

RESOLUTION NO. 2026-06

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CORONADO, CALIFORNIA, DENYING AN APPEAL OF THE
COMMUNITY DEVELOPMENT DIRECTOR'S INTERPRETATION
REGARDING 100-104 ORANGE AVENUE (PC 2025-15)**

WHEREAS, on January 17, 2012, the City Council approved a Joint Use Parking Plan that permitted the restaurant known as Nicky Rottens to expand their dining area by 500 square-feet and addressed associated parking requirements by providing five off-site spaces; and

WHEREAS, a condition of the 2012 approval required the property owners to execute and record a covenant, which occurred on May 12, 2012, legally binding the owners and their successors to maintain the parking spaces for the duration of the use of the 500 square-foot expansion; and

WHEREAS, on February 25, 2025, the Appellant submitted a request for the City to recognize an exemption from local minimum parking requirements, citing Government Code Section 65863.2, also known as Assembly Bill 2097; and

WHEREAS, the Director of Community Development reviewed the request and determined that Assembly Bill 2097 applies specifically to new development projects or qualifying changes in use, and therefore does not apply to the established use at the subject property, which is not a development project; and

WHEREAS, the Appellant subsequently appealed the Director's interpretation to the Planning and Design Commission, which held a hearing on January 13, 2026, resulting in a split vote and no action taken; and

WHEREAS, the Appellant filed a timely appeal of the Planning and Design Commission's action to the City Council on January 21, 2026; and

WHEREAS, the City Council has reviewed the staff report, the evidence presented in the record, and the legal arguments regarding the applicability of state law to pre-existing conditions of approval; and

WHEREAS, the City Council finds that the Director's interpretation correctly applies existing state law and local regulations to the specific facts of the site and the historical conditions of approval;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Coronado as follows:

1. That the above recitations are true.

2. The City Council hereby denies the appeal and affirms the Director of Community Development's interpretation that the requirement to provide off-site parking as stipulated in the 2012 Joint Use Parking Plan remains in full force and effect.
3. This determination is based on the finding that Assembly Bill 2097 and Government Code Section 65863.2 do not apply to the existing restaurant use at 100-104 Orange Avenue, as the subject property is not a new development project, and further notes that the pre-2023 parking agreement is not subject to the provisions of the referenced state law.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Coronado, California, at a regular meeting thereof this third day of March, 2026 by the following vote to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED:

JOHN D. DUNCAN, Mayor of the
City of Coronado, California

ATTEST:

KELSEA HOLIAN, City Clerk of the
City of Coronado, California