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W15c

ADDENDUM

May 12, 2021

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W15c**, Coastal Commission Permit Application No. **6-20-0053 (Northeast MB, LLC)**, for the Commission Meeting of May 12, 2021.

The purpose of this addendum is to clarify the relation between this permit action and a separate enforcement action regarding the same property, as well as to respond to comments from the applicant and public received after publication of the staff report (see Correspondence). Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by ~~strikethrough~~ and additions shall be underlined:

1. On Page 1 of the staff report, the Agent shall be changed as follows:

   Agent: ~~Bonnie Neely~~ John Erskine

2. On Page 3 of the staff report, the final full paragraph shall be revised as follows:

   After receiving reports of public access violations here and at Campland, Commission staff visited both properties and confirmed the existence of the violations. On June 26, 2020, the Commission sent a Notice of Violation letter to TVM, informing them of the violations and other violations of the Coastal Act. On August 20, 2020, TVM filed this CDP application to redevelop De Anza Cove as part of their lease with the City of San Diego. The Executive Director of the Commission then sent TVM a Notice of Intent to Issue a Cease and Desist Order and Administrative Penalty on February 18, 2021. This letter provided TVM with notice that the Executive Director intended to address the violations through a formal hearing before the Commission. Commission Enforcement staff and TVM have been working cooperatively over the last several months in an attempt to resolve these violations amicably through the “Consent Order” process and such action will likely come before the Commission at a subsequent hearing. The applicant is not proposing to resolve the violations herein, and thus violations

remain on the property that will not be addressed by the applicant and, as noted, the Commission's enforcement division has started the formal process to address the violations as a separate matter. The conditions recommended in this CDP are to address the application and do not address any aspects of the violations, which will be addressed separately.

3. On Page 7 of the staff report, add subsection (G) to Special Condition No. 1(a)(i) as follows:

   G. Two (2) electric vehicle charging stations, with infrastructure, including but not limited to, transformers and conduit capable of providing 220 volts to each station, and designated electric vehicle parking spaces shall be provided, subject to Executive Director approval, preferably in a location available for use by anyone using the site.

4. On Page 8 of the staff report, Special Condition No. 2 shall be modified as follows:

   Submittal of Final Construction Staging and Storage, Landscaping, and Lighting Plans

   a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of the following final plans:

      i. Final construction staging and storage plans that site all construction staging and storage and worker parking outside of public parking, beach area, and coastal waters,

      ii. Final landscaping plans for the portions of the peninsula that will be developed for expanded RV operations and exclusive use by guest of the RV park prepared by a licensed landscape architect or a qualified resource specialist who shall certify in writing that the final landscape plans are in conformance with the following requirements:

      […]

      C. To minimize the need for irrigation all landscaping shall consist of primarily native drought tolerant plants, as listed by the California Native Plant Society. (See http://www.cnps.org/cnps/grownative/lists.php.) Some non-native drought tolerant non-invasive plants may be used within 30 feet of habitable structures and retained in the public park areas. Use of turf irrigated with potable water shall be minimized and irrigated with micro-spray systems. No plant species listed as problematic and/or invasive by the California Native Plant Society

(http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be planted or allowed to naturalize or persist on the site.

[…]

5. On Page 15 of the staff report, Special Condition No. 4 shall be modified as follows

Post-Development Runoff Plan

a) **Water Quality and Hydrology Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a Water Quality and Hydrology Plan that demonstrates that the project complies with the following requirements for post-development protection of coastal water quality:

i. **Use a Low Impact Development Approach to Stormwater Management.** Use a Low Impact Development (LID) approach to stormwater management to replicate the site's pre-development hydrologic balance, by implementing site design strategies that reduce runoff, integrated with small-scale, distributed Best Management Practices (BMPs) to retain stormwater runoff close to the source.

The project shall comply with the following LID Site Design strategies and BMPs:

A. Minimize disturbance of coastal waters and natural drainage features such as stream corridors, rivers, wetlands, natural drainage patterns, drainage swales, groundwater recharge areas, floodplains, and topographical depressions.

B. Minimize removal of native vegetation, and plant additional non-invasive vegetation, particularly native plants that provide water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.

C. Maintain or enhance on-site infiltration of runoff to the greatest extent appropriate and feasible. Use strategies such as avoiding

building impervious surfaces on highly permeable soils; avoiding unnecessary soil compaction; amending soil if needed to enhance infiltration; directing runoff to permeable landscaped areas; and installing an infiltration BMP (e.g., rain garden or bioretention system).

D. Minimize the addition of impervious surfaces, and where feasible increase the area of pervious surfaces in redevelopment. Use strategies such as minimizing the footprint of buildings; minimizing the footprint of impervious pavement; and installing a permeable pavement system where pavement is required.

E. Disconnect impervious surface areas from the storm drain system, by interposing permeable areas between impervious surfaces and the storm drain system. Design curbs, berms, and similar structures to avoid isolation of vegetative landscaping and other permeable areas and allow runoff to flow from impervious pavement to permeable areas for infiltration. Use strategies such as directing roof-top runoff into permeable landscaped areas; directing runoff from impervious pavement into distributed permeable areas (e.g., turf, medians, or parking islands); installing a vegetated swale or filter strip to intercept runoff sheet flow from impervious pavement; and installing a rain barrel or cistern to capture and store roof-top runoff for later use in on-site irrigation or plumbing. Convey runoff from impervious surfaces into permeable areas in a non-erosive manner.

F. Where appropriate and feasible, direct stormwater runoff from all impervious surfaces (e.g., parking areas and driveways, roofs, walkways, and patios) to, in order of priority, a) landscaped areas or open spaces capable of infiltration; b) earthen-based infiltration BMPs (such as a bioretention basin) c) manufactured infiltration BMPs (such as a permeable pavement system) or rainwater harvesting BMPs (such as a cistern); d); flow-through biofiltration BMPs (such as a vegetated swale or green roof); and if infiltration is not feasible, e) proprietary filtration systems (such as an inlet filter) or runoff flow control systems (such as a stormwater detention vault).

G. Implement Runoff Control BMPs that are sized and designed to retain <u>runoff</u> on-site (by means of infiltration, evaporation, uptake by plants, or harvesting for later on-site use) ~~the runoff produced by~~

~~the 85th percentile 24-hour design storm,~~ to the extent appropriate and feasible. Examples include a bioretention basin, rain garden, permeable landscaped area, permeable pavement system, and cistern.

H. If the proposed development will not retain on-site the runoff ~~produced by the 85th percentile 24-hour design storm~~ using an LID approach, an alternatives analysis shall be conducted. The alternatives analysis shall demonstrate that on-site runoff retention is maximized to the extent appropriate and feasible, and there are no appropriate and feasible alternative project designs (such as a reduction in impervious surface area) that would enable on-site retention of the design storm runoff volume.

I. Where on-site infiltration is not appropriate or feasible, use alternative BMPs to minimize post-development changes in runoff flows. Alternative BMPs shall also be used where infiltration BMPs are not adequate to treat a specific pollutant of concern attributed to the development, or where infiltration practices would conflict with regulations protecting groundwater. Examples include an evapotranspiration BMP that does not infiltrate into the ground but uses evaporation and uptake by plants to reduce and attenuate runoff flows (e.g., a vegetated “green roof,” flow-through planter, biofiltration basin, or retention pond); a rainwater harvesting BMP to capture and store runoff for later use in landscape irrigation (e.g., a rain barrel or cistern); directing runoff to an off-site infiltration facility; or a BMP to reduce runoff flow rate (e.g., a manufactured stormwater detention vault) prior to directing runoff to the storm drain system.

ii. **Implement Treatment Control BMPs if Necessary.** Treatment Control BMPs are structural systems designed to remove pollutants from runoff by processes such as gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or other physical, biological, or chemical process. Examples include vegetated swales, bioretention basins, and storm drain inlet filters. Runoff Control BMPs that promote infiltration or evapotranspiration may also provide Treatment Control.

A. Implement a Treatment Control BMP (or suite of BMPs) that is sized and designed to remove pollutants of concern from ~~any portion of the runoff produced by the 85th percentile 24-hour design storm~~ that will not be retained on-site.

B. Where infiltration BMPs are not adequate to remove a specific pollutant of concern attributed to the development, an effective Treatment Control BMP (or suite of BMPs) shall be required prior to infiltration of runoff, or else an alternative BMP that does not involve infiltration shall be substituted for the infiltration BMP.

~~C. If flow-based BMPs are implemented to remove pollutants of concern or to slow and attenuate runoff flows, size and design these BMPs to treat the runoff flow produced by the 85th percentile 1-hour storm event, multiplied by a safety factor of two.~~

iii. **Implement Source Control BMPs.** Appropriate and feasible long-term Source Control BMPs, which may be structural features or operational practices, shall be implemented to minimize the transport of pollutants in runoff from the development by controlling pollutant sources and keeping pollutants segregated from runoff. Use strategies such as covering outdoor storage areas; using efficient irrigation; proper application and clean-up of potentially harmful chemicals and fertilizers; and proper disposal of waste. Waste disposal receptacles within the leasehold shall be of a scavenger-proof design to prevent access by animals.

iv. **Avoid Adverse Impacts from Stormwater and Dry Weather Discharges.** The adverse impacts of discharging stormwater or dry weather runoff flows to coastal waters, intertidal areas, beaches, bluffs, or stream banks shall be avoided, to the extent feasible. The project shall comply with the following requirements:

A. New outfalls discharging stormwater or dry weather runoff to coastal waters shall be prohibited, and runoff shall be directed inland to the storm drain system or to an existing outfall. If no storm drain system or existing outfall is present, runoff shall be directed to an existing drainage channel. Runoff shall not be allowed to sheet flow to the beach or the bay.

B. Runoff shall be conveyed off-site or to drainage systems in a non-erosive manner. If runoff flows to a natural stream channel or drainage course, determine whether the added volume of runoff is large enough to cause erosion.

C. Protective measures shall be used to prevent erosion from concentrated runoff flows at stormwater outlets (including outlets of pipes, drains, culverts, ditches, swales, or channels), if the

discharge velocity will be sufficient to potentially cause erosion. The type of measures selected for outlet erosion prevention shall be prioritized in the following order, depending on the characteristics of the site and the discharge velocity: (1) vegetative bioengineered measures (such as plant wattles); (2) a hardened structure consisting of loose materials (such as a rip-rap apron or rock slope protection); or (3) a fixed energy dissipation structure (such as a concrete apron, grouted rip-rap, or baffles).

D. Design and manage the development to minimize discharge of dry weather runoff to coastal waters, to the maximum extent feasible. For example, use efficient landscape irrigation techniques, and design vehicle washing areas to convey wash water to vegetated areas, infiltration system, or the sanitary sewer system to minimize off-site runoff.

v. **Manage BMPs for the Life of the Development.** Appropriate protocols shall be implemented to manage BMPs (including ongoing operation, maintenance, inspection, and staff training) to keep the water quality provisions effective for the life of the development.

vi. **Site Plan and Narrative Description.** The Water Quality and Hydrology Plan shall include a site plan and a narrative description addressing, at a minimum, the following required components:

A. A California-licensed professional (e.g., Registered Professional Civil Engineer, Geotechnical Engineer, Geologist, Engineering Geologist, Hydrogeologist, or Landscape Architect) qualified to complete this work shall be in responsible charge of preparing the Water Quality and Hydrology Plan.

B. A site plan, drawn to scale, showing the property boundaries, building footprint, runoff flow directions, relevant drainage features, structural BMPs, impervious surfaces, permeable pavements, and landscaped areas.

C. An estimate of the proposed changes in (1) impervious surface areas on the site, including pre-project and post-project impervious coverage area and the percentage of the property covered by impervious surfaces; (2) the amount of impervious areas that drain directly into the storm drain system without first flowing across

permeable areas; and (3) site coverage with permeable or semi-permeable pavements.

D. A polluted runoff and hydrologic characterization of the existing site (e.g., potential pollutants in runoff, soil properties, infiltration rate, depth to groundwater, and the location and extent of confining layers such as bedrock), as necessary to design the proposed BMPs.

E. A description of the BMPs that will be implemented, and the Low Impact Development approach to stormwater management that will be used. Specify the number, location, size, design, and stormwater management function of all BMPs. Include a schedule for installation or implementation of all post-development BMPs.

F. Supporting calculations demonstrating that all required Runoff Control and Treatment Control BMPs shall be sized, designed, and managed to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or the 85th percentile 1-hour storm event (multiplied by a safety factor of two) for flow-based BMPs, to the extent appropriate and feasible, <u>for the portions of the project site that are determined to not already be able to infiltrate the volume produced by an 85th percentile 24-hour storm event</u>. Indicate the values used in the calculations, and the source of data for each variable.

G. ~~If~~ <u>For the portions of the project site where</u> the 85th percentile 24-hour design storm runoff volume cannot be retained on site using an LID approach, an alternatives analysis shall demonstrate that no feasible alternative project design would substantially improve runoff retention.

H. Runoff from all new and/or replaced impervious and semi-pervious surfaces shall be addressed in the plan. For sites where the area of new and/or replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, runoff from the entire developed area, including the pre-existing surfaces, shall be addressed in the plan.

I. A description and schedule for the ongoing management of all post-development BMPs, including operation, maintenance, inspection, and staff training, that will be performed for the life of the development, if required for the BMPs to function properly.

b) The permittee shall undertake development in accordance with the approved Water Quality and Hydrology Plan, unless the Commission amends this permit or the Executive Director determines issues a written determination that no amendment is legally required for any proposed minor deviations.

6. On Page 31 of the staff report, the first paragraph shall be revised as follows:

... In addition, a bicycle and pedestrian path shall be demarcated along De Anza Bay Drive along the shoreline edge of the public parking lot and connect to the Shore Drive pedestrian and bicycle path through a new connection in the southern wall at the eastern end of the parking lot. The applicant has also proposed adding two (2) parking spaces with facilities to serve electric vehicles of visitors to the site, which is codified in **Special Condition No. 1**.

7. On Page 33 of the staff report, the first full paragraph shall be revised as follows:

Due to the presence of existing encroachments on public park area and the existing difficulty the public has in learning about the park amenities, which may be exacerbated by the substantial expansion of RV spaces, **Special Condition No. 8** requires the submittal of a final public access plan requiring removal of the encroaching development on the beach and a signage plan around and within the project area to better inform the public of their rights of access. The applicant has requested that public access to the shoreline pedestrian path be limited to the hours of 4 AM to 2 AM, consistent with the hours that public parking lots on De Anza Cove are open. Subsequent to the publication of the staff report, the applicant specifically requested that the 450-foot segment of the pedestrian path along Rose Creek Shore Drive located within the existing Mission Bay RV Resort leasehold remain gated and access closed to the public between the hours of 11 PM and 6 AM for security reasons. While the City does restrict parking in public parking lots in Mission Bay Park, public access to the shoreline by foot or by bike is unrestricted. Therefore, **Special Condition No. 8** clarifies that parking the public parking lot is restricted between the hours of 2 AM and 4 AM consistent with the surrounding public parking lots, but public access to all public access paths and vacant areas not operating as an RV facility shall be available 24 hours a day. **Special Condition No. 6** requires that the public access plan be recorded against the current lease and that the City agree to incorporate the public access plan into future leases. Thus, as conditioned, can the proposed development be found to maximize public access and conform to Chapter 3 of the Coastal Act.

8. On Page 34 of the staff report, the second full paragraph shall be revised as follows:

While the City is currently studying both the conversion of Campland on the Bay to wetlands and the De Anza Redevelopment Plan for the SSA area, both projects are at the local level, with no definite timeline for their completion and

submittal to the Commission for certification known at this time. However, in the interim, De Anza peninsula contains several non-native trees, such as palm trees, that shade the public waterfront path and the vacant mobile home area that will reopened to the public as part of **Special Condition No. 8**. Subsequent to publication of the staff report, a coalition of environmental organizations submitted a comment letter calling for the removal of the non-native trees within the project site, arguing that they grant perching spaces to raptors to prey on shorebirds. However, there are dozens of non-native trees within De Anza peninsula, and their removal would be a substantial operation that would strip substantial foliage and shade cover in a public park area. Without detailed information about the existing vegetation and whether it current provides habitat on the peninsula, Commission staff is unable to asses the impact of removal or recommend appropriate replacement vegetation. Additionally, given the expectation that the City of San Diego will finalize their De Anza Redevelopment Plan in the coming years, which is likely to require the removal of the trees currently on the peninsula, the removal of the trees at this time is not required by this project. However, while it is recommended that the existing trees remain at this time, given the location of De Anza peninsula, it is important to ensure that the proposed development does not adversely impact the habitat that is already present in the general vicinity, such as the nearby Kendall Frost Reserve to the west of Campland on the Bay, or preclude the future restoration of the Campland site and De Anza Peninsula to wetlands at a future point in time. **Special Condition No. 2** requires the submittal of a final landscaping plan that does not use invasive plants in the portions of the peninsula that will be redeveloped for expanded RV operations and exclusive use by guests of the RV park that may degrade nearby habitat areas, as well as a final lighting plan that utilizes shielded, downward facing lighting and does not utilize lighting along the perimeter of the peninsula that would illuminate the coastal waters.

9. On Page 35 of the staff report, the first full paragraph shall be revised as follows:

   Mission Bay and Rose Creek are ~~is a~~ Section 303(d) listed bodies ~~body~~ of water under the Clean Water Act, with bacteria/pathogens, nutrients, and heavy metals identified as water quality problems for which Total Maximum Daily Loads (TMDLs) for various pollutants such as nutrients an heavy metals have been established. Due to its location adjacent to the mouth of Rose Creek, which drains a substantial portion of the City of San Diego waterways located outside of the coastal zone, combined with the muted tidal flushing arising from being in the opposite corner from the bay's entrance channel, the water quality of De Anza Cove and adjacent water segments tends to be poorer quality compared to the western portions of the bay closer to the ocean. Additionally, testing of the vacant mobile homes revealed that they contain significant quantities of asbestos within them.

10. On Page 35 of the staff report, the final paragraph shall be revised as follows:

Under existing conditions, the project site drains toward De Anza Cove through a combination of sheet flow, catch basin inlets, storm drains, and outlets into the cove. Because of the proximity to coastal waters of the proposed development's approximately 30 acres of impervious surfaces being demolished and replaced as part of the conversion from mobile homes to RV spaces, the Commission's water quality staff consider this project to be of concern. As the proposed project will substantially increase the active use of De Anza peninsula and introduce a large number of vehicles and camping use, which may introduce pollutants such as vehicle fluids and trash, it is recommended that the project create a plan detailing how the various surface material on De Anza peninsula will be altered by the project. The applicant has stated that approximately half of the lease area will remain vacant once the mobile homes are removed, with the unmaintained landscaped areas and internal roads remaining, while the northern 13-acre portion that will become the new RV spaces will be composed primarily of pervious decomposed granite, and the existing roads simply resurfaced in places rather than repaved or rebuilt. Because of the flat topography of De Anza and the substantial square footage of pervious surface that will be present, the Commission's water quality staff believes it is likely that much of the runoff on the site will be directed into existing or new pervious area. However, the exact volume that will be directed into pervious areas and the amount of infiltration occurring therein will not be known until a post-development runoff plan is submitted detailing the relevant coverage and infiltration calculations. While it is likely that much of the runoff will be infiltrated, to protect the bay's water quality, it will be important to identify the specific locations on the peninsula where additional measures will be required to be able to retain on-site the stormwater runoff from the 85th percentile 24-hour design storm to the greatest extent technically feasible, and treat any of the design storm runoff that cannot be feasibly retained onsite. Implementation of runoff Control BMPs that are sized and designed to retain on-site by means of infiltration, evaporation, uptake by plants, or harvesting for later on-site use the runoff produced by the 85th percentile 24-hour design storm, to the extent appropriate and feasible in the specific locations of the peninsula where needed, is recommended. Examples include a bioretention basin, rain garden, permeable landscaped area, permeable pavement system, and cistern. Regarding the portion of runoff produced by the 85th percentile 24-hour design storm that will not be retained on-site, examples of measures that could treat such runoff include vegetated swales, bioretention basins, and storm drain inlet filters. The Commission's water quality staff, upon reviewing the proposed development and recommending the above measures, believes the project can be found to reduce water quality impacts to the greatest extent feasible.

11. On Page 36, the following paragraph shall be added before the final full paragraph as follows:

Following publication of the staff report, a coalition of environmental organizations submitted a comment letter requesting that the Commission

require the applicant to conduct water quality testing of De Anza Cove weekly and after storms with more than one-half inch of rain, as well as display signs informing the public if Mission Bay Park's water is unsafe for recreation. However, the waters of De Anza Cove, as well as the rest of Mission Bay, are outside of the leasehold area, and the testing of coastal waters and informing of the public of unsafe levels of listed contaminants are handled by the City in coordination with state and federal water pollution authorities. The project site is completely on land, and Mission Bay Park receives surface flows and discharges from multiple streams, outlets, and non-source points across its 27 miles of shoreline. The protection of water quality from runoff that may enter from the project site is important to protect public recreation and habitat, and serves as the basis for the best management practices described earlier in this section, but the testing of water quality for substances unrelated to this project is not necessary and would not produce information other than what is already sought by state and federal water authorities.

12. On Page 36 of the staff report, the final full paragraph shall be revised as follows:

In order to ensure that the conversion of the vacant mobile homes into RV spaces does not produce debris and pollution that could enter the adjacent bay, **Special Condition No. 3** requires the submittal of a final construction pollution prevention plan adhering to the listed measures to control the spread of debris and its prompt removal if it enters coastal waters, as well as the operation and maintenance of construction equipment during the conversion. **Special Condition No. 4** requires the submittal of a final post-development runoff plan that adheres to listed measures to capture, retain, and treat runoff on-site to the greatest extent feasible to limit the amount of runoff flowing into coastal waters. Additionally, due to the age of the mobile homes, it is suspected that they contain asbestos within them, and because of the presence of asbestos in the mobile homes, the applicant has coordinated with the County of San Diego Air Pollution Control District to remove asbestos off-site over the course of demolition. Some members of the public have called for soil testing of De Anza peninsula prior to removal of the mobile homes to determine if it is already present in the soil and whether demolition of the homes could release asbestos into the soil, which could then wash into coastal waters during a storm event. Upon being contacted by Commission staff, the County of San Diego Air Pollution Control District, which oversees the removal of such hazardous substances such as asbestos, informed staff that they are requiring the applicant to conduct an asbestos survey and submit it to the Air Pollution Control District Prior to the initiation of any demolition, designate a government-certified contractor to submit a plan to the Air Pollution Control District detailing the manner of removal of the asbestos, and give at least a ten-day notice before initiating work. The Commission's water quality staff believes that these measures are adequate to identify the presence and amount of asbestos and ensure that any identified asbestos is removed from the park in a safe manner. Due to role of asbestos as a flame-retardant placed inside structure walls, it is unlikely that asbestos is present in the soil and waters of De Anza, as it is not

listed in the related 303(d) listing and related TMDLs as one of the pollutants of concern. Because the project will possibly involve the removal of hazardous material from the site, **Special Condition No. 5** requires that all excess grading material or hazardous material taken off-site must be disposed at a legal site outside the coastal zone. Thus, as conditioned, the development can be found in conformance with the water quality policies of the Coastal Act.

13. On Page 40 of the staff report, the final paragraph shall be revised as follows:

After receiving reports of public access violations here and at Campland, Commission staff visited both properties and confirmed the existence of the violations. On June 26, 2020, the Commission sent a Notice of Violation letter to TVM, informing them of the violations and other violations of the Coastal Act. On August 20, 2020, TVM filed this CDP application to redevelop De Anza Cove as part of their lease with the City of San Diego. The Executive Director of the Commission then sent TVM a Notice of Intent to Issue a Cease and Desist Order and Administrative Penalty on February 18, 2021. This letter provided TVM with notice that the Executive Director intended to address the violations through a formal hearing before the Commission. Commission Enforcement staff and TVM have been working cooperatively over the last several months in an attempt to resolve these violations amicably through the “Consent Order” process and such action will likely come before the Commission at a subsequent hearing. The applicant is not proposing to resolve the violations herein, and thus violations remain on the property that will not be addressed by the applicant and, as noted, the Commission’s enforcement division has started the formal process to address the violations as a separate matter. The conditions recommended in this CDP are to address the application and do not address any aspects of the violations, which will be addressed separately.