

CALIFORNIA COASTAL COMMISSION

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Th11a

ADDENDUM

February 7, 2022

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM Th11a, COASTAL DEVELOPMENT PERMIT AMENDMENT APPLICATION NO. 5-03-013-A10 FOR THE COMMISSION MEETING OF THURSDAY, FEBRUARY 10, 2022.**

This addendum is designed to provide some minor corrections to the staff report.

CORRECTIONS TO STAFF REPORT

Commission staff recommends changes to the staff report dated January 28, 2022 to make the following modifications and corrections. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strikethrough~~.

a) Correct the last sentence of the Project Description blurb on page 1 as follows:

...Request to amend Special Condition 24 of the underlying permit to allow non-conforming uses (medical offices and an urgent care facility) on the ground floor of the commercial buildings to be constructed on parcels No. 691-422-05, 691-422-06, and 691-422-07 (Lots 319 - 321). This amendment would also increase the square footage of Building 9 (315 W. AVH) from 5,000 square feet to 6,600 square feet; construct approximately 4-ft. wide public trail segments (approximately 400 ft. and 585 ft. in length, respectively) on both sides of the central canyon (APNs: 691-422-07, 691-422-08 and 691-422-09) to the southeast of Lots 319 - 321; construct an 1,100-sq. ft. ADA-compliant raised overlook (public vista area) with landscaping for enhanced views of the canyon habitat and ocean views; and install a water station.

b) Correct the first complete paragraph on page 2 as follows:

To ensure that public access and public recreation opportunities are preserved and protected, staff recommends that the Commission approve the proposed amendment, with conditions which 1) permits a one-time relief to allow the requested medical office and urgent care facility uses on the ground floor of the buildings to be constructed on parcels 691-422-05, 691-422-06, and 691-422-07; 2) requires the applicant to record a public access deed restriction, restricting the use

and enjoyment of parcel Nos. 691-422-07, 691-422-08 and 691-422-09, and providing public access, recreational uses, and public amenities in perpetuity; and 3) requires the applicant to record a deed restriction against the property, referencing all of the special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. In addition, Section II.A of this staff report carries forward the requirements of the underlying conditions of the permit (5-03-013).

c) Correct Special Condition 40 in Section II on pages 7-8 as follows:

40. Deed Restriction. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT (5-03-013-A10), 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 amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, as amended, 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 amended, 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 amendment. 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, as amended, 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. For Lots 319-321 of Tract 8817 and adjacent parcel (APNs: 691-422-05, 691-422-07, 691-422-08 and 691-422-09), this deed restriction shall supersede and replace the deed restriction recorded pursuant to Special Condition 34 of Coastal Development Permit 5-03-013 (approved on June 11, 2003) which deed restriction is recorded as Instrument No. 2006000184556 (dated March 21, 2006) in the official records of Orange County.

d) Correct the third sentence of the first complete paragraph on page 13 as follows:

To mitigate for the proposed request to reduce visitor-serving uses on the main pedestrian level of the commercial buildings at Lots 319-321, the applicant is proposing public amenities on the subject parcels such as trail segments on both sides of the central canyon (located to the southeast of Lots 319 – 321 and on the inland side of West Avenida Vista Hermosa, APNs: 691-422-07, 691-422-08 and 691-422-09); an 1,100-sq. ft. ADA compliant raised overlook (vista area); and a water station at the overlook.

e) Correct the fourth paragraph on page 13 as follows:

Pursuant to the requirements of the special conditions of the underlying permit, offers to dedicate trails in the public trail system and a deed restriction have already been recorded. The Commission finds it necessary to require **Special Condition 39** to ensure that a public access deed restriction is also recorded for the new public amenities, including trail segments, overlook (vista area), and water station in a manner consistent with the approved project and in a form and content that is

acceptable to the Executive Director. Additionally, to assure that future owners of the property are aware of this public access deed restriction and the changes to Special Condition 24, **Special Condition 40** requires recordation of a deed restriction against the property identifying the terms and conditions of this amended permit. Thus, for Lots 319-321 of Tract 8817 and adjacent parcel (APNs: 691-422-05, 691-422-07, 691-422-08 and 691-422-09), this deed restriction shall supersede and replace the deed restriction recorded pursuant to Special Condition 34 of Coastal Development Permit 5-03-013 (approved on June 11, 2003) which deed restriction is recorded as Instrument No. 2006000184556 (dated March 21, 2006) in the official records of Orange County.

f) Correct Special Condition 40 on page 66 as follows:

40. Deed Restriction. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT (5-03-013-A10), 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 amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, as amended, 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 amended, 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 amendment. 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, as amended, 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. For Lots 319-321 of Tract 8817 and adjacent parcel (APNs: 691-422-05, 691-422-07, 691-422-08 and 691-422-09), this deed restriction shall supersede and replace the deed restriction recorded pursuant to Special Condition 34 of Coastal Development Permit 5-03-013 (approved on June 11, 2003) which deed restriction is recorded as Instrument No. 2006000184556 (dated March 21, 2006) in the official records of Orange County.