't really play much of a role in this. The law is very clear about what has to be done when an initiative gains a certain number of signatures, which this one has. He restated the motion and called for the vote.

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

4. **ADJOURNMENT.** The meeting adjourned at 1:15 p.m.

Approved:

Tom Smisek, Mayor
City of Coronado

Attest:

Linda K. Hascup
City Clerk