

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370

RECORD PACKET COPY



Wed 15b

Filed: 11/18/02
 49th Day: 8/15/03
 180th Day: 2/11/03
 Staff: LRO-SD
 Staff Report: 1/23/03
 Hearing Date: 2/5-7/03

REGULAR CALENDAR

STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-103

Applicant: John & Esther Williamson

Agent: Dale LaForest

Description: Construction of a 213-space recreational vehicle (RV) park and campground on a 14.18 acre site currently occupied by an arcade and go-cart facility, which will be removed. Also proposed is a clubhouse, manager's apartment, caretaker's apartment, trails, picnic area, laundry and shower facilities, outdoor swimming pool and a 100-foot riparian buffer adjacent to the Otay River.

Lot Area	617,680 sq. ft. (14.18 acres)
Building Coverage	27,195 sq. ft. (5%) (.4 acres)
Pavement Coverage	5,000 sq. ft. (1%) (8.2 acres)
Landscape Coverage	5,000 sq. ft. (1%) (3.2 acres)
Unimproved Area	580,485 sq. ft. (93%) (2.3 acres)
Parking Spaces	250
Zoning	AR-1-2 and OF-1-1
Plan Designation	Open Space
Ht abv fin grade	30 feet

Site: 419 Hollister Street, Otay Mesa-Nestor, San Diego, San Diego County.
 APN 627-100-09

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development with special conditions. The primary issues raised by the proposed development relate to floodplain development, potential impacts to upstream and downstream environmentally sensitive resources, and water quality. The proposal includes the construction of a 213-space RV campground including an approximately 4,500 sq.ft. clubhouse (housing, in part, shower and laundry facilities) in the 100-year floodplain of the Otay River. While the proposed development

raises concerns regarding consistency with Sections 30236, 30240 and 30253 of the Coastal Act, the applicant has provided extensive technical information which supports the proposed development. Specifically, the subject proposal will not result in channelization of the Otay River or substantial alteration of streambeds. No armoring of the banks of the Otay River is proposed or needed. Furthermore, the proposed structures have all been designed such that they will be elevated two feet above the level of a 100-year frequency flood on a pier foundation so that the construction of off-site flood protective works will not be required. As designed, the structures will be able to withstand periodic flooding and will not impede the flow of floodwaters. As part of the proposal, the applicants are also developing a 100-foot riparian buffer on the property's northern boundary on 2.3 acres. This area will be completely revegetated and enhanced with native plant species (Diegan coastal sage scrub) which will complement the riparian and freshwater marsh habitat of the Otay River. The Commission's coastal engineer, biologist and water quality specialist have reviewed the proposed development and find, in this particular case, the proposed campground to be an appropriate use in the floodplain which is consistent with the applicable Chapter 3 policies of the Coastal Act.

Several special conditions are included which address: landscaping; assumption of risk; submittal of a drainage and polluted runoff control plan consistent with Best Management Practices to reduce runoff toward the Otay River; restriction of use; and an open space deed restriction for the proposed riparian buffer north of the proposed campground facility.

Substantive File Documents: Certified Otay Mesa-Nestor Community Plan; City of San Diego Municipal Code; Biological Technical Report by ReCon dated 5/5/00; Preliminary Hydrology, Run-Off Control and Drainage Plan by SB&O, Inc. dated 10/13/98; Traffic Impact Study by Stephen George and Associates, dated 8/13/98; and Mitigated Negative Declaration LDR No. 96-7318 dated 4/4/01.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-02-103 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Revised Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final revised plans for the proposed 213-space recreational vehicle (RV) park and campground that have been approved by the City of San Diego. Said plans shall be in substantial conformance with the plans by Dale LaForest & Associates dated 1/30/97 (last revision) submitted with this application but shall be revised as follows:

- a) Fencing separating the proposed 100 ft. buffer from the existing riparian area shall be deleted.
- b) All proposed campground lighting shall consist of low wattage lights, be located low to the ground and directed away from the sensitive resources and habitat associated with the riparian buffer and Otay River north of the project site.
- c) All proposed structures shall be constructed on a pier foundation so as not to impede the flow of flood waters.
- d) All driveways and campsites shall be composed entirely of decomposed granite (or other similar materials). No concrete and/or other paving shall be permitted.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping plan. Said plan shall be in substantial conformance with the draft landscape plan submitted by Dale LaForest & Associates dated 9/20/00, and shall including the following:

- a. A plan showing the type, size, extent and location of all trees on the site.
- b. Drought tolerant native or non-invasive plant materials shall be utilized.
- c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion residential construction
- d. A written commitment by the applicant that all required plantings will be maintained in good growing conditions, and whenever necessary, will be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- e. Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved landscape plans shall be reported to the Executive Director. No changes to the landscape plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Final Improvement Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final improvement plans approved by the City of San Diego for proposed on- and off-site improvements associated with the proposed development. Said plans shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Restriction of Use. Camping at the proposed RV Park shall be for short-term use only as opposed to permanent occupancy (i.e., mobile home park). Consistent with City of San Diego regulations, occupancy time shall not exceed one month in any 12-month period or six months in any 12-month period for those vehicles with total hook-up capacity including sewer, water and electricity.

5. Drainage and Polluted Runoff Control Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans approved by the City of San Diego, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- a) Drainage from all roofs and other impervious surfaces shall be directed through vegetative or other media filter devices effective at removing and/or treating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.
- b) Opportunities for directing runoff into pervious areas located on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized.
- c) All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss during construction.

The permittee shall undertake development in accordance with the approved drainage and runoff control plans. Any proposed changes to the approved drainage and runoff control plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

7. Open Space Restriction.

A. No development, as defined in section 30106 of the Coastal Act shall occur in the 100 ft. Riparian Buffer as described and depicted in an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

1. Removal of existing invasive and exotic vegetation and planting of native coastal sage scrub vegetation.

B. PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit No. 3 attached to this staff report.

8. Generic Deed Restriction. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

9. No Future Channelization. By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns, that no channelization or substantial alteration of a river or stream shall ever be constructed for the purpose of protecting the development approved pursuant to Coastal Development Permit No. 6-02-103 from flooding. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such channelization or substantial alteration of a river or stream for the purpose of protecting the permitted development that may exist under Public Resources Code Section 30236.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the construction of a 213-space recreational vehicle (R.V.) park and campground on a 14.18 acre site (to be called Trolley Stop RV Park). The proposed campground also includes an approximately 4,500 sq.ft., 30-foot high clubhouse which is designed in an L-shape at the far southeast corner of the site. The proposed clubhouse will include a store, a game room, snack bar and an 896 sq.ft., second-story apartment for the resident manager. A wooden platform will surround the south and east sides of the clubhouse and extend to the north to a proposed cabana. An above-ground swimming pool, comfort station, tot lot and laundry facilities are proposed to the north of the clubhouse and west of the cabana. Proposed further north is a 1,240 sq.ft. garage and a second-story, 720 sq.ft. apartment for the property's caretaker. An existing one-story manager's apartment at the far northeast corner of the site is proposed to remain. A 6-ft. high solid fence will surround the property along its northern, eastern and southern boundaries. A 6-ft. high noise wall will be situated on its western boundary adjacent to I-5. The rectangular-shaped campground will be transected by five east-west access driveways and three north-south access driveways. All driveways and individual campsites will be comprised of decomposed granite. No concrete pads are proposed. No grading is proposed other than minor scraping to level out bumps on the otherwise level existing site. On average, only about 3-inches of soil depth will be redistributed over the developed area. Other miscellaneous improvements include utilities (underground sewer and water lines, telephone, cable and power lines), outdoor lighting, landscaping throughout the campground, trails, picnic area and shower facilities and parking for each RV plus 37 additional spaces for employees, guest and visitors.

In addition, Hollister Street is also proposed to be widened. For this reason, Special Condition #3 requires submittal of final plans for such improvements.

The campground will include full water and utility hook-ups. The site presently contains an existing go-cart facility, arcade, one-story residence, a former dairy barn and various sheds and outbuildings. All of the structures, except the existing residence, are proposed to be removed or demolished in order to construct the R.V. park. The campground will comprise 11.9 acres of the 14.2 acre site.

Also proposed is a 100-foot riparian buffer on the property's northern boundary, adjacent to the Otay River, which will comprise 2.3 acres. Associated with the proposed buffer is a Multi-Habitat Planning Area (MHPA) boundary adjustment resulting in removal of 3.2 acres of disturbed and partially developed land from the MHPA and revegetation and enhancement of 2.3 acres adjacent to the Otay River with native plant species (Diegan coastal sage scrub).

On 6/18/75 the San Diego Coast Regional Commission approved a coastal development permit (#F2334) on the subject site for a similar project consisting of the construction of a 495-space RV park. The subject permit was subsequently appealed by San Diego Coast Watch to the California Coastal Zone Conservation Commission. On 7/30/75 the California Coastal Zone Conservation reviewed the subject appeal (Appeal No. 116-75) and denied the subject application. The primary reason for denial was that the proposed development would be inconsistent with the agricultural use of the site and would adversely affect the potential for continued agricultural use of the site. In addition, the proposed intense use of the site was also found to be inconsistent with the infrastructure of the area at that time. Floodplain development was also a concern. At that time, four accessory buildings were also proposed with the RV park which would be proposed to be built on permanent concrete pads along with grading in the floodplain. The applicant's representative has also stated that in April 1974, a Conditional Use Permit was issued by the City for a larger 498-space RV park on the site but that proposal was never built or brought forward to the Coastal Commission for review.

The site is situated on the east side of Interstate-5 and is bounded by Hollister Street to the east. Across the street to the east is the MTDB trolley line and vacant land. To the south is a golf facility and to the north is the Otay River. While the Commission has certified the Otay Mesa-Nestor LUP, the subject site is located within an area of deferred certification, which largely consists of undeveloped floodplain in the City of San Diego. As such, the Chapter 3 policies of the Coastal Act are the standard of review.

2. Floodplain Development/Environmentally Sensitive Resources. Sections 30231, 30236 and 30240 of the Act are applicable to the project and state the following:

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30236

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In addition, Section 30253 of the Coastal Act is applicable and state, in part:

Section 30253

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. [Emphasis added]

[...]

As cited earlier, the subject site is located immediately adjacent to, and south of the Otay River. Because of the potential for adverse impacts on both downstream areas and habitats, fill of floodplains is severely limited under the Coastal Act as well as in the City's certified LCP. Floodplains are an important part of many ecosystems as they are often associated with environmentally sensitive resource areas such as lagoons, estuaries, rivers and coastal streambeds. Development (construction of structures, grading, filling, etc.) within a floodplain not only presents a danger to proposed structures, but also can impact downstream resources through increased sedimentation.

The entire subject site is located within the 100-year floodplain of the Otay River. Because of the potential for adverse impacts on both downstream areas and habitats, fill of floodplains is severely limited under the Coastal Act as well as in the City's certified LCP. Floodplains are an important part of many ecosystems as they are often associated with environmentally sensitive resource areas such as lagoons, estuaries, rivers and

coastal streambeds. Development (construction of structures, grading, filling, etc.) within a floodplain not only presents a danger to proposed structures, but also can impact both upstream and downstream resources through increased sedimentation. For this reason, such development is severely restricted in the floodplain.

Although the proposed development largely consists of the construction of an RV campground, there are several ancillary structures proposed with the development that raises potential concerns with regard to compatibility with floodplain development. In particular, as cited earlier in the project description, the applicant is also proposing an approximately 4,500 sq.ft. clubhouse which will include a store, a game room, and snack bar with an 896 sq.ft., second-story apartment for the resident manager. Also proposed is a 1,240 sq.ft. garage and a second-story, 720 sq.ft. apartment for the property's caretaker. An existing one-story manager's apartment is proposed to be retained. In the past, the Commission has regarded the construction of buildings as fill in the floodplain because typically such structures impede the flow of floodwaters. However, in this particular case, the proposed structures on the site have all been designed such that they will be elevated two feet above the level of a 100-year frequency flood on a pier foundation so that the construction of off-site flood protective works will not be required. As designed, the structures will be able to withstand periodic flooding and will not impede the flow of floodwaters. Furthermore, the proposed structures consist of semi-permanent or non-permanent wood-framed structural modules, capable of being someday disassembled. This building technique is consistent with the 30-year term limitations of the Conditional Use Permit applied to the development by the City of San Diego, as well. The Commission's coastal engineer has also reviewed the project and has concurred that the proposed project will not result in fill in the floodplain such that flood flows will be impeded.

In addition, the site is relatively flat and only minor grading is proposed to level the existing site and earthwork as needed to install caissons for the proposed pier foundation of the new structures and utilities. On average, only about 3-inches of soil depth will be redistributed over the developed area. To further reduce the potential impacts of development in the floodplain, no increase in the peak run-off rate from the site is proposed and the project will not result in any increases to downstream bank erosion or sedimentation of wetlands. In addition, no new pavement is proposed within the campground facility. All of the proposed driveways and individual campsites will consist of decomposed granite or similar type pervious materials vs. concrete pads and driveways) and, as such, will not result in an increase in impervious area.

In addition, this project will not adversely affect Otay River flows even during the rare incidents of flooding. The project site is located adjacent to the southern edge of the Otay River floodway but is entirely out of this floodway. The risk of flash floods affecting the Project site is minimal in that there is a reinforced concrete dam — the Lower Otay Dam that is east of Chula Vista — on the Otay River upstream from this parcel. This proposed campground site is not in the Otay River floodway, but instead is within the higher Otay River "Flood Plain Fringe." The only historically known flooding of this parcel occurred in 1916 when, during heavy rains, the previous earthen dam burst.

No flooding of this Project site has occurred since that earth dam was replaced with the current, reinforced concrete Lower Otay Dam.

During heavy rains, the surface level of the Otay River does rise. But, according to the property owners who have lived on this land for more than 37 years, such river surface levels have not come higher during that time than about three feet below their property's elevation. The maximum theoretical 100-year flood depth mapped by F.E.M.A. on this project site itself is approximately only two feet on average above the existing ground level. Most of the existing buildings will be removed. There will be a net decrease in building area.

Furthermore, the project has been carefully designed such that the structures are proposed at the far southeast corner of the site, as far away as possible on the site from the Otay River. As noted previously, the site is located south of the Otay River. According to the applicant's representative, the northernmost edge of the campground's developed area at the northern noise wall is approximately, on average, 175 to 200 feet from the center of the Otay River. This is inclusive of the proposed riparian buffer.

In addition, it is important to note that Section 30236 of the Act cited above, is not applicable to the proposed development because the subject proposal will not result in channelization of the Otay River or substantial alteration of streambeds. The applicant has stated that no armoring of the banks of the Otay River is proposed or needed. As such, the proposal is consistent with Section 30236 of the Act. In addition, the applicant has indicated that the proposed project will not alter the existing flows in the Otay River. Normal campground operations do not propose to withdraw water from nor to discharge water to the Otay River. The campsites and bathrooms will be connected to the City sewer system. On-site washing of RVs or other vehicles will be prohibited by campground rules.

Special Condition #1 is attached which requires submittal of final plans. The plans are required to incorporate several features of the proposed development which are important to be regulated such as campground lighting, use of pier foundations for all of the proposed structures, and use of decomposed granite vs. pavement for all proposed driveways.

In addition, no impacts to any sensitive plant species will occur and the applicant is also proposing a 100-foot wide riparian buffer on the property's northern boundary adjacent to the riparian and freshwater marsh habitat of the Otay River which will comprise 2.3 acres. Associated with the proposed buffer is a Multi-Habitat Planning Area (MHPA) boundary adjustment resulting in removal of 3.2 acres of disturbed and partially developed land from the MHPA and revegetation and enhancement of 2.3 acres adjacent to the Otay River with native plant species (Diegan coastal sage scrub). All invasive and exotic plant species will be removed within the buffer area and the entire area will be planted with native, drought-tolerant vegetation compatible with the Otay River habitat. A six-foot high solid wall will be constructed between the campground and the buffer area to the north

to protect the resources associated with it. Special Condition #7 requires an open space restriction be placed over the proposed riparian buffer. No development is permitted within the buffer area except for the removal of existing invasive and exotic vegetation and planting of native coastal safe scrub vegetation. As conditioned, it can be assured that the proposed planting in the buffer area will be compatible with the sensitive resources of the Otay River. To ensure that any future owners receive notice of this condition, Special Condition #8 requires the applicant to record the conditions of this permit as covenants, conditions, and restrictions on the use of the property.

In addition, although the applicant has submitted a conceptual landscape plan, the Commission's biologist has indicated that a number of plant species proposed to be planted at the campground are exotic and/or non-native. Special Condition #2 requires submittal of a landscaping plan to assure that only drought tolerant native or non-invasive plant materials be used. In addition, since a number of trees are also proposed throughout the site to visually buffer the site from public views from Intersatte-5, the condition requires information related to the extent and location of such trees. The plans further require a commitment by the applicant that such vegetation is maintained in good growing condition. A monitoring report will be required to be submitted to the executive director five years from the date of approval of the permit indicating the condition of the plant species and plant coverage. Any identified shortcomings at that time must be remedied.

With regard to potential flooding hazard of structures, although the project involves the construction of an RV campground, there are also a number of proposed accessory structures associated with the development. As such, the potential for damage resulting from flooding still exists. Given that the project site is located within the 100-year floodplain, while the Commission finds that the risk of flooding, either from storms or improper drainage will be significantly reduced, it cannot be completely eliminated. Therefore, in order to find the development consistent with section 30253 of the Coastal Act, the Commission finds that the applicant and future property owners must be made aware of the flooding potential and must assume the risk of property damage from flooding. Accordingly, Special Condition #6 has been attached which requires the applicant to assume all risks involved with development adjacent to the Otay River and to agree to indemnify the Commission in the event that third parties bring an action against the Commission based upon damage resulting from the approved development. Special Condition #8, which requires the applicant to record the conditions of this permit, assures that future owners of the property will receive notice of the assumption of risk condition. The indemnification further insures that the Commission will not incur damages as a result of the applicant's decision to build in an area subject to risk of flooding. This condition has also been placed on other projects (Coastal Development Permit #s 6-97-17, 6-97-61, 6-98-42, 6-99-73 and many more) in other floodplain areas in San Diego County. Therefore, as conditioned, the Commission finds the project consistent with the policies of the certified LCP.

An issue is raised over the potential that, in the future, the applicant might propose some form of channelization to protect the proposed campground facility from flooding. Of particular concern is the potential that such protection would take the form of channelizing of the Otay River. Special Condition #9 advises the applicant that any rights to construct some form of channelization or substantial alteration of a river or stream for the purpose of protecting the proposed campground facility that may exist under Public Resources Code Section 30236 are waived.

As cited above, under Coastal Act, development in the floodplain is severely restricted. However, in this particular case, the proposed minor "fill" associated with the installation of pier foundations for the proposed structures will not substantially change or redirect stream flows. The proposed development, avoids impacts to the floodplain and downstream resources and is therefore consistent with Sections 30231, 30236, 30240 and 30253 of the Coastal Act. In addition, the proposed project has been reviewed by the Commission's staff biologist, engineer and water quality specialist, who have all found the project acceptable, with the proposed conditions. As conditioned, the proposed project does not raise any significant concerns and is consistent with the Coastal Act policies Sections 30231, 30236, 30240 and 30253 addressing floodplain development, hazards and protection of riparian area and other environmentally sensitive resources.

3. Visual Resources. Section 30251 of the Act states the following, in part:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The subject sites are located within a highly urbanized area of the City of San Diego and adjacent to Otay River which is open space. The proposed development will not result in the removal of any native vegetation nor impacts to wetland vegetation off-site. There is no native vegetation or riparian vegetation or wetlands on the subject property. As part of the proposed riparian buffer, removal of existing non-native species will be removed and replaced with native plant species which compliment the adjacent wetland vegetation associated with the river. Upon completion of the project, the proposed landscaping within the 100-foot buffer area will be more natural in appearance than the existing exotic and non-native species that are presently located in this area adjacent to the wetlands. This will not only significantly increase the biological value of this habitat associated with the Otay Valley Regional Park but will also result in a significant enhancement to visual resources in this area.

With regard to visual impacts, the proposed project will not result in the blockage of any public views to the coast. In addition, with regard to the visual impacts associated with the construction of the campground's ancillary buildings, the project site is visible from

Interstate-5 to the west and from Hollister Street to the east. Because the structures are located at the far southeastern corner of the site, they will not be as visible as viewed from Interstate-5. The proposed development will contain a wide setback from the freeway and dense native plantings and trees will visually buffer the campground from public view. In addition, the entire campground is proposed to be extensively landscaped including the construction of a noise wall adjacent to the freeway which will largely shield the RV campsites from public views. The Commission has typically required the visual buffering, through the installation of tree elements. In this case, the applicant has a preliminary landscape plan. Although the preliminary landscaping plan indicates installation of several plants on the east side of Interstate-5 to visually buffer the proposed development from public view, many of the proposed plant species are non-native. There are also a number of proposed plant elements throughout the campground itself which are also non-native plant materials. For this reason, the Commission is requiring a revised landscape plan (Special Condition #2) that places special emphasis on the use of drought-tolerant, native, non-invasive plant species. This is extremely important given the site's proximity to the Otay River where seedlings could be carried by wind and result in the growth of exotic species in riparian or wetland areas associated with the river.

With regard to compatibility with the character of the surrounding community, the lands surrounding the Otay River are zoned predominantly for agricultural and open space use. The land uses immediately to the south consists of a golf practice facility located on 12 acres which was permitted pursuant to CDP #6-94-96. Other than one residence on the site where the golf facility is located, the closest residential development is approximately 600 feet to the south on Conifer Avenue. To the immediate west is Interstate-5. On the west side of Interstate-5 is vacant land associated with the Otay Mesa-Nestor Regional Valley Park which will become a part of the future Otay Mesa Nestor Valley regional park and open space system. To the east is Hollister Street and the MTDB trolley line and other vacant land. To the north is the Otay River. As such, the proposed RV trolley campground will be compatible in size and scale with the character of the surrounding development. The proposed structures will also be designed to retain an architectural appearance of a historic railway station and will be composed of wood siding which will blend in with the character of the area. In summary, the Commission finds that, the proposed development is consistent with Section 30251 of the Act.

4. Water Quality. The following Coastal Act policy is applicable to the proposed development and states:

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground

water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As noted previously, the proposed development will occur within the 100-year floodplain of the Otay River. Due to the proximity of the site to the Otay River, there is a potential for runoff to reach the river and potentially harm sensitive resources. However, as noted by the project's agent, during light rainfall, no on-site storm water runoff will occur. The site naturally slopes gently away from the river eliminating the risk of uncontrolled sheet flow of stormwater into the river. As noted in the preliminary hydrology study completed for the project, a detention basin deep enough to contain surface water run-off for a 10-year 6-hour peak storm is proposed to be located on the western side of the site. This will capture the increased on-site flow of storm water runoff so that water can percolate into the soil instead of being rapidly discharged off-site into the Otay River.

The site's proposed drainage pattern will be similar to the existing pattern with runoff flowing to the western boundary. Currently the land drains towards the west and off-site to a 24" diameter CalTrans culvert near the midpoint of the western site boundary and via a gentle swale to the Otay River at the parcel's northwest corner. Those two drainage points will also remain unchanged in location after creation of an on-site detention basin.

Thus, with such stormwater detention and filtering, the volume and water quality of such run-off during heavy rains will be protected from adversely impacting the Otay River flows. Thus, with such stormwater detention and filtering, the volume and water quality of such run-off during heavy rains will be protected from adversely impacting the Otay River flows.

As a result of these proposed measures, the project is not expected to have any adverse effects on downstream resources. The project will not significantly impact coastal wetlands or wildlife in the river valley. In addition, before and during construction, temporary detention basins will be created to prevent turbidity and siltation from leaving the site and impacting the Otay River. These measures will be required by a Storm Water Pollution prevention Program (SWPPP) and by proposed environmental mitigations. The proposed development also includes a grass-lined detention basin, sand filters, grassy filter strips along driveways, and grease/oil traps to contain any typical parking area vehicle pollution. The detention basins' grass lining will allow for infiltration of surface water run-off as well as for additional filtering and reduction of pollutants. Regular maintenance of these water quality protective measures will prevent adverse effects to the Otay River and ocean-polluting urban runoff. In addition, no significant amounts of landscaping chemicals are proposed to be used on site.

With regard to potential adverse effects on the resources associated with the Otay River and other downstream resources, the proposed development has been designed such that each campsite will be provided with a sewage connection for each camper which will gravity flow to a sewage pump with an emergency generator. The sewer pump will be

installed near the southwest corner of the project site to connect to a City sewer main. There will be no on-site septic systems. In addition, measures will be taken to assure that there is no release from the sewer holdings or treatment facilities in the event of flooding. Various safety measures will be incorporated into the campground including foot-operated, 4-inch tight fitting spring-loaded self-closing hinged connections for surface water quality protection in the rare event of a flood event.

In addition, order to address implementation of standard Best Management Practices, Special Condition #5 requires that the applicant submit Drainage and Polluted Runoff Control Plan incorporating structural and non-structural Best Management Practices (Bumps) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition, the plan shall assure that drainage from all roofs and other impervious surfaces shall be directed through vegetative or other media filter devices effective at removing and/or treating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates; that runoff be directed into pervious areas located on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips; and, that all permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities. As conditioned, the proposed development is consistent with Sections 30231 of the Coastal Act.

5. Public Access. Section 30210 of the Coastal Act provides:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

In addition, Section 30212 of the Act states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway....

The proposed project site is far removed from the shoreline and any beach areas. However, the site is located between the first coastal road and the Otay River, in this

particular case. Section 30604(c) requires a finding that projects located between the first public road and the shore of any water body within the coastal zone to be consistent with the public access and recreation policies of the Coastal act. The subject site is part of an area which the City has designated as a special study area for the proposed Otay River Valley Regional Park. The proposed project will not result in any adverse impacts to the City's future plans to create this area as a regional park for passive recreational use (i.e., bird watching, viewpoints to the river and habitat areas, etc.). The applicant's representative has noted that the project site is located approximately 1/10th of a mile from the proposed access trail associated with the river which is proposed to extend to the San Diego Bay to the northwest. As such, the proposed project's proximity to this trail will increase public access opportunities

In addition, the project is situated immediately across the street from the San Diego Trolley line where a trolley stop exists. The trolley runs from downtown San Diego to the U.S. side of the Mexican border and abuts Hollister Street along the east side of the project site. As such, the trolley stop will provide guests using the park easy access to the downtown San Diego and Tijuana and thus provides affordable visitor-serving commercial recreation facilities.

Inasmuch as adequate access exists in the area and the project will have no effect on public access, the project is consistent with Section 30212(a) and all other applicable public access and recreation policies of the Coastal Act.

6. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The project site is located within the floodplain of the Otay River. The site is presently zoned AR-1-2 and OF-1-1 and designated for agricultural use and open space (previously zoned A1-1 and Floodplain Fringe zones). The City of San Diego has assumed permit authority for some areas in the Otay Mesa-Nestor planning community, however, this project site is located in an area of deferred certification and the Commission will continue to issue permits in the area until an LCP is certified. However, local discretionary approvals are still necessary in the areas of deferred certification. In this case, the City has approved the proposed development and has issued a Conditional Use Permit for the project. The proposed RV campground is allowed under the policies of the LCP and is consistent with the policies of the Floodplain Fringe zone. The proposed development is compatible with periodic flooding and no filling of the floodplain is proposed.

In addition, the proposed use of the site as an RV campground is compatible with the floodplain as it will provide passive recreational use. In order to further assure that the proposed development remains consistent with the this use, Special Condition #4 requires that the proposed RV park be used for short-term use only as opposed to permanent

occupancy (i.e., mobile home park). Consistent with City of San Diego regulations, occupancy time shall not exceed one month in any 12-month period or six months in any 12-month period for those vehicles with total hook-up capacity including sewer, water and electricity. In summary, the project is consistent with Chapter 3 policies of the Coastal Act and the certified City of San Diego Local Coastal Program and will not prejudice the ability of the city of San Diego to implement its LCP.

7. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing floodplain development, protection of environmentally sensitive resources, visual resources, water quality and public access/recreation, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(G:\San Diego\Reports\2002\6-02-103 Williamson stfrpt.doc)





SITE

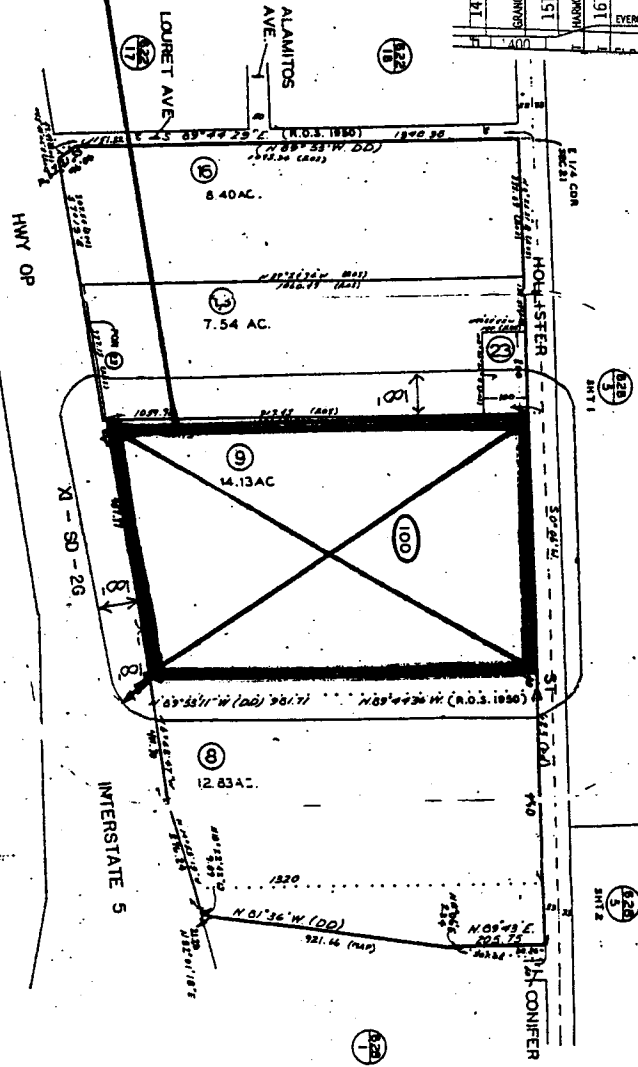
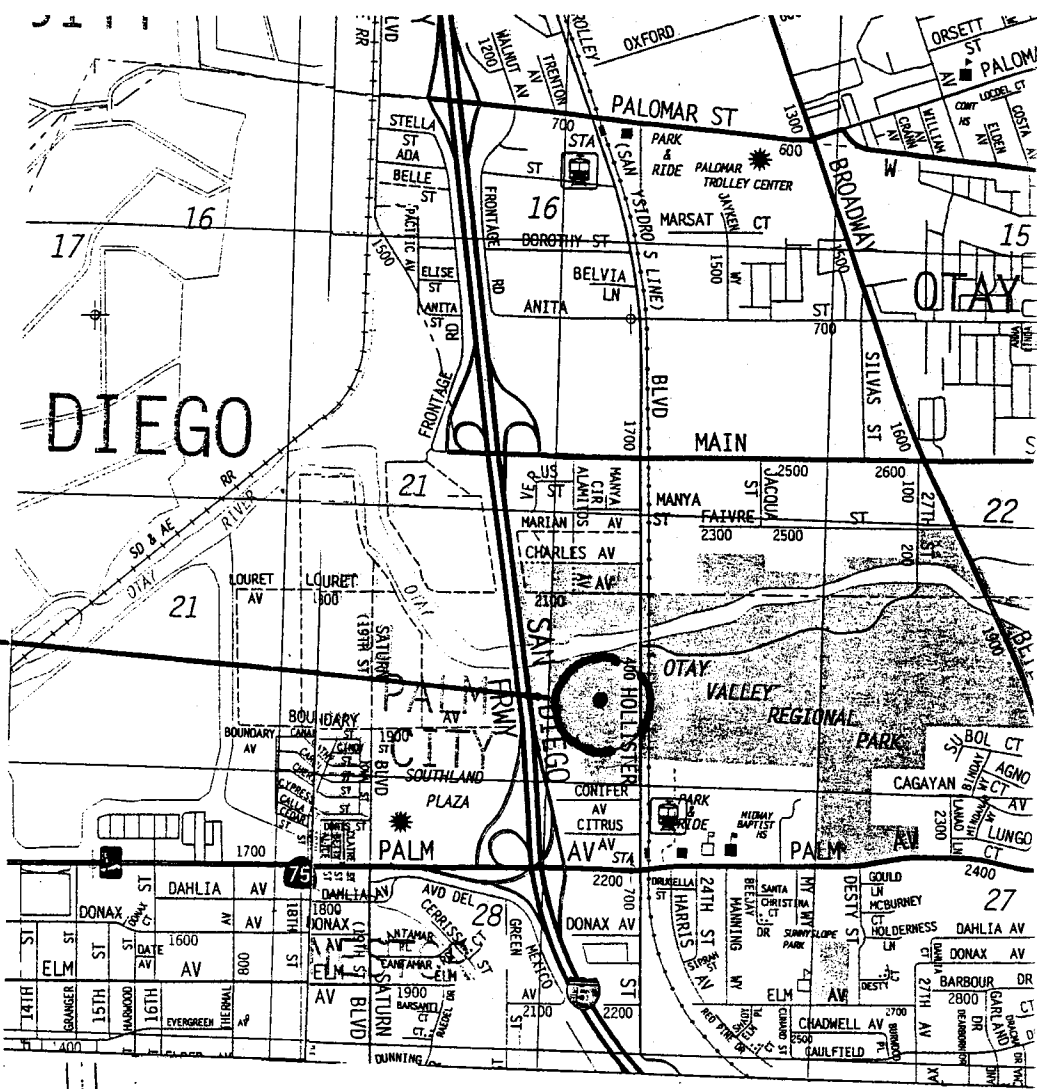
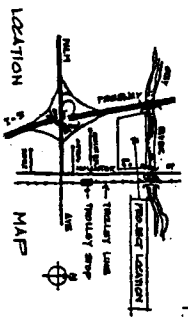
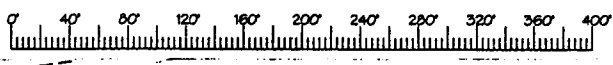
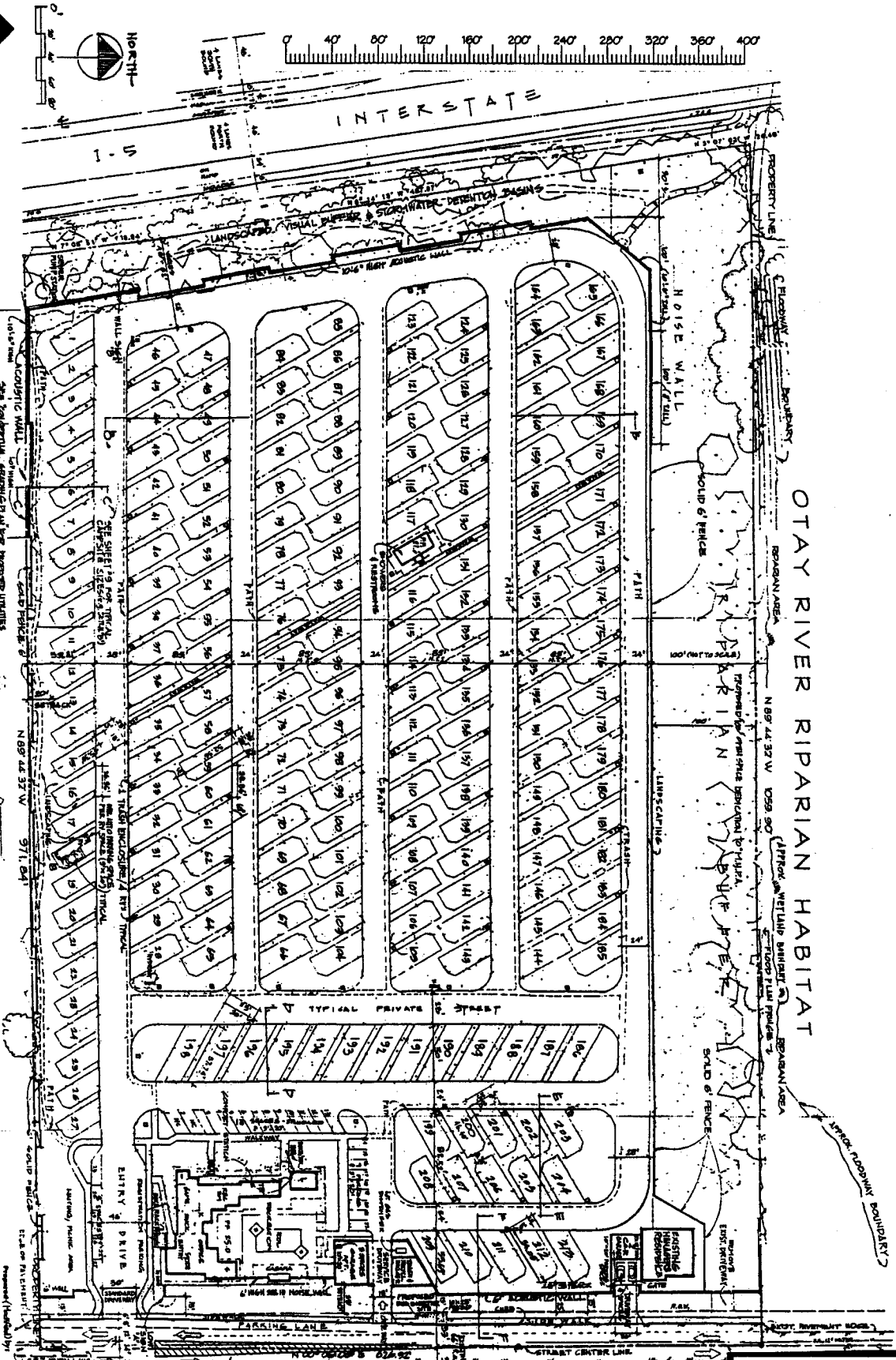


EXHIBIT NO. 1
 APPLICATION NO.
 6-02-103
 Project Location

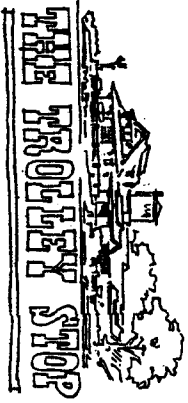


DATA:
 LEGAL DESCRIPTION:
 PORTION OF SE 1/4 OF SECTION 21,
 TOWNSHIP 19 SOUTH, RANGE 2 W,
 AGASSIS/CRS. PARCEL NO. 637-100-09
 AREA OF SITE: 14.18 ACRES NET
 RV SPACES: 218 SPACES



OTAY RIVER RIPARIAN HABITAT

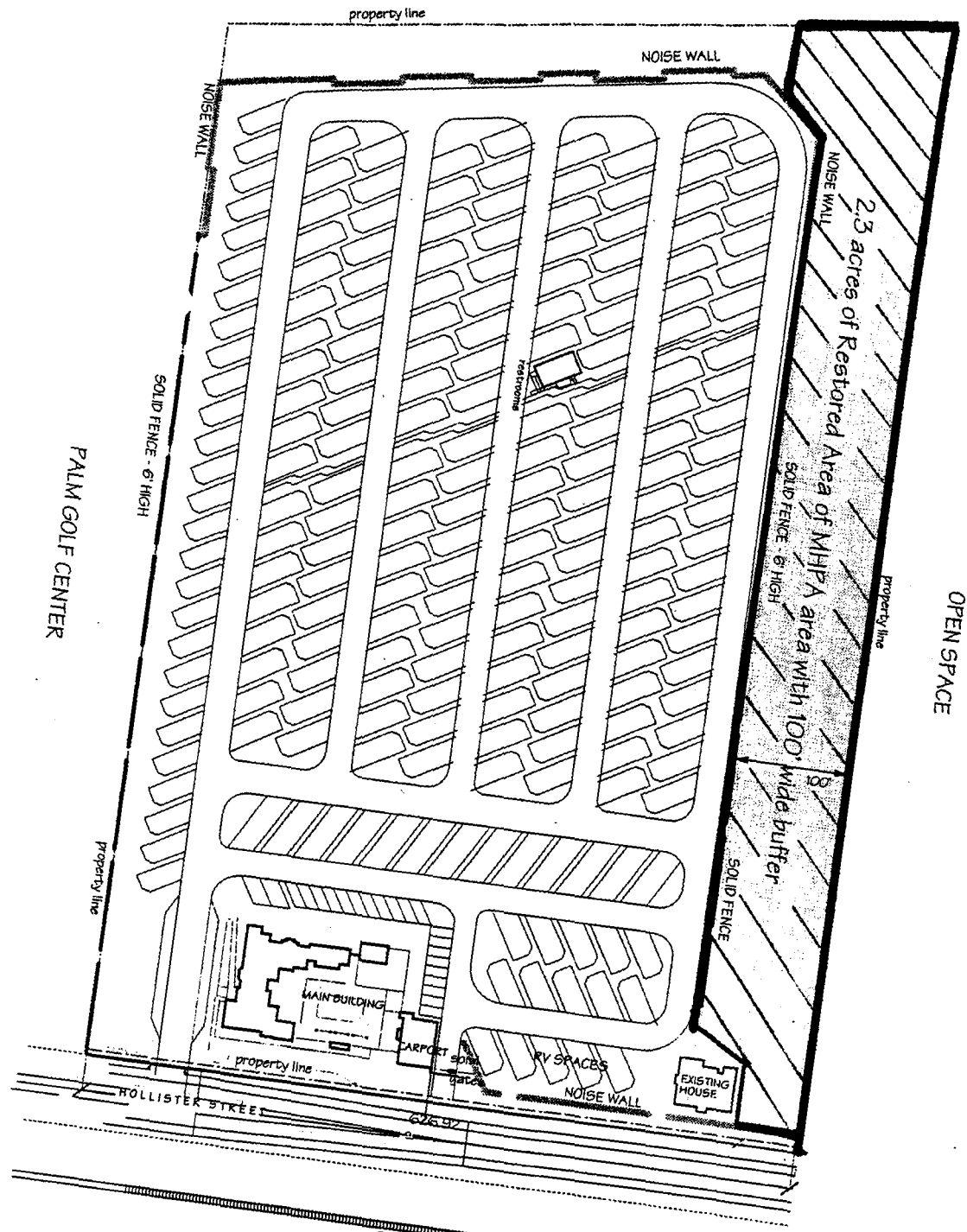
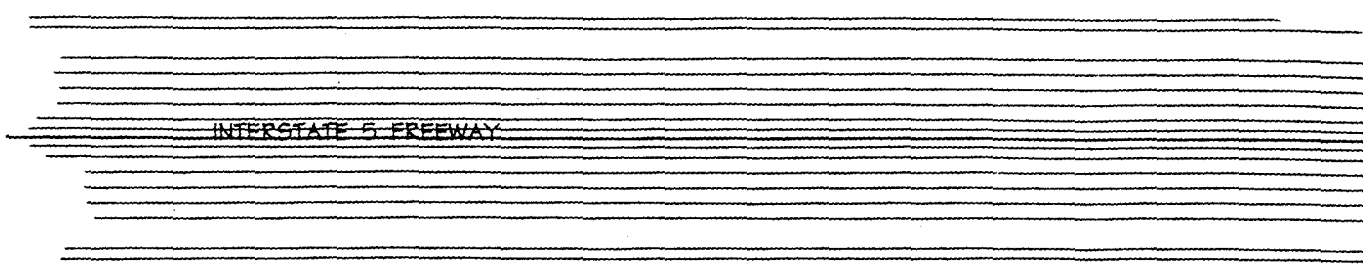
RECEIVED
 JUL 0 1 2002
 CALIFORNIA
 COASTAL COMMISSION
 SAN DIEGO COAST DIVISION



CONCEPTUAL SITE PLAN

Prepared (checked) by: [Name]
 Date: [Date]
 Checked by: [Name]
 Date: [Date]
 Project Name: THE TROLLEY STOP - RV PARK
 Project No: [Number]
 Other: [Information]

EXHIBIT NO. 2
 APPLICATION NO.
6-02-103
 Site Plan



San Diego Trolley Tracks

SITE PLAN - 5/10/00
 408 HOLLISTER STREET - Trolley Stop Project
 Dale LaForest & Associates

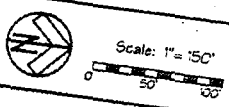
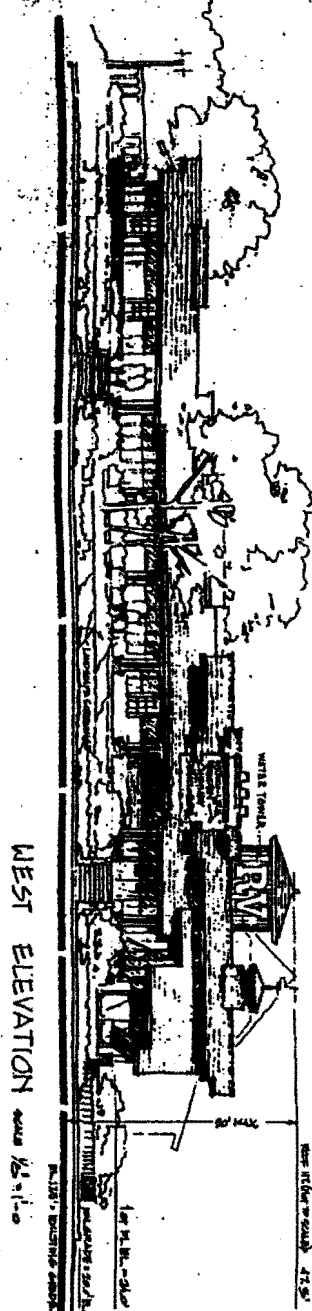


EXHIBIT NO. 3
APPLICATION NO.
6-02-103
 Open Space Restriction/
 100 Ft. Buffer

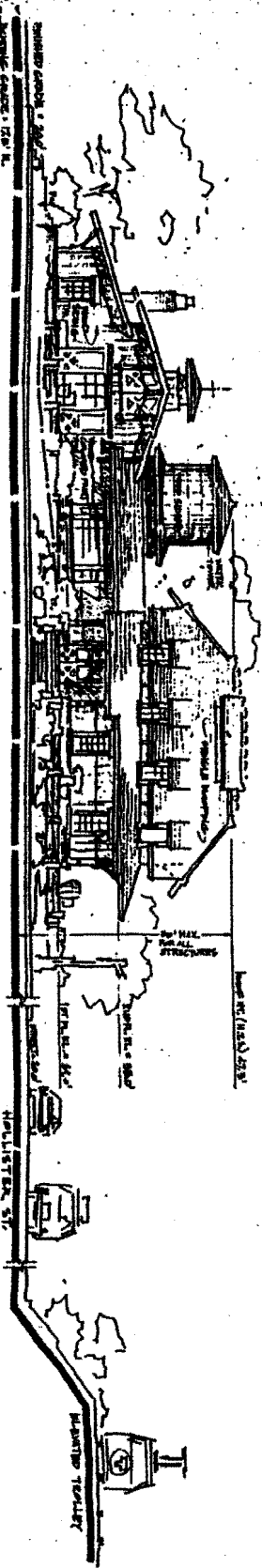
FIGURE 4 revised
 Project Site Plan

R/PLA/24

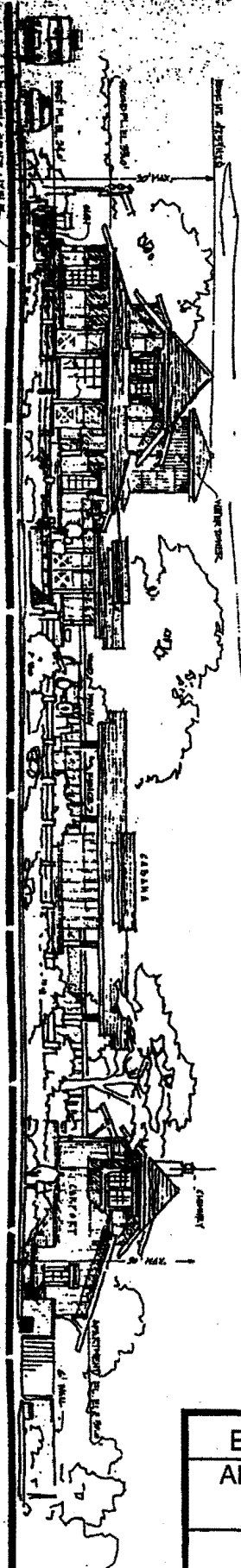


WEST ELEVATION scale 1/2" = 1'-0"

SOUTH ELEVATION scale 1/2" = 1'-0"



HOLLISTER EAST ELEVATION scale 1/2" = 1'-0"



Prepared by: **THE TROUBLE SHOP**
 4000 Hollister Road, Hollister, CA 95031
 Phone: (408) 938-1111
 Fax: (408) 938-1112
 Website: www.thetroubleshop.com
 Project: **THE TROUBLE SHOP - XV PARK**
 Date: **11/11/2008**
 Drawing No: **0808**

EXHIBIT NO. 4
APPLICATION NO.
6-02-103
Elevations

EXTERIOR ELEVATION