

**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 16, 2004, 3:00 p.m.**

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

**1. ROLL CALL:**

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

**Absent:** None

**Also Present:** City Manager Mark Ochendusko  
City Attorney Morgan Foley  
City Clerk Diane Shea

**2. INVOCATION AND PLEDGE OF ALLEGIANCE.** Frank Doyle, St. Paul's Methodist Church, gave the invocation.

Captain Pontes presented the CHS Jr. NROTC Color Guard who presented the colors. Captain Pontes, USN Ret. led the Pledge of Allegiance. He then addressed the Council and gave an update on the accomplishments of the Jr. NROTC program.

**3. MINUTES:** The minutes of the Regular Meeting of March 2, 2004, and the Special Meeting of March 3, 2004, a copy having been provided Council prior to the meeting, were approved as submitted. The reading of the minutes in their entirety was unanimously waived.

**MSUC (Schmidt/Tanaka) moved that the City Council approve the minutes of the Regular Meeting of March 2, 2004, and the Special Meeting of March 3, 2004, as submitted**

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



**5b. Approval of Warrants.** The City Council ratified payment of warrants Nos. 10034786 thru 10035059, as audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

**5c. Adoption of an Ordinance of the City of Coronado, California, Amending the Coronado Municipal Code to Make Minor Corrections and to Remedy Minor Discrepancies in the Code.** This ordinance was introduced at the City Council meeting of March 2, 2004. A public notice and summary of the proposed ordinance was published in the Coronado Eagle Journal on March 10, 2004, noticing that the City Council would consider adoption of the ordinance at the March 16, 2004 City Council meeting. **The City Council adopted AN ORDINANCE OF THE CITY OF CORONADO, CALIFORNIA, AMENDING THE CORONADO MUNICIPAL CODE TO MAKE MINOR CORRECTIONS AND TO REMEDY MINOR DISCREPANCIES IN THE CODE.** The Ordinance, having been introduced on March 2, 2004, was read by Title, the reading in its entirety unanimously waived and adopted by Council as ORDINANCE NO. 1956.

**5d. Approval of Agreement Extension and Proposed Modifications with Western Communication Systems, Inc. for Provision of Public Payphone Services within the City of Coronado.** On October 20, 1998, the City Council authorized the City Manager to execute a five-year agreement with Western Communication Systems, Inc., ("WESCOMM") to provide public payphone service in the City-controlled public rights-of-way. The Agreement provided that WESCOMM would be permitted to provide public payphone services at sites designated by the City. These sites were deemed required for public safety or to accommodate public demand. The Agreement was twice amended pursuant to City Council authorization to better reflect the parties' position regarding the installation and maintenance of payphones. The current Agreement with WESCOMM expired on October 21, 2003, and has reverted to a month-to-month term since that date.

During the past five years, the volume of public payphone usage has dwindled due to the increased usage of cellular phones. As a result, there is less profitability in public payphones. The City's primary interest in renegotiating this Agreement is to provide access to public payphones in key public areas within the City's limits, such as the Library, Golf Course, Police Department, City Hall and certain parks. **The City Council approved the Agreement Extension and authorized the City Manager to execute it.**

**5e. Authorization to Participate in a Two-Year Grant with the Office of Traffic Safety to Provide Crossing Guard Services, Anti-Gridlock and Enhanced Bicyclist, Skateboarder, Pedestrian Education, Enforcement and Diversion Services.** The Police Department has made an initial application to the Office of Traffic Safety (OTS) to receive funding to address local traffic concerns related to pedestrian and bicycle safety, accident reduction, gridlock and safe routes to school.

The California Office of Traffic Safety distributes federal funding under the National Highway Safety Act and the Transportation Equity Act. Grant monies may be used to address traffic safety program deficiencies and to develop new programs. Grant funding cannot replace existing program

expenditures, nor can traffic safety funds be used for program maintenance, research, rehabilitation, or construction.

Authorization to participate in this grant would enhance the Police Department's ability to provide consistent and reliable School Crossing Guard services at Orange Avenue and Seventh Street and at the "F" Avenue intersections with SR 282. Participation in the grant would also permit the department to increase anti-gridlock enforcement at key intersections and increase enforcement in the business district to reduce unlawful or unsafe bicycling, skateboarding and pedestrian activities. Included in the grant is a request to provide education and awareness training in local schools and to divert eligible youthful offenders from having to appear in Adult Traffic Court. Eligible youth would be given the option to avoid Traffic Court and participate in a local Traffic Safety and Education Program.

Employees hired under this grant would be hired and classified as temporary seasonal Police Service Officers. At the conclusion of the grant period, the Department would evaluate the program's effectiveness. **The City Council authorized participation, subject to the City Manager's approval, of grant funding, performance requirements and any other conditions imposed.**

**6. ORAL COMMUNICATIONS:**

a. **Amy Conrad, Public Relations Director, Coronado Historical Association, 1100 Orange Avenue**, announced that CHA is working along side an outside firm to provide a map of Coronado that will be financed completely by the firm and distributed by the Visitor Center. She also commented on ongoing website updates and upcoming special events.

**7. CITY MANAGER:**

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

**8. PUBLIC HEARINGS:**

8a. **Public Hearing to Introduce an Ordinance Amending Title 20, Chapter 20.40, of the Municipal Code Regarding Paratransit Vehicles to Address Electric Low Speed Vehicles.** Jerome Torres, Senior Management Analyst, Administrative Services Department, introduced this item. He explained that on January 20, 2004, the City Council authorized staff to prepare an ordinance to amend the Coronado Municipal Code regulating paratransit vehicles in order to address electric low-speed vehicles (LSVs). Using the MTDB adopted ordinance Amendment 11 as a guideline, the proposed ordinance presented today incorporates clarifying language within various key sections of the City's Municipal Code in order to regulate electric LSVs as paratransit vehicles. The proposed ordinance also amends two key sections regarding insurance and permit availability based on the currently used formula and identification of impacted permits. With regard to the available permits, per review of the current formula used in issuing permits, in the case of the current pool of 48 permits, to be increased by an additional five, an internal survey of the currently issued 48 permits, staff identified an amount are effectively inactive

based on the guidelines provided in the proposed ordinance. These newly available permits will be issued by the Director of Police Services on a first come, first served, basis.

Councilmember Monroe asked about the first come, first served basis and suggested a lottery or some other agreement. After that, as they become available there could be a waiting list.

Mayor Smisek opened the public hearing.

Greg Paquette, 655 India Avenue # 121, San Diego, voiced concerns over Section 3, Paragraph X concerning the state regulation regarding LSVs restricting approved streets of travel. The way he reads the restrictions, there are several blocks around 3<sup>rd</sup> and 4<sup>th</sup> that he would not be able to drive on legally. He is afraid that residents and visitors within that 6 to 10 block area will call for pick ups and not be able to be picked up. If the restriction could say that they could only operate on streets with speed limits of 35 mph or less that would solve this problem. He also commented on staff's discussion of having a pilot program on this for 12 months. It would be much easier to use one company, such as Minicab, who has 18 months experience, in that if there were situations that would arise with the City or Police Department that they would only be dealing with one company and be better able to curtail the situations. Mr. Paquette also asked when he would be able to apply for the permits, once the ordinance is adopted.

Mayor Smisek closed the public hearing.

Mr. Monroe supports this and thinks it is a good idea to canvass some of the other permits to potentially substitute LSVs for cabs would be a plus for the environment of Coronado. He pointed out that on page 72 and the definition given of LSVs, "...capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour..."

Bob Hutton, Chief of Police Services, explained that the intent of that was to ensure that vehicles aren't so slow that they are considerably slower than the flow of traffic.

Mayor Smisek asked if there is any idea as to the number of inactive permits.

Chief Hutton responded that there is not a good number at this point.

Council discussion continued as to various ways to verify the permits as active.

**MSUC (Monroe/Tanaka) moved that the City Council introduce AN ORDINANCE OF THE CITY OF CORONADO, CALIFORNIA, AMENDING TITLE 20, CHAPTER 40, OF THE CORONADO MUNICIPAL CODE REGARDING PARATRANSIT VEHICLES. The Ordinance was read by Title, the reading in its entirety unanimously waived and placed by the City Council on FIRST READING.**

Councilmember Monroe asked that staff come back with a recommendation as to how to deal with the first issuance of permits.

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

**8b. Public Hearing: Request for Approval of a One Lot Tentative Subdivision Map for Subsequent Conversion of a 6 Unit Apartment Complex to Condominiums Addressed as 721-727 1/2 D Avenue and Located in the R-3 (Multiple Family Residential) Zone (PC 1-04 721 D Coronado Inc).**

Tony Pena, Director of Community Development, explained that the City's Historic Preservation Program allows for the conversion of apartment units to condominiums as an incentive in the overall preservation goals of the City. This project has been supported by the Planning Commission and members of the public because they feel it is a very nice building to preserve, architecturally and historically. Since it is a fairly old apartment complex there are some anomalies when it comes to zoning, however those are allowed to remain with this program. For example, the R-3 zone allows for a maximum of 4 dwelling units. This apartment contains 6 units. Normally 12 parking spaces would be required; this will be able to provide 5 spaces given the level of development and space available for parking. Also, the ordinance requires 203' of storage space and there will be 135 cubic feet provided per dwelling unit in this development. Overall, the Planning Commission felt that with older buildings the City has to be a little more forgiving than with a new development. This is in keeping with the City Preservation Program's earlier approval of this condominium map. The applicant is in the audience.

Council members Monroe and Tanaka commented that they have toured the project.

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

Mr. Monroe added that he is part of the enthusiastic group that saw this project and was pleased by the unique features it has.

**MSUC (Schmidt/Tanaka) moved that the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO APPROVING A ONE LOT TENTATIVE SUBDIVISION MAP FOR THE SUBSEQUENT CONVERSION OF 6 EXISTING APARTMENTS TO CONDOMINIUMS ADDRESSED AS 721-727 1/2 D AVENUE AND LOCATED IN THE R-3 (MULTIPLE FAMILY RESIDENTIAL) ZONE. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 7979.**

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

**8c. Public Hearing: Request for Approval of a One Lot Tentative Parcel Map to Consolidate the Two Existing Lots into One and to Convert the Two Existing Dwellings into a Maximum of Two Condominium Units (No Zoning, Number of Units, or Density Changes are Proposed) for 330 and 332 I Avenue in the R-1B (Single Family Residential) Zone (PC 22-03 Aurich, Scott).** Mayor Smisek disqualified himself because of real estate property interest within 500' of this property. Mayor Smisek left the dais and Council chambers. Mayor Pro Tem Phil Monroe chaired this item.

Councilmember Tanaka disclosed that he rents an apartment from the applicant, Scott Aurich, and the City Attorney has assured him that poses no conflict of interest.

Tony Pena, Director of Community Development, began by saying that between the staff report and the Planning Commission minutes, staff has addressed most of the visible concerns that have been expressed. Mr. Pena is aware that the term "condominium" is being used in a single family zone and knows that some of the residents of the area may have gotten the impression that there is going to be an apartment or multiple family complex proposed for the site. That is not the case. This is an R1-B zone, single family zone, and there are two existing dwellings on the site, which can be accommodated by the 7,000 square foot lot area. It will remain single family. One thing he thought it was important to do at the Planning Commission level was to emphasize that the General Plan provides City policy when it comes to land use, and in particular, residential densities, and where those residential areas are to be located in the City. The zoning ordinance provides the detailed development standards in terms of Floor Area Ratio, building height, structural coverage, and detailed density for each zone. The Subdivision Ordinance of the Map Act provides a legal way to transfer title to property. That is the primary reason why the City has the Map Act. It defines the boundaries of the properties. In this case, the applicant is going through the subdivision process to allow for separate ownership of the two dwellings on the site. There is no requirement that these two dwellings be retained in their present state, however. They could be modified within the standards of the zoning ordinance; they could be totally demolished and rebuilt within the standards of the zoning ordinance. But the actual physical development is not technically part of what is being considered today, outside of certain situations where there would be a discernable hazard to health and public safety. City Council is limited to looking at the requirements of the Map Act and the local Subdivision Ordinance for standards. Staff has reviewed this application very carefully, between the Engineering Department, Public Services and the Fire Department, and staff has found that the application is very consistent with the City's current codes and policies. Staff's recommendation, along with that of the Planning Commission, is to adopt the resolution contained in the staff report, approving the application as submitted.

Councilmember Schmidt corrected reference in staff report on setbacks for any addition or new construction should be 5' instead of the stated 3'. Mr. Pena concurred.

Councilmember Tierney asked if there are any easements connected with this property right now. Mr. Pena responded that he is not aware of any.

Councilmember Tanaka clarified that if the staff recommendation is granted, the front condominium unit could be expanded to two stories legally. Mr. Pena explained that it could be done today or it could be done with the approval of the Map.

Ms. Schmidt further questioned about the FAR. With the fact that this is a 50' lot, 7,000 square feet, those can be two separate houses with FARs of 54 up to 75%.

Scott Aurich, 724 Glorietta Avenue, was very surprised at the Planning Commission level and when he saw the letters coming in for the resistance to this project. This is not a development. This is simply a change of ownership. In reading the letters, it seemed to him that the perception was, in most of the letters, that there was a change in the building. People perceived that there would be a multi-family condominium building being built there. The other issue that they raised in the letters was the increase in parking on the street. There seems to be a significant amount of on-street

parking in that block. This project would do the exact opposite, if anything, and increase parking on the street by moving one car off the street. The other issue mentioned was increasing the noise and traffic, but again, there will be the same amount of rooms and buildings in this project. There will not be any change and therefore, no impact on traffic and noise. Other letters mentioned a concern about property values. But, if anything, there should be greater value with the division of ownership. The last concern was over the property being used as rentals. They have been rentals for about five years, at least. That wouldn't change either. There haven't been any efforts to make any variances or special treatments or anything regarding this property. It is simply conforming to what is currently in the ordinances, to allow for this division of ownership.

Mayor Pro Tem Monroe opened the public hearing.

Toby Fuller, 329 I Avenue, agrees that there won't be any impacts in terms of traffic or noise, but his issue comes from the fact that this introduces a new form of ownership into R1-B area. These are all currently single family residences. If the condominium is allowed, then a new form of ownership is allowed, which is one that is more closely associated with multi-family dwellings. This creates at least the potential for easing the road into introducing multi-family into the R1-B zone.

Seeing no one else wishing to speak, Mayor Pro Tem Monroe closed the public hearing.

Councilmember Schmidt has always been opposed to alley splits and she considers this one. She understands what Mr. Fuller is saying. She went to Webster's Dictionary and looked up the word "condominium." The definition is, "a form of real property ownership in which the purchaser of each unit of an apartment building or in a complex multi dwelling complex acquire full title to the unit and an interest in the common elements." She considers this, R1-B, to be a single family, residential zone. One of the largest comments she heard over a period of time is that there is too much R-3 in Coronado. With this project, and the fact that there are 176 parcels in R1-B that can be done the same way, it is taking away the residential, single family element from the zone and making them condominiums. She disapproves of it.

Councilmember Tanaka commented he counted the number of neighbors' letters received. There were 8 from the same block that opposed this project. Some of these are opposing this for reasons that aren't always accurate or don't always reflect a sound understanding of the issue of condominiums, but the neighborhood is entitled to its opinion. It is difficult for him to grant a request if 8 neighbors in that same area are opposed to it. It is something he would have to see in order to be more supportive. The second thing is that he thinks part of the reason those 8 neighbors don't agree is that they don't want the complexion of their neighborhood changed. He agrees with Ms. Schmidt that approving this project would set precedence in the R1-B zone and would set precedence in terms of type of ownership in a single family zone.

Councilmember Tierney does not want neighbors to get into determining zoning and density levels in quarter or half blocks throughout the City. Council needs to look at the greater scope of the whole operation. There is an opportunity for the public to come in and change their zoning laws in various areas where the density factor or the potential for having condominiums is there. The City held workshops. There have been all sorts of informational input from the staff to people out there in various blocks. Mr. Tierney does not do zoning by seeing how many people attended. In this case, the applicant has conformed entirely within the requirements the City has placed, that these

workshops have brought to this Council, and to which the laws have been put in place. He sees no difference in having two condominiums, which is having two residences, which is what is there now. He will vote in favor of this. He thinks it is the right thing to do. To go back in and get letters and then to say that this is the way to rule, based on popularity, is an unacceptable way to run a City.

Mr. Monroe commented that he has heard that this is a new form of ownership, but he believes there is at least one other case in R1-B where this has occurred and been permitted. Mr. Pena explained that there was another condominium map that was approved a few years ago right across the street. Mr. Monroe added that Mr. Pena referred to public health and safety as an issue that could be addressed with respect to this project. There are some people who fear that this might work against the quality of life in Coronado. Council always considers this.

Mr. Pena explained that he was generalizing what some of the findings are for Council to consider when it takes action on a Parcel Map or a Subdivision Map. When it comes to the physical side of the subdivision, the physical land development, things Council can take into consideration is whether that land is appropriate for the kind of development it is proposed for or is existing on it and if it is considered to be creating an unhealthy environment or an unsafe environment. The City could take that into consideration as part of its findings to deny or approve.

Mr. Monroe thinks that goes to the extreme. He is looking more at a directional type of thing. For some people, this would decrease where the City is in the quality of life of Coronado.

City Attorney Morgan Foley addressed some of these issues. Before Council is a tandem parcel map. It is not a rezoning classification or General Plan amendment. The grounds for denial are spelled out in the Subdivision Map Act and are limited. They are: whether the map is consistent with the applicable General or Specific Plan; whether the design or the improvement is consistent with the General or Specific Plan; whether the site is physically suitable for that type of development; whether the site is suitable for the proposed density of the development; whether the design is likely to cause substantial environmental damage; Fish and Wildlife is not an issue in this case because it is an already developed property; whether the design is likely to cause serious public health problems; whether the design will conflict with easements and that sort of thing that are existing and necessary for the project. There aren't the usual conditions or Special Use Permit issues where Council is trying to find and look at the character of the neighborhood and that sort of thing that typically this Council deals with in a project. It is not a planned unit development. Council's hands are a little bit tied in what it can do in allowing this type of development. As staff mentioned, as it exists, the two units are legally allowed on the parcel if there is this old lot line out in the middle of the parcel. The applicant is erasing that lot line and keeping the units there. Can they add something different? Theoretically, they could add something different. Design Review would be applied in the future for any type of a project. The FAR criteria would still have to be considered by the developer. The real question is whether there are findings sufficient, as they have been described, to deny the project. Council has to make those findings if it is not happy with this project.

Councilmember Monroe asked that, under the condo map situation, would any change go to Design Review?

Mr. Pena explained that normally single family is one to two units, up to a duplex.

Mr. Foley commented that he stands corrected. He defers to Mr. Pena and Mr. Fait when talking about Design Review. It is not a design review, but would still have to comply with the rest of the zoning requirements under the R1-B zone, including the FAR. He asked for Mr. Pena to comment, and said that the second unit is legally permissible in an R1-B lot, by definition.

Mr. Pena agreed, given the proper lot size or 7,000 square feet for two dwellings.

Mr. Tanaka clarified that this Council is being asked to approve the parcel map but is also being asked to change the type of ownership. There is one type, and if Council approves the staff recommendation, that will change to condominium ownership. Does Council have the discretion to object to the change of ownership?

Mr. Foley responded that is why condominiums are handled under the Subdivision Map Act in the Subdivision Ordinance because it creates the ability to have ownerships of a unit as opposed to single ownership of two units. Single ownership of two units as presently exists would allow the same sort of use. The changes to allow ownership of the units with the common area, whatever the Department of Real Estate requires them to do to create that condominium definition or meet that definition.

Mr. Tanaka inquired if there are two long, tall and narrows? Could they make a proposal in the future to some how scrape what they have and duplicate what is being asked for here? What type of discretion would Council have with such a request?

Mr. Foley explained that if Council approves this request and the only difference is having the long, tall and narrows instead of this type of situation, if the map is approved they could scrape it and create a different type of condominium units, two units, under the condominium definition in whatever architectural description they want to do as long as it meets the FAR and everything else that goes into that zone.

Mr. Tanaka added that if Council doesn't approve the map today then that door isn't open.

Mr. Foley commented that the City has the same units now. He is not sure how the City got to the point where there was a construction over the lot line – that seems a little unusual.

Mr. Tanaka further clarified that any situation where there is already a front and back sitting on two lots, if they have 50' footage, would be eligible to make the same request if this map approval is made today. Even if Council denies today, can anyone with this existing condition make the same application?

Mr. Foley agreed that they could certainly do that in the future whether Council approves or denies. If Council denies it, it needs to make the findings and staff would need to come back with a resolution with the findings that support the denial based on whatever evidence exists today.

Ms. Schmidt asked the City Attorney about the situation that would exist if there were two long, tall, narrows owned by different people. Would they have to merge the lot to become a 50', 7,000 square foot unit?

Mr. Foley explained that could be done on the existing lot, as long as there are setback requirements met. Mr. Monroe added that these are really two 25' lots. Ms. Schmidt added that this is an R1-B zone which means it is single family residential. They are granted the ability to have granny flats on the 7,000 square foot lots, but it changes the complexion of the neighborhood when one splits from front to back rather than doing the long, tall, narrows. They can either do or not do that. That wasn't in anything she heard Mr. Foley say. Mr. Foley commented that he provided Council with the grounds for denial of a tentative parcel map. None of the reasons described would be supported by that situation.

Mayor Pro Tem Monroe thinks the City Attorney would be uncomfortable in developing findings in opposition to this. He asked Mr. Pena to, if this map is approved today, review anything different that can happen because of this map consolidation than could happen just today. Mr. Aurich said that it will add parking, which is an improvement. He also thinks it creates, in perpetuity, a walk to the street through the condo map that may not happen today. There are some benefits there. Mr. Pena commented that, other than the benefits just addressed, if there were no map approved and it reverted back to its existing condition, both dwellings could be demolished. They could put up either two single family homes, attached or detached. The buildings would be under one ownership.

Mr. Tierney commented that Council is not here to go beyond certain parameters, to redefine the zoning issues. Council is to look at the fact that this is a purchased piece of property, it conforms to the City's requirements in order to get this project done, there are only certain extenuating safety, emergency points to which this Council can use if it wants to vote against this. If not, Council would be putting the City in the situation where it is very possible that the project will not be ended at Council level, but it is conceivable that it would go to a legal situation because the parameters are severely limited.

Mr. Monroe feels that the issue before Council is to compare the project against the current policy of the City. He doesn't like this particular policy and senses that other feel the same way. It has been Council practice in the past that when it finds things that happen that Council doesn't like, a strategy to change the policy is started. That was done with the Specific Plan. As much as he is conflicted about the policy and would like to start a strategy to change it, today Council is caught between this conforming to the current policy and the fact that it doesn't like the policy.

Mr. Schmidt is concerned because there are 176 more 50' lots that could have the same thing happen to them. Council would have to get a moratorium as it did with the Mixed Use in order to get it stopped.

Mr. Tierney commented that the City could set up workshops and ask to change the zoning laws to exclude that. That is not the case with this project. He agrees with Mr. Monroe that if the public wants to change its zoning laws, submit a letter to the City so that it can be addressed at the workshop level. The applicant has met every condition. Staff has gone through this with a fine tooth comb. Council is not in a position to deny at this point.

Mayor Pro Tem Monroe added that Council could come back with either an emergency ordinance or a moratorium. He suggested that it might be nice to have the RSIP committee look at this.

Mr. Tanaka is hearing that Mr. Monroe has some uneasiness with this particular issue. He recalls that Mr. Monroe campaigned at one point on "Coronado changes one building at a time." He and Ms. Schmidt are concerned that is what Council is facing here.

Mayor Pro Tem Monroe responded that because he campaigned on "One building at a time" he took on creating, with a lot of wonderful support, the Specific Plan for the Downtown Orange Avenue. As that was happening, the City lost a couple of buildings, but hopefully, for a few years, that has been stopped now because of the Specific Plan. The building before Council, conflicted as he is, meets the requirements.

Mr. Aurich commented that Council's only choice is to approve this, unless there are health or safety issues, which there are not. If Council has a problem with these potential splits it should go forward to make changes to the ordinances and the codes that would restrict that. Prior to buying this property they researched the codes to determine what could and couldn't be done with the property. It was very evident and clear that this wasn't a subjective question as to whether or not this could be done. It was a matter of going through the process.

Ms. Schmidt does not appreciate Mr. Aurich's challenging her.

Mayor Pro Tem Monroe asked the City Attorney to explain what happens if there is a 2-2 vote. Mr. Foley explained that the application would be denied but then the City is in the dilemma of having a denial without findings. Council would then need to take another motion to deny it with findings and Council will then have to state those findings in a resolution. The item could be continued, but the Map Act requires that Council take action within 30 days of having received this from the Planning Commission, which only gives Council another week to take action on it, unless the applicant would agree to an extension of that.

**MSC (Tierney/Monroe) moved that the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO APPROVING A ONE LOT TENTATIVE PARCEL MAP TO CONSOLIDATE THE TWO EXISTING LOTS INTO ONE AND TO CONVERT THE TWO EXISTING DWELLINGS INTO A MAXIMUM OF TWO CONDOMINIUM UNITS ON LOTS 12 & 13 BLOCK 136, MAP 376 CBSI, COMMONLY KNOWN AS 330 & 332 I AVENUE IN THE R-1B (SINGLE FAMILY RESIDENTIAL) ZONE**

**AYES: Monroe, Tanaka and Tierney**  
**NAYS: Schmidt**  
**ABSENT: Smisek**

Mayor Pro Tem Monroe agreed with a comment from Ms. Schmidt that if Council had no choice but to support this project, there was no point to the whole exercise. He suggested the Council determine a course to change the ordinance in the near future. He asked the City Manager if that could be amended or if Council should ask for an emergency ordinance.

City Manager Mark Ochendusko explained that, at Council's request, staff can bring this item back for Council consideration and direction.

Mayor Smisek returned to the dais.

**9. ADMINISTRATIVE HEARINGS: None.**

**10. COMMISSION AND COMMITTEE REPORTS:**

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

**11. CITY COUNCIL BUSINESS:**

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

**Councilmember Schmidt** attended a CHA/Visitor Center meeting; attended a meeting on the beach construction, and the Navy Complexes meeting where Captain Landon and Commander Washington both gave very excellent talks on the things that are being accomplished for the benefit of the people of Coronado.

**Councilmember Tanaka** reported on the Salute to the Military Ball with Mayor Smisek and Councilmember Monroe, a School District budget meeting where Dr. Wheeler commented that every year they have to fight for the military impact aid the federal government gives per student who has a military parent. This might be something to ask the City's lobbyist to add to the legislative agenda.

**Councilmember Monroe** attended a SANDAG Shoreline Preservation meeting, a SANDAG Transportation Committee meeting regarding the TransNet extension, a Chamber Board meeting with Port Commissioner Robert Spane providing commentary about the use of NASNI as a regional airport, a Tunnel Action Team meeting, a meeting of the MTS Board, a meeting with Chula Vista Mayor Steve Padilla and City Manager Dave Rowlands on the tunnel project, the Coronado Schools Foundation President's Party and the Military Ball.

**Councilmember Tierney** reported on the Historical Resources Committee meeting and the San Diego region League of California Cities meeting.

**Mayor Smisek** attended a joint meeting with the Historic Resource Commission and the City Council, the Change of Command for Admiral Joe Maguire, met with the Hospital Foundation and Sharp Hospital to discuss some future upgrades to the hospital, the Military Ball where VADM Tim LaFleur was a terrific guest speaker, and a Navy Complexes meeting where both new and ongoing Navy projects were discussed as well as the truck traffic improvements that have been put in place.

**11b. Presentation Regarding Potential Impacts on Parking and Traffic Related to Parking for Petco Park at the Ferry Landing.** Jim Benson, Director of Engineering and Project Development, explained that concerns have been voiced over the potential impact of a new program

at the Ferry Landing commercial area where they have proposed and have organized to provide parking and water transportation to San Diego to get to Petco Park. The Ferry Landing property is controlled and owned by the Port. The Ferry Landing is basically a lessee from the Port. The Ferry Landing's interest is to provide a service that benefits their area down there. Some of the businesses are seen as underperforming and don't have the kind of clientele they would like. They are looking for things to attract people there, but they are also sensitive to the fact that they don't want to do something that gets too many people, especially if it is people who aren't doing anything other than parking there. Mr. Benson reviewed the Ferry Landing plan aspects:

- Maximum people transported = 180 (they will not sell more tickets).
- Assumption: two people per car, or 90 cars parking here. No impact on overall parking here; lots have this capacity.
- Water taxis will provide the transport.
- Capacity: 42 people per trip.
- Use 2 taxis, starting at 5:00 p.m. on game days with 7:00 p.m. start time.
- Always have one taxi at Peohe's dock accepting people. One taxi leaves as the other returns.
- Cost: \$10 whether round trip or one way, collected on Coronado side.
- Drop off at foot of Convention Center.
- Approximately 15-minute walk to ballpark.
- Since only 40 people can make the trip back at a time, cars will depart Ferry Landing parking lot at 20 cars around every five minutes or so. Minimal impact on street traffic.
- System can be adjusted based upon experience.

Councilmember Tanaka commented that he shares Mr. DeBeer's concerns. He is glad to hear that there is adequate parking and that at least the projection is that the water taxi business will be handleable. He is still concerned. He hopes that, especially at the beginning of the season, the City will be vigilant and watch for the unintended consequences. He does not want to see the Padre games affecting the Coronado residents. He does not want to see parking spill out on their streets.

**City Council accepted the report.**

**11c. Consideration of Request from Councilmember Schmidt to Accept a Donation for a MainStreet Garden in the Median in the 800 Block of Orange Avenue.** This item was placed on the agenda at the request of Councilmember Schmidt, the City Council representative to MainStreet Ltd. The reasons for placing this item on the agenda are contained in a letter from Toni Gaylord, Executive Director of Coronado MainStreet Ltd. **Under Consent, the City Council accepted a donation for a MainStreet Garden in the Median in the 800 Block of Orange Avenue.**

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

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

The Mayor announced that the City Council has taken item 14b off the agenda and will not be discussed in closed session. City Council recessed at 4:48 p.m. into closed session on item 14a only.

**14. CLOSED SESSION:**

- 14a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
**AUTHORITY: Government Code Section 54956.9(a)**  
**NAME OF CASE: Dorothy Ecks v City of Coronado**  
**San Diego Superior Court (Case No. GIC 810897)**

The City Council was back in session at 5:25 p.m. and reported that direction was given to the City's legal counsel on this matter.

- 14b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
**(Subdivision (a) of Section 54956.9)**  
**AFSCME Local 127 v. City of Coronado**  
**Public Employee Relations Board Case No. LA-CE-133-M**

This item was taken off the agenda. No closed session held.

**15. ADJOURNMENT:** The meeting was adjourned at 5:26 p.m.

Approved: April 6, 2004

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Tom Smisek, Mayor

Attest:

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L. Diane Shea, CMC  
City Clerk