

**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, March 1, 2005, 3:00 p.m.**

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

**1. ROLL CALL:**

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

**Absent:** None

**Also Present:** City Manager Mark Ochenduszko  
City Attorney Morgan Foley  
Interim City Clerk Mary Clifford

**2. INVOCATION AND PLEDGE OF ALLEGIANCE.** Reverend Mitchell Lindeman, Christ Episcopal Church, provided the invocation and Mayor Smisek led the Pledge of Allegiance.

**3. MINUTES:** The minutes of the Regular Meeting of February 15, 2005 and the Special Meeting of February 22, 2005, copies having been provided Council prior to the meeting, were approved as submitted. The reading of the minutes in their entirety was unanimously waived.

**MSUC (Tanaka/Tierney) moved that the City Council approve the minutes of the Regular Meeting of February 15, 2005, and the Special Meeting of February 22, 2005 as submitted**

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

**NAYS: None**

**ABSENT: None**

**4. CEREMONIAL PRESENTATIONS:**

**4a. Proclamation and Presentation of Awards for the Poster Contest for “Take My Hand, Coronado: Celebration of Peace in Human Relationships in Coronado.”** Debbie Schwartz provided a brief introduction of this item. Mayor Smisek presented the proclamation to the winners. He shook the hand of each winner and provided him or her with a certificate. The names of the winners were called out as follows:

Councilmember Philip A. Monroe read the names of the Kindergarten – Second Grade winners:

Third Place: Maggie McPartlin, Grade 2, Village Elementary School  
Second Place: Lydia Wheatley, Grade 1, Village Elementary School  
First Place: D’amy Steward, Grade 1, Village Elementary School

Councilmember Casey Tanaka read the names of the Third - Fifth Grade winners:

Third Place: Eddie Jennings, Grade 3, Silver Strand Elementary School  
Second Place: Marie Balfour, Grade 3, Village Elementary School  
First Place: Bradyn Breske, Grade 4, Silver Strand Elementary School

Councilmember Frank Tierney read the names of the Sixth – Eighth Grade winners:

Third Place: Cotter Stacy, Grade 8, Coronado Middle School  
Second Place: Allison Aberizk, Grade 8, Coronado Middle School  
First Place: Tori Lock, Grade 8, Coronado Middle School

Councilmember Carrie Downey read the name of the Grand Prize Winner:

Emily Weiss, Grade 5, Christ Church Day School

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

**MSUC (Downey/Tierney) moved that the City Council approve the Consent Calendar Items 5a through 5d**

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

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

5b. **Approval of Warrants.** The City Council ratified payment of warrants Nos. 10041765 thru 10042009 audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

5c. **Authorization to Transfer \$3,840,000 to the Community Development Revolving Fund (Fund 160) and Authorize Disbursement of such Funds to the Community Development Agency of the City of Coronado.** Adoption of the Resolution will create the administrative flexibility necessary to keep City General Fund monies earning interest in the General Fund until the particular time needed to fund components of approved City capital project expenditures.

The Resolution and Promissory Note reflect a loan in the aggregate amount of \$3,840,000. This amount reflects the authorizations outlined in the staff report. Also, the capital project appropriations are consistent with the City's Capital Improvement Program and are eligible for CDA project-related funding. **The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, AUTHORIZING TRANSFER OF FUNDS TO THE COMMUNITY DEVELOPMENT REVOLVING FUND AND AUTHORIZING THE DISBURSEMENT OF SUCH FUNDS TO THE CORONADO COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF CORONADO. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8051.**

**5d. City Council Authorization for Director of Administrative Services to Issue a Revised Permit to Coronado Flower Lady for Use of City Property for Commercial Activity.** Other than the change in ownership, the general terms and conditions of the existing Permit remain basically the same. The sole exception is the inclusion of Valentine's Day as one of four days when an additional 50 square feet of temporary space will be provided for two days. This will result in an additional \$25.00 rent for February.

In recent weeks, Ms. Otto has given indications to seek modifications to the corresponding Encroachment Permit (#04-79) currently on file. If so, staff will return to the City Council on those matters. **The City Council authorized the Director of Administrative Services to issue the revised Permit.**

## **6. ORAL COMMUNICATIONS:**

- a. **Steve Bruce, 564 I Avenue**, is opposed to the hard liquor license being requested by the establishment at Fourth and I. He thinks that hard liquor being sold in the middle of town, only two blocks from the schools, is not an improvement for the City of Coronado. He also commented on the proposed building at the beach. He does not think that having two buildings with a walkway in the middle as people enter and exit the beach is an improvement for the City of Coronado.
- b. **Rick Wurtz, Chula Vista**, addressed the lifeguard facilities issue. He has been a professional lifeguard for the City of San Diego for 18 years. He and his wife bring their children to the beach at Coronado. He has worked with Sean Carey in a variety of capacities and has known him for a long time. Having been a lifeguard in San Diego and a visitor to Coronado's beaches, he cannot underscore the importance of making sure that the City is considering things about the centrality of the proposed facilities. They need to be located in an area where the lifeguards have immediate access to equipment; have immediate access to provide assistance. It is in the central part of the beach and it is, from what he has observed, the place where most people come and congregate. He offered his deepest support for the Coronado lifeguards.
- c. **Carolyn Mitchell, 517 Adella Lane**, supports the proposed lifeguard facilities that will hopefully be built on Central Beach. She manages 74 children of the Coronado Middle School Surf Club who attend surf practice twice a week. It is essential that they have the facilities to save a life. She has received information from Sean Carey, the Lifeguard Captain. They have done their research and know what they are doing. It is important that there be necessary equipment available at the beach in order to save the lives of anyone in a dangerous situation.
- d. **Dianna Zamora, State Assemblyman Juan Vargas' office**, announced that they will be hosting a Blood Drive with San Diego Police on March 11 from 9:00 a.m. to 12:30 p.m. on Commercial Street, right over the Bridge.

- e. **Councilmember Tierney** invited the press and members of the Coronado community and San Diego County to the SANDAG Borders Committee meeting on March 18 from 12:30 p.m. to 2:00 p.m. to discuss sewage problems related to the border area. This has been an ongoing problem. No one agency has taken on this task. Mr. Tierney is going to try to see that the SANDAG Border Committee take on this task and move toward getting some solution and sources of monies to prevent it from expanding.
- f. **Councilmember Downey** attended both the City's RSIP meeting and the School Board meeting that were both at the same time on the same date, as well as two other meetings in Coronado on the same date. The City is going to try to avoid that in the future. She made a public request to all non profits and community groups to check the calendar with the City and the School Board so conflicts don't occur in the future. This will encourage better participation.

7. **CITY MANAGER:**

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

8. **PUBLIC HEARINGS:**

- 8a. **Public Hearing to Adopt a Mitigated Negative Declaration of Environmental Impact for the "Lifeguard Public Safety Service Building Project" (IS 2-04, City of Coronado).**

This item was heard concurrently with Item 11b.

Tony Pena, Director of Community Development, explained that, in response to previous public comments, City staff amended the Initial Study and renoticed this comment period several times. The latest comment period that was sent out for publication and official notice began January 26 and ended February 25. There was one written comment received during that time frame from Michelle Gierke, representing the Michaels. The content of her response has been addressed in the response to comments on page 88 of the staff report. At its February 8 public hearing, the Planning Commission reviewed the Mitigated Negative Declaration. After lengthy discussion they took action to support City Council approval of a Mitigated Negative Declaration. There are two actions before Council: one is the CEQA document as well as the review of the project itself, which would follow in that formal, structured way. One of the first things that has to be done under CEQA is to make sure that the Initial Study adequately reflects the project description. Also, addressing what is a significant effect is also a basic finding in the Negative Declaration.

Jim Benson, Director of Engineering and Project Development, began by saying that staff have been pursuing, for quite some time, facilities on the beach to address public safety. The presentation will clarify the purposes for the support building, in particular. He will review the beach facilities project history. He will also provide an update for the design, including some views of what is out there today.

Mr. Benson explained that the building is a meeting point and staging area for emergency operations. One speaker this evening has referenced how important it is to have equipment and people at the most advantageous location. That has been part of the discussion from the time it was decided to have a building separate from the tower. There needs to be immediate access to the equipment and supplies that are in the building. Are they needed every day? No. Some of them are not needed that frequently, but when the guards need them, they need them in a hurry. It is also to provide facilities for the lifeguards.

Why the proposed location? Most important is its proximity to the lifeguard tower. Several of the functions, including the Captain's office, one of the vehicles, one of the boats, and the locker rooms were in the tower. Input from the public was that they were concerned about the size of the tower. Those functions migrated into the support building as a consequence. The support building provides a synergy with the tower operation. The intent all along has been to conceal it to the extent possible from public and private views. The central location yields to an optimum response to both the north and the south. There is a mile and a half of public beach that the guards are obligated to cover. Being in the middle of that beach is very important rather than being located at one end or the other. It may not be the perfect solution for everyone – staff has acknowledged that all along. They have also been looking for minimal environmental effects.

Mr. Benson moved on to discuss statistics through 2004. There have been very similar numbers in attendance. They have been found to be fairly consistent and point out that there is a high level of activity and there isn't any reason to believe that activity level is going to decrease. In fact, if anything, if one looks at the traffic and numbers over the years, Coronado is very attractive and the numbers will probably tend to grow.

Why a support facility on the beach? If the functions were removed from the tower, the City was looking to maintain a fast emergency response time and there has been some concern that a fast time means danger to the public. The guards always have a dual challenge. They are looking to get there quick and safely. They have to be moving with all deliberate speed. But while they do have to maintain a fast response while not injuring someone in the process, they are looking for immediate access to the equipment. There is a considerable amount of equipment in order to address a number of situations: close proximity to the tower, plan for future growth and beach use, improving the working conditions for the guards.

One of the questions that was raised by Council and by others was to do some kind of comparison. Coronado will have a facility, combining the square footage of both the tower and the service building that will be roughly around 4,000 square feet. Mr. Benson discussed and showed pictures of some of the other facilities in other San Diego beach communities. Examples were Imperial Beach, Silver Strand State Beach, Ocean Beach, La Jolla Shores, and Camp Pendleton.

Mr. Benson reviewed the City's process. He arrived in Coronado in 2000 and on the Capital Improvement Program was a project in FY 00/01 to rehabilitate the tower. Based on Glorietta Bay, the Library and a few other projects, staff did not get to that design until 2001 and the design of the rehab got started. By February 2002, the structural engineer said that the building could not be rehabbed as it was not structurally safe. By the time presentations for the FY 02/03 Capital Improvement Program were underway, staff had developed what was called the Beach Facility Master Plan. In June 2003, the first draft of that Master Plan was presented to Council with approval to move ahead. That included Council's selection of the placement of the support facility at G Avenue. There were public workshops in March and May with extensive participation by the public. A number of suggested changes were made. Following up on that, in June 2004, Council approved a revised plan that acknowledged that the tower and North Beach restroom had a good consensus in terms of location. The Lifeguard Service building did not. Council asked staff to look at other locations, in particular at Isabella at Central Beach, and also to split the program because there is a tower that provides better capability for the guards to do life guarding. Council wanted to get the project moving. The two projects were split, keeping the impacts between the two in mind, but trying to get the tower and the North Beach restroom into the process to get it approved and designed. Also, in June 2004 there was public input at Design Review specifically for the service

building, as the next step in trying to resolve what the service building was going to look like. Prior to this is when the public workshops were held and the input was to take the services out of the tower and put them into the service building and move the service building some place other than G. The location was, in fact, Central Beach. In fall 2004, through some additional reviews of design, there was an approval of a double octagon tower for the lifeguard tower as well as an approval of the North Beach restroom. On November 10 staff went back to Design Review on a public noticed meeting. Once again, similar to the two prior workshops, there was significant participation by the public. Additional input was received on the service building design and what people found deficient, what could be improved. Those went back and on December 8 there was another design. The basic challenge from Design Review had been to make it more organic. Mr. Orsa, the architect, brought something more organic to the December 8 meeting and Design Review approved that design.

There have been suggestions that there has been inadequate public notice. Staff has been doing the same public notice, with enhancements (minor additions for people doing construction on their house who might not have been getting their mail, or living somewhere else in town, etc.). There was significantly greater notification than what was required by the Municipal Code with the 300' notification requirement.

Mr. Benson provided pictures depicting views from various points. The height will be 3'2" above the sidewalk. That is above some rocks and below others. Mr. Benson moved back to his presentation, noting the service building was originally 36' x 93'. People in the public workshops wanted it less wide, shortened up. The narrow and widened building was a consequence of public feedback on how to best build it. Part of the organic design was to take what was at one point a rectangular structure and turn it on all four sides into curved walls. The curved walls lessened the amount of bulk, lessened the flatness when one looks at the structure. It will be more of a challenge architecturally; it will be more expensive to build. This was the result of the public programs and is the difference between November Design Review and December Design Review. There is a certain amount of inefficiency to this. On the internal building there are walls that are not perpendicular and as a consequence there are spaces that are lost. That was a small consequence to finding something that people can support.

The rocks are down on the beach to soften the entire exterior. Another development was to lower the left side because there is not as much height needed based on the garage doors. The height in that area is 10'9" on the left and 11'9" on the right. The beach in that area, depending on tides and the time of year, can be anywhere from 800 to 900' wide from the rip rap out to the ocean. An additional aspect is that the extended time that this has been discussed has resulted in additional costs. The delay in time cost money in the budget. Unfortunately, the last year and a half period had one of the most extraordinary material inflation factors that have ever been experienced in both concrete as well as steel. There have also been multiple versions of design, contributing to various additional costs with the architect. Staff has also done design enhancements and based on the revised estimates from Gary Orsa, it will cost more money to build this than if they were building a standard rectangular building. That is true of the tower as well as the support building. The cost comparison between the CIP budget and the current estimate is on page 100 of the staff report and shows a funding deficit of approximately \$1,280,000.

Mr. Benson reviewed the next steps. The first task is to complete the package for submission to Coastal as quickly as possible. That package would intend to combine the service building back into the tower and restroom project. The final construction plans will be completed for all of the buildings, concurrent with Coastal review, to save some time. Assuming that Coastal approves and the plans are complete, bids would be solicited by early summer and a contract would be awarded in September. Construction would begin and take approximately one year. If this isn't approved, it depends on Council's direction and the

extent of the changes that are desired. It may be that the support building would remain on a separate track from the tower and North Beach restroom. That will cost more money.

In conclusion, the location and design resulted from extensive public input. The location best supports public safety and the mission of the lifeguards. The views, to the extent possible, have been maintained. The views are maintained more than some people think they will be. The combined building and tower, at around 4,000 square feet, represents .08 of a percent of the beach that these guards are asked to guard. The building is consistent with other jurisdictions and the facility is scaled to support current and future lifeguard requirements. Will it be comfortable if there is a need for expansion? No. It will be tight. But can the facility work for the foreseeable future? Yes.

Councilmember Tanaka asked if the roof slopes. Mr. Benson responded that there is a slope of 7", sloping towards the ocean.

Mayor Smisek opened the public hearing.

Michelle Gierke, attorney for Bob and Lori Michaels, 901 and 911 Ocean Boulevard, corrected the staff report where it stated that there had been no comments regarding the CEQA analysis. However, she heard from staff that they had, in fact, received a letter that was sent last Thursday, prior to the comment period ending. She confirmed that and asked that the letter become part of the record at this point. She has some concerns about the fact that the CEQA analysis will be combined and that this will be one combined project going before Coastal Commission. When projects are essential services they are supposed to be analyzed together. If there are to be integral services that will be used between the facilities, CEQA requires that they be analyzed together so that the cumulative impacts are not overlooked. They have concerns about the fact that this project started off as one project then was piecemealed so the tower and North Beach restrooms could go forward and lifeguard services could remain behind for further design review, and now they are being put back together. She understands the fiscal purposes and the ease because it can be presented as one project before Coastal, but she is concerned that there has been a piecemealing here which is a violation of CEQA. She has some comments in a letter to read on behalf of the Michaels which does, in part, address the CEQA analysis. The comment that the Michaels' have expressed, which is also in her letter, is that the aesthetic impact of the views that will be disrupted by the lifeguard service building are not adequately addressed in the CEQA document. Their concern is that the assessment of the structure's impact is very off the mark and it is also in par with the letter that was submitted.

City Attorney Morgan Foley clarified that the letter was received and is part of the record.

John Freeman, 845 B Avenue, thanked Council for the opportunity to speak on this issue. He congratulated City Council and staff on an excellent job. The proposed facility will serve the needs of the public and is as unobtrusive as possible. He concurs with the Central Beach location. The facility is adjacent to the lifeguard tower and will provide central access for the lifeguards. He looks forward to the removal of the lifeguard tower that is surrounded by chain link fence. That will be a great improvement to the beach. He encouraged Council to get the project done and move on to other projects that are important to the City.

Sondi Arndt, 1101 Isabella, stated she feels that the sections in the Mitigated Negative Declaration that concern aesthetics are flawed because they don't adequately address the CEQA section that has four categories, three of which are probably applicable to this matter. In each of those three areas it has been

checked that there is less than significant or no impact. Neither of the other two possibilities of “Less Than Significant With Mitigation Incorporation” or “Potentially Significant Impact” have been checked or even issued. She thought the presentations were excellent; however, she disagreed with the CAD drawings and the filling in of the building and the view. She has walked the streets and looked at the story poles and does not think that it adequately shows the bulk and mass of the building. She is very concerned with that, not as it would affect her view, and she thinks it probably is a good place to put such a building, but she feels that the bulk and mass, as far as the width of the building, does impede the views. She noticed in the CAD drawings, she could see the dip and the angle of the way it was put up but she thinks there should be a professionally made computer model of this building done or some sort of a solid structural mass put up so that everyone could really know that it is something that everyone can live with. She noticed on page 88 of the staff report that “in the opinion of City staff the story poles are sufficient to make the determination and that the development of a computer model for this project is unnecessary.” She thinks that is what has been tried to do here and it isn’t adequate or accurate. There should be a little bit more time given to address these situations. She supports the lifeguards and supports that there is a need for public safety, but this building is large in the width which will impede the public view.

Alan Robbins, 1121 Isabella Avenue, strongly objects to the Negative Declaration procedure with respect to the EIR. The decision that Council is making, while a “small” decision in terms of the beach, is a major policy decision with respect to beaches and cities in California. If Coronado builds a large garage in the middle of the City’s main beach, it will make itself the first city in the state of California to have done that. The building’s substantial size will impact not just the views and the aesthetics, but also the drainage. Subjecting it to a full EIR and a complete and proper EIR evaluation, if the project is good, the EIR will confirm it is good. If there are flaws, then the Council will have those flaws in front of it when it makes the decision. Very simply, if this is a critical public safety issue, by proceeding with a Negative Declaration, which only opens the project to a challenge in court, doesn’t expedite the project but rather delays it. Council and the staff have worked very hard to try to put something together. He urged Council to proceed by allowing this to be subjected to an Environmental Impact Report. This is the kind of project that the EIR process was established for. In the end it will be better served for everyone to have all the facts when decisions are made.

Chris Brewster, President, United States Lifesaving Association, Commissioner of Lifesaving for the International Lifesaving Federation based in Brussels, Belgium and retired Lifeguard Chief for the City of San Diego. The job of a lifeguard is to ensure that people don’t drown in the water. The only way to ensure that is to see people in trouble in the water. The only way to see them is to be near them at a high point with binoculars. Why would one put a lifeguard tower in the very center of a beach? Because that is the most logical and strategic location so that they can see everyone out there. So that they are as close as possible to the maximum number of people... So that when you or your friends or the tourists are in trouble in the water, the lifeguards can see them and get there fast. Obviously, whenever one places a building on the beach, there is going to be a lot of controversy. It is inevitable. He doesn’t envy the decision that Council will make because however Council handles this, someone will be unhappy. He understands the strong reasons of people who live in this town who care tremendously about the aesthetics of this beach. He understands why people who live nearby are concerned about the building. But in the end, the most critical point for those people who live in those houses and anyone else on the beach, is that the building and the materials that the lifeguards need to effectively do their job are positioned as close as possible to the people who will need those services.

Jane Mitchell, 431 Ocean Boulevard, commented that the building does not affect her view, but she was born and raised here. She has been at many of these public hearings. She asked Council whether they

had read all the public comment from all the different sessions that have taken place. Mayor Smisek responded that Council has done so. She pointed out that Council would then be aware of different concerns including the fact that no one who is opposing the garage is opposing safety. The fundamental objection is that this is a historic, beautiful beach. Has any of that been taken into consideration? Mr. Carey has said over and over again that he needs an office on the beach so he can have his meetings. She really thinks that the Police Department would be a more appropriate place for doing administrative duties. If their question is how to get to the people who need the help fastest, then stage the vehicles earlier in the morning and take them off the beach in the afternoon. These are fundamental things. None of those pictures that were shown of other beaches have a building in the middle of the beach. She thinks this has been an effort by a few people who want to have the perks of a business when the job is working at the beach. There is no need for the expensive lockers and showers and those sorts of things when they can drive two blocks to get there or five blocks to get there. Having the cars where they are needed is one thing. The City needs to take the environmental things into consideration, the safety of having more vehicles on the beach into consideration, the historic aspect of this beach into consideration and think about the precedent that is being set. She doesn't want anyone to get hurt either. This could be thought through a little better and certainly the process should be followed better than it has been done. When this first started, this building was nearly twice as high as it is now. She wondered if that building would have been built if people hadn't raised their voices in opposition.

Susan Heavilin, 1144 Isabella Avenue, commented on the pictures shown of other beaches and their facilities. Those are great towers. This opposition is not against the tower or the first aid facility. This is about the storage and garage area on the beach. There is a storage area at G that is big enough to utilize all this equipment. She can't see two storages next to each other. There is no purpose for it. She took Council back to the beginning of the meeting when the children's posters were shown. Several posters showed the incredible beach and ocean. That is what the beach should look like. She addressed the historical aspect of keeping the beach looking like it does. Every Council member said that they want to keep Coronado a village. As a village she thinks of historical parks and a historical beach. It is a beautiful beach. There is only one house on the entire street that loses a view. It is the public view corridor that will be impacted. She is looking for a win-win situation. The citizens of Coronado can be happy with their beach and the lifeguards can save people and everything can go on as it is. There has to be a way to work this out so that it works for everybody.

Molly Erskine, 1135 Isabella Avenue, welcomed Chula Vista families. This is not a Coronado beach – it is a beach that belongs to everyone. She welcomed the people who help surfers. She has children who surf and who do need the services of the lifeguards. She believes building this building will bring homeless people or people who have cause to be living in nooks and crannies in the building. She is a strong supporter of the lifeguards. To say that people try to treat them like third class citizens is something she resents. People don't object to them having this. She mentioned having it near the Hotel Del by the public access to the beach. One of the facts that she learned at one of the workshops is that more rescues are done near North Beach because of the fire pits at night. If that is the case, it would make sense to put it closer to that area.

Liz Forsyth Lovell, 1032 Flora Avenue, referenced two federal and state mandated environmental issues that are not really touched on by the community. Mr. Carey, in 2003, gave Karen Finch and her a tour for the Chamber of Commerce, on proposed buildings at that time. They spent about five hours going up and down the beach and reviewing everything and all the options. It is a hard call for Council to decide where the buildings need to be. The concern is the federal issue of being adjacent to both the Amphib Base and North Island with Homeland Security issues. The insurance issues for this community with three

drownings in one year had a huge impact. What does the insurance industry say about the placement of these buildings? There are state codes that lifeguards are trying to pass in Sacramento that will have a heavy impact. She would like to see a long term review, 10 or 20 years, of what is going to happen to the beach. Yes, they will come in masses to the beach no matter what is done. As a co-director of the Visitor Center and the Chamber of Commerce, the first thing a person buying a home here does is go to the beach to check it out. In consideration for the traffic, the parking, all of those issues aren't touched. If the City puts that building there, people need to know what the impacts are two and three blocks away. She sees no adjacent parking issues. She sees no safety issues of crossing. There are now the lights in the crosswalks on Ocean Boulevard. They don't work. She would like to see a scope from federal, state and insurance issues, not to make a decision just based on the view. She wants safety in numbers on that beach. Mr. Carey talked in the past that there is no telephone hook up along the whole stretch of beach. That is a severe issue.

Beth Cahill, 1068 Isabella Avenue, has no problem with the lifeguard tower and the restrooms. Her concern is about the building being so close to the bottom of the stairs. If this does go through, she would like to suggest that every time a garage door goes up or down an alarm goes off. That will alert people in the area to something going on. She is a little put off that she was not considered in the beach neighborhood. She lives one block off the beach. She would have liked to receive the notifications about these meetings. In the future, when something big comes up that is going to be involving the town, everyone should be notified.

Stan Searfus, 444 D Avenue, uses the water at the beach. He and his wife have two children and they all use the ocean and the beach. They appreciate the lifeguard services at the beach. He has an expectation that the City is going to provide every reasonable tool to give to the lifeguards to help those who are using the water. He is a lifeguard at North Island. Two and one-half years ago the lifeguards there recommended having their tower with their garage right next door. The Navy said no. A year after the tower was built there were three sailors swimming at 8:15 a.m. At 8:30 a.m., while the lifeguards were bringing their equipment from a half-mile down to the beach, Navy personnel were doing CPR on one of the sailors in the parking lot. If the lifeguards are getting their equipment off the beach, they aren't on the beach looking at the water. Staffing lifeguards at 6 a.m. or 9:30 p.m. is not the answer. Having their equipment on the beach so they can get to it and have every tool that they need to keep people safe is the answer.

Carl Jennings, 1135 Loma Avenue, explained that the beach has changed a lot since 1971. He and his family and friends are at the beach a lot. He is shocked at how many dunes have been taken out and would hate to see more of the dunes taken out. This is why an EIR is needed. The City needs to be careful that we don't destroy any more of the environment. The beach is priceless.

Mayor Smisek closed the public hearing.

Mayor Smisek reminded Council that the discussion should be centered around the adoption of a Mitigated Negative Declaration. Attachment F is a copy of the Resolution.

Councilmember Downey pointed out a correction to the Resolution. The third paragraph reads, "...of the construction of on a public beach..." and should read, "...of the construction on a public beach..." .

Councilmember Monroe said he is still confused about how this building plays off the G Avenue building. Some of the G Avenue equipment is being moved to this building. He asked if the trailer disappears. Is

equipment being added to the beach that isn't there today? Sean Carey, Lifeguard Captain, explained that currently in the G Avenue facility there is both maintenance equipment and some lifeguard equipment – one boat and one vehicle. The rest belongs to Public Services maintenance. Some additional equipment is planned for this facility. He understands that the G Avenue facility will be reviewed by Engineering and will possibly stay with the maintenance function there. Mr. Benson added that G Avenue becomes the Public Services location for doing beach maintenance. That facility was intended to be expanded just for the service building as well as Public Services. It is not. The trailer goes.

Mayor Smisek expressed his appreciation for all the input. He thinks that the City has gone the extra mile on discussing this. He recalled that the Initial Study looked at this as a whole package initially and because of the discussion on the support facility, it was withdrawn because there were no objections to the other portions of the project and it was desired to keep those portions going. Because of other circumstances, that has not happened and now the City has the opportunity to recombine this as one package as it was intended. The Initial Study did address all of these pieces working together. Because of that, piecemealing was not done. The whole idea of bringing back the lifeguard tower for reevaluation on design should also point to the extensive effort Council has put forth into listening and trying to accomplish what it set out to accomplish – to try to get a satisfactory situation developed on the beach for the lifeguard service. He doesn't think that this Council is ready to say that there should not be a building. The other thing is that the Council has voted on the placement of this building based on the information that was put forth. Council isn't considering relocating the building at this time

What is the purpose of an EIR? An EIR's purpose is to inform the public that something is occurring and to look at the various alternatives of where this project could go, what kind of impact it has. This really boils down to a visual thing. Mayor Smisek thinks the City has done a good job of describing the project and getting it out to everyone to know that there is a project. It has been put in the newspaper. It has been in the *Coronado Currents*. It has been noticed to a larger band than is normally done. The key of an EIR is to deal with unanswered problems that need further investigation. Everyone is aware of the main objection to this – it has to do with the size of this building and where it is placed. He doesn't think there is anything that can be investigated any further with respect to those. What more is an EIR going to bring to this project except to delay? He is inclined to continue to move on with this. He has heard the comments. One of the reasons it was put where it is proposed is to keep it out of the direct line of sight of several homes and to make it at the end of a street. There is a home very close by. It was kept as low as possible to make it so that it does not obstruct views. He doesn't really believe that the City is putting this building there to attract more people to that beach area. That is where most of the people are. That is where most of the activity is. This is very proximate to the new tower. Mayor Smisek feels it is the proper place and the proper design for the function it is needed for. He will be supporting the Negative Declaration.

Councilmember Monroe thanked everyone who came. Council has worked on this for a long time with staff. He is getting the feeling that there are a number of people who want a "no building" option. That is not the way this all started. This was started to try to meet a requirement to get a building. As it was mentioned today, the building has actually been reduced in size down to 60% of what was first proposed. The height has come down. The "no building" option is just not an option. Mr. Jennings wanted unanimous consent. A lot of times that can happen, but Mr. Monroe doesn't see, as this goes any further, that would happen. Another speaker talked about how a Negative Declaration would lead the City into a law suit, so the City should do a full EIR. A full EIR doesn't stop the City from potential law suits either. He noted that the last time this went through Design Review the building increased in size 200 square feet to meet the requirements to have it more organic. The City has worked very hard on this.

**MSUC (Monroe/Tanaka) moved that the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, TO ADOPT A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR THE LIFEGUARD PUBLIC SAFETY SERVICE BUILDING PROJECT as amended. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8050.**

Councilmember Downey explained that an EIR examines whether an adequate job was done in looking at alternatives so that the decision makers, after reviewing the document, can make the best decision with all the facts available. The staff and City went over and above anything that could have ever been accomplished with a basic EIR if it was started four years ago. They did that, not because they had to, but because they believed that when the citizens came forward, it would be a better product that would be produced. It bothers her when people talk about using the environmental process as a hammer instead of what it is supposed to be for, to help us reach a better solution. She is an environmental attorney who makes money by suing and she doesn't do that. That is not what the process is for. Staff has done an excellent job. She asked if there is any other way this could be done. They have looked at every possibility. By lowering it down below the rocks, it was the best location for the one item in the EIR check list that was an issue, which was the view. There was no better place to put it. For purposes of certifying this Mitigated Negative Declaration, she has no problem voting for it and she has no qualms in saying that is what should happen environmentally.

Councilmember Tanaka doesn't think there is much dispute that the City wants to help the lifeguards and if possible build a facility that will help them. He recalls reading in the paper a comment that the City lifeguards could shower in the public showers and things like that. He doesn't believe that is the direction the Council has been trying to go. There is near unanimity that the lifeguards are doing a great job and that their current facilities are at least substandard and are seriously lacking. Council agrees that they need something better; they need something more. It always makes him sad to know that there may be an option that is not going to have a lot of support. He wishes this were more win-win. To him it is a win-win. He understands that there are people who do not support this. He doesn't want to belittle their point of view. He understands why they feel that way. He wants to offer a couple of points. One: He is glad that there is a location that largely, or almost completely, hides the building in a way that most other places can't. Two: The City has an obligation to protect the beachgoers, provide facilities and to do the best it can, under the circumstances, to provide this sort of service. He thinks the entire City, not just a select group of residents, would expect the City to provide this. He has gone down to look at the story poles. It was interesting to him that, in order to look at the story poles, one has to go down two flights of stairs. There is some depth there and the City is lucky that there is depth there to work with. He thinks the City is fortunate to have a location that can house this facility.

Councilmember Tierney will be supporting the Negative Declaration. He will also be supporting the facility itself. The City has a responsibility, as he does and does the Council, in terms of liability and safety on the beach. Why the City didn't have this building previously and why Council is looking at this Negative Declaration is simply because the buildings that existed previously were "blighted." They were old buildings. He congratulated Mr. Pena and staff for what they did. It is absolutely correct on the Negative Declaration. It has been well done. This project has been delayed entirely too long by a very few people who seem to feel that their views are going to be distracted. That is not the case. The City needs to move forward on this.

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

9. **ADMINISTRATIVE HEARINGS:** None.

10. **COMMISSION AND COMMITTEE REPORTS:**

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

11. **CITY COUNCIL BUSINESS:**

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

**Councilmember Monroe** attended both the Transportation Committee meeting and the Board Meeting at SANDAG, met with Mayor Smisek and the committee to look at the applications to be the City's lobbyist, met with Liza Butler and City Manager Mark Ochendusko to discuss Silver Strand issues, attended the Rotary clock dedication for the Rotary Centennial, attended an MTS Board meeting and finance workshop, with Greg Cox attended a very exciting meeting on the bayshore bikeway, a Navy Complexes meeting, and a meeting of the South County Economic Development Council.

**Councilmember Tanaka** attended the Senior Volunteer Dinner, a special meeting regarding Recreation fees and the opening of the new Dave Gillingham building at Ninth and Orange.

**Councilmember Tierney** attended the Senior Volunteer Dinner, the workshop on Recreation fees, the Chamber Sundowner, the Jess Van Deventer dinner, the retirement party for the deputy of SANDAG, the opening of Dave Gillingham's building at Ninth and Orange, a meeting with Julie Meier Wright and Eric Bruwold from the San Diego Regional Economic Development Corporation regarding BRAC, and was, at the request of Greg Cox, at the County Administration Building for a discussion regarding border issues.

**Councilmember Downey** attended the workshop on the Recreation fees, the Senior Volunteer dinner, the last of the public meetings on residential standards, met with Toni Gaylord of MainStreet, attended the Chamber Sundowner, the Hospital Foundation reception, the Chamber Military Ball committee meeting, had lunch with most of the female elected officials in San Diego County – the Women in Action Committee.

**Mayor Smisek** had a meeting with Fire and Police and the four major hotels regarding security, attended a meeting of the Golf Course committee, a Library Board meeting, the Special Council meeting on Recreation rates, the Rotary clock dedication, the Senior housing interviews of two finalists, the Cays Homeowners meeting, the Hospital reception, the dinner for Jess Van Deventer where he presented a proclamation, the ribbon cutting on Orange Avenue, the South Bay Mayors meeting, met with Scott Grimes, the Chamber President, met with Karen Finch of the Chamber, attended the lobbyist proposals, the Navy Complexes meeting where there was a discussion of the overpass, and the Senior Volunteer dinner.

Councilmember Tierney asked if there had been any discussion of an underpass. Mayor Smisek responded that there has and that the Navy dismissed that as being triple the expense.

**11b. Approval of the Proposed Lifeguard Service Building Design, Recommendation to Recombine this Project with the New Lifeguard Tower and North Beach Restroom Project and Increase the Project Budget.** Mayor Smisek asked for public comments relative to the design of this project.

Michelle Gierke, representing Bob and Lori Michaels, read from a letter on behalf of her clients. They are writing the letter to once again “reiterate and reinforce their complete opposition to building a lifeguard office/locker/shower room in the garage complex on the beach in Coronado. A facility of this size has no business being built on the beach and people aren’t getting used to the idea. To put this facility on the beach was a bad idea to begin with, an idea which does not improve with time. The lifeguard vehicles have been successfully housed off-site...without affecting rescue safety records. There is really no justification for encumbering a pristine beach with unsightly buildings when there is no proof or even any evidence that the City’s rescue record will be enhanced because of it. Records show that there was only one rescue in the past two years using the boats. Are you continuing to spend City money simply because you have it? As for the Negative Impact Declaration, the City’s assessment of the structure’s impact is way off the mark. First, Ocean and Isabella is the primary entrance onto Coronado beach and it already carries a very heavy burden of pedestrian traffic, congestion and noise. To add a huge, bulky building to that location will only add to the problems. The City obviously recognizes this as a problem that is serious as the City has already added pedestrian traffic lights for assisting pedestrian traffic at this location. Second, the story poles the City placed at the location are at least a foot higher than the rock embankment which will ultimately block the view corridor along Isabella for anyone walking toward the beach. The first view going toward the beach on Isabella will be of rooftops, the public bathrooms on one side and the super wide roof top of the lifeguard office/locker room/garage on the other. No one wants to deny the lifeguards the ability to do their jobs responsibly. They just don’t think a fat, wide, ugly building sitting on the beach will enhance its ability to do that. The City could go minimalist and build something much smaller, but they have the impression that the City is going after this no matter what anyone thinks. Offers to meet with the public for input have come in the form of formal design review or planning and zoning meetings where input and meeting format is highly restricted. Whatever happened to the promised workshops?” She thinks it would be advisable to take a step back and really listen to what the residents are trying to tell the City. She doesn’t think that the City will ultimately get what it wants by pushing this down peoples’ throats. Please defer one more time and send this back for redesign.

Chris Brewster, President, United States Lifesaving Association, Commissioner of Lifesaving for the International Lifesaving Federation based in Brussels, Belgium and retired Lifeguard Chief for the City of San Diego, referred to the question of why there is an office for the Lifeguard Captain in the facility as well as shower and locker room facilities. It is because the lifeguards are there. If the City wants someone to supervise the lifeguards, that person needs to be where the lifeguards are. Just about every lifeguard organization he knows of on the entire California Coast has a problem of inadequate staffing from the lifeguards’ perspective. There just aren’t enough guards when the worst situations happen. And that is when the Lifeguard Captain is there to back them up. If he is up in town somewhere, that creates a delay that may cost lives. Staff should be in a place where the supervisor can keep an eye on what is going on, be able to back them up when necessary, and so on. Clearly, the City doesn’t want some of the lifeguards leaving the beach for a half hour to go shower. They need to be kept right where they are needed so that when any emergency comes up they will be there. The same goes for the equipment.

Jane Mitchell, 431 Ocean Boulevard, commented that design also comes with size. There is concern as to why there is so much space. If the lifeguards are supposed to be on the beach working with the vehicles,

they shouldn't be in the building. They are supposed to be at the water patrolling the beach. This whole deal about having all this extra space for lockers and showers doesn't make sense. If there are three or four people working in a day this is not the same as firefighters who are there 24/7. That is a whole different story. This is a certain time in the morning to a certain time at night. There are times of day in the morning and the evening when they are not there. People know it. She finds it hard to believe that Council has really thought this all the way through.

Councilmember Tierney asked to have staff answer the questions.

Susan Heavilin, 1144 Isabella Avenue, is very concerned about this being bundled. The whole reason it was taken apart in the first place is because people finally started attending these meetings. They weren't for the support building at all because it was huge. The tower was approved and agreed upon and the whole support building came back. She takes offense that they have known for two years. She lives across the street and found out accidentally from a neighbor who found out accidentally from another neighbor. They attended a meeting and then they were put on a list. Then they started getting mail. Until that point she never got a piece of mail. She never attended a single workshop. The only thing she has been privy to are these meetings where she talks and if she asks questions, they can't be answered because that isn't allowed in this format. Then someone comes up and negates everything she says. That is not discussion. If one looks at the CEQA plans that are in the Library, it says that all these things were received from the residents. They were received. They were never discussed. She has never had a conversation with anyone. All this has ever been is her talking and Council looking at her. She has written two letters, one to the Mayor and one to City Council. Neither was ever answered. Staff says that they are answering the concerns of the people. She listed 72 concerns. She put it in the paper. She wrote a letter. She still hasn't heard anything. What happens to the oil and gasoline that drops on that pad? How does it get washed off? How does staff clean the garage? Does it get washed off into the sand and it ends up in the ocean? It is in a flood plain. It is going to flood. She has pictures of three different rainstorms that show this is in a flood plain. What happens to that oil? It is going to go in the water. Maybe right now it is fine, but in ten years it is going to be a mess. No one is looking at the final impact. She would like to see some reports of five or ten years down the road to see the environmental impacts. She thinks this really needs to be looked at before it is bundled together.

Mr. Benson responded to some of the questions posed. He went through the 72 cases and some were misstatements of fact. It is hard to address them as statements of fact. The others are in the presentation. It depends on one's point of view as to whether they were answered. He addressed a few of them.

This characterization as a flood plain is a flat out misstatement. There is no flood plain on a beach. The question is how does the beach drain. Staff explained, quite some time ago, that, in fact, what happened in October 2004 when this location flooded has to do with the things Public Services does. Scott Huth and his people manage the beach. There are outfalls that come off of Ocean Boulevard and dump water on the beach. If the channel is not set up to take that water and put it throughout the beach, it is going to pond. That is what happened. There was a record 4" of rain in October. The ditches were not in there that funnel the water away from the beach and it accumulated in this area. It could have accumulated anywhere along there – it happened that this is the low place. That is one of the reasons that this spot was selected. It is a low place. That is what gets it down below the rocks. Can the City control it? Yes. The City can control where the water comes out of the various drainage facilities such that they will be funneled down and once those are done to mitigate the impact to the public, Public Services goes back and levels those out and they go away. That is part of managing those beaches and part of the reason he has the facility at G Avenue.

In terms of creating a mess, one of the things the public isn't aware of (and that Mr. Huth is doing public relations and information on all the time), is that under the National Pollution Discharge and Elimination System, NPDES, the City has a massive program going on. The City is cleaning up storm drains. The obligations under the new NPDES rules have Mr. Huth doing things that people never dreamed of ten or twenty years ago in terms of making sure there is no gasoline on the floor, when it does get on the floor how it gets cleaned up, etc. Mr. Huth is in charge of that program. Those same types of rules will apply to this facility on the beach. The City has the equipment and the people who are knowledgeable in order to do that. That goes without saying for any facility the City creates now.

Kim Raddatz, Director of Fire Services, addressed this from a public safety perspective. In doing so he showed a schematic of the whole beach and the support facility in terms of the lifeguard tower. Public safety it is very complicated job, but not complex. His job is to protect life and property. He has 1.75 miles of beach. The best way for him to protect the 1.75 miles of beach, logically, is to split it in half. He hears that no one has an objection to the location of the tower and he appreciates that. That is the best way to protect the citizens of this community and the people who visit this beach. The largest group of these patrons is on Central Beach. They put themselves in between the water line and in front of the old, existing tower. The same logic holds true for the services building. If the job of the lifeguards is to protect the lives of the citizens of Coronado, their children and those visiting, you will find that if the logic for the lifeguard tower holds true to split the beach, the same logic holds true for the service building and getting that equipment out so they can go in either direction and deal with the people that use the beach the most – which is at Central Beach.

Ann Mitchell, 421 Ocean Boulevard, has lived in that area, between those two houses for 41 years. The lifeguards have always been on duty. They have always saved people. They have always done everything they could do. How can it be made better for them? Of course it is nice to have a nice area for them, but they can't do any better than they are doing because they have done perfectly well all this time. She doesn't see how having these vehicles on the beach, going up and down the beach, and having the boats are going to make it any better than they are doing because they are already doing a wonderful job. As far as the service building, it gets higher and higher. She implored Council to think this through. She would like to see her grandchildren and great grandchildren have this nice, lovely preserved beach and not made more comfortable for the people who work on it.

Sean Carey, Lifeguard Captain, commented regarding some of the questions. With regard to boat rescues, what a boat rescue means is that they actually hook up and tow a boat and rescue the boat and people on it. As far as having rescues with the boats, roughly half of the rescues are made with the boats. They are a very important tool. In the time period of July 18, 19 and 20, 2004 they made over 100 rescues. About half of those he made himself, driving the boat. As far as the three drownings, he is not aware of three drownings. There was one after hours in 2000. As far as the showers, it is not about having perks. Lifeguards are exposed to contaminated water and blood borne pathogens as well as other hazards on the beach. A place to decontaminate is important.

**MSUC (Tierney/Tanaka) moved that the City Council approve the Lifeguard Service Building design and recombine this project with the new Lifeguard Tower and North Beach Restroom project and direct staff to increase the project budget by \$1,280,000 as part of the FY 2005-06 Capital Improvement Program**

Councilmember Tanaka responded to Ms. Heavilin's comments. He thinks it is appropriate that she mentioned that she has sent some letters. She has published 72 questions in the paper. Many of them

aren't substantive facts. She didn't bother to look them up. That lost his interest in terms of responding back to all 72 questions. He added that before the 72 questions ever came out, Ms. Heavilin did a great job of setting up a website, directing people to email Council, which is more than appropriate. He did respond, fairly immediately, to one of the emails that had 9 questions. He is not trying to duck this and he does not feel the City has ducked these issues. The City does take the duties of contaminants on the beach very seriously. There are guidelines that the State sets down that the City has an obligation to follow and are happy to do so.

Councilmember Monroe followed by addressing Ms. Heavilin's comment that there hasn't been any dialogue with people. He responded by saying that his phone is always ringing and he talks to folks. Since his letter to the editor about the fly loft he has had 71 personal contacts by phone, email, conversations, one on ones, and 36 have favored not doing the fly loft and 35 have favored the fly loft. There are opportunities to talk to Council. He is disappointed by Bob and Lori Michaels' letter. He spoke with Ms. Michaels on the phone one night before a Council meeting. Mr. Monroe came in to the Council meeting championing her issue. The City worked to try to get what she wanted to happen. He hears in this letter "complete opposition," "no business being built," "a bad idea to begin with," "no justification," "unsightly buildings," "are you continuing to spend City money simply because you have it." That doesn't represent them well as they are really wonderful people. He is disappointed by the letter.

Councilmember Downey thanked everyone who sent letters. She read them all. She replied to many of the emails that were forwarded to her. She didn't write a letter to the editor, although she considered doing that, because she wanted people to come before Council and have a chance to say what they wanted to say. She highly supported the idea of moving this public discourse on this issue to this date. She is absolutely sure that anyone who cared to have a comment heard or read knew that today was the day to do it and either sent it in or is here testifying. She applauded all the citizens who commented and she applauded all the changes that were made. Someone cited that as a bad thing. It was planned for the future needs on a beach that now has almost 2 million visitors a year. That is why it was as big as it was. Her question in December was what is going to happen in 20 years or even 10 years when it is not big enough, when the tower is not high enough. What will the City do? The answer was that the City will only do what the minimum is that has to be done now so that it will have the least impact. If in 10 or 20 years the City has to do something different, then the meetings will begin again and public workshops will take place and it will be looked at. This is the minimum of what the City needs.

The visibility is not going to be an issue. She was incredibly impressed by the work that was done by the citizens. One citizen helped redesign the tower. She thinks that it will have more of a visual impact because it will be an octagon and is thinner, so that it has the least disruption when it is looked at. She asked what other beaches do. They put these needs in the tower. That is a simple solution. There could not be a separate building. That would have a bigger visual impact. The citizens were right to point that out – to make the tower as small as it could be as long as it is high enough to help the lifeguards do what they have to do and then move everything to the back. It is in the middle of the beach, lengthwise, but it is at the very edge of the beach when looking at it from a view standpoint. The facilities are close enough for the lifeguards to reach them, but far enough away that it doesn't block the views looking out over the horizon from the street. She doesn't think there is any miracle way to make it disappear but this as close as possible to that.

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

**11c. Review of an Application to the State of California – Department of Alcoholic Beverage Control, to Upgrade an Existing Liquor License to Allow Off-Sale of Distilled Spirits, Including Beer and Wine, on Lots 1 and 39, Map 376 CBSI, and Commonly Known as Island Market, 711 Fourth Street, in the R1-B (Single Family Residential) Zone.**

Tony Pena, Director of Community Development, introduced this item. The City Council has an opportunity to comment to the ABC on the issue of the upgrade of this liquor license from a Class 20 to a Class 21. He pointed out that this property is somewhat unique in the community in that it is a commercial use located in the R1-B zone. In 1973 the City Council deliberated on what to do with this isolated use that had been there for many years. They decided to protect this use under the Nonconforming Chapter, 86.50, of the Zoning Ordinance to allow it to remain indefinitely with the provision that it not be expanded. It could be replaced, but not expanded. That is covered in the staff report. Staff met with the applicant. He provided a business plan that is outlined in the staff report indicating that the hours of operation will not change and the area devoted to the sale of alcoholic beverages will not be expanded. The staff recommendation is that, if Council finds that this is an expansion of use which would trigger ramifications to ABC, it could direct staff to forward a letter to ABC opposing the issuance of the upgraded license. The City Attorney has assisted staff with this report.

Gerald Aphraim, applicant, briefly explained his background and stated he and his wife have been in the United States since 1992 and since then he has worked and saved his life savings to open a store. He worked as a grocery manager all these years. Has good experience in grocery stores. When he saw this store, he saw it as a grocery store with a small amount of produce, groceries, etc. The store would be completed if they could put everything in the store so that when you come to the store, you can find everything you want.

The store was a mess when he purchased it and they built it from zero. They put a lot of money into renovating it. Everyone who came to the store, after they opened it, was very happy with what they had done to make it better. Day after day his business is doing better and better. When he applied for the liquor license, he wasn't thinking about the liquor which is just a small amount combined with the beer and wine to complete the grocery store. A convenience store; a grocery store. Not a liquor store.

Mr. Ephraim noted he had over 50 signatures from the surrounding neighbors who are supporting his petition. This means trust. They have kids and families and they know him and that is why they signed for him. He stated he wants to do better and better for the community because it is a good community and they support him a lot.

Mr. Ephraim stated he has a clean record and that he didn't even have a ticket since he came to the US. He noted he will not have a large amount of liquor. The space for the beer, wine and liquor will be in the same space and won't exceed what is currently used now. His hours will not change but will remain from 7:00 a.m. – 10:00 p.m.

Councilmember Tanaka asked that if the liquor license was expanded from the type 20 to the type 21, does that give them, besides being able to sell liquor, expanded rights? If they kept the current license they could still change their hours if they wanted. Mr. Pena does not think the type 21 license comes with any extra privileges. In fact, ABC can put conditions on the expanded license and they may, if there is any protest, put a cap on hours of operation or amount of area devoted to the sales. That is yet to be determined.

Mayor Smisek opened the public hearing.

Chuck Howe, 1101 First Street, President, Coronado SAFE Foundation, explained that SAFE just finished a survey on underage drinking in Coronado and it showed that it is a huge problem. SAFE is adamantly opposed to adding additional liquor licenses, especially one that is that close to Coronado Middle School and right across the street from a public park. They will be writing the ABC listing the reasons for their opposition. He asked Council to write to ABC opposing the granting of the additional opportunity to sell liquor there. The owner is a fine man. If this is approved, it will be grandfathered in for the next owner also and go beyond this man's control. It is Mr. Howe's understanding that this is a nonconforming special use permit currently and the license is for beer and wine. If the City allows the special use permit to be expanded to include hard liquor, isn't that a change of the nonconformance, increasing the nonconformance, and a violation of the zoning for that area which is a residential area? They shouldn't be having that particular activity there at all except that they are grandfathered into it. The easiest thing for the City Council to do is to declare that it would be an increase of the nonconforming use in violation of the zoning and put an end to it.

Pamela Fagan, 379 F Avenue, gives her time to her husband.

Pete Fagan, 379 F Avenue, thanked Council for addressing this important issue that he believes threatens the quality of life as Mr. Howe talked about the morals and the aesthetic quality of the City. He has spoken before on this issue. He would like to respond to some of the comments that are in the staff report.

Each Council member was provided with a small package of materials. He asked that Council look at those. In May of 1888 this property was transferred from H. L. Story, the Vice President of the Coronado Beach Company, to Mr. John Campbell. The transfer deed, which is in Council's package, sets forth some very specific limitations on the use and future use of this property, one of which is no alcohol. The Council stresses the historical preservation in the community and the sale of alcohol in these premises not only violates that deed restriction but also changes the historical intent of the use of the property and doesn't keep with the City's Strategic Plan as stated in the staff report. This property, which was formerly known as the Lambs' Market, was zoned for commercial use and was subsequently zoned R1-B and because it was previously zoned, it allowed the nonconforming use to continue. That nonconforming use allowed them to sell beer and wine. Now there is a type 21 application which would allow hard liquor to be sold there. That clearly enlarges, extends and expands that nonconformity which could be a violation. One of the goals of the Municipal Code is to eliminate nonconforming uses. By expanding it, the City is doing just the opposite.

One thing that the staff report doesn't address is that a zoning affidavit was signed by Mr. Swanson which the applicant had to file with the ABC. Mr. Swanson indicated that the zoning does permit the intended use. That is erroneous. The easy, simple solution is for the City to correct this document, notify the agency that the zoning doesn't permit that type of use, and the issue is over. The ABC would not go any further with the application. There would not be a need for a protest at that point. He urged Council to consider that as one of the options in addition to the options that are contained within the staff report. The clear, unequivocal, expeditious and correct action to be taken is to make that notification to the ABC. The adverse impact of operating a liquor store in the middle of a residential area is pretty obvious. When one adds to that mix that there is a public park right across the street where children play, a school that is just a block away and residences that are within 10 or 20' of the building it just becomes ridiculous.

Mr. Fagan addressed some of the other statements in the staff report. It states that there is no fiscal impact that is identified at this time. That might be a little bit of a stretch. He had his home reappraised and one

of the issues that allowed a tax appraisal and reduction of the tax basis was the proximity to a commercial establishment, The Market. So, it will affect the price of the homes and it will have an adverse impact on the price of homes which also equates to a reduction in property taxes. There is a fiscal impact. Chief Hutton made some comments in the staff report about the need for additional police resources or additional police activity. That also equates to some fiscal impact.

He, too, went over to the Island Market and met with the owner/applicant. He was very accommodating in showing Mr. Fagan what was going on with the Market and what their plans are. Mr. Fagan wishes him the best of success in his new business venture. However, the sale of hard liquor is just not appropriate. He has a very ambitious business plan. He believes, as he indicated, that the sale of liquor is complimentary to the operation of a convenience store. When Mr. Fagan thinks of a convenience store, the first thing that comes to mind is 7-11. He called seven 7-11 stores close by. Two were in Imperial Beach and five in National City. Not one of them sells hard liquor. They are all convenience stores. It is not necessary to have that license. It is his understanding that attempts to increase the license have been made in the past and have all been denied. This isn't really a discussion about a convenience store, but what is really being discussed is a liquor store. Like it or not, it is going to be a liquor store. The applicant submitted a diagram that is part of the original package that lists the shelf space inside the store where there are groceries and where the liquor would be. What that doesn't really show is that the liquor is in a shelving unit that is six shelves high and the food is on shelves either three or four shelves high. If one measures out the shelf footage, the amount of alcohol being sold exceeds the amount of actual food. The bottom line is that they have invested their money to make a profit, but the residents have also invested their money in their homes.

Councilmember Tierney asked the City Attorney if the clause that says no liquor shall be sold, etc. is still relevant or has it been ruled out. City Attorney Morgan Foley explained that those types of restricted covenants aren't enforceable. They are a kin to the restrictive covenants that used to exist based on race and other reasons. The sale of alcoholic beverages is governed by federal and state laws and is protected.

Ivan, partner with Gerald, gave a letter to Mayor Smisek from the Chula Vista police, showing his store in Chula Vista was visited by undercover officers and no problems were reported. He has been in business in Chula Vista for the last five years with no police calls made to his location. He indicated this will be a grocery store with simple liquors. The liquor won't be 3% the size of the store and sales no more than 20%.

Councilmember Tanaka asked Ivan if liquor isn't going to be a very big part of his business, why is it so important to upgrade? The language is clear in the Municipal Code that if there is a special situation, it is not supposed to be expanded. There are some neighbors who object to the expansion in a nonconforming zone and the applicant has stated that it is not a big part of the business, why is it so important to pursue it? Ivan responded that it is a matter of convenience for his customers.

Cindy Wilson, 154 J Avenue, used to live on the 300 block of H so she has been in the vicinity of the Market for the past 10 years. She walked into the Island Market once in the early part of those ten years and never again. It was disgusting. Just recently her husband suggested checking out the Island Market because of the new owners. She was impressed with the changes. She met Gerald and his wife Gina who fled Iraq in 1991. They replaced all the coolers it has all been painted. They are so friendly. They told her that they would carry anything she needs. It is a neighborhood market. It is meant for convenience. She is speaking in support of the applicant. She wants their business to succeed. She wants to encourage them. She would trust them with her children walking in that store alone. They are responsible people.

No one is allowed to sell liquor or beer or wine to anyone under the age of 18. They will get family people back in there as customers. They have enhanced that location and she doesn't want to discourage their business.

Robin Arneo, 415 F Avenue, directly across the street from Island Market, agrees with Ms. Wilson. For the last ten years the store that was there was an absolute disgrace. They sold porno movies out of the back room. The milk was expired. The ice cream was three years old. The neighbors have boycotted the place for years. These gentlemen have come in and really cleaned up the neighborhood. It makes them proud that they are here. They are not embarrassed to go in there. They are not trying to make this a 7-11, but they are trying to make it a convenient store for the neighbors. She thinks they have done a marvelous job and she has seen the layout. They already have the license for the beer and wine. They have a very small section for hard alcohol and it would be convenient. She supports what they are doing. As far as the school districts, she doesn't see where that really comes into play because if they are going to sell wine and beer, what difference does the hard alcohol make.

Gabby Montgomery, 343 G Avenue, around the corner from Island Market, has been there for about 15 years and agreed that the previous establishment had been pure trash. Her biggest problem is adding more liquor to a place where most of the business that has taken place over the last ten years has been liquor. She knows that is what has happened because she is the one who is picking up the beer cans that people have opened up, drank and dumped. There is drinking going on in the alley. If hard liquor is going to be added then she is going to have to deal with drunks and more bottles and more trash and possible more problems. The convenience store is great with salads, deli, sandwiches – those are not a problem, but she does have a problem with adding more liquor.

Brian Emerick, 239 G Avenue, spoke on behalf of the owners. He has met the owners and has been presented with their plan. He really supports their market atmosphere. He works for Cisco foods. They have been in discussions for the last two, almost three weeks, about filling their shelves up with food, filling up the deli so they can have a good deli. There are some good plans for the deli. The concept is that they are going to keep it under control and he can attest for the character of the new owners. He is very excited about this.

Joseph Delasalas, 349 G Avenue, commended the applicants on what they have done to the store. The issue is whether people want another hard liquor establishment in Coronado. Coronado has a radius of  $\frac{3}{4}$  mile and in this radius there are already six liquor stores. Does Coronado want another one in this radius? He doesn't and he hopes Council doesn't. Council has campaigned on the quality of life in Coronado. If another hard liquor store goes in to Coronado does it improve the quality of life in Coronado? Does it make Coronado a better residential city? Does it make Coronado a better tourist city? He hopes the answer is no. This would change the whole quality of life in Coronado. He is glad that he can now run down to Island Market to pick something up, but he is afraid if they have hard liquor it will change the whole complexity of that section of the City. He referred to a statement by Chief Hutton in which Chief Hutton noted that the presence of this type of business does change the type of criminal and noncriminal activities that occur at both the site and surrounding areas. He stated that the volume and hours of foot and vehicle traffic is increased when compared to a residence of the same size. In addition, the sale of alcoholic beverages close to a private residence, a public park and a bus stop brings concerns related to noise and illegal consumption of alcohol and increased litter. Since this business is located within a block of a school the Chief is concerned that the availability of distilled spirits by purchase or theft will present an additional undesirable element for law enforcement in the community. Mr. Delasalas requested that Council not put another liquor store in the middle of Coronado.

Councilmember Frank Tierney asked Chief Hutton if he was quoted accurately or taken out of context. Bob Hutton, Director of Police Services, did prepare a response and the statement attributed to him was accurate. He pointed out that the history of the store has not been so great with regard to the sale of alcohol to minors. That depends a lot on the operator. If the operator takes an interest and takes their responsibilities seriously, it can really impact the kinds of problems he is concerned about. Looking at the crimes in that area, there isn't really anything that is significant that can be tied back to the existing license that is there now.

Mr. Tierney asked if Chief Hutton has had to put additional policing in that area because of this store. Is there any history that shows problems there? Chief Hutton responded that there is a history, but not with this owner. The licensee that was previously there had his license suspended by ABC for the sale of alcohol to minors. That was at least three or four years ago.

Mr. Tierney referred to the idea of the store being adjacent to parks and schools. That same idea applies to Vons. It is a block and a half down from the High School and is very close to a public park. There are other liquor stores in the area. Have there been problems in that area with youngsters getting liquor or crime, etc.? Chief Hutton responded that they have had reports from the supermarkets about curtailing their alcohol. They have worked with and asked their managers to try to isolate the sale of alcohol so that it is in a portion of the store that is not close to the exits. It really makes a difference. From the schematic he saw of Island Market, it looks like the alcohol display area will be set well back into the store.

Mr. Tanaka asked if there is any law enforcement complexity that liquor poses that the current alcohol license doesn't already create. Chief Hutton responded that the sale of distilled spirits and hard liquor can, not that it will, bring a little different clientele if you are in an area that has a higher presence of vagrant or homeless. That is a concern that might exist somewhere else, but is not much of a problem here. He looked at the idea of the smaller containers being more easily concealed.

Mayor Smisek reviewed the options for Council. Council can write a letter in opposition to the issuance of a type 21 license, take no action at all and allow the appeal process to go through by virtue of residents or others appealing the decision, or support the idea. Council could use the zoning issue in part of the City's letter because the ABC is the one that makes the determination. Council needs to discuss what the type 21 license does to the area over a type 20 license and how strongly it feels about the nonconforming issue. Mayor Smisek complimented the new owners. They have done a fantastic job. It has been a good addition to the community. However, his tendency is to side with the residential community on most issues. He feels that if a type 21 license is granted, the opportunity presents itself for those over 21 to buy alcohol for younger children. The other part of it is that he has worked for years to try to stop the expansion of nonconformities. He firmly believes we can't do that. These may be terrific owners, but they will sell the business to others at some point and that is an unknown. He is leaning toward objecting to this application citing the nonconformity issue.

Councilmember Monroe echoed Mayor Smisek's comments about the upgrades to the facility. To him this is a legal question. He thinks that it was a mistake to check the box that said the zoning permits the intended use. As part of the City's letter he would like this form resubmitted to the ABC with a "no" in that block and explanation that it is a nonconforming use and the surrounding area is R1 and does not permit alcohol to be served in that area. It seems to him that the ABC itself in going from a type 20 to a type 21 at their level it doesn't match their requirements for approval.

City Attorney Morgan Foley explained that there is a provision in the Business and Professions Code that provides essentially the permission of a licensed facility or licensed business to continue on even if it is a nonconforming use under our ordinance, but because the Business and Professions Code applies it does not prevent the transfer of the license or the renewal of the license simply because it is nonconforming. That rule doesn't apply when it is a change in the type of license such as this. If it is considered a nonconforming use on our part and intensification or expansion of a nonconforming use, then you could object to the change in the license and the business owner would not be able to rely on the Business and Professions Code section.

**MSC (Monroe/Smisek) moved that the City Council direct staff to send a letter to the ABC protesting the issuance of the "New 21" upgraded liquor license because such issuance would constitute an intensity of the commercial use as well as resubmitting the form and indicate that the area is not zoned for liquor**

Councilmember Tanaka finds it very clear that the zoning isn't on the side of this application. This area was zoned residential. It wasn't zoned commercial. It is sort of a fluke that alcohol is allowed to be sold at this spot at all. He personally doesn't think that upgrading this license would be that big of a deal. The issues he has heard have more to do with the sale of alcohol and not necessarily just liquor. Again, he thinks the owners of the store have been applauded for what they are doing. Regardless of what Council decides, they are going to continue to sell beer and wine. The issues he has heard have more to do with alcohol than just liquor. He is sympathetic for their business interest in that regard, but to him the letter of the law is pretty clear. The business is not currently permitted to sell liquor. While he disagrees with the Fagans, he thinks they have every right as property owners to protest the upgrading of a nonconforming use. It is rather accidental that there is any sort of alcohol sold in this spot. While he personally disagrees about the upgrading of the license, he respects their right as property owners to object to the expansion of the nonconforming use.

Councilmember Tierney feels that, in this particular case, the upgrading is not a problem. The situation is that there are identical, similar situations occurring with Vons, Albertsons, and any liquor store in town. They are all near schools. The fact is that it is nonconforming and within the law they still can upgrade their license if they so choose to go forward. He thinks Council is ill advised to go forward with a letter on this particular matter. The fact that the liquor store is operating where children play is not relevant – children play all over this town. That, in itself, is no reason. The fact that someone moved into their home after this store was in place and now is complaining that their taxes were reassessed and they got lower taxes or that their value went down – he finds that hard to believe. If that is the case, then they moved in there second – the store was already in place. The fact that the trucks are there is a normal part of doing business with a nonconforming facility, therefore, the trucks are going to be there. That is part of doing business for a convenience store. A number of things about this bother Mr. Tierney. He wondered is it really that people would like to see that store out, period, gone. Children, students are very good at talking people into going in and purchasing liquor for them. He doesn't think that this particular request to upgrade is unusual. As long as there is a sustainable police force that can be on top of anything very quickly, he sees no problem here. He sees the fact that this denial is being put in place as not a liquor issue but an issue regarding whether that store should even exist in that area. He feels that is the bottom issue. He will not support sending a letter in. Everyone must be treated fairly and squarely.

Councilmember Downey feels that this is an easy, straightforward, law question to her. Sometimes zoning will come back to bite, but the City has to stick with what it zoned it for. The decision was made years ago that the area in question is a residential area and it is not zoned for that particular use. She is

thrilled at what happened with the store down there. She is hoping that, because of the environment they have created in the store, that they will have more family oriented business. She thinks it is up to the community and the Chamber of Commerce to help make the business a success. The letter she would like to see Council draft is just a discussion of the zoning in the area. She doesn't think the City Council really needs to get involved in promoting or not promoting a specific business. She agrees that the City needs to send in the revised form, indicating that the use is not zoned in that area. She thinks that if that happens, ABC will not approve this.

Ms. Downey requested a rereading of the motion.

Mr. Foley reiterated the motion:

**MSC** (Monroe/Smisek) moved that the City Council send a letter to ABC objecting to the issuance of the "Type 21" license stating that it is an intensification or expansion of a nonconforming use and stating that the Council has reconsidered whether the zoning affidavit was correct and finds, based on such intensification or expansion, that the affidavit was incorrect.

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

12. **CITY ATTORNEY:** None.
13. **COMMUNICATIONS - WRITTEN:** None.
14. **CLOSED SESSION:** None.
15. **ADJOURNMENT:** The meeting was adjourned at 7:00 p.m.

Approved: March 15, 2005

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Tom Smisek, Mayor

Attest:

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Linda K. Hascup  
City Clerk