

DATE ISSUED: September 28, 2006 **REPORT NO. PC-06-240**

ATTENTION: Planning Commission, Agenda of October 5, 2006

SUBJECT: TROLLEY STOP RV PARK- PROJECT NO. 86481

OWNER/ John and Ester Williamson (Attachment 11)

APPLICANT: Tom Henry

SUMMARY

Issue(s): Should the Planning Commission approve an Extension of Time and Permit Amendments to allow the construction of a new recreational vehicle (RV) park on a 14.2 acre site at 408 Hollister Street within the Otay Mesa-Nestor Community Planning Area?

Staff Recommendations:

1. **CERTIFY** the Addendum to the Mitigated Negative Declaration LDR No. 96-7318;
2. **APPROVE** Extension of Time and Amendment to Conditional Use Permit/Multiple Habitat Boundary Adjustment No. 96-7318 No. 367052; and
3. **APPROVE** Site Development Permit No. 367053, with conditions (Attachments 6).

Community Planning Group Recommendation: On January 11, 2006, the Otay Mesa-Nestor Community Planning Committee voted 15-0-0 to approve the project with no conditions (Attachment 10).

Environmental Review: An Addendum to Mitigated Negative Declaration LDR No. 96-7318 has been prepared for the project in accordance with California Environmental Quality Act (CEQA) Guidelines as it was determined that no new impacts were associated with the project, there were no new significant environmental impacts not considered in the previous Mitigated Negative Declaration; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and,

there is no new information of substantial importance to the project. Any mitigation measure associated with the project will be implemented through MMD 96-7318.

Fiscal Impact Statement: None associated with this action. All costs associated with the processing for this project are paid by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: None associated with this project.

BACKGROUND

The proposed project is an Extension of Time and an Amendment to Conditional Use Permit (CUP)/Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment No. 96-7318 approved by the Planning Commission in 2002 which allowed the construction of a 213 -space recreational vehicle (RV) park and campground, and an adjustment to the MHPA boundary (Attachment 8). The 14.2-acre site is located at 408 Hollister Street within the Otay Mesa-Nestor Community planning area. The property is designated Open Space within the community plan and zoned AR-1-2/OF-1-1 (a citywide Agriculture and Open Space zone). The site is subject to the environmentally sensitive lands regulations as it is within the Special Flood Hazard Area (SFHA) and adjacent to the MHPA.

The proposed RV park has not been constructed and the site is currently developed with the “Fun Farm Go-Kart and Arcade” recreational facility, a residence, a former dairy barn and various sheds and outbuildings. All of these improvements with the exception of the residence would be removed as part of the proposed project.

The CUP has not been utilized and was due to expire in 2005 however the applicant submitted an application for an Extension of Time (EOT). Concurrently, the applicant submitted for a Substantial Conformance Review for modifications to the site layout including the following:

1. A reduction in the number of RV spaces from 213 to 142.
2. Reorient the office and recreation area.
3. Modify vehicular ingress and egress.

Staff determined that these proposed changes listed above (items 1 through 3) were in substantial conformance to the original permit, were deemed to be minor in scope, and were an improvement to the original design with respect to the vehicular site access. However, the revised plans submitted with the Substantial Conformance Review also indicated that the proposed development of the RV park would result in structures built at the base flood level contrary to a condition of original permit (condition 29 (a)), which specifically stated that all structures must be built two feet above the base flood elevation. While the City Engineer is in support of this elevation change, any significant change to a permit condition requires an amendment to the original permit, therefore the entire proposal is being processed as an amendment to the original permit. As such, two additional items are being addressed with this current amendment:

1. Modify condition number 29(a) of the original CUP which required that, within the SFHA, the site must be graded to an elevation two feet above the 100-year flood frequency flood elevation or, all structures be flood proofed at the same elevation.
2. Remove conditions No's. 29(b), (d), (f), (h), (i), and (j). (These conditions were inadvertently included in the original permit and are not applicable).

A Site Development Permit is also required for this current proposal: The environmentally sensitive lands regulations require that all structures be built two feet above the 100-year flood frequency flood elevation. Requests to modify this requirement must be processed as a Process 4 Site Development Permit as a "deviation" to the environmentally sensitive lands regulations pursuant to SDMC 143.0146(c)(6).

The site is surrounded by the Otay River to the north, Interstate 5 to the west, an existing recreational facility (driving range) to the south, vacant land and the San Diego trolley tracks to the east.

DISCUSSION

Project Description:

The amendment would reduce the number of RV spaces from 213 to 142 spaces to accommodate large RV's with special design features. Ninety three of the original spaces used by smaller RV's will remain. The office/recreation area would be reoriented to improve ingress and egress, and facilitate the queuing of vehicles preventing them from over flowing onto Hollister Street during peak hours. The original design of the RV park as approved in 2002 remains essentially the same: The campground will include indoor and outdoor recreation areas, bathrooms with showers, tot lots, laundry rooms, an office and a manager's residence. The project will be landscaped with two to three shade trees per RV parking area and perimeter landscaping to include shade trees, shrubs and ground cover. A 50-foot wide landscaped detention basin located along the western property boundary will be designed to detain storm water runoff from the RV park. A pedestrian path and dog walk are proposed to be constructed within this area. As required in the original permit, the MHPA boundary line adjustment requires that the northern 100 linear feet of the site be dedicated to the MHPA as a riparian buffer. Currently, several structures exist in the buffer and will be removed. The buffer will be replanted with native vegetation.

Community Plan Analysis:

The project does not adversely affect the goals and objectives of the Otay Mesa-Nestor Community Plan. The site is designated Open Space with a Special Study Area overlay and is discussed in Topic 1a of the plan. The plan recommends the provision of active recreational opportunities and that commercial recreation be permitted consistent with the Otay Valley Regional Park plan. The project is adjacent to the Otay Valley Regional Park. The Otay Valley Regional Park plan recommends that private development provide linkages, recreational facilities, staging and viewing areas in conjunction with the park. The proposed project

implements the goals and objectives of the Otay Valley Regional Park plan by providing a recreational facility adjacent to the park.

Environmental Analysis:

The originally approved CUP No. 96-7318 required the preparation of a Mitigated Negative Declaration as it was determined that the proposed project could have significant environmental impacts to historical resources (archaeology), noise, hydrology/water quality, land use/MHPA and traffic. The current amendment and Extension of Time required the preparation of an addendum as it has been determined that there were no new significant environmental impacts that were not considered in the previous Mitigated Negative Declaration and, nonew impacts were associated with the minor site changes.

Project-Related Issues:

Condition 29(a)

The project site is within the Special Flood Hazard Area. The proposed project would modify condition 29(a) from the previously approved Conditional Use Permit (Attachment 8). The Environmentally Sensitive Lands regulations (ESL) include a requirement that within the SFHA, new construction or substantial improvement of any structure must have the lowest floor elevated at least two feet above the base flood elevation. As such, permit condition 29 was required to implement the ESL regulation. The condition states the following: “Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide flood proofing of all structures at that same elevation.”

As part of this action, condition 29(a) of the CUP 96 7318 will be modified as described in Condition No. 21 of CUP No. 367052 (Attachment 6) to state the following:

This project proposes to construct nonresidential structures within the floodplain fringe of a Special Flood Hazard Area (SFHA) for the Otay River as shown on Flood Insurance Rate Map Panel No. 209. No work is allowed within the regulatory floodway. All structures built within the SFHA must be constructed at or above the base flood elevation (BFE) at that location

Within the SFHA, the Federal Emergency Management Agency (FEMA) requires that the finished floor elevation be at or above the base floor elevation (BFE), while the San Diego Municipal Code (SDMC) requires an additional two-foot above the BFE. The modification of condition 29(a) would allow the site to be developed at the 100-year flood elevation or the BFE. The two foot elevation requirement is a City of San Diego requirement. All State and Federal flood requirements are being satisfied, therefore, this change would be consistent with FEMA guidelines.

The ESL regulations state that the City Engineer must determine if any deviations to the floodway requirements are appropriate. The City Engineer is in support of the change to

condition number 29 (a) as the project will not result in an increase in base flood levels. The previously adopted Mitigation, Monitoring and Reporting Program requires a flood evacuation plan for the site and that the development must be constructed in accordance with FEMA guidelines. The majority of the project will be developed with permeable surfaces consisting of decomposed granite. The area has not encountered a flood since 1916 when an earthen dam burst along the Otay River during heavy rains. A reinforced concrete dam has since been built upstream of the project site which reduces the likelihood of flood water from the Otay River to the site. Lessening the 2'-0" above BFE requirement does not result in additional threats to public safety, extraordinary public expense, or create a public nuisance. The proposed project has incorporated flood safety measures through permit conditions and the MND and there will be no additional impact to environmentally sensitive lands. The proposed BFE will not have an adverse effect on environmentally sensitive lands, and will provide the minimum necessary to afford relief from special circumstances or conditions of the land.

CONCLUSION

Staff has reviewed the proposed project and has determined the project is in conformance with all applicable sections of the San Diego Municipal Code. Staff has concluded that the proposed deviation will not adversely affect the Progress Guide, the General Plan, and the Otay Mesa-Nestor Community Plan. Staff has determined the required findings can be supported as the project meets the applicable San Diego Municipal Code requirements regulating camping parks, and staff recommends approval of the project as proposed.

Alternatives

1. Approve Conditional Use Permit No. 367052 and Site Development Permit No. 367053 (Extension of Time and Amendment to CUP No 96-7318) with modifications.
2. Deny Conditional Use Permit No. 367052 and Site Development Permit No. 367053 (Extension of Time and Amendment to CUP No 96-7318) if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

William Zounes
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan(s)
- 5a. Original Site Plan
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Copy of Recorded Permit CUP No. 96-7318
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology