

**MINUTES OF A
REGULAR MEETING OF THE
CITY COUNCIL
OF THE
CITY OF CORONADO/
THE CITY OF CORONADO ACTING AS THE SUCCESSOR
AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY
OF THE CITY OF CORONADO
Coronado City Hall
1825 Strand Way
Coronado, CA 92118
Tuesday, March 4, 2014**

CALL TO ORDER / ROLL CALL 3:32 p.m.

**Present: Bailey, Ovrom, Tanaka, Woiwode
Absent: Denny**

Councilmember Denny arrived before the Closed Session began.

ANNOUNCEMENT OF CLOSED SESSION

- 1. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
AUTHORITY: Government Code Section 54956.9(a)
NAME OF CASE: Tina Trainor v. City of Coronado
WCAB No.: ADJ8431447**

- 2. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
AUTHORITY: Government Code Section 54956.9(a)
NAME OF CASE: Jason Manuel v. City of Coronado
WCAB No.: Not Applicable**

- 3. COMMUNICATIONS - ORAL: None.**

The City Council adjourned to Closed Session at 3:33 pm.

The City Council reconvened at 3:36 pm. Mayor Tanaka announced that staff was given direction on the closed session items.

Mayor Tanaka called the regular meeting to order at 4:00 pm.

1. ROLL CALL:

Present: Council Members/Agency Members Bailey, Denny, Ovrom, Woiwode and Mayor Tanaka

Absent: None

Also Present: City Manager/Agency Executive Director Blair King
City Attorney/Agency Council Johanna Canlas
City Clerk/Agency Secretary Mary Clifford

2. INVOCATION AND PLEDGE OF ALLEGIANCE. Floyd Ross provided the invocation and Mayor Tanaka led the Pledge of Allegiance.

3. MINUTES: Approval of the amended minutes of the Regular Meeting of the City Council/the City Council Acting as the Successor Agency of February 18, 2014.

Councilmember Denny offered a correction to page 634, item j, where it says, "Councilmember Denny encouraged people to conserve water." She would like the minutes to reflect that she attended that meeting late due to jury duty. On page 641, under 11c, the last paragraph, line 4, should read "section 15308." On page 647, paragraph 5, she would like the minutes to reflect that this was where we were talking about the citizen survey and she wants the public to know that she and Mr. Ritter were speaking about the citizen survey and she had asked if the company that does the survey gave the City an award. At the time Mr. Ritter thought no but afterwards, the next day, she did receive a nice email from him and, in fact, the citizen survey company that the City paid to do the citizen survey did, in fact, give the City that award. Finally, on page 649, paragraph 3, line 12, where it says, "...so, too, Coronado should do more with less..." she asked that the words "...and nothing beats..." be removed so that it reads "...do more with less, fewer resources, less resources." The next line should read, "Nothing beats getting out on your feet and beating the pavement to talk to the public."

MSUC(Woiwode/Ovrom) moved to approve the minutes of the Regular Meeting of the City Council/the City Council Acting as the Successor Agency of February 18, 2014, as corrected. The minutes were so approved. The reading of the minutes in their entirety was unanimously waived.

AYES: Bailey, Denny, Ovrom, Woiwode, Tanaka

NAYS: None

ABSTAINING: None

ABSENT: None

4. CEREMONIAL PRESENTATIONS: None.

5. CONSENT CALENDAR: The City Council approved, adopted and/or accepted as one item of business Consent Agenda Items 5a through 5i and the addition of Item 13a.

Councilmember Woiwode suggested the addition of Item 13a.

Councilmember Ovrom commented on Item 13a. He encouraged staff to see if there are any other measures that they may want to recommend for the Council to consider for conservation.

Councilmember Denny commented on Items 5c and 5d. She will be voting no on Item 5c because the fire policy itself allows fires all over the beach, every square inch, on all the dunes and so forth so she doesn't care for the actual policy. She thinks it is not good for our beach or our residents. Also, it doesn't exclude the pallets per se so in trying to do it indirectly, the language of the ordinance could be considered void for vagueness and so she doesn't think it would withstand scrutiny. On top of that, the cost of enforcement is too high for taxpayers and also the practicalities for whoever is going to end up enforcing this is too unreasonable a burden. She will also be voting no on Item 5d, the housing element, because she believes very strongly in the need for transitional housing and special housing and emergency housing and so forth. That is really something we can't count on with this particular ordinance for special housing, nor can we count on it with the underlying housing element and, therefore, she is concerned that there will be a bait and switch by not putting in the special housing, all those good things that we want, and instead putting in just regular residential housing, making it extra dense but pointing to this as an excuse. Also, she can't vote for it because the final reason is that our own emergency first responders were not consulted with regard to this before it was presented to City Council and so she doesn't feel comfortable. She is uncomfortable voting for that without their input. Also, on Item 5j, she would like very much to discuss that a little bit. It is the Golf Course irrigation project and water is a very big expense here in our town. She would like the public to know a little bit about what is happening with this particular project.

MSUC (Woiwode/Ovrom) moved that the City Council approve the Consent Calendar Items 5a through 5i and the addition of Item 13a.

AYES: Bailey, Denny, Ovrom, Woiwode, Tanaka
NAYS: Denny, on Items 5c and 5d
ABSTAINING: None
ABSENT: None

5a. Approval of Reading by Title and Waiver of Reading in Full of Ordinances on this Agenda. The City Council waived the reading of the full text and approved the reading of the title only.

5b. Review and Approve that the Warrants, as Certified by the City Treasurer, are all Correct and Just, and Conform to the Approved Budget for FY 2013-2014. The City Council approved payment of City warrant Nos. 10099844 thru 10100028. The City Council approved the warrants as certified by the City/Agency Treasurer.

5c. Second Reading for Adoption of "An Ordinance of the City Council of the City of Coronado, California, Amending Section 48.04.120 of Chapter 48.04 of Title 48 of the Coronado Municipal Code Regarding Waste, Refuse and Fires on Public Beaches. The City Council adopted AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, AMENDING SECTION 48.04.120 OF CHAPTER 48.04 OF

TITLE 48 OF THE CORONADO MUNICIPAL CODE REGARDING WASTE, REFUSE AND FIRES ON PUBLIC BEACHES. The Ordinance, having been placed on First Reading on February 18, 2013, was read by Title, the reading in its entirety unanimously waived and adopted by Council as Ordinance No. 2041. The City Council directed the City Clerk to read the title of the ordinance and to publish the ordinance in accordance with the law. Pursuant to Council Policy 11, when a Councilmember has cast a no vote on the introduction of the ordinance, the Councilmember's vote shall be recorded as a no vote for the adoption of the ordinance on the Consent Calendar. The votes were: Ayes – Bailey, Ovrom, Woiwode, Tanaka; Nays – Denny.

5d. Second Reading for Adoption of “An Ordinance Amending the Municipal Code to Address Required Implementation Programs for the City’s Certified 2013-2021 Housing Element to Include (1) Emergency Shelters in the Commercial Zone; (2) Transitional and Supportive Housing in all Residential Zones; (3) Large Residential Care Facilities and Single-Room Occupancy Units with a Major Special Use Permit in the R-4 (Multiple Family) Residential Zone; and (4) Definitions for Large Residential Care Facilities, Single-Room Occupancy Units, Supportive Housing, and Modifications to Transitional Housing Definition. The Following Chapters will be Amended to Achieve the Changes Summarized Above: 86.04, 86.08, 86.09, 86.10, 86.14, 86.18, and 86.55, of Title 86; and Amending Chapters IV and V of the Orange Avenue Corridor Specific Plan.” The City Council adopted AN ORDINANCE AMENDING THE MUNICIPAL CODE TO ADDRESS REQUIRED IMPLEMENTATION PROGRAMS FOR THE CITY’S CERTIFIED 2013-2021 HOUSING ELEMENT TO INCLUDE (1) EMERGENCY SHELTERS IN THE COMMERCIAL ZONE; (2) TRANSITIONAL AND SUPPORTIVE HOUSING IN ALL RESIDENTIAL ZONES; (3) LARGE RESIDENTIAL CARE FACILITIES AND SINGLE-ROOM OCCUPANCY UNITS WITH A MAJOR SPECIAL USE PERMIT IN THE R-4 (MULTIPLE FAMILY) RESIDENTIAL ZONE; AND (4) DEFINITIONS FOR LARGE RESIDENTIAL CARE FACILITIES, SINGLE-ROOM OCCUPANCY UNITS, SUPPORTIVE HOUSING, AND MODIFICATIONS TO TRANSITIONAL HOUSING DEFINITIONS. THE FOLLOWING CHAPTERS WILL BE AMENDED TO ACHIEVE THE CHANGES SUMMARIZED ABOVE: 86.04, 86.08, 86.09, 86.10, 86.14, 86.18, AND 86.55 OF TITLE 86, AND AMENDING CHAPTERS IV AND V OF THE ORANGE AVENUE CORRIDOR SPECIFIC PLAN and directed the City Clerk to read the title of the ordinance and to publish the ordinance in accordance with the law. The Ordinance, having been placed on First Reading on February 18, 2014, was read by Title, the reading in its entirety unanimously waived and adopted by Council as Ordinance No. 2040. Pursuant to Council Policy 11, when a Councilmember has cast a no vote on the introduction of the ordinance, the Councilmember's vote shall be recorded as a no vote for the adoption of the ordinance on the Consent Calendar. The votes were: Ayes – Bailey, Ovrom, Woiwode, Tanaka; Nays – Denny.

5e. Second Reading for Adoption of “An Ordinance of the City Council of the City of Coronado, California Amending Section 1.12.010 of Chapter 1.12 of Title 1 of the Municipal Code Regarding the Scope of Appeals to the City Council.” The City Council adopted AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, AMENDING CHAPTER 1.12 OF TITLE 1 OF THE MUNICIPAL CODE REGARDING THE SCOPE OF APPEALS TO THE CITY COUNCIL and directed the City Clerk to read the title of the ordinance and to publish the ordinance in accordance with the

law. The Ordinance, having been placed on First Reading on February 18, 2014, was read by Title, the reading in its entirety unanimously waived and adopted by Council as Ordinance No. 2042. The vote was unanimous.

5f. Acceptance of Grant Funds in the Amount of \$4,180 from the H.N. and Frances Berger Foundation and Appropriation of those Funds for Replacement Police Department Gymnasium Equipment. The City Council authorized the Police Department to accept the grant funds and purchase replacement gymnasium equipment as requested by the grantor.

5g. Authorization for the City Manager to Enter into an Agreement with The Planning Center DC&E for As-Needed Environmental Consulting Services. The City Council authorized the City Manager to enter into an agreement with The Planning Center DC&E for as-needed environmental consulting services.

5h. Authorization for the Director of Engineering and Project Development to Issue Encroachment Permit No. E1309-018 to Allow Construction of Improvements at 1017 Park Place to Encroach Along the Front of the Property into the City Right-of-Way. The City Council authorized the Director of Engineering and Project Development to issue Encroachment Permit No. E1309-018 to the owners of the property located at 1017 Park Place.

5i. Approve the August 2, 2014, Celebrate Oz! Event in Spreckels Park and Authorize Revisions to Used City-owned Street Banners in Support of Celebrate Oz! The City Council approved the *Celebrate Oz!* community event in Spreckels Park on August 2, 2014, from 10 a.m. – 5 p.m., and authorized alterations to used City-owned *USS Coronado* street pole banners to be re-purposed and repainted by local artists (youth and adults) and directed Public Services to hang them so they are on display from July 18-August 11.

5j. Adoption of a Resolution of the City Council of the City of Coronado to Establish Prequalification Procedures for the Golf Course Irrigation Controller Project. City Manager Blair King provided some background information on this item.

Councilmember Denny thanked Mr. King for explaining that the City has used the prequalification before on several projects that are shown on page 116 of the staff report. This has been something that the City has done in the past. In addition, she thanked staff for giving the Council the information that she asked for at the last meeting which was the water bills which, for FY 12 was \$726,000; FY 13 \$972,000; and for first half of this fiscal year is \$623,000. That \$623,000 so far this current fiscal year for the water bill doesn't reflect the 22% water rate hike that took effect in February 2014. This is a major expense and is something we really need to think about.

MSUC(Woiwode/Ovrom) moved that the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO TO ESTABLISH PREQUALIFICATION PROCEDURES FOR THE GOLF COURSE IRRIGATION CONTROLLER PROJECT; APPROVE THE FORM OF A PREQUALIFICATION QUESTIONNAIRE; ADOPT A UNIFORM SYSTEM OF RATING BIDDERS; CREATE AN APPEAL PROCEDURE; AND APPROVE

SUCH OTHER DOCUMENTS AS NECESSARY TO COMPLY WITH STATE LAW. The Resolution was read by title, the reading in its entirety unanimously waived and adopted by City Council as RESOLUTION NO. 8653. The City Council also directed that staff solicit contractor qualifications for the Golf Course Irrigation Controller Project.

AYES:	Bailey, Denny, Ovrom, Woiwode, Tanaka
NAYS:	None
ABSTAINING:	None
ABSENT:	None

6. ORAL COMMUNICATIONS:

a. Toni McGowan has spoken to the Council before about Third Street as she lives at Third and F. They have been working hard on their new group, Third and Fourth Streets Planning Community, to come up with some solutions to their problems. She brought in a drawing done by an architect, Alejandro Marascal, who has added on to the renderings the City has done already. He added on to the plans for the refurbishing of the toll plaza. He wanted to include something that was a welcoming, beautification feature that would tie in with what they are hoping eventually to be the Avenue of Heroes theme going down Third and coming back on Fourth Street. Another slide showed the program called "Hometown Heroes Banner Program." She has spoken with Caltrans. She is a little confused. She knows that the streets are Caltrans but she didn't know if the light posts are or not. She is asking if the City would be in support of this program. This is a program where a family might buy a banner for \$300, including the mounting, and put it up for one year. Usually the VFW or another organization would partner with the family. At the end of that year, the banner goes to the family member. It would add in marking the roadway as significant for the precious cargo it carries every day. She knows it is an annoyance to the rest of the community but she lives on that street and is proud of them and it. They are trying to bring back a positive feeling to the neighborhood.

b. Councilmember Ovrom shared a piece of documentation that came out of Caltrans. It is called a Mile Marker for January 2014. There is a picture of the Caldecott Tunnel and another of the one at Devil's Slide. A lot of perseverance and patience led to the opening of the fourth tunnel.

c. Councilmember Denny announced that it is Women's History Month. She reminded people to join CERT and CERO. Many people have spoken with her about the articles that have been in the paper about the Caltrans study. The report shows that Caltrans in San Diego received very high marks.

d. Councilmember Woiwode read a statement: "I don't typically respond to blogs. However, I couldn't miss the headlines posted on two of our local electronic news media that proclaimed, "Coronado Corruption – City Officials Misappropriated Funds." Specifically, Mr. Bailey, Mr. Ovrom, Ms. Canlas, Mayor Tanaka, Mr. King, and I are accused by a Council member of violation of the Brown Act, meeting behind closed doors and misappropriating public funds. This is an allegation of criminal activity. This requires a response. The specifics of use of Bridge Toll Funds have been addressed time and again in our Council meetings. It

is inevitable that some people will disagree with the City's interpretation of the legislative language. Disagreement isn't criminal. Misappropriation, however, is criminal. It is a charge that we who are named are misusing public funds to our own benefit. The only responsible step for someone accusing us of a crime is to take the information to the District Attorney for investigation. Since I am confident in our City's process, I look forward to the result of the investigation that should ensue from this allegation. So much for the facts. What I really want to do is talk about integrity. To the citizens of Coronado, I assure you that Mr. Bailey, Mr. Ovrom, Ms. Canlas, Mayor Tanaka, Mr. King, and I do not benefit personally from the decisions made at City Hall. I have worked closely with each of these people on a wide range of matters over the course of my terms in office. These are people of the highest moral standing. They are committed to fair process, to follow the law, to open government, and to inclusion of the governed. These people are the role models I strive to emulate in the execution of my duties. As I deal with other cities in the region, I see that Coronado sets a standard for integrity that other cities envy. To Mr. Bailey, Mr. Ovrom, Ms. Canlas, Mayor Tanaka, and Mr. King, I am confident in your custody of this City's moral compass. I consider it a privilege to work with you in governing Coronado. Thank you, Mr. Mayor."

Mayor Tanaka stated he very much appreciated the statement made by Councilmember Woiwode.

7. CITY MANAGER/EXECUTIVE DIRECTOR:

7a. Update on Council Directed Actions and Citizen Inquiries. City Manager Blair King explained to the City Council that he would like further clarification or an understanding of the direction that he is taking to pursue the direction that was provided to staff previously. This motion deals with the direction with regard to the bike corrals and how to pursue the bike corrals in the future. The Council said that of the eight bike corrals, there was an agreement to eliminate one bike corral, to look at the seven remaining bike corrals on a temporary basis, to look at on and off street bicycle parking, and to look at that permanently. There was also a clarification to look at the aesthetics. One of the items that was not included within this motion was the element of time. How much time does staff have to work with? What is the expectation of bringing that back? He has been asked what the time is and different people have expressed to him that time is of the essence on this. Also, in terms of discussing this motion with various individuals in the public and the Council, he realized that the motion is vague enough to allow for different interpretations of the intention of the motion and the direction provided to staff. He has a suggestion for how to implement this motion and, if the way he is implementing it is consistent with the direction of the motion, that is fine and staff will continue to do that. If not, please let him know so this can go on a subsequent Council agenda to receive further direction or clarification.

Mr. King is proposing that staff look at the issue of sidewalk bicycle parking and what that might look like in terms of numbers and hardware that would be located within the sidewalk. Probably, because of timing, staff will only be looking at a test area. Staff will consult with various groups, citizens and business interests as well as the Bicycle Advisory Committee about some of the dynamics. The intention is for there to be a test area prepared in time for the summer and then monitor that area during the course of the summer and see what the relationship is, if there is any, between the use of sidewalk bicycle parking and the bike corrals. Meanwhile, simultaneously, staff will continue to look at how the bike corrals should look, whether they can look artistic, and

how to make them look more safe and pleasing with the idea that there would be a plan for permanent implementation in time for the summer of 2015.

Mr. King said he shared this direction with the BAC. They do not agree with the direction he just described. They are concerned that it is rushed and hurried and that additional temporary facilities that haven't been fully vetted will not be attractive and will work poorly. In the alternative, they are proposing that they will conduct a comprehensive bicycle study and bring the results back in September. He believes the City Council received an email to that effect describing what a member of the subcommittee of the BAC would like to do.

Mayor Tanaka summarized that the City Manager has expressed how he understands the Council's direction. This is simply a chance to affirm that he understands the direction. If a member does not feel as if it was exactly as described or that it would be better to agendaize this at the next meeting, this is their chance to indicate that with the Manager. This is not an opportunity for a big discussion.

Councilmember Bailey feels that the plan as described by the City Manager is 100% consistent with his intent as the maker of the motion.

Councilmember Ovrom had a conversation with the Manager and would rather see the item agendaized.

Councilmember Denny commented that, as the seconder of the motion, the manner and the direction that the staff is heading in is exactly what she thought was intended also.

Councilmember Woiwode feels Mr. Bailey did a good job of recapturing what was discussed that day.

Mayor Tanaka confirmed that the City Manager has direction to proceed as he had planned.

8. PUBLIC HEARINGS:

8a. Public Hearing: Appeal of the Decision of the Historic Resource Commission that the Residence Located at 706 Glorietta Boulevard Meets the Criteria to be Designated as a Historic Resource in Accordance with Chapter 84.20 of the Municipal Code (NOI 2013-27 J.S. Abbott Trust).

Councilmember Ovrom lives within 500' of the subject property and recused himself from hearing this item.

Tricia Olsen, Associate Planner, provided the staff report on this item.

Councilmember Woiwode referred to criteria C and D which were found to apply in this case by the HRC. For C he asked that Ms. Olsen amplify what is written and why it qualifies under C. On D, he asked that she address the idea of notable work of a builder.

Ms. Olsen explained that the HRC determined that the property does possess distinctive characteristics of the Spanish Bungalow architectural style. Regarding Criterion D, the HRC

determined that, because it is an unaltered example of the work of the Hakes Investment Company, it is representative of the notable work of the builder throughout Coronado.

Mr. Woiwode pointed out that is different than the work of a notable builder.

Ms. Olsen commented that the City's criterion is specific to the work, not the builder. Some cities have a criterion similar to our Criterion D and it would read something like it is a work of a notable builder or architect. In Coronado, the criterion reads, "It is representative of the notable work of any builder or architect." The architect or builder does not need to be notable. The work does.

Councilmember Denny commented on Ms. Olsen's mention of a claim made that there wasn't rebuttal time at the HRC. Can Ms. Olsen assure us here today that all of the policies and procedures were followed correctly?

Ms. Olsen responded that the Notice of Intent to Demolish hearings at the HRC are run as noticed public hearings. The HRC hears a staff report, asks questions, the applicant has an opportunity to make a presentation, questions are asked of the applicant, and then they do take public comment before engaging in commission discussion and taking a vote.

Councilmember Bailey asked about Criterion C. As he reads through it, he feels there are three stipulations that need to be met. Those would be: 1) There are distinctive characteristics representative of an architectural style; 2) Must be valuable for the study of a particular aspect of the construction; and 3) Must not be substantially altered from its historic consideration. He asked if he is correct that all three of those stipulations have to be met in order to be found historic under that criterion.

Ms. Olsen responded that he is correct and the HRC did make that determination as recorded in the resolution shown in the staff report on page 161.

Mr. Bailey moved on to Criterion D. It is representative of the notable work. If one made the argument that the work itself is not notable, then it would not be found historic under that criterion.

Mayor Tanaka invited the representatives for the JS Abbot Trust to make a presentation.

Arthur Young, trustee for the Abbot Trust, stated that the Abbot Trust is before the Council because it believes that the HRC erred during their review of 706 Glorietta. They contend that the HRC did not faithfully adhere to the Coronado City Code when arriving at its decision. They feel there was a prejudicial abuse of discretion.

706 Glorietta is a very small, 90-year-old stucco house that overlooks the Golf Course and San Diego Bay. They surveyed every house on Glorietta, starting at 400 through 1000. 706 is the smallest house on that stretch of street. On January 15 of this year, the HRC found that the house satisfied criteria C and D of the Coronado City Code and therefore became a historical resource.

History is almost always a narrative that holds people's interest. Municipal Code Section 84, the City of Coronado has codified the approach that has to be used in order to arrive at that decision. During the HRC meeting, there was no story espoused that this house could convey to anyone out there. The Coronado City Code states that a house must meet two of the five criteria in 84.10.03

in order to be found historic. Criterion C has three requirements. It must be valuable for the study of a type, period or method of construction. It must possess distinctive characteristics of an architectural style. It must not have been substantially altered. 706 is certainly two of those. It has the Spanish Bungalow style and it has not been extensively altered. However, the HRC never addressed the second requirement for the criterion. The word 'study' was only uttered once in the entire meeting and that was when they read the criterion. No commissioner discussed any aspect of the building that is valuable for study and there is probably a good reason for this. There is nothing in the building that cannot be found on numerous other buildings in Coronado or in architectural sources. They noted in their written submission that all of the descriptive aspects of the house that were in the HRC staff report could be found on other buildings shown in the exact same staff report that had already been found non historical. It is not reasonable that this building, somehow, is different.

Criterion D has only one requirement. The building must be an example of the notable work of, in this case, a builder, the Hakes Company. Commissioner Wilson, the first commissioner to talk to the criteria, began his review with, "I don't feel that it is a notable example of a Hakes building..." but then he continued on and said, "...when we take in everything else, I guess it is." They never detailed what aspect of the house made it notable. The HRC has said because it was unaltered. Again, all of the architectural details noted in the staff report were found on buildings that previously had been determined non historical. More worrisome, however, was the quick comment by Commissioner Wilson that, "...it is a fine example of a Spanish Bungalow and we are losing a lot of them and I feel that it is important that we maintain that architectural feature in Coronado." He understands the sentiment. But the statement itself is problematic as nothing in that statement is in the criteria for historical relevance. It talks to generalities of the island, not this house. Decision logic was deviating from Coronado City Code. The message, however, was not lost on the commissioners. 706 had to be ruled a historic resource.

706 Glorietta, as it sits, is a bad neighbor to houses on two sides. The north side of the house lies within 12" of the property line. The garage sits on the property line on the south side. The house can't be moved south because the driveway is also a minimum distance. The only way to fix this problem, unfortunately, is to completely rework the house. Instead, the decision was to demolish it. The Abbot Trust really does want to improve Coronado without harming the historical narrative. After all, the Trust owns other property here. They believe the HRC erred in their deliberations and that 706 Glorietta, while old and relatively unmodified, is not a resource for study. In addition, they believe it is not an example of notable work and the HRC never detailed what made it notable. Previous decisions by the HRC regarding houses with the same attributes from the same builder have been ruled non historical. They truly want to add to Coronado and hope that the City Council will reverse the HRC and allow them to proceed.

John Abbot Young, appellant, commented that it is an old house but it is not historic and he is afraid that we are confusing the two. They have gone through as many of the pictures and as much of the background as they could to find out just exactly what has happened with the Hakes buildings and, as was stated before, one that was almost a duplicate was ruled non historical and demolished. There are numerous other ones with the same types of attributes. It is not special. They have never seen anyone utter the word 'study' for this particular property which means that it does not fit Criterion C.

Dave Gillingham, HRC, began by saying that this was not a real divisive decision on the part of the HRC. It was unanimous for the members that were available to vote on it. They can't speak to why previous commissions chose a different result on another Hakes property or another Spanish Bungalow. In this case, it was clear to the HRC that it met Criteria C and D. It doesn't matter to the HRC how big it is in comparison with the other homes on Glorietta. They certainly understand that there is an economic impact on the Trust but that is not one of the things they can consider. They carefully considered the criteria and feel it meets C and D. Obviously, there is a degree of subjectivity to that and, if the Council feels differently, that is fine but under the criteria given by the City Council, it clearly meets those criteria. He commented, subjectively, on the notion of improving Coronado. If you surveyed the citizens of Coronado, you might find a pretty even split on whether they think new construction improves it or maintains it or improving historic structures improves Coronado. The HRC's task is to look at the criteria and make a decision and they did.

William Wilson, HRC, added that he did make the comment that the City is losing a lot of these houses. He didn't mean that as something determining whether or not this particular house was historic but just as a general comment which he thinks they all agree on. The fact that they have a big house on one side and a small house on the other side is, again, something that the HRC can't give any consideration to. He sympathizes with the Trust. HRC is very sympathetic to property rights and to the needs of people but the City has some pretty strict criteria that they have to follow. It was discussed for quite a period of time. The overall consensus was, 100%, that this house is of historic value and should be maintained. If it could be lifted off of the lot and put somewhere else where it wasn't overshadowed and so forth, that might be a solution to the problem.

Mayor Tanaka invited the appellant to offer a rebuttal.

Mr. Young pointed out that he has the utmost respect for the members of the HRC. The HRC failed to address why the HRC didn't talk about criteria C and their failure to address the second part of that criteria. It has been ignored previously and tonight. Without that, it does not meet Criterion C.

Mr. Gillingham explained that there is no attempt to ignore that portion of the criterion. It is fair to say that they do not typically state specifically why a property meets each particular portion of a criterion but just that it does. They are not ignoring it. It is their opinion.

Mr. Wilson talked about the question of a study. Admittedly, there is no study going on at this time on any particular architectural style within the City of Coronado. However, if at some time in the future it was decided or mandated that we would like to look at various architectural styles and study them to see how they represent the community, how they fit into the community, etc., the more examples that we have at that time, to study and look at and see how they fit in, would be of great value. It would be of great value to have this residence among the group that was available for study. That is why that would be considered without specifically saying 'for a study' because at the present time there is not a study. That does not rule out the fact that we won't in the future.

Mayor Tanaka opened the public hearing.

Christian Rice, architect and Chairperson, Coronado Design Review Commission, commented that the owner of the property asked him to review the staff report and give an opinion. He did that and in doing so he agreed that the house has a nice detail. It is the picture window in the front. In his opinion, that is really where it stops. No other detail on the house is really any different than other homes by the Hakes Investment Company that were allowed to be demolished. He doesn't think a nice picture window is really enough to justify historic significance. If you look at 930 D Avenue, which was allowed to be demolished, it has an equally nice picture window and the same parapet roof style as found on 417 Sixth Street. He doesn't see that there is enough architectural details that are unique with this property to justify Criterion C. Whether it is notable for Hakes Investment Company, again, just looking at the ones previously that were allowed to be demolished, he does not see this as any more notable than those. He would have to disagree with the findings of the HRC.

Mayor Tanaka closed the public hearing.

Councilmember Bailey disclosed that Ledge Hakes is part owner in the Hakes Investment Company. Mr. Bailey had a question of whether or not this house would be historic under Criterion D and so he asked Mr. Hakes whether or not he felt this house was representative of his work and whether or not he felt his work was "notable." Mr. Hakes responded that he did not feel that this house was representative of his work and added that he did not feel that his work was more notable than any other developers at that time. Mr. Bailey commented that, for those reasons, he couldn't find this house historic under Criterion D. He also has an issue with Criterion C but because at least one of those wasn't met, he will be in favor of overturning the HRC decision.

Councilmember Denny is in favor of keeping the HRC's unanimous decision to keep the house historic and echoed what the commissioners have said. No one likes this type of issue. When we think about the homeowners and the property rights, it is distasteful to all of us to have to limit people's activities but at the same time we did adopt the Historic Resources Code and we are bound, our commissioners are bound, to follow it and apply the criteria and the City Council is bound to do the same no matter what our opinions might be. She finds that, for all the reasons stated by the commissioners who spoke and for all of the evidence in the attachments and in the staff report that she has reviewed, she finds that she can heartily support the HRC's unanimous decision to keep this home. She doesn't find that they deviated from the Code, as mentioned by the appellant. She thinks that the commissioners answered well the question of study so she does not think that is an issue at all that would make her change her mind in trying to change the HRC's decision. She is satisfied with the commissioners' description of the whole issue of the study. She thinks that the commissioners mentioned that they didn't ignore any particular criteria and she believes that is true. She wants to also address the comments by Mr. Rice. The comparison of this house to other homes or to other things that commissioners have done, as mentioned by Mr. Rice and the appellants, is not dispositive here either. The commissioners answered that question quite well in that we just have to look at what the commissioners did hear on this particular house, such as it is, and see if they applied things fairly and properly and she believes that they did. For all those reasons she can support HRC.

Councilmember Woiwode agrees that the findings for C and D were justified by the presentation both of the staff and the commissioners. He does not believe that there is a requirement under C that it be unique which was the implication of whether or not it is necessary for study. The fact that others may or may not have slipped through is not the discussion at hand. He stumbled, for

a while, over whether it was the work of a notable builder or a notable work. He thinks that staff has adequately answered that question for him. He is comfortable with the findings of the HRC.

Mayor Tanaka, too, concurs with the HRC. They found two grounds. They said it possesses distinctive characteristics of the Spanish Bungalow architecture style, is valuable for study of a type, period or method, and has not been substantially altered. He agrees that those three have been met. He agrees that it is representative of the notable work of the builder, the Hakes Investment Company. He would agree that the HRC decision should be affirmed.

MSC (Denny/Woiwode) moved that the City Council affirm the decision of the Historic Resource Commission.

AYES:	Denny, Woiwode, Tanaka
NAYS:	Bailey
ABSTAINING:	None
DISQUALIFIED:	Ovrom
ABSENT:	None

8b. Public Hearing: Appeal of the Decision of the Historic Resource Commission that the Residence Located at 770 F Avenue Meets the Criteria to be Designated as a Historic Resource in Accordance with Chapter 84.20 of the Municipal Code (NOI 2013-28 Foster Family Trust). Tricia Olsen, Associate Planner, provided the staff report on this item.

Councilmember Bailey began with Criterion C and the part that states, "...must be valuable for the study of a particular aspect of the construction..." When he reads that he thinks that the construction must have some unique element in the sense of either the materials that were used, the method that was used or the engineering involved with the construction. He asked whether or not that is the correct interpretation.

Ms. Olsen feels that is one interpretation. The criterion states that it should be valuable for the study, type, period or method of construction and she feels that you could make the argument that an architectural style represents a period of time and therefore it could be important for a study of that time period. There are methods of construction that are specific to certain types of architectural styles. She thinks that they fit together. She does not know that it is totally necessary to make a specific argument for just that one aspect of the criterion. She thinks it works in partnership with the rest of the criterion.

Mr. Bailey pointed out that staff found that Criterion B did not hold up because Captain Foster did not experience his productive life at that dwelling.

Ms. Olsen responded that when she first did her staff report to the HRC, she did not have information on Captain Winn Foster. That information was presented by Commissioner Keith in advance of the hearing and it was provided to the rest of the commissioners and the property owner. The HRC used the information supplied by Commissioner Keith to make that finding. At the hearing, she did say that it would be important for the HRC to consider whether or not the significance of Captain Winn Foster was related to his residence at the property because you would want to have a property that is significant under Criterion B be reflective of that person's productive life.

Mayor Tanaka asked Ms. Olsen to state what exactly the conclusion was about how Captain Foster was significant to Coronado history.

Ms. Olsen explained that the resolution is not specific about why Captain Winn Foster was historically significant. In the minutes, the HRC discussed a few different aspects of his contributions to history. The information Ms. Keith provided is on page 237 of the agenda packet.

Mark Blumenthal, appellant, said, based on the last hearing, it is impeccably obvious that the direction that this should go based upon the factors that each and every one of the Council members have studied and everything that has to do with this particular appeal. He represents the Foster family and their objective simply was to have the right to be able to demolish the property that they actually own and do with it what they would like to do with it. His job, as a family friend and the appellant, is to give the Council the information that he has based upon their wishes. The fact is that everything is clear in black and white. He is going to trust the people who do things here in the City to do their jobs.

Dave Gillingham, HRC, explained that the HRC found three criteria in this case. He thinks if you read the results of the hearing you will notice that he wasn't 100% in agreement with B either. Candidly, it is somewhat subjective about whether this is a notable person who lived there or not. LCDR Gowan, who built the house, is probably not famous but is certainly notable in the sense that he had a really bad day on January 4, 1941, when he had to bail out of his first plane and then the second plane that came to pick him up crashed. Captain Foster certainly was a unique individual. He was persuaded that the fact that he lived there met Criterion B. Regardless, there is little doubt that it meets Criterion C and Criterion D. For Criterion C, it is, even today, an essentially intact structure. It is a nice looking structure. It is a great example of the Spanish Bungalow architecture and the fact that it was built by Walter Vestal pretty much meets Criterion D. The Council provided the criteria. HRC assessed them and came up with the three. He would feel comfortable with the City Council moving forward with just C and D.

Mayor Tanaka asked about B. Was it the consensus of the HRC that it was his naval career that made him famous or was it anything he did after his naval career when he lived at that residence?

Mr. Gillingham felt that he lost his arm in Vietnam and then went onto a pretty interesting and successful life afterwards so for him it was in the aggregate.

Mayor Tanaka asked if he bought the house after his service in the Navy.

Mr. Gillingham responded that he did.

Councilmember Woiwode added that the history of his life shows that he left active duty in 1972 and the information we have on the permits that have been pulled on the house show that he owned it in 1971. It doesn't show when the transfer of title occurred. He appears to have owned it at the time that he left active duty.

Mr. Gillingham doesn't think that at the time he considered that a necessary relevant demarcation in his life. He didn't know him. Commissioner Keith did and was quite persuasive that he was a notable character.

William Wilson, HRC, addressed Criterion B with Captain Foster. Admiral Stockdale was not living on B Avenue at the time he was taken prisoner and spent his time in the Hanoi Hilton. However, he feels it is significant that Admiral Stockdale lived here. Did he own that house then? Mr. Wilson was corrected – Admiral Stockdale did live on B at that time. Mr. Wilson felt that, even without Captain Foster’s consideration, there are strong enough arguments for C and D that this should be approved the way HRC wrote it.

Mayor Tanaka opened the public hearing.

Wesley Ahrens rides his bike to school every morning. He rides about a block down Olive and then a block and a half down F and he turns right onto Seventh and pulls into the parking lot. This is his favorite house on the route. He loves the house because if you look on the front face there are tiles. These are not red roof tiles but the little painted tiles that arch the doorway. He doesn’t see those too often. If you get up close to them, they are very intricately painted. There is a very unique beauty to them. He thinks that Captain Foster is a significant figure whether he owned the house at that time or not. He agrees with the determinations for C and D. He hopes the Council upholds the HRC decision.

Mayor Tanaka closed the public hearing.

Mayor Tanaka disclosed that he was Captain Foster’s paper boy at one time and he has noticed, from time to time when he has gone inside the office at *The Eagle* that he believes Captain Foster is on the first edition of *The Eagle* or very soon thereafter. It is one of the editions of *The Eagle* that is still being shown at their office. With that said, he is struggling with B in terms of the argument that was made by HRC about whether or not they followed the ordinance and whether or not HRC was clear that he was a famous person in Coronado history because of his military exploits or whether he is famous, in addition to that, for what he did around the community. He is aware that Captain Foster was sometimes called Captain Hook. Coronado is a Navy town and there are quite a few people who have retired here as captains, admirals, colonels, and generals. If we are going to list someone as being notable in the City’s history, there needs to be a stronger job made about why that person is being singled out and the staff report has mentioned that people don’t necessarily refer to this as the Foster home. He needs more convincing that Criterion B was met or perhaps he is not convinced. Because he knows of him and holds him in high regard, Mayor Tanaka is interested to see if any of the other Council members can perhaps illuminate whether or not that should be included. He is persuaded that Criterion C and D are met so he is persuaded that the HRC designation should be upheld. He would be comfortable moving forward on C and D as he feels they have both been clearly met.

Councilmember Ovrom knew Captain Foster and respected him but he does not think he fits Criterion B. He referred to the identified list of homes.

Ms. Olsen commented that it was in 2008 when the HRC put together a list of homes that they thought should be reviewed for historic significance prior to demolition. She understands that the list was drawn up because there was talk of doing away with the 75-year review and, instead, looking at a list. This was the list that was put together but then ultimately that idea was not followed through with and hence the City still has the 75-year review and not the list.

Mr. Ovrom asked if this house was on that list.

Ms. Olsen believes it was.

Mr. Ovrom provided some history on this topic. In those days, the Council was struggling with the idea that we should have a concrete list of those buildings that we thought should be looked at and then everybody else leave them alone. He had been on that side for a long time and he wishes the Council had done that. Of that 359, 76 were Spanish style. How many were bungalows?

Ms. Olsen is not sure of that. When HRC put together the list they weren't specific about which were bungalows and which were mansions or larger homes.

Mr. Ovrom is wondering when enough is enough. When he gets down to Criterion C he goes to page 206 and it says, "...exhibits character defining features of the style such as hipped roof..." Are we going to be consistent and make sure things have hipped roofs or are we going to go back and forth depending on what the roof is for a particular place. He thinks there is a little inconsistency. Either the hipped roof is indicative or some other roof is indicative but it can't be both. Nevertheless, it does remind him of a Spanish style house. Clearly, Walter Vestal was an absolutely outstanding general contractor so he has two which he guesses is enough.

Councilmember Bailey has issues with Criterion B. He also knew Captain Foster. He personally would consider him a hero but for the reasons mentioned he is not sure if we can attach that to Criterion B. He still has a problem with Criterion C and the reason he does is because the three stipulations that are supposed to be met, two of them are met on a whole bunch of houses here in Coronado and the third one, "...must be valuable for the study of a particular aspect of the construction..." is the key. If we don't hold that one in high regard, there are hundreds of houses that will be considered to be historic under this Criterion. He does not think that was the intent of this particular section. He feels that the statement referred to in the Criterion is certainly subjective. If this one is valuable for study, certainly hundreds of others are as well. He does not find Criterion B or C to be met so he will not be supportive of the HRC's ruling.

Councilmember Denny addressed the HRC decision. She can heartily support that decision and understands that there seems to be some consensus on two criteria, C and D. She will direct her comments to B where there doesn't seem to be consensus at this point and to her she thinks that Criterion B applies as mentioned in the staff report and by the commissioners. In fact, Mr. Foster was a war hero. We might have an embarrassment of riches in town such that we have so many of these wonderful gentlemen who gave so much of themselves to give us our freedoms today and so in this way their personal discipline and personal sacrifice might not seem very notable or very special to us here and she doesn't share that. She thinks we have an embarrassment of riches of war heroes and that they all were notable and important. Certainly with regard to Winn Foster, when we look at specifically page 237 and 240, there is sufficient evidence to support B. In addition, he had a very productive life here, giving to his community in many ways in various volunteer services. She is very satisfied and has no doubt that he is definitely a notable person here in town. For all the reasons she has stated and all the reasons in the materials, she can support maintaining this HRC decision for all three reasons, B, C and D. If there is a consensus to maintain it on two criteria and we can still maintain the house, then she definitely will support that.

Councilmember Woiwode is supportive of this on the basis of criteria C and D. He believes very much that it qualifies for both of those criteria. What is really significant about Captain Foster was that he was the first person to stay on active duty, in an operational capacity, with that amputation. He fought very hard for that. That was his historically significant moment. However, that is not associated with the house. He believes Criterion B, "... for example a laboratory of a scientist or researcher who made a significant contribution historically significant for that association..." could apply. It is interesting that the issue of the Stockdale house came up. We know that the Stockdale house was Ground Zero for the work that was being done to free the POWs throughout the Vietnam War. It is a very historically significant house. He doesn't think the same thing can be said of this house. He is supportive of upholding this designation on the basis of Criterion C and Criterion D but not on B.

MSC (Woiwode/Tanaka) moved that the City Council uphold the decision of the HRC that the single-family residence addressed as 770 F Avenue meets the criteria to be designated a Historic Resource based on Criteria C and D.

AYES: Denny, Ovrom, Woiwode, Tanaka
NAYS: Bailey
ABSTAINING: None
ABSENT: None

9. **ADMINISTRATIVE HEARINGS:** None.

10. **COMMISSION AND COMMITTEE REPORTS:** None.

11. **CITY COUNCIL BUSINESS:**

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

Councilmember Bailey submitted a written report a few weeks ago and has nothing to add other than his thanks to Mr. Woiwode for filling in for him at the SCEDC meeting.

Councilmember Ovrom will submit a report in writing.

Councilmember Denny was pleased to attend the Bay Delta Conservation Plan explanation at the San Diego Convention Center; attended several meetings of the Metro Wastewater JPA and the Finance Committee for that agency; attended the Library Board meeting; attended Port Commissioner Garry Bonelli's swearing in and special meeting in the Cays; spent some time and met with some representatives of Cal American Water to talk about the rate hike.

Councilmember Woiwode met as part of the Toll Plaza subcommittee and anticipates that something will come back to the Council with next steps by the end of April; met with the SAFE Coalition; attended a SCEDC meeting where there was a presentation by Vincent Mudd who is chairing a committee to submit San Diego as a 2024 Olympics site; made a presentation to the opening day of the San Diego Navy Yacht Club; attended the Oscar Party which was the first fundraiser for the Coronado Film Festival; attended a SANDAG Board of Directors meeting where the economic forecast was presented as well as the audit for the last year; has been appointed Vice

Chair of the Regional Planning Committee for SANDAG; attended a presentation at the Coronado Historic Association where there was a presentation by CAPT Garner, Commodore, Littoral Combat Ship Program; attended a Bayshore Bikeway Committee meeting at SANDAG; met with COL Farnam, CO, Marine Corps Air Station Miramar, to talk about their implementation of AICUZ and ALUCP.

Mayor Tanaka swore in the Board of Directors for the Senior Association; met with Kevin Reilly to discuss Dock C and the public dock; attended the retirement ceremony for Linda Hascup; attended the City Employee party at the Loews; met with the Boy Scouts in their facilities at Balboa Park; met with Serge Dedina and John Holder of Wildcoast who briefed him about Pond 20; attended the Port Installation lunch where our outgoing and incoming Port commissioners were both recognized; attended the Japan Society Gala; attended a Naval Complexes meeting; met with General Jackson of the State Parks along with Blair King and the leadership of the Cays; had a meeting of the Coronado Financing Authority; commented about possible flooding at Second and Soledad that was responded to very well by a Public Services crew. The Mayor thanked the Public Services employees and all the employees who work on those rainy days.

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

13. **COMMUNICATIONS - WRITTEN:**

13a. **Consideration of Request from Councilmember Ovrom that the City Council Consider Waiving Fees Related to Encroachment Permits for Water Conservation Measures Taken by Citizens Such as Hardscape, Artificial Turf, etc. to Reduce Water Consumption.** Under Consent, the City Council approved the request.

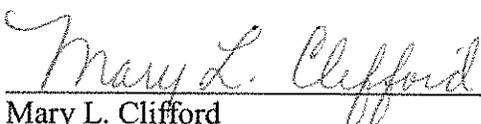
14. **ADJOURNMENT:** The meeting was adjourned in honor of City employees at 5:45 p.m.

Approved: March 18, 2014



Casey Tanaka, Mayor
City of Coronado

Attest:



Mary L. Clifford
City Clerk