

CORONADO PLANNING COMMISSION
MEETING MINUTES

Regular Meeting

March 8, 2011

The regular meeting of the Coronado Planning Commission was called to order at 3:05 p.m., Tuesday, March 8, 2011, at the Coronado City Hall Council Chambers, 1825 Strand Way, Coronado, by Chairperson Grimes.

MEMBERS PRESENT: Grimes, Jensen, Santos, St. Denis

MEMBERS ABSENT: None

STAFF PRESENT: Rachel A. Hurst, Director
Ann McCaull, Senior Planner
John Swanson, Assistant Planner
Martha L. Alvarez, Recording Secretary/Minutes Preparer

APPROVAL OF MINUTES

The minutes of the regular meeting of January 25, 2011, were approved as submitted.

DIRECTOR'S REPORT

Director Hurst reported that Commissioner Gaylord had resigned her position on the Commission. A new member will be appointed at the City Council meeting of March 15, 2011.

On behalf of the Planning Commission, Chairperson St. Denis thanked Ms. Gaylord for her many years of service.

COMMITTEE REPORTS

Historic Resource Commission

Chairperson St. Denis reported that at the meeting of March 2, 2011, the Commission welcomed newly-appointed Commissioner Courtenay McGowen, Jon Ryan was appointed as the new Chair, and Doug St. Denis was appointed as the new Vice Chair. The Commission approved Notice of Intent to Demolish applications for the properties at 836 I Avenue and 467 D Avenue, and continued the request for a Mills Act agreement for the property at 723 A Avenue to their next meeting of March 16, 2011.

ORAL COMMUNICATIONS AND OTHER MATTERS

NON AGENDA ITEMS

There were no members of the public wishing to speak at this time.

LISTED AGENDA ITEMS

There were no members of the public wishing to speak at this time.

PUBLIC HEARING

PC 2011-02 **CHRIST EPISCOPAL CHURCH** – Request to amend a Special Use Permit and issue a Coastal Permit for the Christ Episcopal Church to allow continued school instruction at 901 C Avenue and to allow a 30 square foot addition and improvements at the building addressed as 919 C Avenue along with the continued operation of church-related activities on the property, in accordance with Chapters 86.55 and 86.70 of the Coronado Municipal Code. These parcels are located in the R-3 (Multiple Family Residential) Zone.

Mr. Swanson introduced the agenda item as outlined in the staff report.

Commissioner Jensen asked why this item required a coastal permit.

Mr. Swanson said that the Coastal Permit Chapter that is part of the Local Coastal Program (LCP) exempts a number of development items; however, a Special Use Permit is not exempted.

Commissioner Jensen asked if the requirement involved the City's distance from the coast.

Mr. Swanson said that Coronado is in close proximity to the coast and the LCP requires review of uses with a Special Use Permit.

Commissioner Jensen asked how the fee schedule is determined.

Mr. Swanson said the fees are set by City Council.

Commissioner Jensen asked about the requirement for an automatic irrigation system.

Mr. Swanson said this recommendation by staff addresses the overall maintenance of the grounds.

Chairperson St. Denis asked about recommended condition #10 which states, "Owner shall obtain approval from the City of Coronado Environmental Design Review Commission prior to making any on-site exterior changes..." and how it would work with the structure located at 919 C Avenue, which was built in 1927. Ms. St. Denis asked if changes to the structure would be reviewed by the Historic Resource Commission.

Ms. McCaull said the item would be reviewed by the Historic Resource Commission if the applicant was proposing changes that are character-defining elements of the building. However, based upon the plans that have been submitted, the existing wood windows will be replaced in-

kind; therefore, it would not trigger review by the Historic Resource Commission. In addition, the change which involves the addition of a new handicap-accessible ramp will be reviewed by the Design Review Commission.

Chairperson St. Denis asked if the Historic Resource Commission would review the item if the applicant desired to add a second story to the structure.

Ms. McCaull said that this type of request would normally be reviewed by the Design Review Commission as the original structure would remain.

Chairperson St. Denis asked if the residences located at 1208 Ninth Street and 917 C Avenue are rental units.

The applicant's representative, Mark DeMichele, said he is a member of the Church and the person responsible for overseeing the project. He said that they do not intend to materially increase the level of activity on the site or to change the kinds of activities that are performed on the property. He noted that the specific building that is driving the process is 919 C Avenue because it is in need of substantial repair. The plan is to remodel the building and make improvements in order to enable many more years of use. The change in appearance of the building is minimal. The most significant change will be the handicap access ramp which will be added at the front façade. They plan to replace the roof, replace the windows in kind, repair gaps in the stucco, and repaint the building in the same existing color. He said the interior of the building will be completely remodeled within the existing framework of the building. He said that the requested addition of 30 sq. feet of interior space addresses maintenance issues. He said the building will also incorporate soundproofing materials as well as dual-paned windows. Mr. DeMichele said the residence at 1208 Ninth Street is being presently used to house a staff member, and the residence at 917 C Avenue is currently being used as an office for the Associate Rector. Ultimately, the residence at 917 C Avenue will be used to house staff or to conduct youth meetings.

Commissioner Jensen asked if the applicant was agreeable to conditions 7 and 8.

Mr. DeMichele said he had reviewed all of the proposed conditions and had no issues in meeting the conditions.

PUBLIC HEARING

R.G. Head said he is a member of the church and asked the Commission to approve the request based on 1) It is in the best interest of the public and community of Coronado; 2) Coronado has a special interest in redevelopment—the client is proposing to pay the fees for development, management, and project design; 3) Consideration should be given to the church's overwhelming support by the community and the need for religious, moral and educational facilities.

Lorraine Rooney said she owns the property on B Avenue directly behind 917 C Street. She expressed displeasure at the level of noise emanating from the school playground, stated she

opposes any changes to the existing zone, and said she does not support the request for a Special Use Permit.

Florence Draper commented that the parking lot is frequently used by visitors to the downtown area, as well as members of the nearby Presbyterian Church.

Edward Harrison, priest of the subject church, apologized for any noise issues and said that they try to serve the community and be good neighbors. He noted that their request does not include any new activities, only activities that have always taken place at the site.

Tom Morelli said he is a member of the church and noted that the church enables their children to develop a set of values that the City of Coronado can be proud of. He stated that the church's work helps the community and provides an education for their children. He thanked the Commission for their consideration of the request.

COMMISSION DISCUSSION

Chairperson St. Denis asked for clarification about the request for the Special Use Permit and associated church activities.

Director Hurst said that many of the uses were established prior to the City having a zoning ordinance and prior to the requirement for a Special Use Permit. Over time, as the church proposed changes, a Special Use Permit was granted that memorialized certain activities and uses. This permit was amended at least on one occasion. The most recent amendment to the Special Use Permit allowed for the relocation of the thrift store as well as other church activities.

Ms. McCaull said that the most recent amendment to the Special Use Permit occurred in 1997 which involved the relocation of the two existing uses on the church premises—the thrift shop was moved to 1208 Ninth Street, and some of the church activities were moved closer to the alley next to the vacant Petco site. The Special Use Permit was amended at that time because there were different uses occurring on the property. This amendment allowed other uses to be officially recognized by the City, i.e. parking spaces, hours of operation, and so on.

COMMISSION ACTION

COMMISSIONER JENSEN MADE A MOTION TO ADOPT RESOLUTIONS NO. 1-11 AND 2-11, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT OF A SPECIAL USE PERMIT (SUP) AND APPROVING THE ISSUANCE OF A COASTAL PERMIT, RESPECTIVELY.

COMMISSIONER SANTOS SECONDED THE MOTION.

AYES: Jensen, Santos, St. Denis.
NAYS: None.
ABSENT: Grimes.

ABSTAIN: None.

The motion passed 4-0.

Director Hurst reported that the recommendation for approval to the City Council on the amendment of the Special Use Permit has been scheduled to be heard by the City Council on Tuesday, April 5, 2011. There is a 10-day appeal period for the approval of the Coastal Permit.

Commissioner Jensen excused himself from the remainder of the meeting at 3:58 p.m.

PC 2010-17 CITY OF CORONADO – Consideration of an ordinance amending Chapters 20.08, 86.04, 86.08, 86.10, 86.14, 86.18, 86.54, 86.56, and Title 88 of the Coronado Municipal Code regarding Home Occupation Permit regulations.

Ms. McCaull introduced the agenda item as outlined in the staff report.

Chairperson St. Denis asked if a person must be in compliance with every regulation.

Ms. McCaull said yes.

Chairperson St. Denis said that, with reference to Section 20.08.060 Regulations, subsection B, sometimes a person may have a small office attached to their garage which makes a perfect home office; however, this space would be considered an accessory building.

Ms. McCaull said that this type of use would not be authorized.

Commissioner Grimes asked why this regulation was in place.

Ms. McCaull said that a home occupation is not permitted to be operated in an accessory structure because of the potential impact to neighboring properties. If the Commission desires otherwise, the Commission could forward the recommendation to City Council for approval. Ms. McCall noted that staff did not feel it appropriate to expand or liberalize the regulations at this time.

Director Hurst suggested that this regulation may be structured to discourage property owners from adding accessory buildings to their properties solely for the purpose of operating a business in a residential zone.

Chairperson St. Denis said that the ordinance appears to cover issues that may potentially inconvenience neighbors; however, she did not feel that this regulation was necessary, especially since more persons are opting to work out of their homes.

Commissioner Santos said she understands that property owners should not be restricted in keeping a nice office in their home; however, she understands the concerns by staff in allowing home occupations which allows clients to visit the home, thus creating potential liability, code

enforcement, and parking issues.

Chairperson St. Denis said that the ordinance has in place restrictions which address these issues; however, she is not opposed to a property owner maintaining a small office in their accessory building, i.e. carriage house.

Commissioner Grimes said he encourages residents to apply for home occupation permits; however, it appears the proposed restrictions may discourage persons from applying for the permit. Mr. Grimes suggested making the ordinance friendlier. He said that it is difficult to conduct a home occupation if a person is restricted from meeting with a client in their home office. He feels that the City may render the ordinance ineffective by placing too many restrictions on property owners.

Ms. McCaull said that property owners are required to obtain a business license and fictitious business name in order to provide a tax write-off for the area of the home that they are utilizing to conduct their business.

Commissioner Grimes said he felt it was too restrictive to require that a property owner move their home office from the guest house to the main house—there may not be sufficient room. He said that a few changes could accomplish more. As written, the ordinance is restrictive and promotes a message that property owners should not apply for a permit.

Chairperson St. Denis noted that Condition L addresses potential parking issues.

Commissioner Santos said that regulations are in place that address the aforementioned issues. She stated that City staff has proposed modifications to an ordinance which already provides control measures which discourage home occupations that have a high risk potential to inconvenience neighbors. She feels that checks and measures are already in place and felt that a “big deal” should not be made of this item.

Chairperson St. Denis respectfully disagreed, and commented that when the opportunity to change an ordinance presents itself, it is not only important but also a “big deal.” She stated that Regulation A is too restrictive.

Director Hurst said that staff’s effort in presenting this item was not to re-think the Home Occupation regulations but simply to “clean them up.” Staff’s intent was to make the regulations consistent throughout the code. Ms. Hurst said this may also be an appropriate time to think about changes to the ordinance. She stated that the entire program is designed to allow for business use in residential areas which are basically invisible to the neighbors. If the Commission allows an accessory structure to be built to accommodate a business use, it will no longer be invisible to the neighbors. Ms. Hurst clarified that the ordinance does not prohibit an accessory dwelling where one is otherwise allowed; instead it prevents someone from building an accessory structure on their property to accommodate a business.

Chairperson St. Denis said that ordinances should make sense to persons who must sign their name to a Home Occupation permit under penalty of perjury.

Commissioner Grimes said he would prefer that Regulation B be removed from the ordinance.

Chairperson St. Denis supported the idea that a property is allowed to build an accessory building to accommodate their business if they meet all zoning requirements.

Commissioner Grimes said that although the ordinance is very well written, he disagreed with Regulation E, as he feels that a person should be allowed to hire an employee to work at the home-based office. Additionally, he indicated that a person should be permitted to have visits from an occasional customer or client.

Ms. McCaull said that if a change is made to Regulation E, which would allow employees or customers/clients to visit a site, and a complaint is received regarding the level of activity that is occurring, the City will not be able to identify or prohibit the activity unless a number of allowed employees are identified.

Commissioner Grimes said the noise activity would be addressed by Regulation K.

Chairperson St. Denis added that Regulation M would address the parking issue.

Commissioner Grimes asked how many home occupation permits were filed with the City.

Director Hurst said she did not have the exact number; however, there are a significant amount of permits filed.

Chairperson St. Denis agreed that Regulations B and E should be eliminated.

Director Hurst asked if the Commission would qualify Regulation E, if eliminated, because there is not a way to enforce the volume of activity in the home. She said that the home occupation permits, by virtue of an applicant's signature, is basically self-regulating and very difficult to enforce.

Chairperson St. Denis suggested eliminating the second sentence of Regulation E which reads, "Customers or clients shall not visit the home occupation site for business services."

Ms. McCaull said that, technically, when a person employs another person, it generates the need for additional parking which conflicts with Regulation M.

Commissioner Grimes agreed and asked if, given this restriction, a property owner is allowed to have "friends" visit. He reiterated that placing these types of restrictions will discourage persons from applying for a permit, and he will not support restricting customers/clients from visiting the home business or restricting the use of an accessory structure.

Commissioner Santos said there is a need to quantify Regulation E.

Chairperson St. Denis suggested the following wording be added to Regulation E, “No employees, customers/clients of the resident shall disrupt the normal quiet or activity of the neighborhood.”

Ms. McCaull said it is difficult to define what “normal activity” is as it varies depending upon a property’s location. Staff stated that if a property owner is permitted to operate their business out of their existing residence, it will be on a small scale; however, if the resident is allowed to create a building on the property solely for the purpose of the home occupation, it will more likely be larger in size and may result in a resident having a larger number of clients visiting the property.

Commissioner Grimes respectfully disagreed and said that a resident will more likely rent an office in town to run a larger scale business rather than add an accessory building solely for the purpose of conducting a home-based business. He added that most home businesses would rather conduct their activity in a granny flat than in their den and this type of setup should not be limited.

PUBLIC COMMENT

There were no members of the public wishing to speak at this time.

COMMISSION DISCUSSION

None.

COMMISSION ACTION

COMMISSIONER GRIMES MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE ORDINANCE WITH THE FOLLOWING CHANGES:

1. DELETE IN ITS ENTIRETY SECTION 20.08.060 REGULATIONS, SUBSECTION B.
2. DELETE THE SECOND SENTENCE IN SECTION 20.08.060 REGULATIONS, SUBSECTION E.

CHAIRPERSON ST. DENIS SECONDED THE MOTION.

AYES: Grimes, Santos, St. Denis.

NAYS: None.

ABSENT: Jensen.

ABSTAIN: None.

The motion passed 3-0.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:33 p.m.

Rachel A. Hurst, Director of Community Development,
Redevelopment & Housing Services