

**MINUTES OF A
REGULAR MEETING OF THE
CITY COUNCIL OF THE
CITY OF CORONADO
Police Facility – Emergency Operations Center
700 Orange Avenue
Coronado, CA 92118
Tuesday, June 7, 2005, 3:00 p.m.**

Mayor Smisek called the meeting to order at 3:03 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 and Office Specialist Brenda Bridgeford

2. INVOCATION AND PLEDGE OF ALLEGIANCE. Father Michael Murphy, Sacred
Heart Catholic

3. Church, provided the invocation and Mayor Smisek led the Pledge of Allegiance.

3. MINUTES: The minutes of the Regular Meeting of May 17, 2005, a copy having been
provided Council prior to the meeting, were approved as amended. 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 May 17, 2005, as amended.**

Councilmember Tierney said he would like the minutes to reflect that he and the City Manager
were on City business in Sacramento with State Legislative officials at the request of Mayor
Smisek.

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

4. CEREMONIAL PRESENTATIONS:

4a. Proclamation: Relay for Life. Mayor Smisek presented the Proclamation to Charlie Pinkus, member of the Relay for Life Committee.

Mr. Pinkus announced that the event is this Saturday, starting at 9 p.m. and going until Sunday morning. On Sunday morning there is a pancake breakfast. He encouraged everyone to come.

4b. Proclamation: "Chief Robert Hutton Day". Mayor Smisek presented a Proclamation to retiring Department of Police Services Director Robert Hutton after a 33 year career in law enforcement.

Chief Hutton introduced his family, thanked them and thanked everyone from the Department staff for their efforts over the years.

5. CONSENT CALENDAR: The City Council approved, adopted and/or accepted as one item of business Consent Agenda Items 5a through 5n with the exception of Items 5f, 5h and 5m.

Councilmember Monroe requested that Item 5m be removed from the Consent Calendar.

Councilmember Downey doesn't want to remove Item 5j, but she just wanted the public to be aware of the ballot and encouraged them to vote for the slight increase in property taxes for the effort to fight mosquitoes in the community.

Councilmember Tierney requested that Item 5f and Item 5h be removed from the Consent Calendar.

A member of the public requested discussion on Item 5j.

MUC (Monroe/Downey) moved that the City Council approve the Consent Calendar Items 5a, 5b, 5c, 5d, 5e, 5g, 5i, 5k, 5l and 5n.

AYES: Downey, Monroe, Tanaka, Tierney and Smisek

NAYS: None

ABSENT: Tierney

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

5b. Approval of Warrants. The City Council ratified payment of warrants Nos. 10043818 thru 10044094 audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

5c. Renewal of Contract with San Diego Harbor Excursion for FY 2005-06 Commuter Ferry Service. The fare-free commuter ferry service provided by San Diego Harbor

Excursion operates weekdays during peak commute periods. Ridership in FY 1999-2000 was 45,810 with a per passenger subsidy of \$2.62. Annual ridership increased substantially after September 11, 2001. This year's ridership is projected to be approximately 84,000 with a per passenger subsidy of \$1.56 (see Exhibit A). This per passenger subsidy compares very favorably with the per passenger subsidy of other peak express transit services. Ridership on this service fluctuates from month to month and year to year based on the season, the weather, and number of ships in port among other things. Exhibit B is the contract for services. **The City Council approved the FY 2005-06 contract with San Diego Harbor Excursion and authorized the City Manager to execute the contracts and fund transfer agreements with San Diego Harbor Excursion, the San Diego Association of Governments (SANDAG) and the Metropolitan Transit System (MTS).**

5d. Approval of a Resolution Temporarily Suspending or Modifying Chapter 40.48 of the Coronado Municipal Code as it Relates to Public Rights of Way for Parade on July 4, 2005. Suspension of Section 40.48.012 C of Chapter 40.48 of the CMC for the specified date and time will permit the public to place items normally prohibited from the public right of way (chairs, canopies, etc.) in the center median and along the curb from 5:00 a.m. to 1:00 p.m. on July 4, 2005. The Police Department proposed the current ordinance with this capability in mind and Council has routinely suspended these Sections in the past. If Council chooses not to suspend or modify the Chapter, the Police Department will enforce this section of the ordinance based on non-compliance with warnings and its ability to respond to complaints during an extremely busy time period. This report is consistent with the recommendation of the Police Department last year as there were no problems noted. **The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO TO SUSPEND SECTION 40.48.012 C OF CHAPTER 40.48 OF THE CORONADO MUNICIPAL CODE TO ACCOMMODATE PUBLIC VIEWING OF THE INDEPENDENCE DAY PARADE. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8069.**

5e. Adoption of an Ordinance of the City Council of the City of Coronado, California, Repealing Section 40.30.040 of Chapter 40.30 of the Coronado Municipal Code and Adopting New Sections 40.30.040 and 40.30.045 of Chapter 40.30 of the Coronado Municipal Code Prohibiting Hosting of Parties at which Underage Minors are Consuming Alcoholic Beverages. This ordinance was introduced at the City Council meeting of May 17, 2005.

A public notice and summary of the proposed ordinance was published in the *Coronado Eagle Journal* on May 25, 2005, noticing that the City Council would consider adoption of the ordinance at the June 7, 2005 City Council meeting. **The City Council adopted AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, REPEALING SECTION 40.30.040 OF CHAPTER 40.30 OF THE CORONADO MUNICIPAL CODE AND ADOPTING NEW SECTIONS 40.30.040 AND 40.30.045 OF CHAPTER 40.30 OF THE CORONADO MUNICIPAL CODE PROHIBITING HOSTING OF PARTIES AT WHICH UNDERAGE MINORS ARE CONSUMING ALCOHOLIC BEVERAGES. The Ordinance, having been placed on First Reading on May 17, 2005, was read by Title, the reading in its entirety unanimously waived and adopted by Council as ORDINANCE NO. 1969.**

5f. Renewal of Contract with Ledford Enterprises for Advocacy of the State Route (SR) 75/282 Tunnel Project for Regional Transportation Planning, 2005-2009 Federal Transportation Equity Act (TEA) Reauthorization Bill and Related Funding Initiatives.

Councilmember Tierney said it is known that he has great doubts about the tunnel project and he wanted to explain the reasons he opposes the agreement. He doesn't believe the tunnel project will attain the necessary funding and that the City should not move forward on the project. He said that even though the subject amount is small, the incremental costs are accruing at a very steep financial cost to the City. It is his view is that the tunnel project is such an extraordinarily costly item that it would have to be approved by the local voters as a property tax increase and he cannot continue to set money aside for it. Also, he feels that the amount of regional money that would go into the tunnel project would be better spent on various other projects waiting in line that will benefit the vast majority of people in the region.

Councilmember Monroe encouraged the Council to vote affirmatively on this issue. He said he has personally worked with Mr. Ledford, whose contacts are invaluable to the City. He deals with all the elected officials and is there to give the City information when it is timely for the City to have it. He also made the statement that he has been working on the tunnel for three years and those involved have never indicated there would be a property tax increase in the City of Coronado related to the tunnel project. He said it needs to be clear to everyone that whenever that subject was mentioned it was never considered as a viable option.

Councilmember Downey commented that she supports the agreement. Her thought was that Mr. Ledford's services are well worth the \$73,000 dollar value due to his regional contacts, and the opportunities and information he can provide to the City.

MSC (Monroe/Tanaka) moved that the City Council renew the agreement with Ledford Enterprises, Inc. for professional services and authorized expenditure of up to \$73,200 from account #410735-9820-00901 for this purpose.

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

5g. Adoption of a Resolution Authorizing the Filing of an Application for Federal Surface Transportation Funds Through the San Diego Association of Governments for the Pilot Smart Growth Initiative Program for State Route 75/282 Toll Removal Mitigation Measures, Committing the Necessary Local Match for the Project, and Stating the Assurance of the City of Coronado to Complete the Project.

SANDAG has issued a call for applications for Pilot Smart Growth Incentive Program grants. The source of the grant funds is the Federal Transportation Equity Act (TEA) Transportation Enhancements (TE). Use of these funds is restricted to enhancement projects such as pedestrian, bicycle and transit improvements, as well as median landscaping and streetscape enhancements. The proposed SR 75/282 Toll Removal Mitigation Measures include such features as bulb outs and landscaping along the SR 75/282 corridor, traffic metering and landscaping around the toll plaza and up to five traffic signals at several locations along Third and Fourth Streets.

At the May 3, 2005 meeting, City Council adopted a resolution requesting the SR 75/282 Toll Removal Mitigation Measure project be amended into SANDAG's 2004 Regional Transportation Improvement Program (RTIP). That amendment to RTIP is to be adopted by SANDAG in June 2005. On the RTIP amendment application, the source of funding from SANDAG was identified as "TBD" (To Be Determined).

Council has previously directed staff to place the highest priority for CRWG on the bulb outs and landscaping along Third and Fourth Streets. Based on the numerous administrative requirements associated with TEA funding, staff recommends that this highest priority be funded solely with city funds. The application for TEA funds would be focused on the traffic calming metering system and landscaping at the toll plaza. This is anticipated to require a more extensive NEPA/CEQA process and take longer to gain approval. **The City Council adopted A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION FUNDS THROUGH THE SAN DIEGO ASSOCIATION OF GOVERNMENTS FOR THE PILOT SMART GROWTH INCENTIVE PROGRAM FOR STATE ROUTE 75/282 TOLL REMOVAL MITIGATION MEASURES, COMMITTING THE NECESSARY LOCAL MATCH FOR THE PROJECT AND STATING THE ASSURANCE OF THE CITY OF CORONADO TO COMPLETE THE PROJECT. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8066.**

5h. Consideration of Recommendation from the Tunnel Commission to Fill a Vacancy on the Tunnel Commission. Councilmember Tierney stated that he was concerned with the experience level of the individual proposed. His impression is that considering the major costs entailed an individual taking on this role should have some expertise or some technical background regarding the issue of tunnels, some knowledge in financing, some knowledge of construction, etc. Even though it seems to be the consensus of the Tunnel group to propose this individual he only sees experience in the area of dentistry. He suggested that another committee or commission might benefit from this individual's participation, but not the tunnel project.

Councilmember Tanaka said he is the City Council's representative to the Tunnel Commission. He pointed out that when the Commission is fully manned it has seven members, rather than the usual five. They sometimes have difficulty in getting a quorum because of the large membership so for that reason it is very important to have a seventh member. He said that Dr. Meadows brings other qualities besides technical expertise to the Commission. He explained that the current makeup of the Commission is diverse and has technical expertise. They specifically recruited Dr. Meadows because they were looking for someone with her profile. The fact that she is a dentist means that she has a business background and an academic background. She has served on other commissions. Because she is a lifelong Coronado resident she has a view into the problems stemming from where the Bridge was placed, what the City has done historically, and what role the tunnel is going to play. They also wanted another woman on the Commission. The Tunnel Commission has had a hard time getting people to volunteer for this Commission, but he thinks the fact that they hand picked Dr. Meadows should speak volumes about her qualifications and the level of confidence the Council should have in her nomination.

Mr. Tierney asked if the City had advertised this particular vacancy to the community to determine whether there are people with this expertise available now. Mayor Smisek confirmed that the position was not advertised.

Mr. Tanaka responded that Mayor Smisek had asked him to look into who would be interested in serving. He said he did explore some options, but explained that the last time the Tunnel Commission appointed a new member, Admiral Lou Smith; he was selected in this manner, via solicitation by the Tunnel Commission because he met their requirements.

Councilmember Monroe disclosed that Dr. Meadows is his dentist. He said she is very enthusiastic about the prospect of serving on the Tunnel Commission and her lifelong residency in Coronado is a big plus. He said he recommends support for her nomination.

Councilmember Downey asked if this appointment is for a replacement to finish the term of Al Hollingsworth or if it is for a new, full term. She also asked if there would be an opportunity to advertise at the end of a member's term. Mr. Tanaka added that typically it is City policy that a reappointment is somewhat automatic, even though it goes before the Council. It is rare that a commission member is not reappointed. Mayor Smisek said the appointment is a replacement for Al Hollingsworth. He explained that the Tunnel Commission is an ad hoc committee whose members serve until their services are no longer required.

MSC (Tanaka/Monroe) moved that the City Council appoint Margaret Meadows, DDS, to fill the vacancy on the Tunnel Commission as recommended by the Tunnel Commission

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

5i. Adoption of a Resolution Certifying the 2005 Apartment Vacancy Factor.

The 2005 Apartment Vacancy Factor has been calculated at 1%. The City received a usable response of 1,013 of the approximately 1,608 apartment units in the City. This response accounts for 63% of the apartment units in Coronado.

Since the 2005 Apartment Vacancy Factor is less than five percent, applications for conversion of an apartment complex into a condominium complex during 2005 cannot be approved by the City Council in accordance with Subsection 82.40.100(F) of the Municipal Code (except for those properties designated as a Historic Resource per 70.20 of the Coronado Municipal Code.) **The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO ADOPTING THE 2005 CORONADO APARTMENT VACANCY FACTOR PURSUANT TO SUBSECTION 82.40.100(F) OF THE CORONADO MUNICIPAL CODE. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8070.**

5j. Approval of San Diego County Proposed Increase to the Annual Property Assessment to \$8.55 Per Residence of Single Family Equivalent for Mosquito, Vector and Disease Control Services for City-Owned Property.

Mayor Smisek pointed out that the Council is voting regarding only city-owned property. The total annual cost for the 48 parcels that the City owns is \$384.76.

Lorre St. Germain, 424 E Avenue, apologized for requesting the item come off of the consent calendar. She thought the increase was for the entire community. She said her question now is whether there is any intent to raise the fees for residences.

Mayor Smisek responded that Ms. St. Germain should have received a ballot to fill out, yes or no, and then mail it back to the County. He explained that this is a County, not a City initiated project. It will require over 50% approval for the new fee increase to be imposed on property owners.

Ms. St. Germain said she was in front of the City Council in April 2000 to address an issue regarding the property at 455 A Avenue. She said there are actually two structures on that property, both utilizing sewer and other services from the City, however, after 16 years the City of Coronado has not given the second residence an address. Therefore none of the fees the rest of the homeowners in Coronado are responsible for have been applicable to the second residence, which does have bathrooms, kitchens; all of those services. The second residence will also be protected by mosquito and vector services and should not be exempt. She said the current tax bill only applies to one residence on the property. She said she would like the City to correct that.

Mayor Smisek reiterated that the agenda item only pertains to city-owned properties. Therefore, since the City does not own that piece of property, it is not the topic of conversation.

MSUC (Monroe/Downey) moved that the City Council approve the proposed property assessment of \$8.55 per residence or Single Family Equivalent (SFE) for mosquito, vector and disease control services for City-owned property, vote to approve the proposed assessment and direct staff to mark and return the ballots on behalf of the City.

AYES: Downey, Monroe, Tanaka, Tierney and Smisek

NAYS: None

ABSENT: None

5k. Award of Custodial Maintenance Services Contract and Direction to the City Manager to Execute an Agreement for Custodial Services. All seven of the bids submitted were considered responsive. The following is a summary of the bid results:

	<u>Contractor</u>	<u>Annual Base Bid</u>
1.	Come Land Maintenance Co. Inc.	\$107,912.04
2.	Advanced Building Maintenance Co.	\$147,240.00
3.	ABM Janitorial Services	\$169,248.00
4.	Jani-King of California Inc.	\$183,660.00
5.	Carlos Janitorial Services	\$210,000.00
6.	Baja Pacific, dba Mrs. Cleaning	\$303,600.00
7.	Aztec Janitorial Services	\$386,316.00

The bidder with the lowest responsive base bid was Come Land Maintenance Company Incorporated at \$107,912.04 on an annual basis. City staff followed up on the references provided by this contractor which included several cities in southern California. All of their references provided very favorable comments regarding their overall experiences with Come Land

Maintenance Company Incorporated. Therefore, staff is recommending award of the custodial contract to Come Land Maintenance Company Incorporated. **The City Council awarded a contract to Come Land Maintenance Company Incorporated for an annual base bid amount of \$107,912.04 for custodial maintenance services for fiscal year 2005-06, with two, one-year renewal options upon mutual consent. Said contract shall not exceed the annual amount within the program budgets of those City Departments that will contract for these services. The City Council directed the City Manager to execute an agreement for custodial services.**

5l. Approval of Resolution Declaring the Intention to Sell the Real Property Occupied by the Old Police Facility and Animal Care Facility at the Northwest Corner of Sixth Street and Orange Avenue (Commonly Known as 578 Orange Avenue and 1015 Sixth Street, APN 536-372-06 through 09), to the Community Development Agency for Affordable Housing and Setting a Public Hearing in Connection Therewith. The site is well suited for Senior Affordable housing as it is near services such as the Library, Senior Center, shopping area and the bus stop. The current Animal Care Facility can remain while its new location is determined and the planning and design of the proposed Senior Affordable Apartment Complex is undertaken. State law requires that a Public Hearing be held to inform the public and provide opportunity for public comment when a City desires to sell public property. The Resolution states that the property is no longer needed for municipal purposes, identifies the Community Development Agency's desire to acquire the site, and sets a Public Hearing regarding this issue at 5:00 p.m. on June 21, 2005, in the Emergency Operations Center at the Police Facility at 700 Orange Avenue. The Resolution will be posted and published as Notice of the Public Hearing in accordance with the Government Code. **The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO FINDING THAT PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF AND DECLARING THE INTENTION TO SEE CERTAIN REAL PROPERTY OCCUPIED BY THE OLD POLICE FACILITY AND ANIMAL CARE FACILITY AT THE NORTHWEST CORNER OF SIXTH STREET AND ORANGE AVENUE (COMMONLY KNOWN AS 578 ORANGE AVENUE AND 1015 SIXTH STREET, APN 536-372-06 THROUGH 09), AND SETTING A PUBLIC HEARING IN CONNECTION THEREWITH. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8067.**

5m. Consideration of Franchise Agreement with NextG Networks to Provide Systems to Supplement Wireless Telephone Signal Strength. Councilmember Monroe explained that he had written the City Manager an email about six months ago indicating that the City should be proactive to make sure there is cell phone coverage throughout Coronado rather than wait for each company to make individual application to put up antennas here and there, so he is a strong supporter of the technology. He admitted however to a little concern about this particular proposal because the agreement is filled with a lot of boilerplate information and verbal agreements that they don't apply in Coronado. Specifically it says that this equipment may be attached to City owned street light and traffic signal poles or attached to consenting third party poles owned by existing utilities. It goes on to say that City owned poles include decorative street lights along Orange Avenue and Ocean Boulevard that would not be considered for telecommunication equipment, which may be too much than what people in Coronado want. He was told earlier that they would not be put anywhere on Orange Avenue, but this is not written in the agreement. Also, there is wording that "...no portion of NextG's equipment shall extend higher than 30' above grade." If the telephone poles are between 18' and 22' tall and the extensions, in his recollection only go two or three feet above the top of the poles, 30' is more

height than they need. He is not sure why the City would allow a 30' height limit. He is also a little worried about the way the antennas would look on decorative poles, referring to pages 104 and 106 in the staff report. He said he would like to see the agreement terms narrowed to be more specific to Coronado. He would really like to see this go to Design Review before it comes to the Council for approval.

Councilmember Tierney said he would agree with Mr. Monroe in some ways. He said that any agreements made in the current discussion would be subject to change when the document is finalized and the Council will be out of the loop. He said the problem is that federal rules constrain the City as to what it can impose. He said he would like to keep Design Review out of it, but suggested that perhaps the City Manager and the applicant could resolve some of the questions and issues so the City could move ahead. He agreed that some of the pictures provided were ugly. Mr. Tierney said the staff report mentions that the poles in the median are not included, but doesn't define which poles are included. He agreed that the City needs this coverage, but perhaps the terms could be better defined. Just as was done with SBC, an agreement was worked out with certain concessions. He wondered if there was any deadline.

Mr. Tanaka responded that he doesn't think there is a pressing time issue. He remarked that Mr. Monroe makes some excellent points and accurately pointed out that the language protects the company, but not Coronado. He also does not want to see 30' foot antennas. His thought was that this is right up Design Review's alley and said he respects their aesthetic judgment. He would rather have Design Review vet this type of project than for Council to take that time.

Councilmember Downey thinks that if these are going to be on existing poles, the City doesn't have to worry about 30' poles, there will be ten installations at the most, and they won't be on Orange Avenue.

M (Monroe) moved that the City Council continue this item

Joe Malone, NextG Networks, responded that he understands some of the concerns. The agreement that was prepared is an iteration of comments and terms that have been given to them by cities. A lot of it protects the City's interests, and is under the City's control. He said there is so much flexibility and scalability that these networks can be made to be virtually invisible. The pictures are just schematics, not true representations. He said that Ms. Downey is correct that the primary goal is to save money on capital expenditures by attaching to existing facilities. All they are going to do is attach a small 2' antenna on top of the existing structure. The equipment box is a 1' x 1' and is painted to match. It becomes virtually invisible. The agreement just gets the framework in place. Then they have to come back to the City with a proposal for specific locations for staff and the City to review and approve. The City also has the right to say no to certain designs, to certain locations, poles, at any time. The City retains control over the entire project. This approval does not mean that they go out and start installing wherever they want and whatever they want. He said they are also okay with going to Design Review. He added that if an existing structure isn't an option or is an issue, another component is the ability to install what they call "stealth poles."

Mr. Monroe said he will trust City staff. It appears the agreement is written for the protection of the cities. He was simply worried about protecting Coronado. If they say they can make them invisible, okay; but the examples did not appear to be invisible. He said he would prefer Design

Review for anything that goes on Orange Avenue. He still feels the package that Council is about to sign is way too broad for Coronado.

Mr. Tanaka added that Mr. Malone's comments have cleared up his concerns.

Mayor Smisek commented that the recommendation from the City Attorney is that Council make it subject to approval of the City Manager.

MSUC (Downey/Tanaka) moved that the City Council authorize the City Manager to execute the Right-of-Way Use Agreement to allow NextG Networks to locate, operate and maintain telecommunications infrastructure within the public right-of-way subject to the approval of the City Manager.

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

Mr. Malone followed up by telling Mr. Monroe that they have done this in many cities and they have worked with cities with very strict design guidelines. They want to work with the City and want to be a good corporate citizen here.

5n. Approval of a Request to Donate Two Surplus Lifeguard Towers to YMCA Camp Surf. The City's Beach Lifeguard service recently purchased two portable lifeguard towers. Staff began the process of disposing of the surplus lifeguard towers; however, their value on the open market was limited. Concurrently, the City received a request from YMCA Camp Surf to donate the two surplus lifeguard towers to them. YMCA Camp Surf, located at the southernmost limit of Coronado, is a non-profit organization which organizes water safety and recreational programs for children, including Coronado's children. The staff at YMCA Camp Surf, as part of their duties, patrols the beach area at the southern borders of Coronado's city limits. The donation of these two surplus lifeguard towers would give YMCA Camp Surf staff a better view of the surrounding beach, surf zone and water, thus making the beach a safer place for recreational users.

Staff is recommending donating these two towers to YMCA Camp Surf as this will help promote safety within our community. **The City Council authorized the donation of two surplus lifeguard towers to YMCA Camp Surf.**

6. ORAL COMMUNICATIONS:

- a. **Robert Grazian, 825 10th Street**, explained that as a resident and home owner in Coronado he would like to express his opinion and present a suggestion to Council regarding the upcoming vote on the RSIP report. There are many valid and valuable aspects to the RSIP report, yet the recommendation that is most controversial is to reduce the floor area ratio (FAR) of new and remodeled homes. Many property owners are interested in having the freedom to build a modern size home that will allow room for a family of growing children, or must make the decision to enlarge their home for an elderly

parent or disabled relative. Lots are small in Coronado and to build an ample size home for a family requires a flexible FAR, at least to the level currently allowed. The beautiful public buildings, past and present, benefit all the residents and students in Coronado. These public projects can only be built when there is enough tax revenue generated by real estate appreciation and real estate sales in the private sector. Decreasing the FAR can negatively affect real estate sales potential. Why not place the RSIP recommendation of FAR reduction to a vote of the residents of Coronado? He appreciates Council's willingness to look at this with an open mind and a willingness to make changes as necessary.

- b. **Susan Keith, 801 Tolita Avenue**, reminded Council, the Mayor, the City Manager and all the public that the new library is opening on Friday at 10 a.m. It is a magnificent looking building. City staff, Library staff, Public Services have been working very hard to try to get everything moved while the Library has been closed. She thinks everyone will love the new Library and she urged everyone to come to the opening at 10 a.m. on Friday.
- c. **Joseph Aldis, residing on A Avenue**, said he just became aware of the proposed changes to the building codes. He understands that they were promulgated through the *Eagle* and the website, neither of which he reads a lot. He was quite surprised when he began to investigate possibilities for changes that this issue was going on. He thinks that the notification for such a major change is inadequate and would propose some other means to try to get the word out to all residents. He stated that the changes would severely restrict the use of his property. His neighbors already enjoy things he would no longer be able to. He believes that if the City is to continue with this proposal they would create a system of two classes of residents – one class that already has made changes to their property which are therefore worth more, and the other class that is restricted by the proposed amendments and would have less ability to use their property. He urged reconsideration, at least in communication of the impact and exactly what these changes are so that people can understand it better. If there is a citizen action committee on this issue he would like to know about it because he would join it.
- d. **Lorre St. Germain, 424 E Avenue**, said she is was before the Council to let them know that the court did not rule in favor of the City of Coronado and she was found “not guilty” of being a public nuisance. The reason she is here also is because yesterday, during the court hearing, Mr. Pena, in his testimony, alluded to a 1972 ordinance which indicated that any residence that had a garage or auxiliary building that was built prior to 1972 did not meet the standards to be retained or maintained for its intended purposes. She discussed City regulations regarding garage conversions and parking requirements. She pointed out other properties in Coronado which she believes have been illegally converted and said the practice has been going on under the auspice of the municipal code. She said had asked the City Attorney and had subpoenaed records regarding the code violations and the ordinance in question but has not seen it in print yet. She said she is requesting a meeting with the City Manager to discuss this ordinance which, if it is in place, is ruining this community.
- e. **Bruce Johnson, on Balboa Avenue**, said he wanted to talk about baseball. He represents Sam Cece, the coach of the Coronado High School Islanders. The team made it to the CIF finals for the very first time. He announced that there will be a home run derby on June 18 beginning at 10 a.m. and running all day as a fundraiser for the CHS field because they have no funding. There are six divisions all the way from ages 9-99 and will be a lot of fun. The Coronado High School cheerleaders will be the field judges.

7. **CITY MANAGER:**

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

8. **PUBLIC HEARINGS:**

8a. **Public Hearing: Consideration of a Resolution Approving the Proposed FY 2005-2006 Solid Waste and Recycling Rates for Commercial and Residential Collection Services and the "Cost-Sharing Program".** Scott Huth, Director of Public Services, provided the staff report. He explained that normally the City looks at solid waste rate review in December/January. Between EDCO and staff they agreed to defer the review to this time of year so it is in line with the City's fiscal year and budget process. Adjusting the review also it realigns the timing with the annual rate changes for landfill tip fees. He advised that the realigned date of the review results in the City is looking at an 18-month period this time instead of a 12-month period.

Mr. Huth explained that there are four main categories - Landfill Tip Fees, Adjusted Disposal Weight compared to the Cost of Disposal, EDCO Service Component Adjustment for Cost of Living, and Recycling Revenue Adjustments. The tip fee rates are affected by an increase in yard waste disposal fees, refuse disposal costs, and the waste disposal weight rates for can and bin service. The calculation of Adjusted Disposal Weight was affected by a large increase in the weight being disposed of this last year; mainly because of good economic times in the community, a higher occupancy rate, and from the amount of refuse generated by the storms. The computations also include factors for the Consumer Price Index, fuel costs (a 38% increase was major), and equipment replacement. The last component taken into account is the recycling program. Last year the Council approved a program where recycled items could be co-mingled rather than separated. The benefit was that this year is the City gained 60 more tons of recyclables, which translates to more revenue for the City this year. That revenue is going to come back in the form of a credit. Staff is proposing a \$0.90 credit on the single-family can service customer. He said that if Council decides to continue the 50/50 cost sharing program, the single family can customer is looking at a \$0.76 increase per month; a multi-family can customer is \$0.61 per month; a commercial can customer is \$0.96 increase per month; and a bin customer will see an increase of \$8.75 per month. He reminded everyone that the calculations were figured over an 18-month period. Over the additional six months of the rate review period the citizens have benefited by paying the old rate.

Mr. Huth added that the City continues to get great service from EDCO. They were very vital in supporting the City during the storms this last winter. They also helped with a number of shoreline clean ups. Based on all those factors and their service to the community, staff is recommending that the City adopt the rate increase. He introduced representatives from EDCO who were in attendance, EDCO's new president and CEO Steve South, customer representative John Snyder, and the accountant who put together the rates Dan Gallagher,

Councilmember Downey said she has figured out that Coronado is one of only two communities in the County of San Diego that helps defer the cost of trash collection. She hoped people realize that this is a wonderful thing the City does for its citizens and how their tax dollars are coming back to them. She pointed out that the City gets back \$40-50,000 for its recyclables, so she

encouraged the residents to continue doing such a good job in recycling. The more they recycle, the more money comes back, and the lower the rates will be.

Councilmember Tanaka added that EDCO's program allowing people to not sort anymore is very beneficial. The City is lucky to have EDCO as the company to work with the City – they really make it easy on the people.

Mayor Smisek opened the public hearing and seeing no one wishing to speak closed the public hearing.

MSUC (Monroe/Tanaka) moved that the City Council approve A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO APPROVING THE RATE ADJUSTMENTS IN ATTACHMENT A FOR SOLID WASTE COLLECTION SERVICES PROPOSED BY EDCO DISPOSAL CORPORATION. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. . The City Council also approved the change to a fiscal year rate review schedule to the EDCO agreement and authorized the Mayor to sign an amendment to the agreement.

AYES: Downey, Monroe, Tanaka, Tierney and Smisek

NAYS: None

ABSENT: None

8b. Public Hearing: Introduction of an Ordinance Amending Chapter 70.12 of Title 70 and Chapter 86.56 of Title 86 of the Coronado Municipal Code Addressing Vacant Premises. Tony Pena, Director of Community Development, began by saying that the proposed ordinance amendment is strongly supported by the Design Review Commission and the Planning Commission. The change is the result of testing the existing ordinance over time and finding that it is not strong enough. The community has not been satisfied with the result obtained by enforcement of the current code. This amended language adds more criteria and is much stronger than the current ordinance, which should be a big improvement to the community.

Mayor Smisek opened the public hearing.

Toni Gaylord, Coronado MainStreet, announced that the MainStreet Board unanimously asked her to bring to the City's attention that the old CoraMart and the movie theater have fallen well below the standards dictated in the vacant premises ordinance and certainly need to be brought into compliance. The buildings and property are dirty; the movie theater marquis is peeling, etc. MainStreet is formally asking for code enforcement review. They appreciate the stronger ordinance.

Lorre St. Germain, 424 E Avenue, asked if Mr. Pena could read the proposed ordinance so that everyone can understand exactly what it is. She asked if it pertains only to commercial buildings or if it includes residential buildings.

Mr. Pena highlighted the changes and said it applies to all vacant buildings on all lots in the City, which makes it quite widespread in terms of total impact. He said the new language clarifies definitions such as what a blighted condition is. There are criteria that state when vacant premises would need to be cleaned up, for example, if there are missing or boarded windows or doors; walls or flooring which are collapsing or missing entirely; dead, dying or otherwise unhealthy landscaping; dirty, broken, or missing tiles; faded or ripped awnings and window screens. There are procedures for notifying the property owner, requiring that the exterior of every vacant premises or vacant lot shall be maintained in a clean, safe and sanitary condition. It requires screening from view vacant lots in non-residential zones, which shall be enclosed with a 6' tall, opaque fence erected along property lines. The City requires an automatic irrigation system to maintain landscaping for vacant premises in commercial zones.

Mayor Smisek referred to the new section that states, "If the Owner of a Vacant Premises has been recipient of three (3) Notice of Violation actions for violations of the Coronado Municipal Code, during any one period of vacancy, the Owner must submit plans to abate the violation(s) to the Design Review Commission for approval as provided in the City of Coronado Municipal Code Chapter 70.12."

Mayor Smisek closed the public hearing.

MSUC (Downey/Tanaka) moved that the City Council introduced AN ORDINANCE OF THE CITY OF CORONADO AMENDINGN CHAPTER 70.12 OF TITLE 70 AND CHAPTER 86.56 OF TITLE 86 OF THE CORONADO MUNICIPAL CODE ADDRESSING VACANT PREMISES. The Ordinance was read by Title, the reading in its entirety unanimously waived and placed by the City Council on FIRST READING.

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

8c. Introduction of an Ordinance Amending Portions of Title 86 of the Coronado Municipal Code to Implement the Recommendations of the Residential Standards Improvement Project (RSIP) Regarding Zoning Development Standards Including but not Limited to Building Height; Floor Area Ratio; Building, Roof Deck, Balcony, and Roof Dormer Setbacks; Landscaping; Trailer and Boat Parking; Accessory Buildings; and Off-Street Parking Requirements. (PC 10-03 City of Coronado) Tony Pena, Director of Community Development, clarified that in the section "Housing Density and Design" a sentence from the City's Strategic Plan was included: "Develop related standards for building bulk, mass, lot coverage, setbacks, fences, walls and height in the R-1A, R-1AE, R-1B and R-3 zones." The reference to R-3 should have been left out. He thinks that has caused some confusion in the community. He wanted to clarify that the proposed ordinance does not affect R-3 and R-4 zones as regards changes to floor area ratio (FAR) and other development standards when one develops a single family dwelling in those multi-family zones. There are some general provisions that would apply to the multi-family zones, such as revised definitions, but those are only intended to clarify existing codes.

Mr. Pena explained that there had been quite a bit of dialogue since the Planning Commission's unanimous support of the ordinance. A subcommittee of the RSIP Committee has been meeting with the Coronado Board of Realtors. He added that Jim Strickland, the Chair of the RSIP, will give an update as to what progress has been made in terms of possibly modifications to the proposal. The development of the recommendations has been a long process – almost two years and he still thinks there is an education level that has to be obtained by people who may not be as familiar with the material as the committee members are. He thinks a lack of familiarization with it caused problems in the beginning, but through a lot of the education many people understand that it is a pretty positive ordinance. The educational process has gone a long way to bringing more support for it.

Mayor Smisek outlined how the hearing would proceed. He said that Mr. Strickland would come forth and give his presentation. Some members of the RSIP Committee would then review ideas and recommendations that came out of the Planning Commission process. Then the City Council would have the opportunity to ask questions of the entire RSIP committee and City staff, after which the public hearing would be opened. At the completion of the public hearing the Council would enter their discussion. He said he would use a letter from the Board of Realtors as an outline to discuss the topics because it appears they covered most of the topics on which there is any real discussion. The Council would discuss each item and make the determination of what action they would take. If there are any items that cannot be resolved by the Council, they could be set aside and the rest of the ordinance could move forward for adoption at the next City Council meeting. The items that are not resolved could follow on as amendments at a later date. Mayor Smisek said there has been a lot of work done, and a lot of outreach to try to resolve differences. He personally met with the subcommittee the previous day for an update.

Jim Strickland, 1048 Olive Avenue, Chairman, RSIP Committee, explained that after the May 23 Planning Commission unanimously voted to recommend approval of the RSIP recommendations the Coronado Association of Realtors presented a letter they had not seen before that date. Mr. Strickland said he asked RSIP members Jon Ryan and Dorothy Howard to begin a dialogue with the Board of Realtors Task Force regarding eight changes they had proposed. Several discussions resulted in a four amendments the committee members were comfortable with proposing.

Jon Ryan, 716 Margarita Avenue, Planning Commissioner and RSIP Committee member, explained that he and Ms. Howard contacted Russ McKee, the head of the Realtors subcommittee and who serves as the Government Relations Director of the Board. The other members of the realtors task force were Dave Gillingham, Rene Wilson, Kevin Rugee, and Kathy Prout. They met four times and were able to agree on some points, but were unable to reach agreement on others such as notice to the neighbors, the inclusion of garages in the FAR (the RSIP committee's stance is that any portion of the structure that is visible above ground should be counted), backyard setback for second stories, and roof decks. He said they did come to an agreement on FAR in one respect. The Realtors Board believes that the sloping FAR is the right way to go; that the one size fits all FAR that exists today is one of the factors that is causing a problem. They also agree with the linear approach as opposed to the stair-step approach that currently exists, but the two groups are still about 2-5 points apart from agreeing.

Dorothy Howard, 420 H Avenue, RSIP member, explained that the two groups were able to come to agreement on side yard setbacks for lots 50' and less. The RSIP proposes that the side yard

setbacks increase over 10% on the very large lots, those over 8,000 sq.ft. The point the realtors made is that if the lot is very narrow it might be extraordinarily deep but does not have an impactful street presence, so there should be no penalty. The RSIP subcommittee felt that was a valid point and agreed that for lots 50' or less that the side yard setback should be a maximum of 10% regardless of the lot area.

Regarding rear yard setback, which really has to do with back yard privacy, there was one point of agreement. For lots that abut a public park or the bay, the privacy issue is not so important because all of the neighbors want their house to be as far back on the lot and as close to the view as possible, so an increased setback for second stories in these rear yards should not apply.

As for attics being included as floor area equivalent, the realtors agreed to modify their proposal in that an attic which does not have any dormers or skylights (just a basic roof form unadorned by additional bulk and mass) should be able to have a 5' wide by 5' tall area without being counted in FAR. If it looks like the attic is not being occupied it shouldn't have to count. If the roof form is inflated with the addition of dormers, creating a more usable and inhabitable space, then it should be included in FAR.

On the topic of additional design features that could be utilized to increase FAR, the realtors concern was that some features had been removed from the list. It turns out that some items were dropped due to inadvertent clerical errors. The realtors made a valid argument to retain two additional design features that the RSIP committee could support. One was to have plans drawn and signed by a California licensed architect with the proviso that the drawings are produced on the architect of record's title blocks, on all sheets, and that the architect sign an affidavit stating that he did produce those plans. The other feature was if an addition to a dwelling were designed to be compatible with or to retain the architectural style of the original dwelling.

Regarding raised, covered, and enclosed front porches for lots that are on a corner, as long as the lineal footage of the front porch meets the requirement, up to 60% of that lineal footage of the front porch should be allowed to wrap around the corner onto the street side façade as long as that porch meets the side yard setback for that street side yard. That is an attractive look and is something that should be encouraged.

Courtyards along the side façade open to the side yard of at least 15' in width and a minimum depth of 30% of the lot, which is currently allowed and is recommended to be retained. There are certain architectural styles where this is very appropriate. Where a courtyard is not totally surrounded by a two-story structure it adds to the openness and the mitigation of bulk and mass.

The final topic was regarding an increase of side yard setback for stories above the first floor of at least 33% over the minimum required side yard setback. The committee believes this will discourage second stories that are as wide as the first story.

Ms. Howard clarified that the current ordinance allows any involuntarily destroyed or damaged structure to be rebuilt as it was, and is not required to conform to any change in zoning. The RSIP proposal does not recommend any change to that.

Mayor Smisek invited the Councilmembers to ask questions of the RSIP Committee and staff.

Councilmember Monroe referred to the chart provided by the Board of Realtors and asked for clarification and justification from Ms. Howard regarding the addition of five additional items that qualify as points to span the gap between the minimum allowable FAR and the maximum.

Ms. Howard agreed that more options were added because the thought was that allowing more options encourages variety. If there are only ten ways to get from the base allowable FAR to the maximum, houses are going to begin looking very similar. Even with more ways to get points, the base and maximum FAR for any given lot size are still defined. The difference between minimum and maximum FAR is less for smaller lots because there are fewer additional design features that can realistically be done on a 25' lot. The bigger the lots get, the bigger the gap between the base and the max FAR becomes because it is easier to incorporate more features, such as wider setbacks, etc. They felt having twice as many available features as you might use will lend to design flexibility and have lots of different ways to solve the problem.

Mr. Monroe asked if Ms. Howard if she would agree that it would actually reduce any requirement to maybe raise the base line because it is easier to span the gap.

Ms. Howard doesn't think it should be a excessively easy to get from the base to the maximum FAR, but it shouldn't be so difficult that ever reaching maximum FAR is unrealistic, unlike the current ordinances where the maximum FAR of .75 isn't really achievable.

Mr. Monroe commented that it has become easier with this proposal five more criteria.

Ms. Howard agreed, but she said the way she would look at it is that it should take the same number of items to get from the minimum to the maximum FAR as are required under the current ordinance.

Councilmember Tanaka has two different charts showing the Board of Realtors proposal. Mr. Ryan explained that the charts were modified as the discussions progressed and he would suggest waiting until the Board of Realtors makes their presentation to see where they are now with the chart.

Mr. Ryan explained that the issue he is seeing is continued dialogue with them.

Councilmember Downey expressed her concern about the attic situation. If the house is within the FAR that the City wants and the design elements the City wants are being used, she doesn't understand the reasoning to count or not count the attic space. If the square footage is where the City wants, why does it matter if someone tries to live in a 5'x 5'? If they can't do anything outside to use that more, she doesn't know why she should care whether or not there is living space in the attic or not.

Ms. Howard explained that the proposal they arrived at was that if you don't have dormers the house doesn't look any different and the FAR is not counted. Whether or not someone is living in the space is not material. If there are dormers the roof has been made bulkier and it increases the bulk and mass. You would still be allowed to have dormers under the RSIP proposal and not have to count it in FAR as long as there isn't the 5' wide and 5' tall open area.

Councilmember Tierney wants to make sure that FAR doesn't apply to any basement space. Ms. Howard responded that is true and it is not proposed to change. Mr. Tierney concluded that a person would have all that additional square footage available.

Mr. Ryan added another point on the attic discussion. The attic space is essentially above the second floor. By allowing the attic to not count is a pretty big give back of a lot of space that doesn't count. There is not a lot of light in there, but certainly electric trains, a computer and a few other things could be up there. He thinks that is a positive. It seems like pretty good logic that if you can't see the basement and it doesn't count, then if you can't see the attic and it is in the building envelope it doesn't count.

Mayor Smisek opened the public hearing.

Bruce Johnson, on Balboa Avenue, said he was born and raised in Coronado, is a staunch supporter of private property rights, and is in the real estate industry. He understands that some people might think that they are losing under this proposition but he believes that the reality is that everyone is gaining. He congratulated the RSIP Committee on their work, coming up with solutions and encouragements on things like front porches and decks that encourage the village character and atmosphere. He said the General Plan in Community Design Element refers to small town, village character and ambiance, which is what the City followed when it developed the Orange Avenue Specific Plan. The City really needs to decide who it is because for 135 years it has been Coronado – a small village, which isn't what it will be in the future with the current guidelines. He talked about the types of residences the current zoning allows and the people who are taking advantage of it. The new RSIP is a win-win. It encourages good design. The numbers may speak for themselves. His thought is that property values are best protected by good zoning. He encouraged Council to approve the ordinance.

Russ McKee, 777 B Avenue, homeowner, resident, business owner, realtor, spoke on behalf of Coronado Association of Realtors. He said that when the realtors task group presented their position on RSIP they encouraged the Planning Commission and City Council to refrain from implementing this ordinance until all property owners in the R-1 zone receive a complete summary of the new ordinance and schedule public hearing dates at least 30 days prior to the first reading. He said they appreciated being able to with the RSIP representatives to develop compromise solutions. As Jon Ryan mentioned earlier, some of the realtors' recommendations have been incorporated into amendments that were presented to Council. He said the realtors are recommending that the FAR be adjusted as per the graph he showed. He reviewed some of the proposed changes and explained that they are the changes the Association of Realtors feels are reasonable. Their rationale for these modest adjustments are based on feedback they have received from concerned property owners who believe that the proposed reductions are too extreme. The compromise solution will enable property owners to more fully utilize their properties for remodeling and development yet will still satisfy the community's desire to impose meaningful limits on excessive bulk and mass. A final recommendation is that the requirement of the courtesy notice to neighboring property owners be eliminated. They consider this excessive intervention by government and they also feel that it will result in increased administrative cost to the City.

Ann Patterson, 941 G Avenue, invited everyone to come see her 100 year old historic cottage that has been in her family for over 60 years and how close the house next door has squeezed their

property. She said it the neighbors' eight foot wall is eight inches from the side of her house so she and her husband can hardly make routine repairs. There were no building codes in 1904 when her house was built. She said that the story of their house was featured in *San Diego Home and Garden* magazine in June '02 and there have been many follow up articles, TV anchor spots, radio discussions concerning the overbuilding going on in Coronado. Many of these oversized houses look innocent from the sidewalks with attractive front yards, but they are approximately 90' long and loom high over their neighbors, impacting privacy, light and it is almost like having a cruise ship parked right along side of you. She doesn't believe that passing these new standards will reduce the value of one's property. She believes that good zoning equals quality real estate which equals higher prices, and that lot splits and over sized houses out of scale with the land equals mediocrity and will eventually reduce the real estate prices.

Brian Ricks, 275 Alameda Boulevard, said he owns a 25' x 140' lot with a 1,700 square foot home and a 2 car garage, does not feel that the City has enough input from the affected homeowners. He said he is severely impacted by the proposals. He could build a 2,350 sq.ft. house, but now he has to take off 400 sq.ft. for the garage and would only be able to add on 200 sq.ft. to his home now, which isn't what he bought his house to do over ten years ago. He doesn't think the meetings have been well publicized. Most of the people he has talked to didn't know this was going on. The *Coronado Currents* containing the announcement of the May 24th meeting in was delivered to his house on May 25th. He said that what he does is to analyze and write surveys. He questioned the validity of decisions being made on the basis of 70 or 80 surveys, rather than from a survey of all the homeowners. He commented that the questions can be asked in a very neutral way thinks this was not done with this survey, which was skewed to the answers that the RSIP wanted to get. He also wondered what the property demographics are of the people who were surveyed. If they all own 7,000 sq.ft. lots, that is a skewed response. Mr. Ricks said he looked up the Committee members in the phone book and took a ride by their houses. It is easy for them to make the decision; they've got theirs. There was only one house that wasn't built up and at least of 3,000 to 4,000 sq.ft. He wonders how many of the Council members live on a 20 x 140' lot with a house less than 1,900 sq.ft. He asked Council not to include the garage in the FAR and, reminded that the most severe impact is on the smaller lots.

Jim Ruzevick, 742 Jacinto Place, said he had addressed the RSIP Committee at the last two meetings regarding the reductions in FAR. He focus was on the proposal to eliminate the 400 sq.ft. garage exemption and how it would affect the owners of smaller lots. He explained that according to the proposal, a house on a 3500 sq.ft. lot with 75% FAR, with the setback requirements could be built to a maximum size of 68% or 2380 sq.ft. He is guessing that this house would have 4 bedrooms, 2 ½ bathrooms, a family room and a combination kitchen and dining area. He pointed out that under the current rules, the FAR and buildable square footage of that 3500 sq.ft. lot are the same – 2380 sq.ft. However, because the proposal requires the garage space to be included in FAR, the livable square footage drops to 1,980 sq.ft. or about a 17% decrease. The ratio on this lot would go from 68% to about 56.5%. To put that into more realistic perspective, if one has a bedroom that measures 14' x 14' that is 196 sq.ft. This will effectively remove two bedrooms or a family room from a house that is not that large to start with. Coronado has always had the reputation of being a good family town. With the proposed revised rules he wonders where people are going to put the family. As a compromise he would like to propose a consideration of a smaller reduction to the FAR. Instead of eliminating the entire 400 sq.ft. garage exemption, the all or nothing approach, he asked Council to consider a 50% exemption to a garage allowance. The additional 200 sq.ft. of space will allow an extra bedroom, office or playroom.

On a 3500 sq.ft. lot the maximum house size would drop to 2180 sq.ft., an 8 ½% instead of a 17% reduction, which is too large of a penalty. The ratio would drop from 68% to 62%. He understands the frustration of many people that the large houses being built are out of character with the village atmosphere. He is an affected neighbor of overzealous building. The owner of the house behind him was allowed to construct a very large sheer wall on a zero lot line. However, when someone is paying \$1 million for 3,500 sq.ft. of dirt he thinks they should be able to build a decent size house for their family. It is not a financial possibility for owners of smaller lots to buy larger lots or construct underground parking as was suggested by an earlier speaker. He would like for the Committee and the City Council to consider a more reasonable 8 ½%.

Cordell Parker, 320 E Avenue, said he is a prospective new homeowner at 276 F Avenue, at the corner at 3rd and F. It is a 1900 sq.ft. lot which means he is going to get pummeled by this proposal and now finds himself in an interesting development of government control over citizens' land use. While he is new to Coronado politics he is not new to local governments changing the rules midstream. His opinion is that there isn't anything wrong with the current standards and thinks the look of the City has only been enhanced. He recognized Mr. Russ McKee and Mr. Thomas M. Vaughn as champions for himself and the many others who were not here or properly informed. While some may not be excited about the growth, he would say to them that this City is one of the most beautiful cities in the United States, just ask the tourists who continue to flock here and buy here. Maybe that is the underlying issue. He had three houses built next to him at 320 E and they were bought by an Illinois resident, a Vermont resident and an Arizona resident. Now that he is a prospective homeowner it is his obligation to let Council know that many of these changes will personally affect his family's quality of life.

Karen Dugger, 257 Alameda Boulevard, said she bought a house was designed by Dale St. Denis a year ago. Under the new proposal it is too big just as it is and it is only a two bedroom home. She is 31 years old and has two little boys and still wants the opportunity to have more children. She said it is ridiculous that when she spent \$1 million buying this house it was with the understanding that they could add on another room and now they can't. She doesn't understand how now all of a sudden she can't have other children because she can't add on. She commented that one doesn't buy on Coronado for privacy. Also, she didn't even know what was happening and she is a homeowner. It took other people on her block to inform her. It seems to her that the more education that is going on the more irate homeowners are becoming. She mentioned the many military members who own property on Coronado who are stationed elsewhere, renting out their homes and who had no idea this is going on. She also thinks that the garage shouldn't be counted, but that the mandatory connector should be eliminated. She doesn't see a problem with the current FAR allowance of 75%.

Henry Patterson, 941 G Avenue, commented that the yellow pages in the Coronado phone book advertise real estate services from pages 111-136. That is 25 pages of smiling faces. Why are they smiling? Because Coronado is for sale. He asked if there are any realtors present who have ever discouraged a prospective buyer because Coronado's codes don't fit their plans. Does a sale take precedence over maintaining the quality of life? He and his wife sat in on most of the RSIP meetings, watching as Jim Strickland and his committee selflessly wrestled for months with myriad details to give Coronado the quality of life everyone desperately wants. Fifteen years ago Harold Meyers led the charge to reduce the FAR and they shot him down with only 160+ votes. He admonished not to let that happen with RSIP.

Floyd Ross, 1030 Glorietta Boulevard, said he is before the Council to speak in favor of Russ McKee's compromise to the FAR. He said that so far people have been allowed to build to 75%. So many people have done it that it is too late to revert back to the proposal that is on the board. It impacts too many people adversely. The compromise that Mr. McKee has proposed is probably the best the City can get now in the way of something that mitigates, to some extent, the damage that some people say has already been done while allowing people to retain property values and maximize resale value to the greatest number of people. He supports Mr. McKee's proposal.

Nancye Splinter, 1027 G Avenue, stated that the RSIP recommendations tackle fabulously the complex issues. They are beautifully presented by Coronado residents who are all dedicated professionals who love the peaceful paradise that is Coronado. She and her husband were initially discouraged that the process took so long until they read the final document. Now they better understand. She said she wouldn't vouch for the surveys though because many of them are statistically not valid due to slanting wording and skewed distribution. She mentioned the last three City Council meetings and the issues that many citizens brought forth to the Council members. One of the tough issues was concerning the character of the City and the slowing down of overdevelopment in this City. She asked that the Council accept the RSIP recommendations as they have been presented. Addressing these issues needs to happen now. The citizens elected this Council; a vote of the people is not necessary.

Therese Dougherty, 422 Avenue, said she is a 30+ year resident. She explained that a town isn't made up solely of buildings; it is the people that make Coronado what it is. She is worried about the encouragement of porches for people who wouldn't use them. They should be able to use that space in a better way for their families. She also noticed that there is great emphasis on appearance. Everything is supposed to look good. She referred to the landscaping section, 86.08.130 (c) and (d) that defines the percentage of your front yard that is required to be plant material and water features. However it precludes artificial turf. She isn't saying that the City should have artificial turf everywhere, but she thinks that should be an option available to people because the drought is still here. There may be a little bit of extra water this year, but there is a lot less of it than what people think there is. She personally would much rather see something that looks like nice green grass than stuff that is all dried out because no one can afford to water it. Personally, she would rather have the ability to water a tree or a really pretty bush or maybe some roses than to have green grass. Paragraph (e) requires trees planted and artificial watering if there is more than 500 sq.ft. of change. There needs to be more definition on that item. A lot of what has been said is really important, especially about privacy. When she moved in everyone on either side of her could see in her back yard. She is also very concerned about the courtesy notice issue. The way she reads it they propose that it has to be mailed out ten days before going forward with a project. That means that she could be held hostage by someone who doesn't like her. If she is following zoning regulations, she is following them and she shouldn't be held hostage by someone who may not like the way she cuts her hair.

Jack Shaw, 654 A Avenue, spoke with regard to the FAR. He believes it is too restrictive. His other issue is about the garage and whether it should be counted. He thinks the RSIP group did a tremendous job but he thinks that the City ought to look at those two issues. He gave the example of his house. He was thinking about putting in a downstairs bedroom but he wouldn't be able to do it with the changes to FAR. The whole lot area he would cover would be 48%, so he isn't mansionizing his house. He said he strongly supports the reduction in the mansions in Coronado which is what this is all about, but would like the Council to look at the two issues he mentioned.

Cara Clancy, 1021 Olive, said she is the woman with artificial turf and she has had very positive comments on it. She appreciates that the City will now allow artificial turf and kept an open mind on the issue. She explained that she has allergies to grass and so do her twin children. She is not against the proposal but she is against how it affects some of the people. She asked if there would be a period of time before the new standards take effect or if they will start immediately. She thinks there should be some sort of waiting period for people who have drawings currently underway. Mayor Smisek explained that this is the first hearing, with the second reading of the ordinance to be held on June 21. The ordinance would go into effect 30 days later. Ms. Clancy asked if there would be any change in the school fees requirement based on a reduction in the size of structure that can be built as opposed to paying more if you build a larger structure than previously existed. Mr. Fait explained that there wasn't yet. Ms. Clancy said it can be very difficult to build a new home next door to one that was built 80 or 100 years ago because its walls might be right on the property line. The person next door shouldn't be punished for that. Another issue she has is with the roof line. So many of the remodels in Coronado are built above the front ridge; that is allowed and encouraged under these guidelines but in her opinion it is not attractive. She referred to page 125 where there is a drawing of the roof line and the secondary roof line projects in front over the top. She said that is a ridiculous way of building something. Lastly she said that she does have an attic and there was a lot of controversy when she was building the house that it could be turned into a room. It very well could be. However, right now up in that attic are boxes and storage and things that enable her to live in Coronado and still park in her garage. She would hope that, given the storage standpoint, if that is eliminated the City is eliminating the ability for people to park in their garages because that junk has got to go somewhere. She asked for the Council to consider her comments.

Dani Grady, 1020 Glorietta Boulevard, applauded the City Council for commissioning the RSIP subcommittee. She is a 47-year resident, but she thinks she has a balanced point of view in her home. Her husband is only a 7-year resident. She does take exception to the change with the meetings with the Realtor Association about the setbacks for the houses that have a view in the front. They have a park in the back. What they enjoy with their neighbors is that when they step out of their house there is air and sky and it is very nice. She would be very sad to see that go. With houses that get built all the way back she thinks that is a deterioration of the positive aspect of life that she enjoys in Coronado. There really is a turning point here. If the City does not decide to do something about this horrible situation, ten years from now there will be nothing to discuss. If people just keep building no one will come and no one will want to be here. People will pay a lot of money to live in those big monster houses but that will destroy the community. Please. This process has taken over two years. The other thing about the smiling faces of the realtors and some of her dear friends are realtors, but she applauds Mr. Johnson for getting up. She said it is like health care. You have to look at who is prescribing the remedies.

Susan Keith, 801 Tolita Avenue, referred to the comment made earlier, "If it is not broken, don't fix it." She can't remember an election in Coronado for the last 30 years that everyone hasn't complained that the system is broken. The people on the Council today said that they were going to fix it. How many times have people driven by a house and wondered how it could have been built in this community? It turns out that these houses are allowed by the current laws of the City. The laws are not right. Council, very smartly, appointed a committee that has been studying this for 2 ½ years. She knows it is hard to take the horse to water and make him drink. People don't listen to what is going on in town. She highly recommends that Council take the advice of this

committee that has worked very hard. She agrees with what they have proposed and put before Council. In her personal opinion they didn't go quite far enough. She would have probably taken the FAR down a little bit lower. She asked that the Council please listen to what people of the community have been talking about for years.

Ralph Greenspan, 1020 Glorietta, RSIP Committee member, addressed two particular issues that have come up during the discussion. The first is the courtesy notice. It gives no legal abilities to the person receiving it. It simply allows them advance warning to close their windows so that an enormous cloud of dust doesn't invade their home when the house next door is torn down. The second issue, the more major issue, has to do with the framing of a conflict between community atmosphere and value. One of the things that the Committee did not consider explicitly was the notion of property values because that wasn't their charge. As a property owner, he was curious about it so he made inquiry when he spoke with people in the development offices of comparable communities up and down the California coast that have instituted similar standards. Coronado's proposed standards are nowhere near the most restrictive, whereas previously the City may have been one of the most lenient. What he found from these other communities was that there was a continued increase in property values rather than a dip. The idea is that one doesn't sacrifice value for this kind of atmosphere; one actually gains enhanced value. Two communities he spoke at length with were Pasadena and Laguna Beach. Laguna Beach is far stricter and has design review for single-family homes, which the RSIP Committee didn't want to touch. Their property values have gone up even more. He said his comments are to make the point that one is not sacrificing but is, in fact, making a great investment in the future.

Doug St. Denis, 710 Adella, RSIP Committee member, explained that the report before Council represents two years of real give and take on not only the part of the eleven members but also every single person who came and attended those meetings who also had a voice. Every issue that was raised was looked at and there is continued dialogue with the Association of Realtors. Everyone wants the same thing – what is best for Coronado. She said that RSIP came about because there was a demand for change from the community. She mentioned a community in Florida, Seaside, which was built up in the last few years by an architect couple. It was founded on the ideas of small communities like Coronado that had alleys in the back, garages in the back, front porches on the front, built on a grid – all the things that had been lost over time, particularly in the '50s, through the '70s and '80s and moved to communities where people pull into their garage with the garage door opener, go immediately through their back door into their house and don't know who lives next door to them. There was a demand for change. They have built this new community built on the same principles that Coronado was built on with very, very strict zoning requirements. RSIP quoted an architect in the report and he says that the best communities, the ones that people want to live in, are the ones with the toughest codes; California communities like Carmel, Del Mar, Santa Barbara, Pacific Grove, and Charleston, SC. She can assure people that real estate values have not gone down there. They have gone up. She said it's worth a try.

Ed Pietrzak, 231 E Avenue, commented that the picture of the house on the document he just purchased from the Planning Department couldn't be built with the proposed changes. He agrees with a previous speaker that there are over 3,000 parcels and only 70 people who responded to the survey. Probably about half of those are R1-A people. Several of them are from the Shores and several are from the Cays. The minutes of that meeting show Scott Grimes asking to try to educate the community some more and take some time to let the voters decide. He wasn't

suggesting that the voters should decide, but that the community should be educated. In talking about notice, he received a notice that was timely and informative, but he didn't see anything about this or what is being planned with this ordinance right now. This is a lot more important than some demolition around the corner. When he looked up the FAR it really shocked him. It mentions a slope, but if one looks at what was proposed, when one looks at the 3500 sq.ft. lot it is not a slope – it is a dive. There has been discussion about how it will vary gradually. He doesn't call a 28% drop gradual. He thinks there is some good compromise with what has been proposed. He doesn't see the big problem here. The problem is that 75% maximum FAR is excessive, not the base FAR. Then the additional things that can be put in make some sense to get to that maximum FAR. He lives on a 40' x 140' and he is planning ahead. He got an architect two years ago and spent some money. That still won't fit him because he plans to take in his son and family to take care of him and his wife. He planned on putting in a handicapped bathroom and handicap access. He doesn't see anything in the RSIP about handicap ramps or access and whether all that has to be counted in FAR. The bonuses for trees of certain diameters are unrealistic. He has trees in his yard and block that have been there for decades that don't meet those requirements.

Daphne Brown, 326 First Street, commented that everyone has their own opinion but everyone needs to take care of their town. She said she doesn't understand how people didn't know this was going on. She said there are rumors of a new house going in next to I Avenue Park, with plans ready to go. It is going to be one of the biggest houses in Coronado and it will be perfectly legal, but it will blot out the Bay. She said that Coronado is getting overrun by a lot of money. She would like to see people keep the town livable. She mentioned some of the most visible areas of town Ocean Boulevard, Glorietta Boulevard, and First Street that has gone from WAVE barracks to fabulously beautiful homes that are much too big for the lots. Coronado has a chance now to let everyone share this beautiful island but not let it get out of hand. She asked that the Council please think about it. She commended Council, Jim Strickland, Peter Fait, and the whole RSIP Committee.

Page Harrington, Director, Coronado Historical Association, spoke briefly to the reason people are here today. This is not necessarily to debate only about ratios and setbacks but is about the community that everyone lives in, the community that Coronado is and the community that Coronado will be in the future. For every argument for personal property rights there is a valid argument for community property rights as well. She read from a recent article in *Preservation* magazine which is put out by the National Trust for Historic Preservation. It is entitled, "Can Miami's past survive the overheat of present?" Is the community of Coronado less deserving of smart growth options than Miami, Florida?

Jim Strickland, 1040 Olive Avenue, Chairman, RSIP Committee, made some clarifications to what had been said. He advised that the City advertised in the *Eagle* and asked for volunteers. 40 people submitted applications to be on the committee. He said he has done a lot of this type of work and that 40 applicants for 8 positions is a very good response. The members who were chosen represent every aspect of the R1 or the R1-B neighborhoods across the City and include at-large members. That is all the Committee was studying – just the single family zones. He added that his home is only about 48 or 50% FAR. He explained that the survey was done in committee by committee members with audience participation, not by professionals. He admitted that they are not professional survey writers. They developed questions to speaking to value and to quality of life. The survey was administered at a workshop in February 2004 to anyone who came to the workshop. There were about 100 people at the first workshop. There was a tutorial conducted by

the consultant who explained how standards control bulk and mass and how they control development in a city. After that tutorial the survey was issued to anyone who attended. It was not known whether they were R1-A or R1-B or real estate agents or Shores residents. They tried to be as fair and honest about this as possible. They did not go out and hand pick 70 people to give this survey to. If it appears to be slanted to someone's view, then shame on them, but they didn't design it that way.

Mr. Strickland said the committee believes the effort was well advertised. The workshop was advertised like all City workshops are advertised, and in addition via paid advertisements in the *Eagle*. There were interviews by *Eagle Journal* reporter Vicki Rahn. There were front page articles in the *Eagle* that talked about the project and about the workshops. The workshops were also advertised by the Coronado Association of Realtors who put out many emails and flyers advertising the workshops. He thinks the proposal that the Committee provided to the Planning Commission and City Council is a fair proposal and thinks they can make some adjustments to it as was discussed earlier.

Story Vogel, 350 D Avenue, commented that he sympathizes with everyone. He has seen this issue go on for 25 years. In 1990 Harold Meyers made a compelling argument to the City Council to lower the FAR to 53 or 54%. The realtors rose en masse and put it on the ballot. It lost by about 165 votes. In his view the arguments against it were dishonest and inflammatory, aimed at one thing – to keep people from controlling what their neighborhoods look like because realtors, builders and the rest wanted as few restrictions as possible to make the most money. He commented that property costs what it does today because of speculation. Society has become so steroidized that nothing is good enough. RSIP is trying to put some sanity back in the process. If people think that the type of development that has gone on next to his house on D Avenue is what should be, then they should fight the changes to FAR. But if people understand what is going on in this town they should support the RSIP. It is not aimed at stopping people from making their house big; it is aimed at getting control of a problem that has overtaken the City. The building of Billy boxes on 3500 sq.ft. lots is what has taken this town down. He encouraged everyone to support the RSIP.

John Duro, 904 Pomona, takes the opposite view of what Mr. Vogel just said. He thinks this is a very dense community and it always has been and that density should be promoted. Large houses are an improvement or any house that is renovated, in general, is an improvement to the whole community. The reason people are coming to Coronado is because the restrictions, the current FAR criteria, is fairly lenient. He thinks that is one of the reasons this is such a great community to live in and why so many people want to come here. He doesn't see this community as going down hill at all – he sees it improving. If the City lowers the FAR it will be taking a step backwards. Making anything more restrictive would discourage all of the great growth and all of the revenue. All of the large houses that people are building are bringing a tremendous amount of revenue to the community and helping the schools. There are a lot of properties on the island that are in need of renovation. There are still a lot of properties that are run down and in need of renovation. He can't imagine why someone would want to encourage that. If the FAR is lowered, the City will discourage people from improving their property. The garage issue is very disturbing. When people talk about not being able to add a bedroom because the City forced them to put two covered parking spaces in, the City has the wrong priorities. The City should encourage more living space and less garage space. Why does the City want to encourage people from building garages? The way the FAR is now, if you make a garage count against FAR, won't

that encourage carports? He will build a carport so that he can build a bedroom. Do people want more carports in the community? This is not going to make houses more beautiful or the community more beautiful. He thinks there are a lot of people who live here because it is a densely populated community. He is asking Council to continue to keep it this way. He thinks Coronado gets better every day and there is no reason for change.

Kevin Rugee, architect, property owner, business owner, said he attended some of the meetings with the Board of Realtors and members of the Committee to discuss some of the concerns he has and he is very pleased that some of the issues have come to some compromise. He commented that despite what has been heard today, he thinks that either FAR proposal, from either the RSIP Committees or the Board of Realtors could be made to work. He believes the real stumbling block is the garage. Asking a person with a 3500 sq.ft. lot to deduct 400 sq.ft. is way overboard. He thinks the City should consider a sliding scale so that smaller lots would receive a 100 sq.ft. allowance and step it up to a higher amount for the larger lots, similar to the way FAR is handled. That would please proponents on either side of this issue. Rear yard setback is another issue he is very concerned about. He thinks the proposal to go to a 40% rear yard setback is excessive; that people should be able to build and architects and designers should be able to design what they want within the confines of the existing zoning. There are already setbacks, height limits, coverage and FAR. Now everything is being pushed up to the front of the lot. His thought is that this will create a bunch of salt boxes with no offset in the front. He really thinks the designers and homeowners should be able to do what they want to do with the portion of the lot that is not under zoning control. He also has a problem with the gross lot area exclusion. He thinks if a property owner pays taxes for a flag lot he should be able to use that portion of lot for square footage in calculation of whatever he wants to build on it. Regarding side yard exceptions for architectural projections, currently there are architectural projections that are allowed to encroach into the side yards. He thinks these architectural projections add a lot of character to some of the homes with long facades. He thinks that if the City tries to limit them to bay windows and chimneys there will be a lot of long, flat facades. He agrees that they can be included in FAR, but there needs to be some other projection to help break up these long buildings. There are 140' long lots. If the City wants them to look good it has to allow people to do something with them. He agrees with the height limit. He is pleased that some of the design features have been brought back in due to the meetings subsequent to the Planning Commission meeting. As to roof dormers, land in Coronado is expensive and people should be able to do whatever they want with their attics. What could be done is perhaps limit the length of a dormer, but don't include that extra space in the FAR calculations. There is a house at the corner of Isabella Avenue that Irving Gill designed. It has servants' quarters in the attic and is fully built out with windows and dormers. Somehow that house is charming and historic. Why can't the people who have steep roof pitches utilize that space? It is at a premium. He is glad to see that they are going to allow a tandem parking space on the 40' lots. On the corner lots that are 80' deep there should be that same kind of exception to the parking. That will help not have these big two car garages dominating the corner lots and the numbered streets. He thinks the roof decks, which he has designed a lot of, and most of the time people don't use them. When people do use them is at night or on the weekends when they are having a party. He thinks it is such a limited use that an infringement is beyond what is needed. Mr. Rugee thinks carriage houses is a great idea, however he doesn't think people are going to see too many of them if the garage floor area is included in square footage. He is against the courtesy notice. He thinks that neighbors can handle whatever they need to handle. Lastly, he said that he attended the Planning Commission meeting last week and he would hope there is a little more discussion after the public comment with Council and the Mayor than he heard last week. Last

week he saw a Committee that just basically rubber stamped what the RSIP Committee had put forth after a long, long list of people had come through and made comments. Good or bad it should be discussed. He also offered, for people to call him if they have any questions.

Aileen Oya, 1027 Flora Avenue, is a resident, property owner and a realtor. She brought community back to this discussion. She is the 25th one to get up here. It sounds like everyone wants the same change but gets there a different way. She asked Council to please consider what the realtors have brought forth. They did not discuss commission. It was strictly what they go through daily that they go through with people who are looking for properties and buying properties. They know what is going on in this community and who is moving in. The property on First Street is not going to be a large house and they are from Coronado. She knows Council will make the right decision.

Lorre St. Germain, 424 E Avenue, commented that she also attended the meeting a couple of weeks ago on the Planning Commission. The sense she got was that they were ready to roll with this. They put it up to a vote and it was done. All of the elements that have been discussed today tell her that this needs to go back to the Planning Commission. She thinks it was premature to bring it to the City Council. She doesn't believe what is on the table represents what all the people who live here and who this is going to effect want. She said she has lived in this community for 35 years and has seen what is legal and what is not. She has seen conversion of garages into dwelling units that have been ignored by the City for years. She would say that only 10% of the garages in Coronado are used as garages. They are used for storage. It is an issues she is being penalized by this municipality over. Her house and garage were built in 1912. The two-car garage was 19' wide and 20' long. The standards for garages have not changed today. If it is multi-family the space is even smaller. People don't want to live in the 800 sq.ft. house. If you want to live in Coronado you want to have a house that is reasonable, one that is spacious meets all the accommodations that today's society demands. She thinks that what can be done in the proposed change is make the garage part of the dwelling and actually have the people park on the front yard setback. Get some use out of that setback. Whether it is fake grass or real grass, get some use out of that front yard setback.

Julia Yanquel Vierra, 563 Alameda Boulevard, said she is attending because she received a notice about left turns from Alameda on 5th Street. She didn't get a notice about this very important meeting. She has owned at 563 Alameda for 65 years. She knows everyone has worked very hard on this, but she wanted to ask about the stipulation that the design should retain the style of the original dwelling. That is not always a good thing. She said the Council should consider Palmer houses and Country Club.

Mayor Smisek closed the public hearing and clarified that the stipulation referenced by the last speaker is only if one wants to get a certain number of points toward the maximum FAR – there is no requirement to do that.

Mayor Smisek explained that he would like to proceed using the Coronado Association of Realtors checklist and go through it question by question. He didn't hear any new issues brought up during the public comment. Each Council member can talk to each of those items as they are brought up.

The City Council went into recess at 6:10 p.m.

The City Council was back in session at 6:15 p.m.

Mayor Smisek asked for opening statements by Council prior to going through the item by item portion of this.

Councilmember Tierney thanked everyone on the Committee and all of the public who came forward. He said the ordinance is an amazing product and he agrees with so many of the people who stated the same thing. He knows there is probably going to be a little tweaking here and there, but the basis of the report is so right on. He also commended staff.

Councilmember Monroe echoed the comments of Mr. Tierney in terms of people working so hard. It is clearly one of the most important issues that he will ever face on the Council. He said that this is very much like reading the Bible. If you don't believe it's the story of Jesus then the rest of the Book means nothing. He looks at RSIP sort of like that in a similar manner. The basis of RSIP is if you want a big house, have a big lot, which he has supported from the beginning. If people disagree with the premise that there are too many large houses in Coronado they should not support RSIP. When he ran for Council the first time four years ago at the very first forum he used the word "mansionization." A couple of the other candidates came unglued when he said it, but it caught on. He said he endorsed the project to start with and endorses it now.

Councilmember Tanaka stated that there are some areas where he is undecided so it would be inappropriate for him to make his comments at this point. He does agree with Mr. Monroe that there is a premise here. He knows that when he drives around Coronado and looks at new development he knows he is not happy with it. When he sees what is going on he thinks there is a problem, and that RSIP was tasked to correct the problem. He has been very impressed with the RSIP Committee's work. He is also been impressed with how quickly the realtors and RSIP members got together to work on some the areas where there wasn't agreement. He believes that you have to buy the premise and he is certainly on the side that there is a problem that needs to be fixed.

Councilmember Downey is happy to say that she is a property rights advocate but she also agrees with the speaker who said that the value of one's property isn't always in building it all out; it is in being in a community that is well developed. There is a middle ground. She is thrilled that the realtors were able to get together and come up with a proposal and that they could get together with the RSIP members to see if there is something that could be agreed upon that makes the community better. She was extremely concerned that the groups wouldn't be able to get anywhere, but they are almost there. She lives on a 25' x 140' lot in a house that is an original Billy box built by Bill Lyons. She has three daughters who share one room because they only have three bedrooms and the nanny or other family members have had to live in the other room. She understands the comment from the family that needs room to grow. She is concerned that the smallest lots have too much taken away from them by the original proposal. She thinks the proposal from the Board of Realtors gives people on the smallest lots some room to develop. She thinks it is important that people know where she is coming from. She wants to make sure a family has a place to go. People who have been waiting ten years to develop their houses and now have the money need to be able to build a bedroom for the kids. It doesn't mean that it needs to be the mansion that everyone is trying to avoid.

Mayor Smisek instructed that the Council would now go over each area in turn.

Side Yard Setbacks

Mayor Smisek started with side yard setbacks. The Association of Realtors recommendation was that side yard setbacks shall not be increased above 10% of the lot width for lots that are 50' wide or less. He said the RSIP subcommittee and the realtors discussed and they have come to an agreement on that. Unless the Council has a different philosophy on, there is agreement and it could go into the category of "no recommendation."

Mr. Monroe added that the minimum of a 3' side yard setback needs to be added onto the sentence.

Rear Yard Setbacks

Mayor Smisek read the Realtors proposal that states, "This proposal will result in increased mass and bulk towards the front of the property line..." He said this had been discussed by several people earlier. In essence, if there is a lot in excess of 100' deep, 40% of the lot's depth is needed on the setback of the second story from the rear property line. If it is 100' or less it is 30%. There are odd lots to consider such as triangle lots or five-sided lots. There are five different categories, and now six, including houses that front on a park (not across the street from a park), that are exempt from this that have been delineated. He said this item causes him a bit of a concern. He understands that part of the major premise here is privacy and yet from what he has seen, in Coronado in the R-4 area and some others, the City has been trying to have people step back their houses, putting the bulk in the back instead of bringing the bulk up to the front. He said that with this ruling, because of the depth of his lot, he wouldn't be able to put the second story back where it is now. He is not sure what the difference is with the carriage house proposal. The carriage house would go on top of the garage and looks down into the backyard, very much like having the second story on the back. He said the sloping FAR adds protection because as FAR goes down the amount of FAR that goes into the second story gets very small. There is not a whole lot that one can do as FAR continues to drop. He thinks the item exception numbers are 20 and 26% and this one is 30 and 40%. He would like the Council to consider the possibility of reducing that number down closer to a 20 to 26% number instead of 40 or 30%.

Mr. Tanaka said he heard from one architect that this option would push everything to the front. His personal preference would be that you could design it either way, not require everything pushed forward. He said he needs more clarification from Ms. Howard about whether or not there is enough room to move it either back or forward, from an architect's point of view.

Ms. Howard said she respectfully disagreed with Mr. Rugee that this is going to create nothing but a bunch of two-story salt boxes. She did some calculations to satisfy herself when Mr. Rugee brought the point up that the Committee wasn't being unreasonably restrictive. She looked at various lot sizes, calculating the amount of volume that is in the building area. What you can build on the first floor and what you can build on the second floor if there is the second story rear yard setback that is proposed. On a 3500 sq.ft. lot, the theoretical area where you can build, including that second story rear yard setback of 56' which leaves you still being able to build a second story that is 59' long, starting from the front setback. So, it is not like you can only get one bedroom and one bath on the second floor. It is actually about 1,100 sq.ft., which based on the FAR proposal of the 2000 to 2100 sq.ft. house on the 25' x 140' you could have more than 50% of your allowable living area built on the second floor and still have envelope left over. In order to

fill up the theoretical building envelope on the 25' lot there would have to be a FAR of .91 before you would fill up that whole envelope. Some people have said that it is an unintended consequence that this pushes the second floor toward the street – it is not an unintended consequence. That is the reason this was done. The reason why is if one has ever been next door to a house that is two stories high and goes from the front setback, with the second story setback 8' from the front setback, and runs to the limit of where the rear yard setback is now, it is like, as Ann Harrison pointed out, being next to a cruise ship. She can't understand how anyone could stand up here and say they think that is good.

Mr. Tanaka asked if what she was saying is that what exists now is the characteristic of the Billy box – the very long, tall, narrow and this recommendation chops off part of the second story.

Ms. Howard agreed and said that it in no way makes the area available to build in at the second story unbalanced with the amount of house that can be built. In all cases it is at least 40% of the area that the house would be and in most cases it is more than half of the size of the house you could build. It is true that there are many houses, and she has designed some, that would not meet the criteria today. Designers will design to whatever the limits are and a good designer can always design something good in the envelope that they are given; that is what marks them as a good designer.

Mayor Smisek added that, with the inclusion of the garage in square footage there is 400 sq.ft. less of building that might be available for the second story, which is a help to take care of the issue of long, tall, narrow buildings. You can't build a house like that with this new FAR. This means that it will be kept more in the front.

Ms. Howard agreed that there will probably not be houses with second stories that are setback 20' from the front façade. She thinks people can easily step back the second story 8' and get the bonus point and have it work. What it truly means is that there is going to be more of a house on the ground floor, where it imposes less on the neighbors. She said the reduced FAR might not be a guarantee there won't be any really long houses. Someone with a fairly wide lot might want to take advantage of a nice southern exposure and build a narrower house on the side of the lot to leave open a wide side yard to use as a courtyard.

Mr. Tierney agreed with Ms. Howard's position. It is too easy to say that the FAR is going to take care of the problem. He thinks there should be a setback and he believes that it should go back to what the RSIP outlined. The only problem he has is with the carriage house. That, in effect, is going to take away some privacy. But it appears there aren't that many lots where carriage houses are an option.

Ms. Howard agreed that it probably wouldn't happen too often. With regard to privacy, the carriage house, was mainly a way to allow for diverse design when someone needs a separate quarters for a nanny or a college student who comes home. While it is two stories in the back yard, it really is mostly shading and overlooking the neighbor's garage. Carriage houses are only allowed on lots that have alley access. There is still a gap between the structures where one can get sun and not have someone looking directly over in that portion of the lot where traditionally people would have their back yards.

Ms. Downey said she agrees with Mayor Smisek. She likes the idea of leaving the flexibility as long as the FAR tells people where they can build. She likes having the setback in the front. She likes walking down the street and seeing the second stories set further back. They are only going to go as far as they have to get that point. She doesn't think she wants to push everything forward.

Mr. Tanaka commented that people are going to talk to one resident who is unhappy with how there isn't enough setback in the front and then people are going to talk to another who has the exact same problem with their back yard. He thinks the best way might be to create a certain amount of setback that has to be met on both and try to leave the architect enough room where they could move it up or back. He doesn't think it is a particularly good idea to allow architects to move it all to one end or the other. He also agrees with Mr. Tierney that he doesn't trust the FAR percentage to do the architect's work. The reason RSIP put in this recommendation is that they want to make sure that at least some minimum is maintained. He thinks the Council might want to consider talking about the 40 or 30% numbers. He can understand why a property rights person will have concerns about that. He can support the recommendation give up 5 or 10%, but it is important to understand the whole concept of the setback to begin with and he doesn't believe it should be given up altogether. He said he grew up in a Billy box with a family of three kids on a 25' lot. The problem is that people are trying to build mansions on 25' lots and there aren't any restrictions to prevent it. He thinks the City needs to admit that if people can get away with building all the way to the back they will do it. There needs to be some minimum people can agree on to provide a little privacy for the backyard.

Mayor Smisek said his point of view is that, for the exception lots it is 20 and 26%. If it is not an exception lot then it is 40 and 30%. He would like to make it universal and make the whole thing 20 and 26%. He happens to agree, again, looking down at the smaller lot area, and making the assumption that the City sticks with the garage removal, it is probably going to be taken out of the second floor. He can go with the flow on this one and come back to it.

Floor Area Ratio

Mayor Smisek moved on to Floor Area Ratio (FAR). He said the Realtors agreed that the idea of a sloping FAR concept is a good idea. He thinks the recommendation they have brought forth is an interesting one. He said his thought is that FAR is the biggest piece of the whole recommendation. He can agree to changes in the minimum FAR very easily because really it is the starting place for the points people have to get. With the addition of the five points, he can understand that the gap is 10 for a 3500 sq.ft. lot. The realtors recommend a gap of 9, which isn't a big deal. He guesses that the question becomes whether the City wants to go as high as .71 for the 3500 sq.ft. lot. He would like to hear what the rest of the Council has to say.

Mr. Monroe said that one thing that happened in the process still bothers him. There were open meetings for two years. The realtors could have come in, participated and negotiated during that period. One of the leading negotiators on the realtors board told Mr. Monroe that he consciously made the decision not to get involved until after it was going to be presented to the Planning Commission. That really surprised him and he is disappointed that was the strategy that brings the City to this point. The issue of FAR has been wrestled with for the last two years, with people like Patty Schmidt, Kelly Purvis, architects, and realtors, and who have gone over all the plusses and minuses. He prefers to side with their recommendation. He thinks that the FAR proposal as

presented by the RSIP Committee is the cornerstone of what the City is trying to do based on controlling mass and bulk.

Mr. Tierney echoed Mr. Monroe's position as well. He believes the FAR is the overriding factor, and the inclusion of the garage is very important as well. He said he would support RSIP's proposal, however he wouldn't be upset if the Council split the difference between the realtors' and RSIP's minimums and maximums.

Mr. Tanaka said he is very impressed with the work the RSIP Committee has done. He said the FAR percentage is important but the real issue is square footage. What is really encouraging is that the discussion is regarding a difference in square footage of about 100 sq.ft. The Realtors Board and the RSIP Committee have done a lot of work to bridge the gap. It is up to the Council, as a political body, to try to make a compromise out of the two. He thinks Mr. Tierney is on to what the Council should be considering. If you look at RSIP's proposed maximum FAR on a 3500 lot it comes out to a 1980 sq.ft. structure. He doesn't see a big deal in upping that to 2000. He really appreciates the negotiations and that the realtors have come down on their side. He doesn't think the City will be giving away the store if it gives a few square feet. He believes that some honest residents have voiced their concerns about the ability to fit their families in their homes. He thinks that the inclusion of the square footage of the garage is correct. As a concession the Council could throw a few more square feet for the homeowner, which would be a service to them. The only area he doesn't feel quite as compromising towards is when you are talking about the 7,500 and 10,500 square foot lots. At that point he thinks the City needs to be a little bit more cautious about it.

Mayor Smisek suggested going to the 2000 sq.ft. as the maximum for the 3500 sq.ft. lots and drawing the line directly from there to the RSIP line for the 50% number. That would change the slope slightly at the 3500 sq.ft. point. It would be something like what is actually .6857 and then go directly from there back to the 50%. The bottom line would be .60 instead of .58. That gives the 9 point spread the Realtors are looking for. It makes the gap narrower at the smaller lots but not at the bigger lots.

Ms. Downey clarified that she was fine with what the realtors brought in so she has no problem with changing the larger square footage lots. Her concern was the concern of many of the speakers who are on the smaller lots and who are the trying to figure out how to fit in their families. She suggested an alternative solution of taking the dotted red line until it gets to the 3,500 square foot lot and then join it down. She realizes that it is not going to be a nice great slope, but who says it has to be a slope.

Mayor Smisek commented that it won't be. Most of the discussion he has heard from Council members is that they are aiming toward the RSIP line with some small compromise. The 2000 sq.ft. house seemed to be an interesting position. He was trying to start with that and then move from that point and slowly asymptotically hit at the 50% point for the max and do the same thing by raising it .02 on the min FAR which gives them what they wanted. This recommendation is kind of a compromise in some fashion but it stays mainly with the intent. He said the big gap should remain on the bigger houses from the minimum to the maximum.

Ms. Downey added that the difference between the RSIP proposal and the realtors' proposal on the 3500 sq.ft. lots is 100 sq.ft. This is not a substantial change in the quality of the house. The

difference is that in a 2100 sq.ft. house there is flexibility to do a pretty nice 3-bedroom, 2-bath home. If you are in a pinch you could make a 4-bedroom house. At 1980 sq.ft. you don't have the flexibility to get that 4th, albeit small, bedroom.

Mayor Smisek thinks that Mr. Tanaka hit the nail on the head when he said that Council is trying to find a political number because this is so close.

Mr. Tanaka wonders whether the City, in the true spirit of a political compromise, is giving enough. If the Council gives 20 sq.ft. and their proposal is only 105 sq.ft. away from Realtors', he is willing, because that isn't the biggest of numbers, to at least err to the middle. He doesn't think the City is giving away very much by saying 2020 sq.ft., instead of 1980 sq.ft. They are only asking for 2085 sq.ft.

Mayor Smisek commented that if you go .69 then that is 2015 sq.ft. Then you go 2 points up on the bottom one and then there is the 9 point spread. He heard Mr. Tierney and Mr. Monroe say that they are pretty hard-line on the RSIP proposal. He has a tendency to agree with them. But he agrees that 2000 sq.ft. is a good way to go. So, he really feels that the City has done a lot by going over the 2,000 ft. marker and closing the gap a little bit for them so they can have their fewer points to get where they want to get.

Mr. Ryan made a clarification. He said the first set of numbers the Realtors Board they came up with was higher than what is being put forward today. They went back to work and compromised further than previously. Today they came with a more realistic number. Their focus in building their chart was the number they could live with for a 3500 sq. ft. lot because that is the celebrity lot. He said that in all fairness they were very gracious to come to 71 and he wanted to make sure the Council was aware of their willingness to negotiate.

Mr. Monroe said he is a little leery of Council's language: are we giving them enough or is it a political answer. There is also a right answer that talks about the values that exist in Coronado and that is why the City formed the Committee. One of the premises was that there are houses that are too many houses that are too big for small lots. Now this is a discussion of how to make houses bigger than RSIP wanted to on small lots. This is going away from what the City had. If push came to shove, the 2000 to get consensus among Council – he could see moving to that. But the idea of giving them too much – giving them too much takes away from the people who worked two years and went through this.

Mayor Smisek reminded him that they were talking about 20 feet. In an effort to get a FAR that will be accepted by the City Council as a whole. It would be nice to get five votes on something like this. The Council has been trying to work out a compromise. Ms. Downey is probably a little higher; Mr. Monroe is a little lower; Mr. Tierney and Mayor Smisek seem to be in the same area; Mr. Tanaka is thinking it over. He would like to recommend going up .01, which would be .69, at the 3500 mark which would then give 2015 sq.ft. and go from there directly to the .5 number on the top line. The bottom line would go from .58 to .60, an increase of .02, and take that line and go directly to the 45% number on the bottom line.

MSUC (Smisek/Tierney) moved that the City Council make the following changes the FAR recommendations: go up .01 to .69 at the 3500 sq.ft. mark which would give 2015 sq.ft. and go from there directly to the .5

number on the top line; the bottom line would go from .58 to .60, an increase of .02, and then go directly to the 45% number on the bottom line.

Ms. Downey greatly appreciates that Council is above 2,000. Just as the Council just made some changes to try to get consensus, that is exactly what happened for two years at RSIP. To suggest that the real estate community can't come in later because they have other suggestions, the people that were representing them at the RSIP committee may have made some compromises that they were unhappy with. That is what happens in groups. She added that she was leery about even voting today at all. If the Council can get a compromise that the real estate community is going to be behind, she thinks the City has done an amazing thing. This isn't being taken to a vote because it isn't going to pass. That is why this isn't going to be put on the ballot. The real estate agents would rise again and there would be a big problem and that isn't the right answer. The two sides need to find a way to work together. She is pleased with the 2015 and she will take it, but she knows when Council starts talking about including 400 ft. of the garage, she knows no one is going to want to see any leeway in there. For her to vote on this FAR she needs to know that there is some other leeway going on. She would like to get all of the community, or the most, behind this again.

Mayor Smisek commented that as Council has seen on the recommendations coming in from the RSIP subcommittees that there have been adjustments made all along. He doesn't think it is a one-way street. He disagrees with her wholeheartedly that it wouldn't pass if put to the voters. He thinks it would pass very easily. This isn't something that the City just dreamt up. This has come along as a grass roots effort because people don't like what they are seeing go on in this town. He thinks the City would do quite well with this especially since the discussion would be about how close the two sides are.

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

Attic Space

Mayor Smisek moved on to the attic space. He said it has been addressed and compromised.

All indicated agreement.

Additional Design Features

Mayor Smisek explained that there were a couple of additional design features besides those that were agreed on, that Mr. Rugee brought up regarding projections on the sides of buildings. He asked Mr. Pena if this is that something the Council could look at and add at the next reading or if it needs to be decided now. He said he wasn't ready to make a decision at this point because not enough information had been provided.

Mr. Pena responded that it would be difficult adopt any new information at the second hearing.

City Attorney Morgan Foley explained that the first reading would need to be redone if new items were added.

Mr. Tanaka thinks that the RSIP members would probably tell the Council that they deliberated on this topic and don't agree. He respects Mr. Rugee a great deal but he is rehashing issues they have gone over for a year.

Mayor Smisek added that Council can amend the ordinance at a later date if it so desires.

Ms. Downey asked for an explanation of Mr. Rugee's comments that.

Ms. Howard attempted to explain Mr. Rugee's viewpoint since he had left the meeting. She said the City currently allows architectural projections within the side yard setbacks with no defined limit, or even a clear definition of what an architectural projection is. The RSIP Committee's intent was to allow for more space between the houses, but that having some articulation on the sides, such as bay windows and fireplaces, is beneficial. She said that during a very long and contentious discussion some recently built projects were brought up as the poster children for very what you don't want to see, such as where someone had created a box-like projection into the side yard to accommodate the back of their TV so it wouldn't take up space inside the room. The Committee felt it was legitimate describe architectural projections and to put some restrictions on their quantity and spacing. She believes the original intent was to allow things like bay windows. She thinks there is plenty of for articulation on the side of a house within the RSIP Committees recommendations.

Mr. Pena clarified that based on a concern voiced by Mr. Fait, that the Council can make changes today and those can be incorporated by reference and adopted on June 21st. If the Council makes changes on June 21st the Council would then not be able to adopt them.

Garage Inclusion in FAR

The Board of Realtors recommendation is to remove the proposal to include the floor area in garages in the calculation of FAR.

Mayor Smisek turned the discussion to the inclusion of the garage in FAR. He asked if there was any question in anyone's mind about that. All were in agreement there was no question.

Gross Lot Area

The recommendation by the Board of Realtors is to remove the proposal to not allow portions of lot area for panhandle lots to be included in the calculation.

Mayor Smisek said he firmly believes that if you purchase "x" sq.ft. of land that you should be able to be used in your calculations. He doesn't think that someone should have to eliminate a panhandle or an easement from the calculations. If someone bought it and pay taxes on it they should have the benefit of the lot area for it. He believes that this proposal should be eliminated.

Mr. Tanaka said he would like to hear what the reason for this recommendation was again because he thinks it has to do with abuse that has been done in terms of design.

Mr. Pena explained that this relates to other ordinances like the Subdivision Ordinance. Currently the Subdivision Ordinance does not allow a panhandle to be counted into the lot area for calculation of minimum lot size. Staff was just mirroring the ordinances for consistency purposes. When there is a panhandle, the lot that is developable is smaller than the total amount of square footage that the lot is taxed on. The intent was to match the developable portion of the lot to a reasonable sized dwelling that would fit within the buildable portion of the lot. If the panhandle area is added there would be a disproportionately sized building on a relatively small lot. There are quite a few panhandle lots along Pomona that are extremely deep lots, as well as a few in the Bayview area and on Isabella.

Mayor Smisek commented that he learned from the subcommittee that there aren't very many of these lots. He said this issue could be somewhat touchy in a discussion about not allowing the lot area to be counted. Ms. Downey agreed with Mayor Smisek.

Mr. Tanaka said he could give in on this item because it is a rarity. He thinks that it might seem that the City would be penalizing someone who is already stuck with a pretty distasteful lot.

Mr. Monroe mentioned the panhandle lots on First Street. What the City would allow if the panhandles are counted is there will be a big house on a small lot. This situation occurs in the Bayfront subdivision. It goes against what the RISP Committee is trying to do; build appropriate-sized houses on appropriate-sized lots.

Mayor Smisek added that the other part of this is that there are exceptions for odd size lots for second story rear yard setbacks. A panhandle lot is an odd shaped lots. It would qualify because it has five or more sides. He thinks this is really tricky, especially for properties where the panhandles are very long with a lot of square footage. That would be a pretty onerous restriction. It would be a lot cleaner to leave this alone. He asked for a consensus. The other members agreed.

Courtesy Notice

The recommendation of the Board of Realtors is to remove the requirement for courtesy notices.

Mayor Smisek asked Mr. Tierney for his thoughts on the issue.

Mr. Tierney said he understands what the RSIP Committee is trying to do with courtesy notices, but the problem is that this adds a lot of staff work. Noticing takes a lot of man hours when the staff right now is quite limited. He said what they can accomplish with the resources they have is amazing. He also feels this is a problem where the horse is being led to the trough and there is no water. He explained that he means that a notice gives someone the idea that something can be accomplished because they know of a pending project. People might want to go down to see if they can make changes and it isn't going to happen. There are no changes to be made. The drawings have been approved and the project is ready to proceed. It will only cause aggravation for those people. This is something that reasonable people can work out. Part of the problem is the burden is placed on the government. People have responsibilities to their neighbors to let them know what is going on and see if some sort of compromise can be worked out.

Mayor Smisek said he understands Mr. Tierney to be saying there is a false sense of security or a false sense of empowerment being given to the neighbors because they are being noticed and that it is staff that is left to deal with these situations.

Mr. Tanaka said he takes a different point of view. He said he took Mr. Vogel's invitation for everyone to visit his house to see what the neighbor is building. Mr. Tanaka said that if there had been a ten-day notice Mr. Vogel could have stopped the neighbor from not building to code. He also agrees to the suggestion from RSIP that there should be surveying lines whenever there is to be construction. He thinks the point of a courtesy notice is that unfortunately a lot of people can be bad neighbors. A notice at least gives neighbors a little time to find out what is going on. Even if it does promote a false sense of security at least the notice went out so that the neighbor is appraised of what is going on next door. He said he was in support of courtesy notices.

Mr. Tierney explained that the courtesy notice won't accomplish that. Once the permit has been released they can go ahead with their project. He said that Mr. Vogel felt very strongly that there was a dispute on where the property line was between his property and the people who were building egregious Billy boxes. He went out after the City surveyed it and hired his own surveyor only to find that the line was properly marked out.

Mr. Vogel added that in this case the City doesn't require survey lines. The developer measured from the monuments in the street and alley. The backhoe cut 6 to 12" into his property. The developer said that he didn't have to hire a surveyor. Mr. Vogel then hired a surveyor to prove his point.

Mr. Tierney commented that a courtesy notice wouldn't have changed the situation. The most a courtesy notice does is let the neighbor know that there is going to be some construction and close your windows. In addition, he would expect to see Mr. Pena coming to the Council and asking for additional manpower as a result of the extra time this will take. There is also the impact of the other projects he is tasked with carrying through.

Mayor Smisek said it appears the consensus is that the courtesy noticing should be tried. If it becomes something that is onerous in the future, it can always be changed.

Roof Decks and Balconies above 14 Feet

The recommendation of the Board of Realtors is that the proposal be amended to include the side yard setbacks of 5 feet from the side façade, but to remove the rear yard setback requirement.

Ms. Downey commented that she likes the recommendation. Very few people use their roof decks. Every architect you talk to will try to talk people out of doing one because once you build it you use it for six months and then don't use it again. However, for the few people who do want to use it she thinks they should be able to. The City is already confining their livable space. There isn't a lot of outdoor space because this is a developed town. Since the rear yard setback requirement has been kept, she doesn't think it hurts, then, to allow them to have the roof top deck.

Mayor Smisek asked Ms. Howard to explain this a bit more.

Ms. Howard explained that the RSIP Committee felt that they didn't want to prohibit roof deck, just limit their location. Asking people to hold their roof deck toward the front of the house in no way keeps people from seeing downtown or the bridge or Point Loma or anything that people would be building that roof deck to be able to see. They are a nice feature, but one's view from a roof deck, whether it is toward the front of the house or toward the rear of the house, doesn't affect a person's enjoyment of the roof deck. But where it is located does affect the neighbor's enjoyment of their back yard. If they can look up and see you standing up there 25' above them, it is intrusive.

Mr. Monroe said he would go with the consensus with this topic. He thinks the deck is affected and agrees with the RSIP Committee.

Mr. Tanaka thinks the RSIP Committee did the compromising for the Council. He agrees with the Committee.

Ms. Downey thought that in the request to get people to design the second story with features in the front, part of the problem is that if they are doing that then they are going to be losing some roof top view. This limits what kind of architectural features can go on the top of that second floor if it is going to have a roof top deck.

Ms. Howard agrees that is true. If one wanted to hold the roof deck to a 5' setback from the front façade; it isn't a lot of roof. That doesn't mean that one has to push their roof deck to within 5' of the front of their house, there is still a pretty large envelope on which they can put the roof deck.

Ms. Downey thinks this comes back to the same thing – more things are being pushed forward. She has only a tiny little postage stamp back yard on the side of her block. Everybody with their roof top decks on both sides of her look down on her backyard. She doesn't mind them doing that because she likes the front of their houses. She just wants everyone to understand that it is the trade they are making. She would have preferred the other trade, but she will go along with the others.

Second Story Rear Yard Setback

Mayor Smisek returned the discussion back to the last undecided issue. He said if the rest of the Council isn't convinced that the new FAR doesn't take care of the second story issue he would be willing to compromise. However, to him, if the target of this whole thing is to reduce bulk and mass and the second story is pushed to the front of the house... He would suggest a universal percent required setback of 26% for 100foot lots, and 20% for the odd lots.

Mr. Monroe understands Mayor Smisek's closeness to the issue. His comment was that there are a lot of things that can be done today that will not be able to be done with the new standard as recommend by the RSIP Committee. That is what the City wanted to have happen. Mayor Smisek said this issue feels a little different to him.

Mr. Monroe appreciates Mayor Smisek saying that he might be willing to compromise, since he compromised on the gross lot area, which was pretty uncomfortable with.

Ms. Downey thinks it all comes down to the City telling people where and how to build their house. Someone from the public said that she has hers, so you don't get yours. She does have concerns about that. She lives in a house that couldn't be built on the same lot under the proposed recommendations. She realizes that she needs all her square footage and the setback issue for her is a big part of that. The City is telling them so many other things that she thinks they should have the flexibility with the second story setback. She likes the way Mayor Smisek's house is built; she didn't know he has a second story. She likes that ability and she thinks the City wants to encourage that.

Mr. Tanaka thinks that Ms. Downey and Mayor Smisek have both made compromises. He doesn't see the RSIP process being made or broken on this recommendation. He can concede as well. He doesn't like where the current code is at. He doesn't like the 20% and 10%. He can see how someone would say that 40% is too restrictive or doesn't leave the owner many options. He asked if the Mayor could pitch something in the middle.

Mayor Smisek asked if 26% and 20% would work.

Mr. Ryan read the RSIP "Second-Story Rear Setback Buildable Envelope Analysis" chart for the Council. He pointed out the column headed "2nd Floor Envelope." On the 3500' Billy box lot the second floor buildable area is 1121 sq.ft. before raising the FAR. That is more than half of the first floor buildable area. The second floor buildable area for the 40' x 140' foot lot is almost 1900 sq.ft. On the 50' x 140' lot there is almost 2400 sq.ft. allowed upstairs.

Mr. Tanaka had questions on some of the data and what it means.

Mayor Smisek thinks the question really gets down to not whether there is sufficient room in the envelope to build the second story, but it is where you are going to put it. If you don't believe you want to have a step back potential then you go with the 40'. If you do want the option of pushing the second story back further on the house then you need to go to something a little bit less. His thought is that the idea of privacy isn't served by a carriage house that can look into someone's back yard. The envelope for the second story is taken care of by the reduced FAR so it would seem there is room for compromise on the second story set-back. If the second story is stepped back from the front it reduces the look of bulk and mass. His suggestion would be that the sizing for the unique lots be applicable to the standard lots as well. Instead of the 30-40, and 20-26, it would just be 20-26 for all lots.

Ms. Downey confirmed that Mayor Smisek was saying that the second story could be either forward or back on top of the first story, as long as it was within the parameters of the set-back and he agreed that was so. She said she could support that proposal.

Mr. Tanaka clarified that Mayor Smisek's proposal is that the unique lots be the standard. He said he could agree with that.

Mayor Smisek reiterated that the unique lots' sizing would be applicable to both. Instead of the 30/40 and 20/26 it would just be 20/26 for all lots.

Mr. Tierney said he could go also go along with that.

Mr. Monroe asked how strong everyone was on the gross floor area. Earlier he was in agreement in order to have more positive votes. He knows the RSIP Committee clearly didn't want the Council to increase the FAR.

Mayor Smisek said he didn't hear that from the Committee. They were selling the Council on how far the realtors have come and were urging some kind of a compromise, which is what the Council did.

Mr. Monroe asked Mr. Ryan if that is how he understood the Committee's position.

Mr. Ryan commented that there are some on the RSIP Committee who would give in on FAR and some who would not. The Committee spent months on the FAR. He can't speak for the Committee or even for a quorum of the Committee. He was just part of a subcommittee trying to help the process. Knowing that a point or two on the 3500 sq.ft. lot is only about 50 or 60 feet is not an earth shattering situation and it could help the whole process move forward. He did want to fully disclose that it wasn't fair to say that the realtors were at one point when a couple of days they were higher.

Mayor Smisek asked Mr. Monroe to make a comment on the gross area if he has one to make. The general feeling on Council is that there was an urgency to try to find an acceptable solution, which is what Council has done.

Mr. Monroe said he wasn't clear that the four other Council members were strong supporters of getting rid of that issue when he was opposed. He said he believes the RSIP Committee wanted to build appropriate size houses on appropriate size lots. He was just checking whether he was going down in flames on it.

The other Councilmembers indicated that there had been consensus on that issue.

Mr. Tierney feels that the public should note the clarifications on the agreements. He requested that Mayor Smisek identify the items the Council has not reached consensus on to come back another day.

Mayor Smisek commented that the Council reached consensus on everything.

Ms. Downey asked if the Council had agreed on garages being included in the calculation of FAR.

Mayor Smisek confirmed an agreement on garages being included.

Ms. Downey thought there was a recommendation the City might want to give some of the smaller lots, because of how they are situated, the benefit of allowing a carport or some credit.

Mayor Smisek explained that a 40' substandard lot there is the option of using tandem parking, one covered space and one uncovered space, and they get the additional 200' back into their house. Ms. Downey said she could agree to that.

Mayor Smisek reread the clarifications written in the agreement between the RSIP and the Board of Realtors. The first was that there is no change to the current ordinance which allows

involuntarily destroyed or damaged structures to be replaced in kind. The second clarification is that all the proposals contained in the report apply only to the R-1 zones. Zoning standards for single family dwellings and duplexes in the R-3 and R-4 zones would be unchanged from the current requirements.

City Attorney Morgan Foley suggested language for the motion; that the motion include the approval of the RSIP recommendations as presented to the Council with the changes as reflected in the amendment presented today between the RSIP subcommittee and the Board of Realtors subcommittee as well as those changes agreed to by or reflected in the comments of the Council this evening.

MSUC (Smisek/Tierney) moved that the City Council introduce AN ORDINANCE OF THE CITY OF CORONADO, CALIFORNIA, AMENDING CHAPTERS 86.04, 86.08, 86.09, 86.10, 86.56, AND 86.58 OF TITLE 86 OF THE CORONADO MUNICIPAL CODE TO IMPLEMENT THE RECOMMENDATIONS OF THE RESIDENTIAL STANDARDS IMPROVEMENT PROJECT (RSIP) REGARDING ZONING DEVELOPMENT STANDARDS. The Ordinance was read by Title, the reading in its entirety unanimously waived and placed by the City Council on FIRST READING.

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

Mayor Smisek thanked everyone who worked so hard on this project and everyone who came to talk to Council and give their recommendations. He gave a special thank you to the RSIP Committee for the hours and years work that they have done.

The City Council went into recess at 7:50 p.m.

The City Council was back in session at 8:00 p.m.

8d. Request for Approval of a One Lot Tentative Subdivision Map for Subsequent Development of 11 Cottage and Villa Buildings with up to 37 "For Sale" Limited Term Occupancy Condominium Units, up to 2 Open Space Condominium Units and up to 25 Resort (or Hotel) Non-Habitable Management Condominium Units (e.g. lobby and maintenance closets), Commonly Known as 1500 Orange Avenue in the HM (Hotel-Motel Zone). (PC 9-05 Hotel Del Coronado/CNL Hotel Del Partners). This item will be continued for consideration at the City Council meeting of June 21, 2005.

9. ADMINISTRATIVE HEARINGS: None.

10. COMMISSION AND COMMITTEE REPORTS:

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

10b. Recommendation from the Traffic Operations Committee to Implement a Weekday Afternoon Left-Turn Restriction on Southbound Alameda Boulevard at Fifth Street.

Mayor Smisek announced that Mr. Tierney lives within the proper distance of this no-left turn so he would be unable to sit in on the discussion from the dais, but he could speak as a private citizen from the audience if he so desires.

Ed Walton, Principal Engineer, Engineering and Project Development Department, explained that at the time the Engineering Department reviewed traffic counts and found that the traffic counts in 2002 had decreased from 2000. The recommendation in February was to not install the turn prohibition. Later on that year a similar request came. Additional traffic counts were taken and at that time the traffic on Fifth Street from Alameda was significantly higher. At that time the TOC recommended to Council that a turn prohibition on weekdays during the afternoon peak hours be installed. About that time the Council was just initiating a Major Traffic Study and wanted to defer any piece meal traffic control until the MTS was complete. Page 353 of the agenda shows the traffic counts and how they have changed over time. He said there is a significant increase in that pm peak hour of 2 – 3 right at the time the Navy is released. The most recent counts in January 2005 the counts went from 36 vehicles heading east to 367. The TOC also looked at traffic accidents along Fifth Street to see if there were accident potentials. They found that there have been some relatively minor accidents at the intersection of Fifth and Alameda. But if it is analyzed all the way down to Orange Avenue, when you get to Orange Avenue at that intersection they range from 3 accidents to 8 accidents in the highest of the last four years. The recommendation from the TOC is to install the turn prohibition from 2 to 5 pm weekdays. The biggest discussion was regarding what happens to traffic when you make that turn prohibition. Will it go to Sixth? Will it go to Seventh? The TOC directed that the Engineering Department review both Sixth and Seventh Streets to see what changes occur after the implementation is installed. There was some correspondences received too late to put in Council's agenda. One is from Naval Base Coronado opposing the turn prohibition and one is from the Coronado Unified School District who is in favor of it, but they share concerns about the traffic moving to Sixth and Seventh Streets.

Councilmember Downey thinks that based on what the City has just gone through with A, B and C there is no doubt that they are going to be coming down Sixth. That puts cars right down in front of the school. She doesn't have a problem with stopping them from turning on Fifth Street, but she would think they should also stop turns at Sixth Street.

Mr. Walton commented that was discussed at the TOC meeting. The reason to do it during the summer was to avoid the school influence and to have time to implement any Sixth Street turn prohibition before school starts again.

Councilmember Tanaka explained that none of the superintendents could make it to this meeting because of a conflict, but it is the District's position that they support the no turn restriction with the stated concerns regarding Sixth and Seventh Streets. He asked if there would be a coordinated enforcement effort. He thinks the turn makes sense, but it only if it is integrated as part of a plan to let people know that there is a restriction. He would like the Police to be the City's eyes and ears about whether all the drivers are moving to Sixth Street. The Council could decide to remove the restriction rather than add additional restrictions at Sixth and Seventh Streets.

Paul Crook, Police Department, explained that the police would do some educating before they just show up and start issuing citations. The idea will be to take some of their trailers down and set them up for at least a week or two to see what can be done and whether it has an impact.

Ms. Downey asked about avoiding the environmental argument and whether the City was going to be very clear that this is temporary, or is for two months, or is a trial basis.

City Attorney Morgan Foley explained that there are certain exemptions from CEQA review known as categorical exemptions and statutory exemptions and that the placement of traffic control signals likely falls within one of those exemptions.

Mayor Smisek asked for public comment.

Robin Frank, 317 Fifth Street, commented that the near misses don't show up in the accident statistics. She said she lives right in the war zone between J and Alameda on Fifth Street and she bears witness to the safety issues, the challenges, the kids on bikes, the pedestrians and the elderly. She hopes Council will support this effort. Many of Council ran for election or reelection on a traffic platform and this is the opportunity to make good on a campaign promise. The City will have to opportunity to see what happens during the summer.

Spiro Chaconis, 860 I Avenue, explained that his main motive for supporting the restriction is for the safety of the children since he doesn't live on Fifth Street. He said he has spoken to Councilmember Monroe and the City Manager about this problem and wrote a letter to the editor in October. He made it a point to park on Fifth Street and watch the Navy people turn left onto Fifth. He observed that the drivers are going more than 30 mph down Fifth Street. He hopes that the City doesn't have to wait for a serious accident before doing something about this. He feels that traffic is like water and follows the path of least resistance so the cars will go down Sixth Street. They will also make a u-turn to make go right down Fifth Street. He thinks policing the area is very important. He also thinks the City should think very carefully about reducing the speed on the streets adjacent to the schools. He thinks the City should force the Navy onto Fourth Street so that maybe they will realize that the tunnel really is necessary and maybe pay for the majority of it.

Frank Tierney, 550 J Avenue, spoke against the left turn restriction. He refuted the suggestion that the intersection area is as dangerous as Council has been led to believe. The accident rate doesn't bear it out. He pointed out that this is almost analogous to what previous councils had done with the diverters on A, B and C and will end up being another hassle. He said the Navy has clearly pointed out that there have been no traffic problems in terms of accident problems in that area. Tim Alexander's letter from the Navy says, "Restricting left turns from Alameda Avenue to Fifth Street does not address the problem of moving vehicles efficiently off the island. Such an action

would only push drivers to the next available street and as a parent of two school age kids I would be very concerned about intentionally increasing the volume of traffic on Sixth and Seventh Streets, given the proximity to the elementary, middle and high schools.” Mr. Tierney concurs. He read a letter from the School District saying the same thing. He said he would support this if there was serious traffic or accidents, but this has not been the case. Parents and teachers have a responsibility to teach kids that every intersection is a potential accident.

John McKechnie, 540 Alameda Boulevard, stated that the crazy drivers who want to go over to Fifth will not change their driving attitude when they go to Alameda, Sixth, Seventh, or Eighth. He did an informal survey and his statistics showed that during the rush hour period of 2-5 p.m. 33% of the cars on Alameda turn down Fifth. 2% go down Sixth. He said if Fifth Street turns are restricted they will go to Sixth, etc. They can also go around the block and still go down Fifth so the problem isn't solved. One of the other problems on Alameda is that there are not alleys. The people there don't have a way to get into their driveways unless they come down Alameda and turn into them. If Fifth is closed, the traffic will back up at the stop sign on 6th and they will never get into their driveways, just as it is difficult already to get out on Fifth. He said he doesn't know what the answer is, but he knows it isn't closing Fifth.

Mayor Smisek commented that this issue came up most recently in 2002 and has even before that. In the past the concerns have been about the after effects. He agrees with the last speaker about where the traffic goes when it comes off the Base. The yield sign for right turn onto Alameda causes a problem as well since that traffic rarely has to stop. But putting a left turn restriction at Fifth Street will not solve the problem. The City also doesn't have enough officers to enforce the restriction on a continuing basis. He clarified that this would not be a temporary measure. It would be permanent.

Councilmember Tanaka raised the issue of how the City confines commuter traffic off the Base onto Fourth and Third Streets. He believes the City has basically sacrificed those two streets to the commuter traffic. He doesn't want to give up any more streets up to that traffic. Initially he was interested in a left turn restriction at Fifth Street, but maybe the real solution is a no right turn restriction coming out of the Base. And the traffic should stay on Third and Fourth Streets, which is the most direct route. There are no traffic calming measures except for the light at Orange. The City is interested in getting the people home safely and efficiently. He would be willing to support this restriction, but he would prefer an alternative of restricting the right hand turn out of the main gate of the Base from between 2 and 6 p.m. He wants the traffic to stay on the streets that the City has already sacrificed to that traffic.

Mayor Smisek mentioned that the Navy has instituted some policies in response to this subject. They stagger work hours with the purpose of trying not to inundate the community all at once in either early morning or in the afternoon. Some people come to work at 4:45 a.m. The other thing is that most of the Alameda traffic continues down and goes to Ocean Boulevard and down the Strand. It could be very difficult to restrict the left turn out of the base because those people wouldn't be able to go that direction. The other option would be to use the Ocean Boulevard Gate. The Navy's efforts have been directed for many years, to get the traffic flowing continuously. Restrictions generally cause traffic jams, which ends up affecting the residents as well. The biggest problem he sees is that the cars are going to go to Sixth. There will be lots of rolling stops for the Police to try to take care of and they can't be everywhere at all times. Another issue in the community that could come up again is the move close Sixth Street. The City

has gone to the ballot a couple of times on that and it hasn't passed, but if the traffic starts going down Sixth instead of Fifth it would be more ammunition for those who want to close Sixth. He suggested that the City might want to, through the Navy Complexes, address the situation of traffic coming off of the Base and making those turns to see if they have any ideas.

Mr. Tanaka said he is sensitive to all that Mayor Smisek was saying. He said his issue is that the Council is being asked to do something about the problem. If a turn restriction is bad policy, then it is bad policy, but it is also bad policy to do nothing. Maybe the solution is a 15 mph speed zone around the schools. He is sure no one wants to see increased commuter traffic around the schools. He thinks the policy is that the City doesn't know what to do about the traffic, but he knows that it is something that everyone wants to do something about. One thought is to put more police on the force to enforce traffic but that hasn't been able to be done. He knows what he ran on and that he is not fulfilling this promise yet. He doesn't think Council is responding to a very obvious problem. A bunch of people are escaping the traffic route that has been planned for them. The route shouldn't be down Fifth or Sixth or Seventh. He thinks Council needs to start thinking about what it can offer. He will support the turn restriction because the residents are asking for protection and it is at least a little he can offer.

Councilmember Downey commented that she didn't make any traffic promises when she ran because she knows there are no solutions. She likes the idea of a 15 mph speed zone because there is an issue around the schools. If the traffic is slowed down and perhaps install a speed hump that might discourage the traffic from going down Fifth. She doesn't feel comfortable right now with a turn restriction on Fifth because she doesn't want to send the traffic to Sixth.

Councilmember Monroe said he not only supports a 15 mph speed limit by the School District, and has asked why that hasn't been done already, but he also supports the temporary closure of Sixth Street during the school day. Perhaps the City could do hydraulic bollards that go down after school or for emergency vehicles. He thinks the vote the City had was for the permanent closure of Sixth Street rather than a temporary closure during the school day. He thinks the town should protect the kids and look seriously at the temporary closure of Sixth. He thinks City staff has done a great job here. The issue has been before the Traffic Operations Committee. It has been heard by them. The City's professionals have come to Council with a recommendation. He will support their recommendation.

MS (Monroe/Tanaka) moved that the City Council approve A RESOLUTION PROHIBITING LEFT TURNS ONTO FIFTH STREET FROM SOUTHBOUND ALAMEDA BOULEVARD.

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

Mayor Smisek announced that the motion doesn't pass at this time. The City will try to look at some of the recommendations that came in today. The 15 mph is a good start. He will bring the issue up at the Navy Complexes meeting and will approach the idea of a no right turn exit from the

base. The City will continue to investigate what it is going to take. This is a real tough problem because there is a lot of traffic and it has to get off the island.

11. CITY COUNCIL BUSINESS:

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

Mayor Smisek suggested that the Council reports be continued to the next meeting due to the lateness of the hour.

11b. Discussion Regarding the Process and Issues to be Evaluated in Reviewing the Land Use Regulations and Zoning Standards for the R-4 (Multiple Family Residential) Zone.

Councilmember Tierney announced that he owns property in the R-4 zone so he will have to recuse himself, but he will want to participate from a private citizen's viewpoint.

Tony Pena, Director of Community Development, explained that the agenda item outlines the committee makeup, a process and context for review of R-4 zoning for the Council to approve. Staff would then initiate the process.

Mayor Smisek pointed out a couple of things to Council for information sake. First, the committee was intentionally kept small and includes one Council member, one Planning Commissioner, one Design Review Commissioner, a contractor, an architect and an R-4 property owner. Because of the things that will be looked at, he suggests the addition of an R-1B person. Second, the scope of the committees review is very narrow. Third, they are looking at a very ambitious schedule, planning to have the project completed by the end of October. The items the committee will be looking at are:

1. Height limit of 40' and 3 stories
2. Review issue of R-4 zone with R-1B directly behind (in terms of heights, land uses).
3. Review uses allowed with a Major Special use Permit in the R-4 zone and review uses that could be combined in the R-4 zone, i.e., professional with residential.
4. Review parking requirements for combined uses, i.e., shared parking depending upon which uses are combined.
5. Review the establishment of minimum housing (density) requirements for the R-4 zone.
6. Review the role Design Review and Planning Commission play in the approval process.

He also reviewed the schedule as found in the staff report on page 361.

Councilmember Monroe said he was also approached about having an R-1B person included, which seemed like a reasonable request, but he was cognizant of the desire to keep this committee quite small. At the same time, he thinks it is good to include the widest range of views represented when the City has committees like this. So, he would suggest adding a person from

the R-1B zone; someone such as Jim or Kelly Purvis, but also consider including a member at large such as Rory Hutchison. The alternative would be to keep to as the original group.

Ms. Downey asked if an R-4 person was to be included in the committee.

Mayor Smisek said that hopefully one of the members would have some kind of a connection with the Chamber of Commerce.

Frank Tierney, 550 J Avenue, said it was key to keep in mind the State mandates placed on the City regarding zoning density for such a review.

MSUC (Tanaka/Downey) moved that the City Council accept the process as outlined by staff.

AYES: Downey, Monroe, Tanaka and Smisek

NAYS: None

ABSENT: None

ABSTAIN: Tierney

12. CITY ATTORNEY: None.

13. COMMUNICATIONS - WRITTEN: None.

14. RESOLUTIONS:

14a. A Resolution of the City Council of the City of Coronado Opposing the Coronado Cays Resort Plan Grand Caribe Isle, Coronado Cays, Coronado. Councilmember Monroe disclosed that he has been asked to recuse himself by the lawyer representing Grand Caribe Isle because he lives at the Cays. He checked with legal staff and because his residence is well outside the 500' limit he would participate in the discussion.

Mayor Smisek said the resolution in the Council's agenda packet states the City's position in opposition of the Coronado Cays Resort plan for Grand Caribe Isle. He explained that there has been a request for modifications to the City's resolution and asked if the City Manager would read them.

City Manager Mark Ochendusko explained that the Coronado Cays Homeowners Association had submitted a request for changes to the resolution. The requested changes entail: new wording under the preamble stating that the developer must gain the approval of the City of Coronado and surrounding neighborhoods prior to submitting a proposal to the San Diego Unified Port District; substituting the fifth paragraph to say that the proposals fail to comply with both of these long time stated policies, so adding the language in the preamble; and, adding similar language under the findings that would be consistent with the comment added to the preamble.

Mayor Smisek said he didn't see a copy of the 1999 letter or the follow up in 2002 with the referenced quote.

Larry Peterson, General Manager, Coronado Cays Homeowners' Association, explained that the quote was contained in a letter to the developer dated July 27, 2004 related to the proposal that the developer submitted regarding the hotel back at that time. The letter from the Port District's Senior Director of Real Estate Paul Fanfares states, "In our judgment, even if you were to conform your present proposal to the lease, continued widespread opposition to developing a property will likely make it very difficult to achieve regulatory approval." The developer had about 20 items he needed to correct. He corrected 18 of those. The two that he failed to correct, which were extremely important, were to take into consideration the approval of the City of Coronado and the approval of the homeowners. That position by the Port has existed over the period of time that at least four proposals have been put forward by the developer to put something on that property. By their admission themselves, it allows the HOA and the City Council to consider that as part of their resolution.

Mayor Smisek said he was trying to recall back to the first time this was written. He believes it was in the late 1990s. He thinks that a more accurate statement, instead of where the HOA says, "the developer must gain the approval of the City of Coronado and surrounding neighbors..." it should read, "should gain." He is not sure it is a Port policy that they actually have to do that. It is just staff policy to recommend it, because there isn't much of a chance of anything happening if that doesn't happen.

Mr. Peterson agreed with Mayor Smisek's comment.

Councilmember Monroe voiced his support for the resolution. He thinks there is logic to reverse paragraphs 2 and paragraph 1. Before the City makes the statement they should indicate that the City Council finds the proposal was submitted before public outreach. After that finding, then the City can say that the policy was violated.

City Attorney Morgan Foley explained that the reason there are two paragraphs after "Be it resolved..." is that the one deals with the failure to provide it to the City in advance. The second is the failure to provide it to the affected community, i.e. the HOA. So, while they read a little bit differently, they are supposed to be, in essence, the same thing except as the policy applies to #1 the City and #2 the HOA.

Mr. Tanaka commented that language in the staff report provided by the City Attorney is appropriate, but he is comforted to know that both versions are fairly close in terms of what they are trying to accomplish.

Councilmember Tierney said he also supports the resolution as presented in the agenda package.

Councilmember Downey said she had the same question as what was discussed at the last meeting. Someone asked the developer if they were open to talking with the residents. They have to do the EIR process. The Port can't approve it before the EIR process. She doesn't know why the City needs a resolution.

Mayor Smisek explained that the action taken last time was whether Council wanted to support, with a resolution, the action taken by the HOA. That is what Council agreed by vote to do. The City Council asked the City Manager and City Attorney to bring back a resolution with findings so that Council could approve it.

Mr. Peterson stated that if the resolution were to remain as presented in the agenda it could be argued that the public outreach had, in fact, been performed on the meeting of May 31st. At that particular time it is possible that the developers contend that they did provide that outreach. The HOA's concern is that this particular proposal was submitted under the radar (he is using their terms) and the HOA was not given that information in advance. That is the reason the HOA Board took the position regarding their resolution. Their intention was to stop that from happening. That was an approach that they were unfamiliar with by the developer and they felt it was important to stop that type of activity.

Mr. Monroe explained that the meeting referred to was a Port meeting. It was not an outreach in any way by the developers. Mr. Peterson thinks that is a good clarification.

Mr. Tierney said he thinks the City's position is quite clear as stated in the resolution and read the wording.

Ms. Downey explained she would be happy to vote for the resolution, but Council doesn't get to make the call whether they comply with Port policy. The Port will make that call.

Jim Dawe, representing the applicant, started off by saying that the language Mayor Smisek was referring to was back in 1997. It was in the minutes of a Port meeting where they were discussing conceptual approval of a timeshare project. They were not discussing the beginning of the process. The language has been changed over the years into what is being suggested now. He quoted from the minutes of the February 4, 1997 meeting. "It was agreed by the commissioners that the developer should be encouraged to gain approval from the City of Coronado and the surrounding neighborhoods and then present a more fully defined project to the Board for conceptual approval." He thinks Ms. Downey has hit the nail right on the head – there is going to be a great deal of public input from the City of Coronado, from the Homeowners, and from everybody else that is interested. There are a lot of people outside of Coronado who want to make comments on this. This language from 1997 has been changed, modified, dreamed about, and fantasized about over the years and it has become much harsher. That is the wording that is being referred to in this resolution. He said he submitted a letter to the Council this day objecting to Council's adoption of the resolution which his office received in draft form the day before. He said he would appreciate a copy of whatever changes the Council is considering. Mr. Dawe stated he has been representing the owner of the Coronado Cays and Grand Caribe for a decade or two so he knows about this history. There is no rent flowing to the City/Port at this time because it was prepaid. The rent was the construction of where Loews is in Grand Caribe. Now it is time for the lessee to have his rights under that lease. Grand Caribe has an existing lease. The landlord and lead agency for review is the Port of San Diego. The Port Master Plan which is the Local Coastal Plan for the property designates the property as commercial/recreation. That is a use that many in the Cays Homeowners Association do not wish to have and it is very clear in the LCP and in the Master Plan that hotels are an acceptable use in a commercial/recreation.

Mayor Smisek cautioned Mr. Dawe that the discussion at this meeting is the wording of the resolution, not whether Council is going to submit it or not. They already made that decision.

Mr. Dawe responded that he will have to defer to Council's judgment on this but his client still objects to Council's adopting the resolution. They would appreciate it if the Council would not do so. They look forward, in the future, as the Port continues its process, to having the public input that Council is talking about. They are required to follow the provisions that are in the lease as far as how to submit development proposals. They received confirmation yesterday that they are doing the process as the Port requested.

MSUC (Tanaka/Smisek) moved that the City Council adopt **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO OPPOSING THE CORONADO CAYS RESORT PLAN GRAND CARIBE ISLE, CORONADO CAYS, CORONADO. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8068.**

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

The City Council recessed into closed session at 9:20 p.m.

City Manager Mark Ochenduszkowski recused himself from Item 15b due to the location of his personal residence.

Councilmember Tierney also recused himself from Item 15b.

Councilmember Monroe and City Manager Mark Ochenduszkowski recused themselves from Item 15b, but returned for Item 15c.

15. CLOSED SESSION:

15a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

AUTHORITY: Government Code Section 54956.9(a)
NAME OF CASE: Melissa & Joe Cook v City of Coronado
San Diego Superior Court (Case No. IS 19431)

15b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9
One (1) potential case

15c. CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATORS

AUTHORITY: Gov. Code §54957.6
CITY NEGOTIATORS: Mark Ochenduszkowski, City Manager; Pam Willis, Assistant City Manager; Leslie Suelter, Director of Administrative Services

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

15d. CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATORS

AUTHORITY: Gov. Code §54957.6

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

UNREPRESENTED EMPLOYEES: All Self-Represented Employees

**15e. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE
EVALUATION**

AUTHORITY: Gov. Code §54957

TITLE: City Manager

The City Council adjourned from closed session at 10:02 p.m. Mayor Smisek announced that directions were given to the City's counsel on the litigation items and to the City's negotiators on the labor negotiations. The Council then adjourned at 10:03 p.m.

15. ADJOURNMENT: The meeting was adjourned at 10:03 p.m.

Approved:

\s\ _____
Tom Smisek
Chair

Attest:

\s\ _____
Linda K. Hascup
City Clerk