

From: [Richard Grunow](#)
To: [Simon Guindi](#)
Cc: [Isaac Micha](#); [Jesse Brown](#)
Subject: RE: Application for Recognition of Parking Exemption Under AB 2097
Date: Thursday, March 6, 2025 4:00:00 PM
Attachments: [8527 Nicky Rottens Parking Plan Reso.pdf](#)
[Recorded - Nicky Rotten Joint Use Parking Plan Covenant 100 - 104 Orange Ave.PDF](#)

Dear Mr. Guindi:

Thank you for your email and letter regarding the parking conditions in your approved parking plan permit. Unfortunately, AB 2097 applies only to new development and therefore would not relieve you of complying with your permit conditions to provide off-street parking. Additionally, the City does not agree that Coronado has a qualifying Major Transit Stop as defined by AB 2097. I have attached a copy of your approved permit and parking covenant so that you're aware of your various parking and operational requirements.

I understand and empathize with your concerns about the added expense of providing off-street parking. However, staff has no authority to modify your parking requirements and any change to the City's parking standards would need to be approved by both the City Council and the California Coastal Commission.

Thanks, Rich

Richard Grunow

Community Development Director
City of Coronado
1825 Strand Way
Coronado, CA 92118
619-522-7338

From: Simon Guindi [REDACTED]
Sent: Tuesday, February 25, 2025 1:18 PM
To: Richard Grunow <rgrunow@coronado.ca.us>
Cc: Isaac Micha [REDACTED]
Subject: Application for Recognition of Parking Exemption Under AB 2097

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mr. Grunow,

Please see our attached application for recognition of parking exemption under AB 2097 for the Nicky Rottens restaurant located at 100 Orange Ave. Per AB 2097, the

Attachment 4

restaurant's proximity to public transit prohibits the City from imposing minimum parking requirements.

There are significant financial costs for the Nicky Rottens Investment Group to continue securing parking stalls to meet parking requirements that are no longer enforceable by the City. For this reason, we request your prompt attention and response within 14 days. If no response is received within 14 days, the Nicky Rottens Investment Group will assume the City has agreed with our determination that AB 2097 prohibits the City from imposing minimum parking requirements on the Nicky Rottens restaurant.

Thank you for your time and assistance,

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From: [Richard Grunow](#)
To: [Simon Guindi](#)
Cc: [Isaac Micha](#); [Jesse Brown](#)
Subject: RE: Application for Recognition of Parking Exemption Under AB 2097
Date: Thursday, April 3, 2025 1:50:00 PM

Hi Mr. Guindi,

Staff has completed its evaluation of your position that AB 2097 effectively rescinds Nikki Rotten's off-site parking requirements of your 2012 permits. Staff respectfully disagrees for the following reasons:

- AB 2097 does not apply retroactively. Therefore, the conditions of approval related to parking requirements stand.
- The Coronado Ferry Landing is not a "major transit stop". The Ferry Landing is operated by a private company and is not designated as a ferry terminal by the U.S. Dept. of Transportation, which recognizes major ferry terminals that provide high volume transit through major transit hubs (e.g., San Francisco Ferry terminal, Seattle Ferry terminal, etc.). Although the California Office of Land Use and Climate Innovation hosts a GIS-based CEQA Site Check Map on their website that labels the Ferry Landing as a "ferry terminal", the CEQA site check map is intended as an environmental review resource tool and there is no indication that labeling a ferry landing in their GIS application constitutes an officially designated ferry terminal under AB 2097. Furthermore, the Coronado Ferry Landing is served by the MTS 904 Bus Route, which only services the Ferry Landing every 60 minutes and therefore does not meet the 20-minute headway frequency requirement of AB 2097.

I'm sorry to share disappointing news, but I don't believe there are any easy solutions to your off-site parking concerns.

Thanks, Rich

Richard Grunow

Community Development Director
City of Coronado
1825 Strand Way
Coronado, CA 92118
619-522-7338

From: Simon Guindi [REDACTED]
Sent: Tuesday, March 11, 2025 9:32 AM

To: Richard Grunow <rgrunow@coronado.ca.us>

Cc: Isaac Micha [REDACTED]; Jesse Brown <jbrown@coronado.ca.us>

Subject: Re: Application for Recognition of Parking Exemption Under AB 2097

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Dear Mr. Grunow,

Thank you for your response regarding our request for parking relief under Assembly Bill 2097 (AB 2097). We appreciate your time in reviewing this matter.

After carefully considering your points, we have provided a detailed response addressing each claim in the attached letter. Our position is based on the plain reading of AB 2097, legislative analysis, and official technical guidance from both the California Department of Housing and Community Development (HCD) and the California Coastal Commission.

In summary:

- *AB 2097 applies to existing developments in addition to new projects, as confirmed by HCD's technical guidance.*
- *The Coronado Ferry Landing is officially designated as a Major Transit Stop under California state transit data.*
- *Our existing parking agreement, dated 2012, is subject to elimination under AB 2097 because it does not meet the law's exception for shared public parking agreements.*
- *No amendment from the Coastal Commission is required to apply AB 2097's provisions, as the law is self-executing.*

Given this, we respectfully request that the City acknowledge our eligibility for parking relief under state law and confirm that our parking requirements are no longer enforceable.

We look forward to your response and are happy to discuss further if needed. Thank you for your attention to this matter.

Respectfully,

Simon and Isaac

On Thu, Mar 6, 2025 at 4:00 PM Richard Grunow <rgrunow@coronado.ca.us> wrote:

Dear Mr. Guindi:

Thank you for your email and letter regarding the parking conditions in your approved parking plan permit. Unfortunately, AB 2097 applies only to new development and therefore would not relieve

you of complying with your permit conditions to provide off-street parking. Additionally, the City does not agree that Coronado has a qualifying Major Transit Stop as defined by AB 2097. I have attached a copy of your approved permit and parking covenant so that you're aware of your various parking and operational requirements.

I understand and empathize with your concerns about the added expense of providing off-street parking. However, staff has no authority to modify your parking requirements and any change to the City's parking standards would need to be approved by both the City Council and the California Coastal Commission.

Thanks, Rich

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Community Development Director
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1825 Strand Way
Coronado, CA 92118
619-522-7338

From: Simon Guindi [REDACTED]
Sent: Tuesday, February 25, 2025 1:18 PM
To: Richard Grunow <rgrunow@coronado.ca.us>
Cc: Isaac Micha [REDACTED]
Subject: Application for Recognition of Parking Exemption Under AB 2097

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Dear Mr. Grunow,

Please see our attached application for recognition of parking exemption under AB 2097 for the Nicky Rottens restaurant located at 100 Orange Ave. Per AB 2097, the restaurant's proximity to public transit prohibits the City from imposing minimum parking requirements.

There are significant financial costs for the Nicky Rottens Investment Group to continue securing parking stalls to meet parking requirements that are no longer enforceable by the City. For this reason, we request your prompt attention and response within 14 days. If no response is received within 14 days, the Nicky Rottens Investment Group will assume the City has agreed with our determination that AB 2097 prohibits the City from imposing minimum parking requirements on the Nicky Rottens restaurant.

Thank you for your time and assistance,

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From: [Richard Grunow](#)
To: [Simon Guindi](#)
Cc: [Isaac Micha](#); [Jesse Brown](#)
Subject: RE: Application for Recognition of Parking Exemption Under AB 2097
Date: Friday, April 18, 2025 8:30:00 AM

Mr. Guindi,

It appears we'll need to agree to disagree. The City's position is firm and you are obligated to comply with all of your permit conditions.

Thanks, Rich

From: Simon Guindi [REDACTED]
Sent: Thursday, April 3, 2025 2:40 PM
To: Richard Grunow <rgrunow@coronado.ca.us>
Cc: Isaac Micha [REDACTED]; Jesse Brown <jbrown@coronado.ca.us>
Subject: Re: Application for Recognition of Parking Exemption Under AB 2097

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Mr. Grunow,

Thank you for your follow-up. We appreciate the City's willingness to engage on this issue, however we continue to disagree with the City's latest position for the following reasons:

1. The City states that AB 2097 does not apply "retroactively."

We agree it does not retroactively void previously approved permits. However, AB 2097 prohibits *ongoing enforcement* of minimum parking requirements after January 1, 2023.

- AB 2097, Section 2(a): "A public agency shall not impose or enforce any minimum automobile parking requirement..."
- HCD Technical Advisory (Page 6, Question 8): AB 2097 can be used to eliminate an existing parking agreement executed before Jan 1, 2023, unless it involves public shared parking.

The implication is AB 2097's prohibition on enforcing parking requirements is prospective, not retroactive. If the City is still enforcing a covenant today, that action is prohibited unless the limited exemption applies—which it does not in this case.

2. The City argues the Ferry Landing is not a "major transit stop."

Respectfully, that interpretation is inconsistent with California law and HCD guidance:

- AB 2097 incorporates Public Resources Code §§ 21064.3 and 21155 to define a "major transit stop."
- Public Resources Code § 21064.3(b): A ferry terminal served by bus or rail qualifies as a major transit stop. *Note that being publicly operated is not a consideration for meeting the definition of a major transit stop.*
- HCD Technical Advisory (Page 3) confirms that ferry terminals, irrespective of

ownership type, served by transit qualify.

Furthermore, the California Governor's Office of Planning and Research (OPR) CEQA Site Check Tool lists the Coronado Ferry Landing as a "Major Transit Stop". While it is true this tool is for environmental review, it uses statutory definitions found in AB 2097, and OPR's identification is authoritative in the absence of contradictory statutory language.

3. The City argues that MTS Route 904 does not meet the 20-minute headway requirement. Respectfully, this standard simply does not apply to ferry terminals under PRC § 21064.3(b).

- That provision distinctly categorizes ferry terminals separately from bus stop intersections with frequent headways.
- The statute simply requires the ferry terminal be served by a bus or rail route—not that the connecting service meets 15- or 20-minute frequencies.

There is no statutory requirement that ferry-linked bus service meet a specific frequency threshold. The Coronado Ferry Landing is served by MTS Route 904, which connects to the larger MTS network. This satisfies the statutory definition.

In conclusion, AB 2097 prohibits the ongoing enforcement of minimum parking requirements in qualifying transit-rich areas. The Coronado Ferry Landing:

- Is explicitly listed as a Major Transit Stop by OPR using the statutory definition.
- Is served by public transit.
- Meets the requirements under AB 2097.

The covenant requiring Nicky Rottens to maintain off-site parking does not involve public/shared parking, and was executed prior to January 1, 2023—therefore, AB 2097 prohibits its continued enforcement.

With all this being said, if Nicky Rottens were to end its current parking lease agreement that satisfied the city's parking requirements in place as of December 31, 2022, is it the city's intent to take enforcement action?

Best regards,

Isaac and Simon

On Apr 3, 2025, at 4:49 PM, Richard Grunow <rgrunow@coronado.ca.us> wrote:

Hi Mr. Guindi,

Staff has completed its evaluation of your position that AB 2097 effectively rescinds Nikki Rotten's off-site parking requirements of your 2012 permits. Staff respectfully disagrees for the following reasons:

1. AB 2097 does not apply retroactively. Therefore, the conditions of approval related to parking requirements stand.
2. The Coronado Ferry Landing is not a "major transit stop". The Ferry Landing is

operated by a private company and is not designated as a ferry terminal by the U.S. Dept. of Transportation, which recognizes major ferry terminals that provide high volume transit through major transit hubs (e.g., San Francisco Ferry terminal, Seattle Ferry terminal, etc.). Although the California Office of Land Use and Climate Innovation hosts a GIS-based CEQA Site Check Map on their website that labels the Ferry Landing as a “ferry terminal”, the CEQA site check map is intended as an environmental review resource tool and there is no indication that labeling a ferry landing in their GIS application constitutes an officially designated ferry terminal under AB 2097. Furthermore, the Coronado Ferry Landing is served by the MTS 904 Bus Route, which only services the Ferry Landing every 60 minutes and therefore does not meet the 20-minute headway frequency requirement of AB 2097.

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Subject: Re: Application for Recognition of Parking Exemption Under AB 2097

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After carefully considering your points, we have provided a detailed response addressing each claim in the attached letter. Our position is based on the plain

reading of AB 2097, legislative analysis, and official technical guidance from both the California Department of Housing and Community Development (HCD) and the California Coastal Commission.

In summary:

- 1. AB 2097 applies to existing developments in addition to new projects, as confirmed by HCD's technical guidance.*
- 2. The Coronado Ferry Landing is officially designated as a Major Transit Stop under California state transit data.*
- 3. Our existing parking agreement, dated 2012, is subject to elimination under AB 2097 because it does not meet the law's exception for shared public parking agreements.*
- 4. No amendment from the Coastal Commission is required to apply AB 2097's provisions, as the law is self-executing.*

Given this, we respectfully request that the City acknowledge our eligibility for parking relief under state law and confirm that our parking requirements are no longer enforceable.

We look forward to your response and are happy to discuss further if needed. Thank you for your attention to this matter.

Respectfully,

Simon and Isaac

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To: Richard Grunow <rgrunow@coronado.ca.us>
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Dear Mr. Grunow,

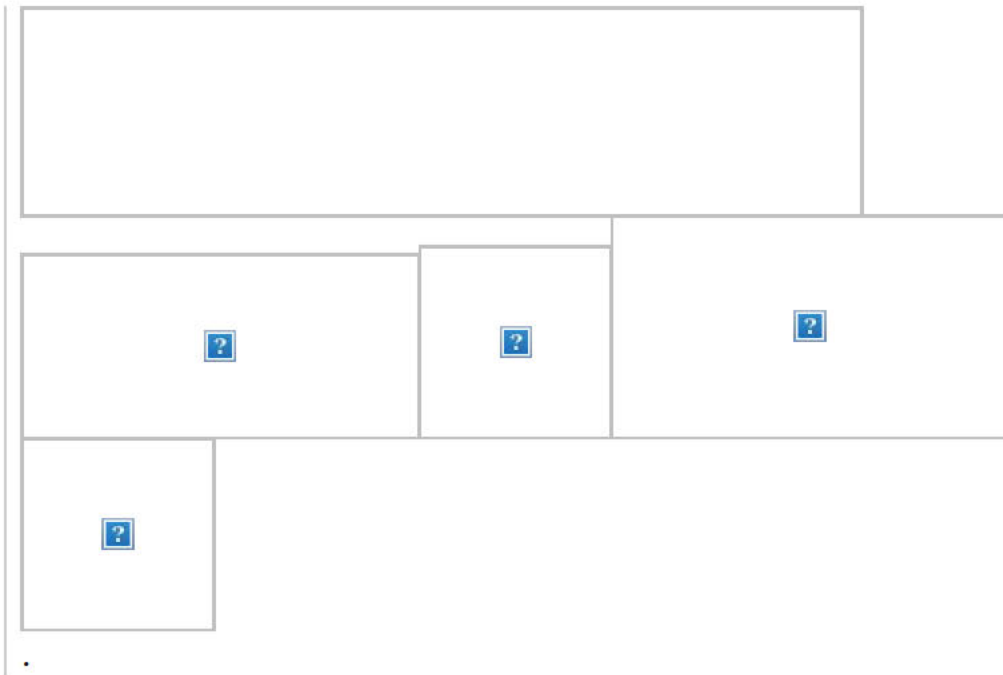
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Thank you for your time and assistance,

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Attachment 4



From: [Simon Guindi](#)
To: [Richard Grunow](#)
Cc: [John Duncan](#); [Tina Friend](#); [Isaac Micha](#)
Subject: Request for Director's Written Interpretation of AB 2097 Parking Exemption within OACSP – Nicky Rottens (100 Orange Ave., Coronado)
Date: Thursday, September 4, 2025 8:04:03 AM
Attachments: [Request for Director's Interpretation Re AB 2097.docx](#)

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mr. Grunow,

Attached is our formal request for a written Director's interpretation under OACSP III.A on whether AB 2097 exempts the minimum parking standards for 100 Orange Ave (Nicky Rottens).

Given staff's recent AB 2097 analysis, we request a response within five (5) business days.

If your interpretation remains that the Coronado Ferry Terminal is not a "Major Transit Stop," notwithstanding the plain statutory language and multiple state sources, we intend to seek Planning Commission review at the earliest available meeting.

As noted throughout, our goal is not litigation. We have acted in good faith and provided sound legal analysis to exercise rights afforded by state and local law. To date, the City's position has imposed tens of thousands of dollars in avoidable costs while no countervailing authority has been provided to dispute our evidence.

Please confirm receipt of this request. Thank you.

Regards,

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