

CALIFORNIA COASTAL COMMISSION

455 MARKET ST, SUITE 300
SAN FRANCISCO, CA 94105-2420
FAX (415) 904-5400
TDD (415) 597-5885



Th11.1 & 11.2

ADDENDUM

September 8, 2021

TO: Coastal Commissioners and Interested Parties

FROM: Lisa Haage, Chief of Enforcement
Rob Moddelmog, Headquarters Enforcement
Robin Mayer, Senior Legal Counsel
Justin Buhr, Statewide Enforcement Supervisor

SUBJECT: ADDENDUM TO ITEM NO. TH11.1 & 11.2 CONSENT CEASE AND DESIST ORDER NO. CCC-21-CD-01 AND CONSENT ADMINISTRATIVE PENALTY NO. CCC-21-AP-01 (CAMPLAND, LLC AND NORTHEAST MB, LCC) FOR THE COMMISSION MEETING OF SEPTEMBER 9, 2021.

The purposes of this addendum are twofold. First, Section I updates the record by supplementing it with correspondence that Commission staff received after the staff report for this matter ("Staff Report") was issued on August 26, 2021. Second, Section II provides a minor correction to the Staff Report.

I. Documents Received after the Staff Report:

The documents received by Commission staff since issuance of the Staff Report on August 26, 2021, and included in this addendum, are, in the order received:

1. Letter of support from Environmental Center of San Diego, dated September 2, 2021, Addendum Exhibit 1.
2. Letter of support from John Heatherington, dated September 3, 2021, Addendum Exhibit 2.
3. Letter from John Erskine, representative of Campland, LLC and Northeast MB, LLC, dated September 3, 2021, Addendum Exhibit 3.
4. Letter of support from Penny Elia, dated September 7, 2021, Addendum Exhibit 4.

II. Corrections and Clarifications

A. Changes to Staff Report / Recommendations and Findings for Cease and Desist Order CCC-21-CD-01 and Administrative Civil Penalty Order CCC-21-AP-01:

Commission staff hereby revises the August 26, 2021 Staff Report and, thereby, revises its recommended findings in support of the Cease and Desist Order & Administrative Penalty. Language to be added is shown underlined, as shown below, and deletions are shown in strikeout. Since the staff report was prepared, Commission staff was informed that the calculations did not include the cost of a particular type of camping space at Campland, and the revised numbers now reflect that additional type.

1. Page 5, first paragraph, should read as follows:

The approximate base cost of renting a campground space for a tent for two weekend, non-holiday nights at Campland in the summer is ~~\$292. This is over three~~ approximately two times the cost of the nearby state campground at San Elijo State Beach in Cardiff, ~~which would cost approximately \$80 for two weekend nights in the summer and~~ which does not charge more for holidays.

2. Page 16, third paragraph, should also read as follows:

The approximate base cost of renting a campground space for a tent for two weekend, non-holiday nights at Campland in the summer is ~~\$292. This is over three~~ approximately two times the cost of the nearby state campground at San Elijo State Beach in Cardiff, ~~which would cost approximately \$80 for two weekend nights in the summer and~~ which does not charge more for holidays.



Sept 2, 2021

Coastal Commission Staff

RE: Consent Cease and Desist Order No. CCC-21-CD-01 and Consent Administrative Penalty CCC-21-AP-01

Dedicated to the protection and enhancement of our natural environment and to public access to our shared resources, The Environmental Center of San Diego urges the Coastal Commission to approve the staff recommendation of Consent Cease and Desist Order No. CCC-21-CD-01 and Consent Administrative Penalty CCC-21-AP-01.

While we, as an organization and as individuals, have a long history of advocacy for coastal public access and disuse of petrochemicals and plastics, we encourage you to stipulate that a new public restroom and charging stations, be placed back from the shoreline (perhaps north of the Mission Bay RV Resort's main rental lot) to allow proposed wetland restoration.

Our non-profit work on behalf of the Coastal Commission to reopen a coastal trail blocked for over 30 years at Princess St. in La Jolla should inform you of our sincerity in providing public access while maintaining natural habitat. In contrast, Campland LLC and N.E. Mission Bay LLC have repeatedly disregarded terms of their lease, attempted to privatize public land, and developed rental storage without permit. In truth, a one-million-dollar fine is a "hand-slap" if these poor stewards are ceded more public land that could be beautiful natural tidelands that preserve many native species of plants and animals, protect against sea-level rise, and filter the water of streams and bay.

Thank you for your attention,

George Heatherington
Chair, Board of Directors
Environmental Center of San Diego

ENVIRONMENTAL CENTER OF SAN DIEGO
WWW.ECOSANDIEGO.ORG
CONTACTECOSD@GMAIL

Moddelmog, Robert@Coastal

From: Pam Heatherington <pjheatherington@gmail.com>
Sent: Friday, September 3, 2021 6:54 PM
To: Moddelmog, Robert@Coastal
Subject: comments on Staff Report 9/9/21 Items Th11.1 & 11.2

California Coastal Commission
300
VIA electronic mail to Robert Moddelmog
Enforcement

September 3, 2021
455 Market Street, Suite
San Francisco, CA 94105
Statewide
robert.moddelmog@coastal.ca.gov

Members of the California Coastal Commission,

This letter is regarding Consent Cease and Desist Order No. CCC-21-CD-01 and Consent Administrative Penalty No. CCC-21-AP-01 pertaining to Campland and the Mission Bay RV resort.

All of this is long overdue. Campland has been the greatest obstacle to public access in the north-east corner of Mission Bay since the 1960s. And, as noted by your staff, they have, in several different ways, not complied with the lease agreements that they have made with the City of San Diego.

Any permanent facilities however, that they are required to build, or maintain, such as pools or restrooms, should be located north of the Mission Bay RV Resort, so as to avoid conflicts with restoration efforts. For more information about the plans for restoration I would refer you to ReWild Mission Bay, a proposal for salt marsh restoration that is supported by the U.S. Fish and Wildlife, California Fish and Wildlife, the University of California and a host of other civic, environmental and business organizations as well as a large segment of the public.

We have known since the early 90s that the best way to improve water quality in east Mission Bay would be to remove De Anza Point. (Mission Bay Park Master Plan, 1992) The point is an artificial construction dredged up from the bay floor in 1948. It has been trying to return there ever since, but every few years, it gets shored up again, with rip rap, fill dirt or concrete, but still, it crumbles. This is because it sits on 90 feet of silt, or mud and is also about 100 yards from one of the most active fault lines in San Diego. Add climate change and sea level rise to this picture and you can easily see that De Anza Point is not a good place for development.

My interest in De Anza goes way back. I was born in San Diego, 75 years ago, and was raised on the northeast shore of Mission Bay. I learned to swim, fish and sail in the bay and I walked past this site every day on my way to school. I, along with most of us in this community, have waited a lifetime to see our bayfront returned to public use.

Thank you for taking the first steps in this direction.

John Heatherington

805 835 2073



ATTORNEYS AT LAW

18101 Von Karman Avenue
Suite 1800
Irvine, CA 92612
T 949.833.7800
F 949.833.7878

John P. Erskine
D 949.477.7633
jerskine@nossaman.com

Refer To File # 503995-0001
503639-0001

VIA ELECTRONIC MAIL

September 3, 2021

Chair Steve Padilla and Commissioners
California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105

Th 11.1 & 11.2

**Re: Consent Cease and Desist Order No. CCC-21-CD-01 and Consent
Administrative Penalty No. CCC-21-AP-01
(Campland, LLC and Northeast MB, LLC, San Diego)**

Dear Chair Padilla and Commissioners:

This firm represents Campland, LLC and Northeast MB, LLC (“Respondents”) with respect to the above-referenced enforcement matters scheduled on the September 9, 2021 Coastal Commission Agenda. On behalf of Respondents, we respectfully request your approval of the Staff Recommendations set forth in the Summary of Staff Recommendation and Findings, and approval of the Motions 1 and 2 in Section I of the Staff Report.

We would state, at the outset, that our firm has represented the Respondents on various matters over the last decade, know the principal owners well, and can attest to the fact that they are a responsible group of dedicated and proactive owners and operators of visitor-serving and recreational marine commercial uses.

While certainly a commercial enterprise, the operator’s experience, company focus, and forward vision is on facilitating public access to the coast. Our clients are community focused and support the Environmental Justice policies of the Commission.

We would hope that the Commission recognizes that Campland on the Bay (“Campland”) and Mission Bay RV Resort¹ compare favorably with other coastal campgrounds in the vicinity, and we appreciate staff’s recognition of Campland’s extensive recreational amenities. Campland has been providing for over 50 years – within its 560-plus tent and RV sites – some of the most affordable overnight accommodations available in Mission Bay.

¹ Northeast MB, LLC only obtained the short-term lease from the City of San Diego for this abandoned mobile home park and partially occupied RV site in 2019, which requires significant site work and capital improvements pursuant to such lease.

Both Campland and Mission Bay RV Resort are located adjacent to major public park and beach areas – Crown Point Park & Shores and De Anza Cove Park, respectively – both of which have large public parking areas with direct beach and bay access. These parking areas are virtually never full, and in the case of De Anza Cove Park provide easy access to the shoreline around the entire bayfront perimeter of De Anza Cove.

Consent Agreement Following June 2020 NOV; Key Public Access Benefits

As the Staff Report indicates, Respondents quickly addressed signage issues and removed obstructions (stored vehicles not under the control of Respondents, etc.) upon receiving the Notice of Violation in June 2020, and have, as staff has also noted, worked cooperatively and diligently to negotiate and finalize the subject Consent Agreement. Respondents chose to work cooperatively with staff rather than pursue seeking verifications of the asserted violations. We would also note that the signage and chain link fences identified were installed many decades ago and were in place when the Mission Bay RV Resort lease was granted to Northeast MB, LLC.

Recognizing that Campland and, to some degree Mission Bay RV Resort, are not entirely affordable or completely accessible to all who enjoy camping due to the wide array of recreational and guest amenities that Campland in particular provides, Respondents welcome the opportunity to expand access to their coastal campground, and provide the Mission Bay experience to underserved youth.

The Consent Agreement will provide:

1. **Free Camping for Underserved Youth and Families.** Annually \$50,000 worth of camping, transportation, equipment, storage and watercraft rentals at Campland on the Bay, provided to organizations serving underserved youth and families, including during summer months and weekends.
2. **Publicly Available Electric Vehicle Charging Stations.** Installation of electric vehicle charging units in public parking spaces, including four spaces at Campland on the Bay and 12 spaces at Mission Bay RV Resort.
3. **Free Public Restrooms.** Installation of publicly accessible portable restroom trailer, shower and drinking fountain near Mission Bay RV Resort beach.
4. **Comprehensive Signage Program.** Installation of new public access and interpretive signs at both Campland on the Bay and Mission Bay RV Resort.
5. **Fence Removal.** Opening up public pedestrian access to Mission Bay RV Resort beach from De Anza Cove Park (fence predates Northeast MB LLC's lease and was part of the City-abandoned mobile home park).
6. **Funds to Improve Public Access.** \$250,000 to be used for projects that benefit local coastal resources impacted by unpermitted development.

Finally, it is important to note that Respondents have volunteered to provide all these public benefits, despite having only short-term leases and limited time in which to amortize the costs entailed, although Respondents are also committed to providing these public benefits under any lease extensions or new leases they may obtain for these properties. We look forward to working closely with Commission staff in implementing the public access benefits and improvements to these popular and valued Mission Bay RV/camping facilities in the coming years.

Sincerely,



John P. Erskine
Nossaman LLP

JPE:dif

cc: John Ainsworth, Executive Director, California Coastal Commission
Lisa Haage, Chief of Enforcement, California Coastal Commission
Rob Modellmog, Statewide Enforcement Analyst, California Coastal Commission
Justin Buhr, Statewide Enforcement Supervisor, California Coastal Commission

September 7, 2021

California Coastal Commission
455 Market Street Suite 300
San Francisco, CA 94105

Re: Consent Cease & Desist Order No. CCC-21-CD-01
Campland, LLC and Northeast MB, LLC, San Diego

Dear Coastal Commissioners:

As a coastal advocate that cares deeply about our finite coastal resources and public access, I am very pleased to see this order come forward from Enforcement. These orders take an immense amount of time and energy, but I hope to see more in 2021.

It's hard to believe that coastal access has been denied to the public for decades, preventing the public from using this special area of Mission Bay. Apparently, Campland by the Bay and the Mission Bay RV Resort never had any intention of sharing this area with the public. For decades they have refused to comply with the provisions of the leases they signed with the City of San Diego. In fact, they have gone as far as to post "private property" signage to keep the public out and even erected physical barriers.

However, this isn't just about Campland by the Bay and the Mission Bay RV Resort not complying with the Coastal Act. The City of San Diego has allowed this to continue for decades and has never taken action to protect the public's access. Our local governments up and down our coast are constantly having to be instructed by your overworked staff on what it means to protect and preserve public access along our coast. You just heard a public access and ADA issue in Corona del Mar where once again, local government acted in a completely irresponsible manner. It should not be the constant responsibility of Coastal Commission staff to rectify all of these public access issues. Shame on our local governments who are unwilling to step in and assist with upholding the Coastal Act. With this in mind, I suggest the City of San Diego be very careful about who they do business with in the future, and instead of creating more work for your staff, actually pitch in and help uphold the Coastal Act.

Last, but not least, should there be an opportunity in the future to restore the wetlands in this area, I trust some of our Coastal Commissioners with expertise in this realm give this some consideration before the final motion is made and voted on later this week.

Thank you as always for the opportunity to comment, and thanks again to Commission staff for their fine work.

Sincerely,



Penny Elia
Coastal Advocate
Laguna Beach