

CALIFORNIA COASTAL COMMISSION

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Th15a

ADDENDUM

August 10, 2022

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM Th15a, APPLICATION NO. 5-92-168-A8 FOR THE COMMISSION MEETING OF THURSDAY, AUGUST 11, 2022.**

This addendum is designed to update the record by supplementing it with correspondence that the Commission received after the staff report was published, as well as provide clarifications and modifications to the special conditions to the staff report for Item Th15a.

I. CORRESPONDENCE RECEIVED AND RESPONSES

On August 5, 2022, Commission staff received a comment letter from the Sierra Club Orange County Conservation Committee. The letter expresses three concerns the Sierra Club has with the proposed project.

The first concern of the Sierra Club is that the proposed project would be located on an area required to be open for the public and that the proposed public access program is inadequate. More specifically, the Sierra Club is concerned that the cost of the \$25 Day Pass is too high, Day Passes will only really be able to be obtained online and will result in turning away the general public when they arrive on site, and having 25% of the Day Passes to the Lazy River be reserved for the general public is inadequate. Commission staff had worked with the applicant to significantly reduce the cost of the Day Passes from a range of \$25-\$50 to the set cost of \$25. Commission staff determined that the \$25 Day Pass cost would be an acceptable cost for the Day Passes. Working with the applicant to also ensure that a minimum of 25% of the Day Passes be available to the General Public and that the Day Passes be available not only online, but also over the phone and in person provides an opportunity for the general public to access the Lazy River and that those with no online access have a chance of securing Day Passes.

The Sierra Club is concerned that the proposed Youth Education and Access Program would not actually allow the youth access to the Lazy River. However, as proposed and conditioned, the program would provide the youth, from low-income households, an education session in the morning followed by lunch and then access to the Lazy River in the afternoon. The educational topics may include, but are not limited to, plastic pollution, ocean and marine science, climate change, and water quality.

The second concern of the Sierra Club pertains to the scarcity of water and questions the decision to recommend permitting a large water feature. However, the applicant has indicated that the proposed Lazy River would consume less water over its expected lifespan than the existing lawn area. For example, the applicant maintains that on an ongoing yearly basis, the Lazy River is anticipated to use 50% less water as a Lazy River (pool) than as a lawn. Thus, water consumption will be reduced with the proposed project.

The third concern of the Sierra Club is that the proposed project is not completely banning the use of single-use plastics onsite. However, as conditioned and accepted by the applicant, the project is required to participate in a Marine Debris Reduction Program. In doing so, the project would reduce waste and single-use plastic foodware and packaging on-site and for takeout orders from the adjacent poolside cafe.

II. CHANGES TO STAFF REPORT

The proposed changes clarify and modify the special conditions to make clear the requirements of the special conditions. Language to be added is shown in ***bold double underlined italicized text***, and language to be deleted is identified by ~~strike-out~~.

Pages 6-9 – Modify and Add to Section II. Changes to Conditions/New Special Conditions/Special Condition No. 17 A2 and A6, 17B1a, and 17D4, as follows:

[...]

2. Day Passes for the general public to the Lazy River shall be set at a year-round price of no more than \$25.00 per person, *which may be increased annually consistent with the Consumer Price Index*

[...]

6. A detailed written description of the general public access available to the Lazy River shall be *attached as an exhibit to the Notice of Intent to Issue the CDP Amendment and shall be recorded against the property pursuant to Special Condition No. 19.*

[...]

(a) Program Design. The program shall either: (1) coordinate a coastal themed educational program by providing the fees necessary to pay for a minimum of 240 scholarships per year for underserved youth *to use the lazy river and to participate in an established coastal themed education program or (2) ~~provide the fees necessary to an organization that has an established a~~ coastal themed educational program that meets the criteria set forth in this special condition *and includes use of the lazy river* for a minimum of 240 underserved youths per year. ~~Payment of fees~~ *Implementation of the program* shall commence when the proposed development authorized by this CDP Amendment ~~begins is completed, and~~ shall continue annually, *and shall remain in effect throughout the life of the development approved by this permit.**

[...]

4. Only water efficient drip type *or micro spray* irrigation shall be utilized.

Page 9 – Modify Section II. Changes to Conditions/New Special Conditions/Special Condition No. 18D, as follows:

~~D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;~~

Pages 33-35 – Modify and Add to Appendix B Standard and Special Conditions Pursuant to CDP No. 5-92-168 Through CDP Amendment No. 5-92-168-A8/Special Condition No. 17 A2 and A6, 17B1a, and 17D4, as follows:

[...]

2. Day Passes for the general public to the Lazy River shall be set at a year-round price of no more than \$25.00 per person, which may be increased annually consistent with the Consumer Price Index.

[...]

6. A detailed written description of the general public access available to the Lazy River shall be attached as an exhibit to the Notice of Intent to Issue the CDP Amendment and shall be recorded against the property pursuant to Special Condition No. 19.

[...]

(a) Program Design. The program shall either: (1) coordinate a coastal themed educational program by providing the fees necessary to pay for a minimum of 240 scholarships per year for underserved youth to use the lazy river and participate in an established coastal themed education program or (2) ~~provide the fees necessary to an organization that has an established~~ a coastal themed educational program that meets the criteria set forth in this special condition and includes use of the lazy river for a minimum of 240 underserved youths per year. Payment of fees Implementation of the program shall commence when the proposed development authorized by this CDP begins is completed, and shall continue annually, and shall remain in effect throughout the life of the development approved by this permit.

[...]

4. Only water efficient drip type or micro spray irrigation shall be utilized.

Page 36 – Modify Appendix B Standard and Special Conditions Pursuant to CDP No. 5-92-168 Through CDP Amendment No. 5-92-168-A8/Special Condition No. 18D, as follows:

~~D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;~~