

CORONADO PLANNING COMMISSION
MEETING MINUTES

Regular Meeting

March 9, 2010

The regular meeting of the Coronado Planning Commission was called to order at 3:06 p.m., Tuesday, March 9, 2010, at the Coronado City Hall Council Chambers, 1825 Strand Way, Coronado, by Vice Chair St. Denis.

MEMBERS PRESENT: Commissioners Gaylord, Jensen, Santos, St. Denis

MEMBERS ABSENT: Commissioner Grimes.

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

APPROVAL OF MINUTES

The minutes of the regular meeting of February 23, 2010, were approved as submitted.

DIRECTOR'S REPORT

There was no separate Director's report.

COMMITTEE REPORTS

Historic Resource Commission

Vice Chair St. Denis reported that at their meeting of February 17, the Commission approved an amendment to an existing Historic Alteration Permit for the property at 108 D Avenue; voted to remove the Historic District section from the update of the Historical Resource Ordinance in order to address changes to those sections in more detail, and allow updates to the other sections to proceed; and voted to appoint Commissioner Crenshaw as Chair and Commissioner O'Brien as Vice Chair for 2010.

Vice Chair St. Denis then reported that at their meeting of March 3, the Commission designated the properties at 455 B Avenue and 710 J Avenue as historical resources; recommended to the City Council the approval of a Historic Alteration Permit including zoning exceptions for an addition to the historic residence at 320 7th Street; approved a Historic Alteration Permit for solar panels for the historic residence at 1156 Isabella, with the condition that the applicant would address the visibility of the panels on the rear dormer roof at a subsequent hearing; received scoring materials and heard public comment related to the Mills Act prioritization process, and were directed to return their scores to staff at the March 17 hearing; discussed the improvements for the terrazzo adjacent to the Village Theatre, and recommended to City Council that it be preserved with in-kind repair where needed.

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.

APPLICATIONS FOR REVIEW

IS 1-09 **TRINIDAD VILLAGE DOCKS, INC.** – Review of Environmental Initial Study and Determination Whether to Proceed with a Negative Declaration or Environmental Impact Report for the Trinidad Village Dock Replacement Project addressed as 17-97 Port of Spain Road including the docks around the Trinidad Village Clubhouse located in the Trinidad Village (Village Residence) Zone of the Coronado Cays Specific Plan.

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

Vice Chair St. Denis asked if another public hearing will be held.

Ms. McCaull replied that unless an appeal is filed, there will be one more public hearing to consider the final Declaration along with the Coastal Permit.

R. G. Head, Volunteer President of Trinidad Village Docks, Inc. (TDVI) and speaking on behalf of its members, provided an overview of the request via a PowerPoint presentation. The main points are as follows:

1. The boat docks are 35 years old, falling apart, and need replacing. The three objectives at today's meeting include:
 - a. Explaining the project;
 - b. Providing information supporting their belief that the docks will not cause any significant effects on the environment;
 - c. Requesting the Commission's support.
2. There are over 30 member families in Trinidad Village, many of whom are present at today's meeting. Since inception, membership has been open to any resident of Trinidad Village. Their Board of Directors is comprised of five volunteers. The present and previous Board has been working on this project for five years.
3. The Dock Project has professional management. The project has been reviewed by five attorneys and a corporate law firm; one professional engineer project manager; a major San Diego land use and mapping company; a marine safety surveyor; the San Diego office of a national title insurance company; a renowned San Diego environmental firm; two major marina construction firms, architectural and environmental review by the HOA

and their Board of Directors; four fire safety engineers from the San Diego Office of an international engineering firm; John Traylor, Coronado Fire Chief; Ed Walton, Coronado City Engineer, Coronado Community Development staff.

4. After decades of private ownership, the docks were not being maintained. Citizens of Trinidad Village formed TVDI in 1993 and purchased the docks and the wharfage easement on which they float. They invited all residents to join but only those residents living on the waterfront and a few others did.
5. In 2004, 40 percent of 89 slips were vacant. The \$200,000 mortgage was due in 2008. Because of limited replacement funds, TVDI members discussed and voted 40-0 to a) divide the single wharfage easement along land property lines; b) sell each wharfage easement to the adjacent homeowner; c) rebuild the system as individual, stand-alone docks on individual easements.
6. In 1993, all residents were invited to join TVDI and reserve or use a dock. In 2007, the TVDI President submitted a Special Report to the HOA and the City. In July 2007, the homeowners hosted a Village meeting and recommended residents take over the Clubhouse docks. In November 2007, two off-water non members met with TVDI but stated they did not have a business plan to take the docks. Two months later, TVDI divided the private single wharfage easement, and in March 2008, it sold the easement to its members.
7. At this time, only 41 percent of the homes are on the water and these members are shouldering the entire cost of the project. TVDI is requesting a Coastal Development Permit for 37 easements with 36 homeowners.
8. The current situation is as follows:
 - a. The docks are over 35 years old and were only intended to last 25 years.
 - b. Some docks are unsafe and have been roped off.
 - c. There are 262 structural repairs (an average of seven per dock) and 888 cracks.
 - d. A City worker fell through one of cracks in April 2009.
9. The project description is comprised of three phases:
 - a. Phase I – Propose to demolish all the current docks and rebuild 29 individual docks.
 - b. Phase II – Construct Clubhouse docks - ten (10) including one for a Village guest slip.
 - c. Phase III – Seven (7) easements planned for future constructionApproximately 100 ft. of easements remain available for purchase; they anticipate that a resident will step forward to organize the purchase. The contract for individual and Clubhouse docks is about \$2,000,000.
10. The current design is the result of individual homeowner selection. Members prefer their private docks without a common headwalk because of safety and privacy issues.
11. In response to a few non members' concerns about the rebuilding of the docks, a Village meeting was conducted. After six months of receiving comments from residents, three proposals were offered:
 - a. Unrestricted access to the Clubhouse headwalk.
 - b. A full-time Guest Slip at the Clubhouse on a 25-year lease.
 - c. An opportunity to rent any available slip at the Clubhouse.
12. In response to the three issues before the Commission, the following information was presented:

- a. Is the project description complete? The project description is complete.
- b. Will the project have significant environmental impacts? Two documents have been submitted in support of the fact that the effects of the docks on the environment are less than significant:
 - i. Merkel & Co.: Conducted a Marine Biology Assessment which determined there is no eelgrass in the vicinity of the project.
 - ii. Merkel & Co.: Completed the City's Environmental Checklist which examined 17 potential environmental factors. Their analysis showed "no impact" in 9 and "less than significant impact" in all other areas.

City staff recommends and the facts support a Negative Determination.

13. TVDI has coordinated with the City every step of this lengthy project.

14. TVDI proposes to replace the physical property with state-of-the-art concrete blocks.

The following results are anticipated:

- a. Reduced risk of arson and theft.
- b. Increased City revenue and reduced City liability.
- c. Improved personal safety and household security.
- d. Increased public safety.

Vice Chair St. Denis asked how a member will access the dock/slip if they do not live on the waterfront.

Mr. Head responded that the member would park at the Clubhouse, proceed through the gate to the headwalk, and proceed to the individual dock/slip.

Commissioner Gaylord asked who owns the Clubhouse docks.

Mr. Head replied that TDVI purchased in 1993 the single water easement and all of the current docks.

Commissioner Gaylord asked if a person must live in Trinidad Village to own a dock.

Mr. Head said the docks are available for anyone who lives in any of the nine Villages within Coronado Cays. Access to the docks would be through the Clubhouse dock.

Vice Chair St. Denis asked if each individual homeowner/easement owner is responsible to finance and provide upkeep for their dock.

Mr. Head said yes.

Vice Chair St. Denis asked if this situation is unique to Coronado Cays.

Mr. Head stated that Blue Anchor consists of individual homes, each with its own private dock and wharfage easement, and Kingston Village consists of townhomes which are grouped in sets of six and include a dock slip closest to the building.

Commissioner Gaylord asked who owns the docks in Jamaica Village.

David Love, 75 Port of Spain, Director of Trinidad Village and member of the Coronado Cays HOA Board, said Jamaica Village is owned and managed by the Coronado Cays HOA. Bahama Village retained ownership of the docks and shares a common headwalk.

Vice Chair St. Denis asked if Bahama has similar safety issues because of the common headwalk.

Mr. Love said he did not know. He mentioned that Bahama Village has common access points because each of the residents owns a portion of the docks unlike Trinidad Village.

Commissioner Santos asked about the un-purchased 100 ft. easement and asked if this area is located within the Clubhouse.

Mr. Head replied that the area is located on the Kingston Channel.

Commissioner Santos asked about dock access for non TDVI members during the time the docks were privately owned.

Mr. Head said wharfage easement and docks were constructed and remained as private property at that time. Signs were posted at the Clubhouse and near each access point indicating that legal access was not available.

Vice Chair St. Denis asked about membership benefits.

Mr. Head replied that by joining TDVI and paying an initiation fee and quarterly assessments for dock maintenance, members are able to purchase an easement.

Vice Chair St. Denis asked if the cost of maintenance was more than what was available in the assessment fund.

Mr. Head said TDVI would rather replace than repair the docks.

Vice Chair St. Denis asked if the assessment funds would be used for demolition costs.

Mr. Head said that demolition costs were paid for when the residents bought the water easements. He further explained that every homeowner on the water paid between \$8,000 and \$10,000 for their easement which included costs for dock demolition. They are paying an additional \$45,000 to \$55,000 to have a new dock built. These members are present at today's meeting to request approval of the Commission to spend this same amount to build a safe dock on the easement that they own.

Sue Loftin, Attorney at Law and TDVI member, provided a brief overview of the request. She said this has been a challenging project since her initial involvement in 2005. She stated that TDVI is requesting that the Commission support staff's recommendation that a Negative Declaration be prepared for the proposed project.

Vice Chair St. Denis asked if the Guest Slip can be used by anyone in the Coronado Cays.

Ms. Loftin said the Guest Slip is limited to Trinidad and Kingston Villages residents only.

Commissioner Gaylord asked if the Clubhouse is part of the amenities provided for off-water homeowners.

Ms. Loftin replied yes.

PUBLIC COMMENT

Ben Dameron, 35 Port of Spain, TDVI member, said there are a number of clubhouses in the Cays. This particular Clubhouse has access rights to everyone who lives on- or off-water in Trinidad, and everyone who lives in Kingston Village. All residents of the Villages pay Coronado Cays HOA fees. This Clubhouse is budgeted separately and is paid for by the owners of Trinidad and Kingston Villages. There are other clubhouses in Coronado Cays paid for by different Villages.

Ms. Loftin clarified that TDVI does not own or operate the Clubhouse. They have owned and operated a portion of the docks only. The access issue is not a relevant issue to the Commission's decision today but not withstanding, there is greater access if this project goes forward. She stated that access across private property when a decision has not been made to change the use of the private property is not an appropriate review for the Coastal Commission or the Planning Commission in connection with the Negative Declaration. Ms. Loftin summarized that the docks have always been privately owned. The memberships in the corporation that owned the docks were owned by the homeowners. This was a way for those members to take title and to have an opportunity to improve the dock at a cost of about \$65,000 to \$75,000. The plan is to make available to anyone in Trinidad Village, the docks that are not related to a particular home. If there are insufficient buyers, they will be made available to any homeowner in Coronado Cays. There is one slip which will be dedicated to short term occupants. Ms. Loftin requested that the Commission support staff's recommendation.

Vice Chair St. Denis referred to and asked for clarification on the language in the staff report, under CEQA Statues, which reads, "2. An initial study identifies potentially significant effects on the environment, but (A) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur..."

Ms. Loftin said this paragraph refers to project modifications that have already been incorporated into the project to address potential environmental impacts concerning air quality, biological resources, water quality, and noise.

Mr. Love provided a brief overview of the request and said that, as the Director Trinidad Village, he has provided significant community outreach to TDVI and off-water residents.

Dan Harrigan, 7 Port of Spain, former President of TDVI (prior to R.G. Head), requested that the Commission fully endorse the request for a Negative Declaration because it has been determined that there is no environmental impact, and the legal and expert fees are costly.

Commissioner Gaylord asked if there is a possibility that the Clubhouse docks could be included in Phase I, with the remainder of the docks be included in Phase II.

Mr. Harrigan responded that the monies obtained for the sale of the Clubhouse easements will be applied exclusively to the Clubhouse docks.

Vice Chair St. Denis asked for clarification on whether the Commission will be making a determination on project approval as well as the Negative Declaration.

Ms. McCaull said this will be the subject of the Coastal Permit hearing, the main discretionary permit associated with authorizing the project to proceed.

Mr. Dameron stated he paid about \$19,000 to join TDVI. Once the easements were partitioned, he purchased the easement for the amount of \$13,000. He has also paid over \$10,000 in dues for maintenance of the docks while awaiting the construction project. About two years later, he paid \$47,000 towards the construction cost of the dock located behind his house. He commented that every member of TDVI has paid similar dues, and stated that he has an issue with off-water residents who, given the same opportunity as he did to purchase an easement and build a dock, want to obtain a dock free of charge. He encouraged the Commission to move the project forward.

James Brenner, Attorney, 4100 Del Rey Avenue, Marina del Rey, representing a homeowner and TDVI member who was not able to attend today's meeting, said he has worked on this project for five years assisting the prior and current Board. He urged the Commission to approve staff's recommendation. He thanked Ann McCaull and City staff for their efforts and commended R.G. Head, and Dan Harrigan for their dedicated commitment to this project. Mr. Brenner said he does not believe there is any question that the easement is private property as the chain of title from its original creation to the present is set forth quite clearly in the reported record. There is also no question that anyone who wishes to have access to this public knowledge information could easily have found out that this is in fact private property. He commented on the issue of coastal access and quoted 2007 California Appellate Court Case which deals with the issue of private property: "While we recognize one of the basic mandates of the Coastal Act is to maximize public access and recreational opportunity within the coastal areas, the Coastal Commission is not vested with the authority to adjudicate the existence of prescriptive rights for public use of privately owned property. Denying a coastal permit because of the possible existence of these rights is the same thing as anointing the Coastal Commission with judicial authority which they do not have." In other words, the Court ruled that merely looking into whether a prescriptive public easement could exist in private property was the same thing as anointing the Coastal Commission as a court; they do not have that authority and therefore, their decision to deny the permit was reversed. He added that the Court stated, "Inherent in ones ownership in real property is the right to exclude uninvited visitors." The Court ruled the proper

place for determining these rights is before a court of law which has centuries of precedent behind it on real property rights from England that has been incorporated into California law. The Coastal Commission is not authorized to do this and because this is private property, he would urge that the issue not become a red herring and distract everyone today. He commented that the off-water residents know how to work the system and have projects stopped, and this is not what this matter is about--this is about residents who spent personal sacrifice for years and it is unfair that the project be stopped at this point. He urged the approval of the Negative Declaration.

Don Welch, 32 Trinidad Bend, said he is an off-water resident. He said that many of the TDVI members present today are his friends and neighbors. Two of the TDVI members have personally invited his family and him to frequent their docks. His intention today is not to delay or discourage TDVI's process; however, he expressed concern about environmental effects. From the beginning, there has been access to all Trinidad Village homeowners through the greenbelts and Clubhouse areas. TDVI set this precedent by allowing unrestricted access to the docks since the beginning of their formation and acquisition of the easements and docks. Following the more recent division and purchase of easements that are adjacent with each townhome property line, TDVI approached the townhome owners adjacent to the greenbelts or the common property areas of which the homeowners have always had access. Although off-water homeowners were never invited to consider purchasing a greenbelt easement, they were never part of that discussion, even though he was asked to participate in discussion at one of the meetings. R.G. Head and Dave Love worked diligently in assisting him to potentially purchase a greenbelt easement directly across the street from his home, without success. Mr. Welch is concerned with land use and recreation diminishment due to the sale of greenbelt easement at the exclusion of off-water homeowners. He invited the Planning Commission to further scrutinize his question and conduct an EIR as well as invite the Coastal Commission for level input. Mr. Welch stated that as an off-water resident, he has been highly involved in this issue. He also stated that the low TDVI off-water homeowner membership, which has been alluded to at today's meeting, may be due to the enormous membership cost versus rental fees.

Howard Crabtree, 47 Port of Spain, TDVI member and on-water resident, said he is a former and present member of the TDVI Board. In November 2007, he met with Mr. Welch and Mr. Kennedy to discuss the possible purchase of the Clubhouse dock area. At that time, they discussed the matter of winding up TDVI; however, this could not be done without having to pay a considerable amount of debt. One option was to persuade the TDVI members to contribute the monies necessary to pay off the debt, then dissolve TDVI and distribute the assets, which would be the easements. Instead, it was decided that the easements around the Clubhouse would be sold. At that time, they estimated they could sell all of the easements for about \$200,000. He explained to Mr. Welch and Mr. Kennedy that he believed the Board was very anxious and would prefer that all of the easements be sold to residents within the Village. He believed that if residents could get together and offer \$100,000 (\$2,000 or \$3,000 per house), a deal could be made. Unfortunately, Mr. Welch and Mr. Kennedy were not able to obtain enough support.

Peter Mattson, 65 Port of Spain, said he is a 20-year Cays resident and was one of the first homeowners who purchased the docks and was involved in the setup of TDVI. He said that the easement has always been private property and there has always been a sign posted. He feels

that the access issue should be moot. He said that Mr. Welch is a nice person but he does not feel that it is fair that only some members should be “carrying the rest of the Village on their shoulders.”

Rita Sarich, speaking as an off-water homeowner, said she has been a resident in the Cays for 30 years. She said she respectfully disagrees with Mr. Head’s initial statement that this is a simple deal. This is a significant change which may not be environmentally sensitive. She expressed concern about the timeline for the Phase II replacement of the docks behind the Clubhouse, and about the figures being used for the docks. She understands that there are several docks that no longer exist and these must be taken into consideration.

Mr. Head addressed the issue of timing and fees. He said part of the initial project involves Bellingham Marine’s ability to hire a subcontractor to remove the docks and pilings. This is a very specialized business which requires a large floating crane on a barge. Because of the significant hourly rate that the subcontractor charges, it is necessary that all the docks be demolished at one time. Monies to fund the demolition were concurrently collected in March 2008 when members purchased their easements. A contract was made with Bellingham Marine in June 2008. The contract was for Phase I because it was funded by members who had paid for their easements. With the approval of the Phase I docks in August 2008, and approval of the Clubhouse docks by the HOA in January 2009, they contracted with Bellingham Marine to include the Clubhouse docks demolition and reconstruction. To summarize, there is a contract in place with Bellingham Marine to demolish all of the docks, replace the docks for the individual homeowners in Phase I, and replace the docks at the Clubhouse in Phase II. They do not anticipate a break between construction of the Phase I individual docks and the Phase II Clubhouse. He cannot predict an actual construction start date because he does not know the date the City will authorize the Coastal permit. If, after regulatory approval is granted, they are unable to obtain buyers for all of the Clubhouse easements, TDVI will be faced with a very difficult decision: Should TDVI authorize construction for one-half of the Clubhouse docks, or should they fund (from their own money) the building of an additional four or five docks in the hope that at some time in the future, an off-water resident or resident from another Village will buy those docks. He stated that although off-water residents may desire that Phase II come first, this cannot be done because all of the docks must be demolished at one time in order to save money. Mr. Head said he hopes that there will be buyers for all of the Clubhouse easements by the time authorization for construction is given.

Vice Chair St. Denis referred to the TDVI private property sign and said it was her understanding that from the very beginning there was unrestricted access through the greenbelts to the docks. She asked if the trespassing on private property occurred with the founding of TDVI.

Mr. Head clarified that the areas off the greenbelt have always been labeled as private property.

Commissioner Gaylord asked who owns the greenbelt area.

Mr. Head said the greenbelt area is owned by the Coronado Cays Homeowners Association. Any person may drive up the road, park and walk onto the greenbelt area to view the water. This arrangement will remain the same.

Commissioner Gaylord asked if some of the greenbelt easements have been sold to several contiguous owners.

Mr. Head said no. He explained that the greenbelts belong to the Homeowners Association whereas the wharfage easements have always been private property, and were subsequently divided and sold to the adjacent homeowners. Mr. Head further explained that Trinidad Village is an administrative agent of the Coronado Cays HOA. As an administrative agent, it owns no property and has very little independent authority. It is merely an agent of the Coronado Cays HOA, who owns all of the common areas, security and gardening force, and so forth. The Coronado Cays HOA retains ownership of the greenbelt areas which they currently maintain. He stated that the single wharfage easements were owned by the original builder of the docks and was purchased by TDVI in 1993. There is no change of the land use of the greenbelt areas or the Clubhouse.

Commissioner Gaylord asked if TDVI sold some of the greenbelt areas.

Mr. Head replied that TDVI owns no land property, only the wharfage easements and the physical docks that connects up to the seawall, including a one-inch overlap.

Mr. Welch stated that it was his understanding that the original configuration of the docks purposely excluded the potential for wharfage easement use behind the greenbelt access areas. He feels that use of the wharfage easements behind the greenbelt areas could have been used by off-water residents had they been given an opportunity to purchase the easements. Instead, the owners adjacent to the greenbelt areas paid for the wharfage easements behind the greenbelt areas before any off-water residents had an opportunity to do so. Mr. Welch said it appeared to him that they designed the docks based on on-water residents adjoining greenbelt areas to acquire wharfage areas behind greenbelts without consideration for off-water residents. Even if this was not intended, for non-water residents, the perception is a reality at this point.

Ms. Loftin said she had an opportunity to be present through many of the design meetings. The design and configuration was done to meet the current building and safety dock requirements. There was no intention to exclude the off-water residents. The intention was to increase the number of docks, which they did. She stated that the docks are available for purchase. She clarified that the greenbelt easement area is on land and remains open for public access. The dock easement behind the greenbelt area is private. There is no land use change proposed for either area. By increasing the docks that are available, the opportunity will be maximized for other residents in the community.

Donna Love, 75 Port of Spain, explained the purpose of the greenbelts. She said all of the townhomes located along the middle portion can be accessed from a back road. The townhomes located on the end are accessed only through the greenbelts. The greenbelts were never meant to

be parks. There is another development in the Cays which has similar access to their townhomes. None of the greenbelts provide access to the beach.

Thomas A. Morelli, 52 Port of Spain, said he has been a property owner since May 2009. Shortly after moving in, he received a letter which clarified issues regarding non-water residents. He inquired and was told that in the future there would be an opportunity to purchase a dock. In the interim, he was invited to use another resident's dock. He feels it would be a benefit for non-water residents to have the docks replaced with a general use dock.

Darell Sarich, 84 Port of Spain, asked, if he purchased a dock, would it be considered his property.

Commissioner St. Denis said it was her understanding that it would be his property but there would be a common headwalk for general use.

Mr. Sarich asked if he would be able to keep the dock if he sold his home and moved out of the area.

Commissioner St. Denis said he would not be able to keep the dock.

Mr. Head added that the one of the HOA rules is that a person must be a Coronado Cays property owner in order to own a dock.

Michael Hergert, TDVI Board member, said he is a non-water resident in an adjacent Village, and has lived in the Cays for 22 years. He is a perspective buyer of one of the Clubhouse docks and is very excited about the opportunity to have a permanent place for his boat. He currently has a boat docked behind the Clubhouse. He commented that the docks are an eyesore as well as a safety hazard. He was invited to serve on the Board because he is an off-water resident. He is extremely impressed with the hard work and dedication of the current Board in making the project work. They have been very diligent in trying to represent the interests of all stakeholders, and to be a good neighbor. They have taken seriously all concerns expressed by residents, town staff, and even the Fire Chief. Mr. Hergert said the configuration today is representative of the Board's consideration of all information received. He feels that the design is a benefit to the entire community. He also mentioned that as a Coronado Cays resident, he would never want to see the physical environment, water quality, traffic, noise or parking be affected in a negative way. He stated that this project will be better for the environment, is aesthetically more pleasing, and will be a real improvement to the community. He asked the Commission to support the project.

Carol Hoover, 63 Port of Spain, said they purchased a home in 1997 and paid \$18,000 to have the right to rent a space for a boat in front of their home. They pay an additional \$400 monthly rent. When they were given the opportunity to buy an easement, they were very pleased as they wanted a secure and safe environment for their family. They have expended a total of about \$90,000 to date, and are very glad that the easement and dock will be replaced because the current structure is dilapidated.

Cynthia David, 39 Port of Spain, said she was also concerned about safety issues as she had an incident where a person trespassed onto her boat.

COMMISSION DISCUSSION

Commissioner Jensen said the Commission should not become sidetracked with the issue of access on private property because the law is fairly clear and it is not in the Commission's purview. Mr. Jensen stated that the environmental impact report shows no substantial issues. He said that if a person believes that they have acquired a prescriptive easement, the proper form would be to go to court. He said he would support a Negative Declaration.

Commissioner Santos agreed. She said it is important to hear all testimony and stay focused on the issues.

Commissioner Gaylord said her main concern was land use. She commented that the CEQA and Environmental Report prepared by staff is outstanding. She stated she is a Coronado Cays resident and is pleased with the information presented today, including documentation which shows that TDVI has consulted with attorneys and that City approval was obtained to sell the easements. She said that everything has been done properly, and commended TDVI for their hard work and efforts as volunteers. Ms. Gaylord commented, with reference to the EIR, that most of the issues that are listed are due to construction, i.e. air, water and noise disturbance, and will end once construction is completed. Ms. Gaylord said she will support the request.

Vice Chair St. Denis agreed with the Commissioners that a Negative Declaration is in order. She thanked all of the residents present in the audience for their participation.

COMMISSION ACTION

COMMISSIONER JENSEN MADE A MOTION TO APPROVE IS 1-09 TRINIDAD VILLAGE DOCKS, INC., REVIEW OF ENVIRONMENTAL INITIAL STUDY AND DETERMINATION TO PROCEED WITH A NEGATIVE DECLARATION FOR THE TRINIDAD VILLAGE DOCK REPLACEMENT PROJECT ADDRESSED AS 17-97 PORT OF SPAIN ROAD, INCLUDING THE DOCKS AROUND THE TRINIDAD VILLAGE CLUBHOUSE IN THE TRINIDAD VILLAGE (VILLAGE RESIDENCE) ZONE OF THE CORONADO CAYS SPECIFIC PLAN, WITH FINDINGS.

LORD SECONDED THE MOTION.

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

The motion passed 4-0.

There is a 15-day appeal period.

Ms. McCaull stated that a Draft Negative Declaration of Environmental Impact will be prepared and available for the public to review for approximately 21 days. A public hearing will be held on the final certification of the Negative Declaration, along with the Coastal Permit associated with the project improvements.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:43 p.m.

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