

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA  
 15 WEST BROADWAY, SUITE 380  
 NEWPORT BEACH, CA 92660  
 (213) 590-5071



8

FILED: 10-19-87  
 49th DAY: 12-2-87  
 180th DAY: 4-11-87  
 STAFF: J. Leslye  
 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. ✓

III. SPECIAL CONDITIONS:

1. Grading, Erosion Control, Drainage Plans. Prior to transmittal of coastal development permit, the applicant shall submit for the review and approval of the Executive Director, final grading, erosion control and drainage plans which incorporates the following:

- a. All LUP policies Section I-3-I,J,K,L.
- b. The erosion control plan and project grading plans shall address grading or construction activities taking place between October 15 and April 15. All erosion control measures shall be constructed prior to and during the rainy season.
- c. A Final Erosion Control Plan shall be submitted to the Executive Director with the project grading plans addressing grading or construction activities taking place between October 15 and April 15. All erosion control measures shall be constructed prior to and during the rainy season. This plan will incorporate those design considerations, as outlined in the Minimum Desilting Basin Standards, as advocated by OCEMA, and shall also incorporate all applicable provisions of the Sedimentation Manual prepared by the Irvine Company as developed for this construction project.
- d. The Erosion Control Plan for the construction phase shall include placement of appropriate devices such as sandbag velocity reducers along the roadway (to minimize the erosive nature of runoff and aid in control of drainage), and construction of street desilting basins using sandbags at catch basin locations.
- e. On-site runoff shall be intercepted by catchment devices in the streets, conveyed in underground drainage facilities and released in the natural channels. Energy dissipators will reduce discharge velocities to nonerosive levels. Areas of disturbed soil shall be reseeded and covered with vegetation; mulches may be used to cover ground areas temporarily; other mechanical or vegetative techniques to control erosion may be used where possible or necessary, providing that they are fully discussed in the approved plan.
- f. The applicant shall be required to provide drainage systems that protect against adverse discharge levels incurred with the planned ultimate Land Use development.
- g. The Grading Plan shall incorporate standard erosion control features, including slope benches with interceptor drains (to minimize quantity of runoff down the hillsides); brow ditches constructed at the top of slopes; toe ditches to intercept sediment-laden flow to control drainage; and installation of debris basins prior to discharging the flows back into the natural channel system
- h. A Storm Drain Plan shall include inlets (riser standpipes) which will act as desilting basins for debris accumulation and other inlets which require the water to pond in major flows, causing settling of debris. All

inlets will incorporate sandbag rings and sills to be used for temporary desilting during the grading operation. the majority of storm drains will incorporate energy dissipators to slow pipe exit velocity to an acceptable level. These structures will be constructed at the outlet of each permanent storm drain crossing, including the storm drains at Buck Gully or Los Trancos Canyon

Erosion control at the sediment sources shall be emphasized during construction.

Desilting facilities shall be provided at sites under construction.

A stand-by crew shall be made available for emergency work during the rainy season. Necessary materials will be available on-site, and stock piled at convenient locations to facilitate rapid construction of temporary erosion control devices when rain is forecast at a 20% chance or greater.

Removable protective erosion control devices shall be put in place at the end of each working day when the five-day rain probability forecast exceeds 40%.

During construction, silt and debris shall be removed from the project's check berms and desilting basins after major rainstorms.

All erosion control measures shall be implemented in conformance with the requirements of the Grading Code of the County of Orange and LUP policies. All construction shall be conducted with provisions for the control of sand, dust, and debris originating at the construction site. Appropriate areas shall be contained with berms, desilting basins or similar structures to prevent runoff during construction operations.

During road construction, vegetation adjacent to areas of construction shall be crushed instead of removed, because many shrub species will resprout from the base so long as they are not uprooted. The amount of vegetation removed during construction will be kept to the minimum necessary for work.

The applicant shall submit a conceptual landscaping plan which describes landscaping for the following conditions and areas:

- a) Interim treatment for the graded area between the initial four-lane roadway paving and the ultimate six-lane paved area.
- b) Interim and long-term treatment adjacent to the road where future development is planned according to the Local Coastal Plan.
- c) Interim and long-term treatment adjacent to the road where conservation and recreation uses are planned according to the LCP.

For areas which will ultimately be adjacent to conservation and recreation uses, the landscaping plan shall incorporate native plants. The numbers and species to be planted shall be determined by consultation with a native plant specialist.

This measure shall be implemented provided it does not conflict with landscaping plans for adjacent areas. Where the road edge borders directly on scrub, a strip of grass planted with native perennial bunchgrasses such as Stipa lepida and S. pulchra shall be developed and maintained adjacent to the road to provide an ecotonal buffer. The width of this strip shall be determined by consultation with a qualified wildlife expert. The plant species to be used shall be determined by consultation with a native plant landscape specialist.

2. Master Drainage and Runoff Management Plan.

Prior to transmittal of coastal development permit, the applicant shall submit in writing for the review and approval of the Executive Director, an agreement to incorporate all findings and conditions of this permit into the development of the Master Storm Drainage and Runoff Management Plan. Additional criteria set forth in General Provision number 11 of the LCP beyond that described in this permit application shall be included. Changes to the Pelican Hill Road project description as contained in this permit shall be reported to the Executive Director to determine whether a permit amendment is required.

3. Assumption of Risk.

Prior to transmittal of permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide (a) that the applicant understands that the site may be subject to extraordinary hazard from fire and geologic hazards and applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and its advisors relative to the Commission's approval of the project for any damage due to natural hazard. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed.

4. Recordation of Offer of Dedication

Prior to transmittal of coastal development permit, the applicant shall submit to the Executive Director evidence that the Offer of Dedication has been recorded for the 2666 acre Open Space Dedication Program, as set forth in Chapter 3, Section A.1 (commencing on page I-3.2) of the Irvine Coast Local Coastal Program approved by the Commission on November 19, 1987.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. BACKGROUND.

The Irvine Coast segment of the County of Orange LCP contains 9,400 acres comprised of coastal shelves, rolling hillsides, canyons and prominent ridgelines and is located between the cities of Newport Beach and Laguna Beach

(see exhibit 1). Generally, Pacific Coast Highway divides the coastal shelf area from the inland areas. Crystal Cove State Park comprises the vast majority of the coastal shelf lands. Inland of Pacific Coast Highway, in the northern portion of the land, are the gently sloping hillsides of Pelican Hill and Wishbone Hill. These hillsides provide a majority of the developable land area outside the coastal shelf.

The Commission approved a Land Use Plan for the Irvine Coast segment in 1981 and most recently, at the November 1987 hearing, at which time, the Commission approved a major amendment to the land use plan and the Implementation Plan. The plan, as amended, provides for primarily visitor-serving and residential development clustered in the northern portions while the southern areas are to be dedicated as open space totalling 2666 acres. Visitor-serving commercial sites including hotels, restaurants and commercial recreation will be located inland of Pacific Coast Highway, namely, Pelican Hill and Sand Canyon sites. These two visitor serving sites as well as the balance of residential development, will be accessible to visitors and residents via Pelican Hill Road and Sand Canyon Avenue.

The LUP designates Sand Canyon Avenue as a two-lane arterial road, while Pelican Hill Road is to be a 6-lane major arterial highway. Both roads will provide access to the visitor-serving and public park facilities.

In a regional context, MacArthur Boulevard in Newport Beach and Laguna Canyon Road adjacent to Laguna Beach are currently the most direct routes for inland generated traffic to achieve coastal access to recreation areas on the Irvine Coast. The additions of Pelican Hill Road and Sand Canyon Avenue will relieve congestion now experienced along these roadways as well as Pacific Coast Highway.

The Irvine Coast Land Use Plan (LUP) conceptually approves the alignment for Pelican Hill Road as shown on Exhibit 2 of this staff report. The LUP shows the concept plan for Pelican Hill Road as Exhibit L at a scale of 1"=500'. The extent of grading, including the cut and fill slopes is clearly shown over existing topography. The LUP Section I-4-E provides the Transportation/Circulation Policies affecting the site specific impacts and other design considerations for implementation of Pelican Hill Road.

#### B. STANDARD OF REVIEW.

Although the LCP has been certified by the Commission, the County must submit the document once again for an Executive Director review. The Commission may then concur with the Executive Directors acceptance of the County's action in accepting the Commission's action of certification thus resulting in the LCP becoming effectively certified. However, before these events take place, the Commission may approve a coastal development permit application and the standard of review shall be the Coastal Act (Section 30604).

#### C. PURPOSE AND REGIONAL CONTEXT.

The purpose of the project is to provide a key component to the Orange County Master Plan of Arterial Highways, to serve adjacent planned development and to

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".

The 1981 LUP also provides specific development standards for Pelican Hill Road:

\*Roadway design will generally reflect a rural rather than urban character. Where possible, roadway alignments shall preserve the natural topography and avoid environmentally sensitive areas.

Public vistas to the ocean and harbors will be afforded to enhance public views along Pelican Hill Road where feasible.

Grading shall be blended into existing topography by contour grading. Retaining walls and other structures may be used to minimize grading."

Additional development standards which affect ESHA's, Archaeological/Paleontological resources, erosion and runoff controls, vegetation removal and drainage are provided throughout the Land Use Plan.

F. PELICAN HILL ROAD AS APPROVED IN THE 1987 LCP AS AMENDED.

The recently approved Irvine Coast LCP provides for essentially the same alignment of Pelican Hill Road as approved in 1981, however, two areas of alignment change that have occurred are a westerly shift in the alignment south of the future San Joaquin Hills Road intersection and an increase in the alignment radii in the approach to Pacific Coast. According to the Pelican Hill Road Project Report, these changes result in opening up views from the highway to the west, minimizing parcelization of potential developable land, improving design characteristics of the highway, a reduction in vertical grades and achieving a balance of earthwork.

The amended LCP provides for additional policies and development standards beyond the 1981 LUP which affect Pelican Hill Road. These development standards, which the EIR has conveniently outlined in tabular form (see exhibit 4), are more specific and provide an adequate method of implementation to carry out the policies of the Land Use Plan. One requirement in particular that the EIR did not cite, is General Provision number 11, which requires a Master Drainage and Runoff Management Plan prior to approval of the first Coastal Development Permit (see exhibit 5). This comprehensive hydrology plan requires in part, demonstration of conformance with the erosion, sediment, runoff, grading and ESHA policies in the Land Use Plan with specific emphasis on development impacts to four specific sub-watershed/drainage areas. Further, a site-specific analysis shall provide a comprehensive overview of the physical improvements and control measures for all development areas draining into Buck Gully, Los Trancos Canyon, Muddy Canyon and the frontal slopes of Pelican Hill.

The Commission has certified the LCP, but the Commission retains permit authority until it is "effectively" certified. The Commission has made findings that the LCP is consistent with the Coastal Act, however, the standard of review for this permit application is Chapter 3 of the Coastal Act.



Stated previously, the LCP requires that as a part of the review and approval of the first Coastal Development Permit, there shall be submitted to and approved by the County, a "Master Drainage and Runoff Management Plan". This plan was not submitted with the permit application for this project. The landowner anticipates submitting it to the County at a later date at which time a master coastal development permit may be submitted. An EIR is also anticipated to be required. The intent of this comprehensive plan was to develop criteria and performance standards for later approvals within each of the planning areas. The landowner is acting as an "executive developer" with the intent of selling individual planning areas to builders. The Master Coastal Development Permit together with the Master Drainage and Runoff Management Plan will provide assurances that later development can be accommodated without unforeseen impacts and meet the expectations of the approved build-out levels provided for in the LCP. The Commission has, to a certain extent approved such a plan, but only in concept. It is the intent of the Implementation Plan that the specific hydrological criteria developed for the various watershed subareas be reviewed for conformance with the Orange County Grading and Drainage Codes. In order to carry out the intent of LCP General Provision number 11 in part, the Commission shall address the comprehensive resource issues as impacted by Pelican Hill Road. The Commission is not carrying out the full intent of the requirement, rather, the County will be obligated to do so when the first Coastal Development Permit application is received by the County. The Commission will have appeal jurisdiction at that time over the improvements approved pursuant to the Master Drainage and Runoff Management Plan due to their location with respect to blue line streams and/or as water-related public works owned by a public agency.

G. APPLICABLE COASTAL ACT POLICIES.

Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30253 states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

As previously stated, LUP Sections I-3-I, J, K and L provide policies regarding erosion, sediment, runoff and grading which the Commission finds as adequate to implement the applicable policies of the Coastal Act stated above. The specific impacts of Pelican Hill Road shall now be analyzed for consistency with the Coastal Act with the LCP policies and implementing ordinances providing significant guidance.

#### 1. Project Impacts.

The construction of a major arterial roadway through undeveloped land at a grade of six percent will have significant impacts to the resources surrounding the project and the near shore waters adjacent to Crystal Cove State Park. The EIR identified the primary mitigation for the project in the Coastal Zone to be the Irvine Coast Open Space Dedication Program. The Commission finds that the dedication of these lands will offset the otherwise unmitigated impacts of the development proposed in the land use plan. The Commission notes however that the dedication program is not a panacea for any

levels of impacts which possible developments of the property could cause. Both under the Coastal Act and CEQA, the plan and the eventual development must be done in a manner which is the least environmentally damaging feasible alternative. Therefore, the policies of the plan which guide development must minimize the adverse effects of the development. The dedication program provides a mechanism to offset or mitigate impacts which cannot feasibly be further reduced through development controls. As is reviewed on page 17 of these findings, seven alignments for Pelican Hill Road were reviewed in the project EIR and the alignment finally selected has been determined to be the least environmentally damaging feasible alternative (particularly as regards moving the road grading farther away from Los Trancos Canyon than the alignment approved in the 1982 LUP). Additionally, all impacts that can feasibly be reduced through the application of development controls have been mitigated pursuant to the extensive grading, erosion and drainage conditions set forth in Conditions 1 and 2 as further reviewed is subsection a. below. Thus, all potential impacts that can be feasible mitigated have been reduced and/or eliminated by means of the foregoing review of alternatives and imposition of permit conditions. Accordingly, pursuant to the provisions of the approved Irvine Coast Local Coastal Program and the findings of approval adopted by the Commission on November 19, 1987, the Open Space Dedication Program serves to offset the mitigate any significant adverse impacts not otherwise mitigated by means of these development controls (as the Commission found in its Findings of Approval for the Irvine Coast LCP: "Environmental impacts to be mitigated by the Open Space Dedication Program include habitat and archaeological impacts caused by the residential development and road improvements on Pelican Hill, habitat impacts on Los Trancos Canyon, Buck Gully and Muddy Canyon caused by the construction of Pelican Hill Road and Muddy Canyon . . . .")."

a. Grading, Erosion, Drainage Impacts.

The EIR states that for the entire road alignment, the total amount of grading will include 3.5 million cubic yards of cut and 3.1 million cubic yards of fill. The most significant impact will occur to the existing landform and drainage areas on the frontal slopes of Pelican Hill. Over 1.4 million yards of cut will be necessary in this area alone. Due to the steep terrain in the watershed, the substantial amount of grading will result in potential increases in erosion and loss of soils, sedimentation of adjacent habitat areas and visual impacts to the natural landforms.

Construction of the roadway will incrementally increase impervious surface area in the coastal watershed areas. Relatively minor increases in sedimentation and runoff will affect downstream resources of Crystal Cove State Park adjacent to Pacific Coast Highway. Sections 30231 requires that the biological productivity of adjacent habitat areas be protected from adverse effects of development by controlling runoff and surface flow. Section 30240(b) requires that development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The mitigation measures proposed in the EIR indicate that the proposed project will comply with all applicable hydrology and erosion control measures as stated in the LCP. In addition, an erosion control plan will be prepared which specifies in greater detail, the methods and techniques which implement the erosion control plan policies. Additional mitigation measures are proposed beyond that which is required in the LCP.

The Commission finds that the proposed special conditions, which elaborate upon the EIR mitigation measures, together with the LCP policies, are adequate to bring the project into conformance with the resource protection policies of the Coastal Act. Therefore, the Commission finds that as conditioned to submit a final grading and final erosion control plan, the proposed project is consistent in part, with Sections 30231 and 30240(b) of the Coastal Act.

b. Environmentally Sensitive Habitat Areas.

Section 30240(a) of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The identified ESHAs as designated in the LCP which are affected by the construction of Pelican Hill Road are of three types: Category B ESHAs which contains the less sensitive habitat areas, Category D ESHAs, which are mostly drainages containing habitat with limited habitat value along the frontal slopes of Pelican Hill, and Category C ESHAs, which include the Marine Life Refuge along the shoreline of Crystal Cove State Park. Pelican Hill Road will not directly impact any Category A ESHAs, which is the most sensitive category, and contains significant riparian vegetation. LCP policies address ESHA protection adequately in sections I-3-E and I-3-F. Briefly, these policies provide for Category D ESHA mitigation by developing a Riparian Habitat Creation Program, and for Category C ESHA impacts, a water quality monitoring program must be developed primarily for the purpose of monitoring the runoff from the golf course.

With respect to Coastal Act Section 30240(a), the project EIR contains an extensive analysis reviewing numerous potential alignment alternatives. As has been concluded at p. 17. of these findings, the alignment of Pelican Hill Road has been selected following a review of seven potential alignments and has been determined to be the least environmentally damaging feasible alternative. The project EIR determined that there will be no road construction within category "A" ESHAs and only a small portion of a "B" ESHA at the upper end of Buck Gully will be potentially impacted. Potential impacts on wildlife movement relating to Buck Gully and Los Trancos Canyon were specifically addressed in the findings of

approval of the 1982 Irvine Coast LIP (see p. 4 of the findings in the Irvine Coast LCP Appendix, Section 1), which impacts were found to be mitigated by the Open Space Dedication Program both in those findings and in the Commission action of November 19, 1987 incorporating and re-affirming those findings. Likewise, other habitat impacts on the ridge areas and frontal slopes caused by Pelican Hill Road will be mitigated by the Open Space Dedication Program as reviewed above on page 11, under Section 1, and as provided for in Condition 4. Pursuant to the terms of condition 4, the Offer of Dedication, which provides the enforceable legal commitment of the Open Space Dedication Program, must be recorded prior to the issuance of the coastal permit for Pelican Hill Road.

With regards to Coastal Act Section 30240(b), the grading, erosion control, drainage and landscaping permit conditions set forth in Conditions 1 and 2 provide extensive development controls assuring that the potential impacts of the development of the road will be mitigated to the extent feasible. In addition to the specific mitigation requirements, these conditions incorporate all applicable mitigation requirements from the approved Irvine Coast Local Coastal Program.

c. Landform Alteration.

Section 30251:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Construction of the road will alter existing visual and aesthetic characteristics of the site. The road however, is not the only cause of scenic resource impacts. The surrounding land uses which have been approved will also impact the scenic qualities of the currently undeveloped hillsides, ridges and canyons. As stated previously, the open space dedication program consisting of 2,666 acres serves as the primary mechanism for mitigation of impacts not otherwise mitigated at the project level. The preferred alignment of Pelican Hill Road is the result of comparative evaluations of several alternatives which will be discussed in the following section.

The most significant impact to visual and scenic resources is caused by the grading for the road. The coastal segment of the alignment proposes 2.7 million cubic yards of cut and 2.1 million cubic yards of fill (see exhibit 6).

The alignment as approved in recent amendment has shifted Segment 6 towards the northwest. This northerly location has somewhat increased the size of the cut slopes on the north side of the alignment but has reduced fill slopes south of the alignment. Shifting the alignment to the north will reduce the required grading area and increase the area adjacent to Los Trancos Canyon

which will be unaffected by grading activities. Excavation of a prominent ridge adjacent to the roadway will be minimized by shifting of the alignment north through the area adjacent to Buck Gully. This shift will reduce the amount of remedial yardage necessary for the new alignment.

On-site mitigation measures proposed are to landscape the cut and fill slopes as a part of the erosion control measures, thereby buffering the roadway from prominent vantage points, and to incorporate where feasible, contour grading and slope rounding techniques to gradually transition graded road slopes into the natural surrounding topography. The project will result in benefits to aesthetics and visual quality by providing public access to significant scenic views previously unavailable to the public.

The Commission finds that the proposed roadway as proposed to provide for visual impact mitigation measures through contour grading techniques, landscape buffering, affording enhanced public views, together with the Open Space Dedication Program is consistent with Section 30251 of the Coastal Act.

### 3. Hazards.

Section 30253 states that new development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The EIR discusses the geotechnical issues with regard to the construction of the road and the long term stability in light of the hazards that exist. Slope stability is affected by the presence of eight landslides along or adjacent to the proposed alignment. Four are small, moderately shallow failures (35 feet maximum depth) at the southern extent of the proposed alignment. Based on laboratory test results and stability analysis, these slopes should be stable against deep-seated failure. Some of the cut slopes may, however, expose adverse conditions such as adversely oriented bedding planes or excessive fracturing and shearing in slope faces. These conditions will require design refinements or buttress construction during grading.

The Commission finds that although the mitigation measures proposed may reduce the risks of hazards, all risks cannot be eliminated entirely. The Commission has routinely required the applicant to assume these risks and waive all claim of liability on the part of the Commission. The Commission therefore finds that the proposed hazard reduction measures will minimize the risks of hazards, thereby making the project consistent with section 30253 of the Coastal Act. The Commission further finds that as conditioned to require the applicant to assume these risks, the project is otherwise consistent with the Coastal Act.

Pursuant to Section 13166(a)(1) of the Commission's administrative regulations, an application may be filed to remove Special Condition No. 3 from this permit if new information is discovered which (1) tends to refute one of more findings of the Commission regarding the existence of any hazardous condition affecting the property and (2) could not, with reasonable diligence, have been discovered and produced at or before the original hearing on the permit.

#### 4. Recreational Access Function

The construction of Pelican Hill Road will provide significant recreational access benefits for inland residents by providing a new access route from inland residential area to Crystal Cove State Park. Pursuant to the requirements of the approved Irvine Coast LCP, Pelican Hill Road will be built as a four lane road early in the development process (as contrasted with the two lane early construction requirement under the 1982 LUP) with ultimate expansion to six lanes. The Commission's findings of approval for the LCP adopted on November 19, 1987 stated the recreational access benefits of Pelican Hill Road and determined Coastal Act consistency as follows:

The 1987 LCP circulation improvements provide significant relief to the most congested links of the adjacent arterial system (primarily Pacific Coast Highway and MacArthur Blvd.), by ultimately diverting approximately 30% of existing traffic around this area via Pelican Hill Road while only adding 15% of existing traffic back onto the system in these critical locations. The result is a substantial net increase in traffic capacity and a significant incremental improvement in levels of service on both roadway links and intersections in this area. Without implementation of LCP land uses and attendant circulation improvements, regional commuting traffic is not offered alternate routes around capacity deficient areas, and levels of service in these areas will continue to deteriorate from traffic related regional growth in the area. In contrast, the construction of Pelican Hill Road as provided for in the 1987 Irvine Coast LCP in effect increases Pacific Coast Highway capacity through Corona del Mar by providing a direct link between down-coast residential areas and major inland destinations, including employment centers and the UCI campus.

In addition to relieving traffic on Pacific Coast Highway during peak commute hours, the construction of Pelican Hill Road in particular will provide significant recreational access capacity by connecting inland areas directly to Crystal Cove State Park (see Exhibit 13 in the Executive Summary). Because recreational and commuter traffic generally flow in opposite directions in the morning and evening (e.g. morning commuter traffic flows toward the inland employment centers while morning recreational traffic flows toward the Coast, with reversed flow patterns in the evening), Pelican Hill Road will provide significant new recreational access capacity. In this way, the construction of Pelican Hill Road not only meets the requirements of Coastal Act Section 30250 but also furthers the policy concerns of Coastal Act Section 30254 both by creating new recreational access capacity directly and by freeing up

additional recreational access capacity on Pacific Coast Highway through the inland diversion effect.

#### 5. Compliance with CEQA

All findings, substantive file documents and references cited within the Irvine Coast LUP Amendment and Implementation Plan and staff report certified by the Commission November 19, 1987 shall be incorporated herein by reference.

Under the California Environmental Quality Act ("CEQA"), a plan or other written documentation prepared pursuant to a Certified Regulatory Program "may be submitted in lieu of the environmental impact report required by" CEQA. (Public Resources Code 21080.5(a).) The California Coastal Commission's regulatory program "involving the preparation, approval, and certification of local coastal programs" has been certified by the Secretary of the Resources Agency. (CEQA Guidelines . 15251(f).)

The California Coastal Commission has principal responsibility for approving local coastal programs and ensuring compliance with CEQA's equivalency requirements. Consequently, it is the Lead Agency for this project and the County may rely on the local coastal program as the environmental analysis document in approving the project. (CEQA Guidelines §15253.)

The County of Orange is responsible for submitting adequate information to the Coastal Commission to enable the Commission to carry out its responsibilities pursuant to Public Resources Code Sections 21080.5 and 30510-30514. Consistent with Public Resources Code Sections 21080.5, 30500-30514 and the applicable CEQA and Coastal Commission guidelines, the County of Orange, has considered and has forwarded for Commission review all the information contained in the First Amendment to the Irvine Coast Local Coastal Program, the Appendix, all information and reports contained in the County files for this project, the Pelican Hill Road EIR certified by the Board on September 15, 1987, and all reports and studies submitted in conjunction with the 1982 approved LUP and the 1976 proposed Irvine Coast plan (see pp. 5-6 of these findings). These documents and the following sections describe the project, describe the setting, identify impacts, identify mitigation measures, and present alternatives all as required pursuant to Public Resources Code Section 21080.5. Additionally, in fulfillment of the requirements of Public Resources Code Sections 21080.5, compliance with regulatory program requirements has been determined as set forth in the above "Findings and Declarations for Certification" in Section IV of these findings. Public Resources Code Section 21080.5 requirements relating to consultation with public agencies and citizens and responses to significant environmental points raised during the review process have been fulfilled in the manner enumerated in Sections VII and VIII of Exhibit "A" of the County of Orange "Irvine Coast Local Plan - Findings of Approval and Supporting Documentation" incorporated by reference in the resolution of approval of the Irvine Coast Local Coastal Program adopted on September 30, 1987 as set forth in the County LCP submittal to the Coastal Commission.

a. Pelican Hill Road Alternatives- Coastal Zone Portions Segments 5 & 6.



In segment 5, three alignments were studied. One alignment passed along the eastern edge of Pelican Ridge (Alternate A), one passed along the western edge (Alternate F) and one went down the middle (Alternate B). Alternate F was selected as the preferred alignment because it afforded the best opportunity for views to the west, both from the highway and from the adjacent property. Alternate F provided for the best balance of earthwork excavations and embankments of the three alternatives. Alternate F has been planned as the location compatible with the future intersection with San Joaquin Hills Road. Selection of one of the other alternatives would result in land use constraints in terms of planned Irvine Coast development adjacent to the alignment.

In segment 6, a total of seven alignments (Alternates A-G) were studied in detail with the objective of minimizing earthwork grading and vertical grades, while providing access to planned development on both sides of the roadway. The preferred alignment, Alternate G, has a maximum grade of six percent, and provided the largest approach radius (1200 feet) to Pacific Coast Highway of the alignments analyzed. Alternative G also provided the best relationship to proposed coastal visitor-serving development and provided the benefit of moving road grading farther away from Los Trancos Canyon.

The Commission finds that the proposed alignment is the least environmentally damaging and feasible alternative, that adequate mitigation measures have been provided through project level conditions contained in this permit as well as the Open Space Dedication Program outlined in the LCP, and is therefore consistent with Public Resources Code Sections 21080.5 and Sections 30500-30514 of the Coastal Act.