

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 324-5172
Facsimile: (916) 322-2368
E-Mail: patti.freeman@doj.ca.gov

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August 22, 2007

Ronald D. Kennedy
4741 Sleeping Indian Road
Fallbrook, CA 92028-8875

RE: Opinion No. 93-1205

Dear Mr. Kennedy:

In your e-mail of August 18, 2007, you refer to a letter from Nossaman, Guthner, Knox & Elliott, dated March 24, 1994 and reference page 29: "In addition the Corridor has received approvals from over 25 federal, state and local agencies including the California Coastal Commission." You have requested a copy of the California Coastal Commission's approval to build a toll road. Please find enclosed a copy of the California Coastal Commission's letter dated October 19, 1987.

Sincerely,


PATRICIA FREEMAN
Legal Assistant

For EDMUND G. BROWN JR.
Attorney General

PF:pkf

Enclosure

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
 245 WEST BROADWAY, SUITE 380
 IRVINE BEACH, CA 92602
 TEL: 390-5071

FILED: 10-19-87
 49th DAY: 12-2-87
 180th DAY: 4-11-87
 STAFF: J. Leslie
 STAFF REPORT: 11-24-87
 HEARING DATE: 12/9/87

REGULAR CALENDARSTAFF REPORT AND RECOMMENDATION

Application: 5-87-886

Applicant: The Irvine Company Agent: Mike Erickson
 550 Newport Center Drive
 Newport Beach CA 92660

Description: Construction of a 2.6-mile long, 6-lane arterial roadway involving approximately 4.5 million cubic yards grading, storm drains, erosion control systems and utilities including sewer, water, electric, gas and telephone.

Site: Beginning approximately 2 miles east of the City of Newport along Pacific Coast Highway, ascending to the north over undeveloped slopes in the County of Orange Irvine Coast area for a distance of 2.6 miles.

Substantive File Documents:

1. Irvine Coast Certified LCP as Amended November 19, 1987.
2. Irvine Coast LUP 1981 Findings.
3. County of Orange FEIR 460 August 1987
4. Pelican Hill Project Report. Robert Bein, William Frost & Assoc. February 1987.

SUMMARY

Staff is recommending approval with conditions addressing grading, erosion control, drainage, landscaping, and assumption of risk.

STAFF RECOMMENDATION

I. APPROVAL WITH CONDITIONS:

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

provide for an alternative route between existing coastal communities and inland areas to the north. Some of the primary objectives and public benefits are:

- a. Provide early construction of four lanes of Pelican Hill Road in advance of LCP land use needs as contrasted with early construction of two lanes of Pelican Hill Road as required in the 1981 approved LUP. The early construction of the road will relieve congestion on sections of Pacific Coast Highway through Corona Del Mar and on sections of MacArthur Boulevard by providing a bypass route around the Corona Del Mar area.
- b. Provide improved access from inland areas to visitor-serving and public recreation facilities such as Crystal Cove State Park.

D. PROJECT DESCRIPTION.

The overall Pelican Hill Road project has a length of 6.1 miles from MacArthur Boulevard (out of the Coastal Zone) to Pacific Coast Highway (see exhibit 3). The project is divided into 6 segments. Segments 5 and 6 are within the Coastal Zone. Segment 5 extends from the future extension of San Joaquin Hills Road to Pelican Hill Saddle for a distance of approximately 5,900 feet. This segment runs along the ridge which divides Los Trancos Canyon from the headwaters of Buck Gully. Grades vary from one percent to a maximum of six percent. Segment 6 runs from Pelican Hill Saddle to the terminus of the project at Pacific Coast Highway. Grades for segment 6 are six percent. Surface improvements for Segments 5 and 6 are proposed to be developed in two stages upon a roadbed that will be graded to accommodate the ultimate 120 foot right of way and a major arterial highway cross-section. The first stage will construct curb and gutter, drainage facilities and two travel lanes in each direction. When additional highway capacity is needed an additional travel lane may be added as a second stage of construction to increase Pelican Hill Road to a six-lane divided highway. This stage will construct the remainder of the roadway pavement, a raised landscaped median and sidewalk.

E. PELICAN HILL ROAD AS APPROVED IN THE 1981 LUP.

The extent of policy and development standards for Pelican Hill Road in the 1981 LUP is brief, with the emphasis on the conceptual nature of the approval. The LUP states:

"Pelican Hill Road has been designated as a "major" highway, having a six-lane section with a raised median. While some variations may occur during the actual final design process of these roads, the attached alignments should be a close representation of the final alignments. Criteria utilized during the determination of these alignments included: conformance to safe design standards, minimization of grading, consideration of geologic factors, attempting to fit the roadways to the lay of the land and provision of access to the study area. During the detailed design of these roadways, opportunities for emergency parking turnouts and scenic vista turnouts and modifications to sections will be examined".

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