

6

4/16/88

ERNIE SCHNEIDER
DIRECTOR, EMA

ROBERT G. FISHER
DIRECTOR OF PLANNING

LOCATION:
12 CIVIC CENTER PLAZA
P.O. BOX 4048
SANTA ANA, CA 92702-4048

MAILING ADDRESS:
P.O. BOX 4048
SANTA ANA, CA 92702-4048

TELEPHONE:
(714) 834-4643

FILE

Supplemental
Transmittal:
April 20, 1988
Agenda Item No. 14

Honorable Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92702

SUBJECT: Irvine Coast Development Agreement (DA 87-16)
April 20, 1988, Agenda Item 14 (District 5)

Honorable Board Members:

Transmitted herewith is the supplemental transmittal for the subject item.

I. BACKGROUND

On December 2, 1987, the Board of Supervisors formally adopted the First Amendment to the Irvine Coast Local Coastal Program (1988 LCP), which was subsequently certified by the California Coastal Commission on January 14, 1988. The 1988 LCP, comprising a Land Use Plan and Implementing Actions Program (including Planned Community Development Plan map and regulations text), provides for the development of 2,600 dwelling units and 276 acres of tourist commercial uses. The LCP also provides for the dedication of 3,766 acres of open space land to the County, complementing Crystal Cove State Park (2,807 acres) and the County's regional open space system. The Irvine Coast Planned Community is located in the unincorporated foothills between the cities of Newport Beach and Laguna Beach (Attachment 1).

The 1988 LCP is the culmination of 13 years of cooperative planning efforts. The comprehensive revisions of the aforesaid amendment resulted in substantial open space, early roadway improvements, and other public benefits. In recognition of these up-front commitments by the landowner, the LCP policies specifically contemplate a development agreement or other such mechanism as a means of providing mutual assurance to the County and The Irvine Company that the 1988 LCP will be implemented as adopted.

Exhibit A

Summary of Public Benefits

- I. The development agreement will further assure the following major public benefits to be realized from implementation of the 1988 Irvine Coast Local Coastal Program (1988 LCP).
- A. Early dedication of 2,666 acres of open space, with an accelerated and simplified incremental acceptance schedule.
 - B. Additional habitat area protection in the dedication of over 1,100 acres of open space in Buck Gully, Los Trancos Canyon and Muddy Canyon.
 - ✓ C. Dedication of San Joaquin Hills Transportation Corridor (SJHTC) right-of-way from future Sand Canyon Avenue to MacArthur Boulevard prior to recordation of the first development tract map.
 - ✓ D. Early construction of four lanes of Pelican Hill Road (PHR) from Pacific Coast Highway (PCH) to MacArthur Boulevard. (Two lanes from San Joaquin Hills Road (SJHR) to MacArthur Boulevard are creditable toward public benefits proposed in consideration of the development agreement.)
 - E. Extension of two lanes of SJHR from its eastern terminus to the future PHR.
 - F. Widening of PCH along the frontage of the development areas.
 - G. Development Plan emphasis on visitor-serving facilities which carry out strong Coastal Act priority policies.
 - H. Protection of coastal viewshed through reductions in building heights from that allowed in the 1982 Irvine Coast LUP and the addition of two golf courses along the frontal slopes of Pelican Hill.
- II. In addition to the above public benefits, the following new contributions to public facilities are provided by The Irvine Company in consideration of entering into a development agreement.
- A. Dedication of the San Joaquin Hills Transportation Corridor (SJHTC) right-of-way between future Sand Canyon Avenue and MacArthur Boulevard (approximately 5.3 miles, 300 gross acres) 90 days from the effective date of the agreement.
 - B. Early financial contribution toward the SJHTC Fee Program.
 - C. Standby commitment for pro rata share payment of costs for 1990 Action Plan for South County road improvements.

The Irvine Coast Development Agreement (Attachment 2) has been prepared consistent with Government Code Sections 65864-65869.5, Board Resolution No. 88-102 regarding procedures for the processing of such agreements, and Board Resolution No. 87-1675 which established a form agreement with the following safeguards to protect County interests:

- 1) Reservation of authority to deal with health and safety concerns;
- 2) Maintenance of the General Plan policy including annual monitoring reports;
- 3) No intent by parties to seek changes to land use densities;
- and 4) Provision for a five-year General Plan review process.

II. SUMMARY OF DEVELOPMENT AGREEMENT

The proposed development agreement would enable The Irvine Company to build out the Irvine Coast Planned Community over a 20-year period in accordance with the policies and regulations of the 1988 LCP without County-imposed new regulations. This agreement is proposed in consideration of the substantial public benefits required in the LCP, including early commitments in the dedication of regional open space and improvements to master planned arterial roadways, and new contributions to public facilities beyond the requirements of the LCP.

The County benefits to be gained from the development agreement are summarized in Exhibit A. Noteworthy are the landowner commitments to accelerated dedication of land, design and construction of certain Master Plan of Arterial Highway regional facilities. The improvements to Pelican Hill Road, San Joaquin Hills Road and Pacific Coast Highway; standby financial commitment to future road (Board adopted South County Road Improvements 1990 Action Plan) and traffic signal fee programs; and early payment of San Joaquin Hills Transportation Corridor (SJHTC) fees provided in consideration of the agreement total an estimated \$20 million in net benefits to the County. In addition, the agreement provides for the early dedication of the SJHTC right-of-way, a 5.3-mile link from future Sand Canyon Avenue to MacArthur Boulevard encompassing approximately 300 acres outside the Irvine Coast Planned Community.

Provisions of the agreement require funding contributions, approximately \$2 million for the completion of public facilities such as fire stations, libraries and sheriff substations, and to address the needs for child care facilities. With respect to fire stations, The Irvine Company will build a facility serving the Irvine Coast development and surrounding area when the County identifies the need for such facility.

It should be noted that without a development agreement in place, some or all of the public benefits identified in the 1988 Irvine Coast Local Coastal Program and the additional benefits proposed in consideration of the agreement may never be realized.

III. COMPLIANCE WITH CEQA

Draft Environmental Impact Report (EIR) 486 has been prepared for the Irvine Coast Development Agreement (Attachment 3). Written comments received on the Draft EIR and proposed development agreement are provided together with EMA responses (Attachment 4).

IV. PLANNING COMMISSION ACTION

The Planning Commission considered Draft EIR 486 and Development Agreement 87-16 for the Irvine Coast Planned Community on March 29, 1988. At that meeting, the Commission recommended: 1) certification of Draft EIR 486 as complete and adequate for the project, and 2) adoption of the Irvine Coast Development Agreement. The Commission's recommendations are reflected in the attached draft Board resolutions (Attachments 5A and 5B) and presented in Planning Commission Resolution No. 88-24 (Attachment 7).

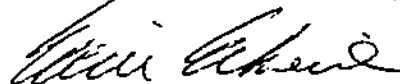
V. RECOVERY OF COUNTY LITIGATION COSTS IN DEFENSE OF AGREEMENT

The potential County costs of mounting an active defense in the event of development agreement litigation has emerged as a key policy issue during the last few weeks. In response, County Counsel is developing a standard clause to be included in all proposed development agreements to ensure the financial participation of the developers in the County's legal defense of the agreements. The proposed standard clause for litigation costs will be considered at the April 19, 1988, Board meeting and transmitted under separate cover.

VI. RECOMMENDED ACTION

Adopt Board resolutions (Attachment 5) and ordinance (Attachment 6) certifying Final EIR 486 and authorizing execution of the Irvine Coast Planned Community Development Agreement 87-16.

Respectfully submitted,



Ernie Schneider
Director, EMA

PS:sgPL01-1(W+176)8106

Exhibit A: Summary of Public Benefits

- Attachments:
1. Location Map
 2. Development Agreement (DA 87-16)
 3. EIR 486 and Appendices
 4. Public Comments & EMA Responses
 5. Board of Supervisors Resolutions
 - A. EIR 486 Certification Resolution
 - B. DA 87-16 Resolution
 6. Adopting Ordinance
 7. Planning Commission Action

Contact Persons: Michael Ruane (x5550)
Patricia Shoemaker (x6959)