

CORONADO PLANNING COMMISSION  
MEETING MINUTES

Regular Meeting

August 23, 2011

The regular meeting of the Coronado Planning Commission was called to order at 3 p.m., Tuesday, August 23, 2011, at the Coronado City Hall Council Chambers, 1825 Strand Way, Coronado, by Chairperson St. Denis.

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

MEMBERS ABSENT: None

STAFF PRESENT: Ann McCaull, Acting Director  
Tricia Olsen, Associate Planner  
Martha L. Alvarez, Recording Secretary/Minutes Preparer

APPROVAL OF MINUTES

The minutes of the regular meeting of July 12, 2011, were approved as submitted.

DIRECTOR'S REPORT

Acting Director McCaull, in response to a request by the Commission, provided information regarding the Boney's dirt parking lot. The City requested that Boney's close the lot/gate until the appropriate permits were obtained from the City. Staff has been informed as of yesterday that Boney's is expected to be issued a building permit soon in order to proceed with construction activities.

Acting Director McCaull reported that at the City Council meeting of August 16, the Council supported the Commission's recommendation on two different items: 1) an amendment to a Major Special Use Permit to delete the original requirement to provide contractor/tradesman space on the first floor of the existing Mixed Use Development at 120 C Avenue (PC 2011-10 Regatta Bay, LLC); 2) the approval of a First Reading of an Ordinance amending the City's appeal hearing process and public hearing requirements for historic alteration permits with code exceptions, and amending the City's CEQA Guidelines to reflect changes to the appeal hearing process.

COMMITTEE REPORTS

Historic Resource Commission

Chairperson St. Denis reported that at the meeting of July 20, the Commission approved the demolition of the residence addressed as 635 C Avenue.

Chairperson St. Denis then reported that at the meeting of August 3, the Commission heard public comment and began a discussion regarding the reduction of the Mills Act waiting list. The

item was continued until their meeting of September 7 for further discussion by the full Commission. The Commission also discussed and made a recommendation to forward the Draft Designation Criteria Guidelines to the City Council.

### ORAL COMMUNICATIONS AND OTHER MATTERS

#### NON AGENDA ITEMS

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

#### LISTED AGENDA ITEMS

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

### PUBLIC HEARING

**IS 2011-01 and CP 2011-01 KANEM HOLDINGS, INC.** – Consideration of whether to adopt a Mitigated Negative Declaration of Environmental Impact and issue a Coastal Permit in accordance with Section 86.70.050 of the Municipal Code for approval of a dock and gangway at 20 Sandpiper Strand located in the custom Homes Zone of the Coronado Cays Specific Plan.

Associate Planner Tricia Olsen introduced the agenda item as outlined in the staff report.

Kira Withy-Allen, WSSI Environmental Consulting, representing the applicant/property owner, Rodolfo Aguilar, provided a brief overview of the request and answered questions of the Commission.

Vice Chair Santos asked about the financial costs if post five-year replanting is required.

Ms. Withy-Allen said the applicant is aware that the pre- and post-construction fees for first and second annual surveys will cost about \$5,000. Costs for previous surveys have already been paid as well as permitting fees costs as of April 2010. Replanting costs of up to \$10,000 are anticipated.

Vice Chair Santos said she wanted to ensure that compliance by the applicant regarding costs, included as part of the conditions, will not be an issue for the applicant.

Commissioner DeNardi asked if any actions have been taken by the applicant on this project since review by the Planning Commission (on May 24, 2011).

Ms. Withy-Allen replied that no action has been taken on the project.

Commissioner DeNardi asked when the dock was placed at 20 Sandpiper.

Ms. Withy-Allen said a portion of the dock was placed on August 10, 2010. Subsequently, a cease-and-desist order was placed shortly thereafter.

Commissioner DeNardi asked when Ms. Withy-Allen last visited the site and reviewed the project.

Ms. Withy-Allen said she has not visited the site but understands there were some things added to the dock. She understands that the project remains uncompleted and that portions of the project were cordoned off as there was safety issues involved, stemming from the cease-and-desist order.

Commissioner DeNardi asked if the applicant understands the environmental impact of the agreement should the Commission approve the Coastal Permit.

Ms. Withy-Allen said previous to any of the aforementioned incidents, she was only in contact with the contractor and not the property owner. She has since spoken with the property owner who appears to be very aware of what is expected of him to complete the project.

Chairperson St. Denis asked for additional information regarding the lifespan of the eelgrass.

Ms. Withy-Allen said that the same eelgrass bed will last for many years.

Chairperson St. Denis asked if WSSI Environmental Consulting will be responsible for replanting the eelgrass.

Ms. Withy-Allen said the company will assist with replanting by hiring a contracting company to conduct the actual replanting.

Vice Chair Santos asked if there is a possibility that replanting will require more than five years.

Ms. Withy-Allen responded that the applicant is responsible for meeting a successful result, regardless of the timeframe, which is not an easy task.

Vice Chair Santos asked if the applicant has been made fully aware that the timeframe may exceed five years and that he will be held accountable.

Ms. Withy-Allen said that, as discussed with the Army Corps, because the applicant is making minimizations and avoidance of impact, it is likely the timeframe may not exceed five years.

Chairperson St. Denis asked if the applicant will be responsible for costs incurred for testing and reports after five years.

Ms. Withy-Allen said the applicant will be responsible and noted that every time road marks are reached, it is re-checked and discussed with every agency again.

Chairperson St. Denis asked about the global grid mesh material used and if tracking had been conducted over several years.

Ms. Withy-Allen said many studies with the same species have taken place in Florida and results have shown that the material does allow sufficient light infiltration to allow eelgrass to grow below it.

Chairperson St. Denis asked if it is structural or must it be interspersed.

Ms. Withy-Allen said the dock requires floats in order for it to be sturdy; however, the gangway does not require anything on it.

Chairperson St. Denis asked if the gangway is over the eelgrass.

Ms. Withy-Allen confirmed that the gangway is over the eelgrass. The applicant offered to use a mobile grid for that area; however, the manner in which it is positioned should not impact the eelgrass.

Chairperson St. Denis asked if there is eelgrass located in the neighboring property.

Ms. Withy-Allen said yes.

Chairperson St. Denis asked if the neighboring property owner must also have testing done.

Ms. Withy-Allen said that if the next door neighbor wished to switch out his dock, the same survey requirements would apply.

Chairperson St. Denis said the request meets all of the requirements.

Commissioner DeNardi asked if it is possible to return the item to staff for further understanding of the project without action taken by the Commission today.

Acting Director McCaull responded that the Commission has the option of continuing the item if members have questions related to the project or the completeness of the application.

Commissioner DeNardi said he would recommend continuing the item because he would like every resident who lives on the water at Coronado Cays to have a dock. He said this project is completed and the gangway and support is in place. He said it is not built to the specifications given to the City as the criteria for construction. He said there is no ability to perform a pre- or post-construction survey as the dock was completed in August 2010 and is currently a functioning dock. Mr. DeNardi said the dock is larger than the proposed 520 sq. ft. He said that if the Department of Fish & Game wanted to "hold the applicant's feet to the fire," the applicant must begin mitigation within 135 days of construction. For every month of delay, planting must be increased by 7 percent, which means an increase in planting of almost 100 percent. He said he does not feel the applicant understands the potential costs of this project. Mr. DeNardi said he does want the applicant to have a dock and the City of Coronado needs to meet with the

Department of Fish & Game, or the appropriate entity, to map out a plan to make this project happen. Mr. DeNardi said he is not willing to vote on a project that is not even close to what was originally proposed to the City.

Ms. McCaull said that the contractor of the site was red-tagged and ordered to cease construction activity. The contractor proceeded to complete construction of the dock. The dock that is currently in place does not comply with the pending Army Corps permit or the Coastal Permit and Mitigated Negative Declaration. What will need to happen is that the existing dock must be modified to comply with the design that was submitted. Ms. McCaull agreed that the dock is too large and is not consistent with the permit for approval. In addition, the dock material is not consistent with what is required of the project. She clarified that the project the Commission is considering for approval is not the existing dock—there will be a new reconstructed dock to conform to the Coastal Permit and the Army Corps permit, which will also require the mesh material for the dock.

Ms. Withy-Allen added that the reason the project does not have grading material is because an order was given to cease further activity. The property owner and contractor would like to go forward; however, they are waiting for approval of the required permits. She said she has not surveyed the site since the preliminary eelgrass survey; however, the preliminary eelgrass survey can be used as the preconstruction survey if needed.

Chairperson St. Denis asked if the dock is currently in use and if there is boat docked at the site.

Ms. Withy-Allen said there may be a small sea boat at the dock; however, she is unable to confirm.

Ms. McCaull said that since the dock was constructed without any type of engineering review, the dock may need to be modified to comply with the City's engineering requirements to make sure the dock size and gangway does not affect the stability of the bulkhead wall. She said there may be many adjustments required to ensure that the project meets the engineering requirements and is safe and stable. Additionally, the project must meet planning and Army Corps engineering requirements.

Commissioner Jensen said he wanted the applicant to build a dock that is consistent with the permit that has been presented. He suggested granting the permit and having the enforcement agencies ensure that it complies. He asked about the status of the eelgrass under the currently unpermitted dock.

Ms. Withy-Allen said that as soon as the permits are approved, she will order a survey and provide a report to the City and other agencies.

Commissioner DeNardi said the issue is the eelgrass. The dock that was removed because of safety concerns left the area open for years providing an opportunity for eelgrass to grow. He did not understand how a baseline was established to bring mitigation to its original status before the dock process began. With a 7 percent a month increase in replanting, he said the cost will not be \$5,000 but over \$100,000.

Ms. Withy-Allen said she would need to notify the client if this is the case.

Vice Chair Santos said the Commission must take action to enforce it. She said whether to place conditions to ensure that the applicant is able and willing to do what it takes to bring the project up to a level that is required is another question. She said she had concerns but expressed confident in the fact that there are many agencies, officials and scientists who are reviewing this project. Ms. Santos, however, expressed doubt that the applicant understands and is willing to take full responsibility and accountability for the project.

Commission DeNardi said, regarding the litigation issue, that according to the Fish & Game Department, Long Beach Regional Office, having this dock in place should have eliminated all of the eelgrass within three to six months because there is no light. Again, he questioned the baseline that the applicant must adhere to, based on what the applicant has done.

Chairperson St. Denis asked if the dock depicted in the presentation today measures 8 ft. by 60 ft.

Commissioner DeNardi noted that the gangway support has not been included in the footprint calculations.

Commissioner Grimes asked if a baseline had already been established.

Ms. Withy-Allen said the preliminary eelgrass survey conducted in April 2010 could be used even though at that time the dock had not been rebuilt.

Chairperson St. Denis asked if there was thriving eelgrass at that time.

Ms. Withy-Allen said yes.

Chairperson St. Denis asked if the area must contain thriving eelgrass before the project proceeds.

Ms. Withy-Allen responded that producing eelgrass before the project begins would not work as eelgrass would be harvested in an area that may potentially be shaded by, for example, grading material.

Commissioner Jensen said that if the dock had been placed in a timely fashion, the eelgrass would not have been a concern. He suggested that the surface that the eelgrass originally covered should be an indication of where to create a baseline. Mr. Jensen said it is unknown whether that amount of eelgrass will grow under a graded dock until it is placed. He said if the eelgrass does not grow, it will be an issue for the applicant. Mr. Jensen suggested that the permit be granted holding to the terms of it, and the baseline should be determined by where the surface amount of eelgrass which was present before he constructed the new dock.

Ms. Withy-Allen said the original eelgrass was sparse with a denser growth in the area where the dock was not covering. She suggested that the density could be increased.

Chairperson St. Denis asked if the location of the new dock is in exactly the same place as the previous dock.

Ms. Withy-Allen said the new dock has been cut back somewhat shorter because the farthest piling is not being used.

Commissioner Jensen asked about the status of eelgrass growth in other docks and surrounding areas.

Ms. With-Allen said there are some areas, usually towards the mouth, that tends to have more eelgrass based on their surveys of single dock replacements.

Commissioner Jensen asked if there are other locations in the bay where eelgrass could be planted.

Ms. Withy-Allen responded that because the project is on City of Coronado property, the San Diego Port does not want replanting on their property.

Commissioner Jensen asked if the Port does not want it because they will have to maintain it.

Ms. Withy-Allen said the Port does not have to maintain it but they need space to plant eelgrass for their own mitigation. She said she spoke with the National Marine Fisheries Service and they are attempting to build a mitigation bank.

Ms. McCaull added that this is the first replacement dock that has an eelgrass issue. She said this is a very rare situation given the amount of time that a dock has not been in its location.

Chairperson St. Denis said she agreed with Commissioner Jensen that the project should go forward but be monitored carefully.

Commissioner DeNardi asked if the Commissioners are prepared to use as a baseline the survey that was done before the dock was moved into place.

Ms. Withy-Allen said yes. She said a quarterly report is compiled for the Coronado Cays for City of Coronado property, which is a permit that is valid for five years. The permit is automatically permitted for the City of Coronado and the Army Corps is the entity who issues the permit.

Commissioner DeNardi asked if WSSI Environmental was hired after the cease-and-desist.

Ms. Withy-Allen said they were hired before the cease-and-desist as the eelgrass survey must be conducted before construction.

Chairperson St. Denis asked if it potentially becomes a very expensive proposition, if a time limit should be placed as a condition.

Vice Chair Santos said she did not mind moving forward; however, she was concerned about accountability by the applicant.

Commissioner Jensen asked if the City's code enforcement was responsible for overseeing matters such as these.

Ms. McCaull said that generally the City's code enforcement would become involved if the dock becomes deteriorated and a safety hazard. She said the property owner is anxious to move forward with the new dock and he has been waiting for the Army Corps and all of the federal agencies to decide if mitigation would be appropriate. Since this has now been decided by the other agencies, he is waiting for the City to conduct their process.

### PUBLIC HEARING

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

### COMMISSION DISCUSSION

None.

### COMMISSION ACTION

VICE CHAIR SANTOS MADE A MOTION TO APPROVE THE REQUEST, CERTIFYING THE MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT BASED ON THE INFORMATION AND FINDINGS CONTAINED IN THE NEGATIVE DECLARATION AND STAFF REPORT DATED AUGUST 23, 2011, AND APPROVE THE COASTAL PERMIT WITH FINDINGS AND CONDITIONS, FOR THE DOCK AND GANGWAY AT 20 SANDPIPER STRAND LOCATED IN THE CUSTOM HOMES ZONE OF THE CORONADO CAYS SPECIFIC PLAN.

COMMISSIONER JENSEN SECONDED THE MOTION.

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

The motion passed 4-1.

There is a 10-day appeal period for the Coastal Permit.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:00 p.m.

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