

MS Word Export To Multiple PDF Files Software - Please purchase license.PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: March 6, 2003

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA02-0112 for Coastal Development Permit

PROPOSAL: Construction of stormwater drainage improvements within the right-of-way on both sides of State Route 1 (Pacific Coast Highway) in the Newport Coast area between Los Trancos Creek and Muddy Creek.

LOCATION: The proposal is located in the Newport Coast Planned Community and is generally located between a point 0.7 of a mile southeasterly of Newport Coast Drive to 400 feet southeasterly of Reef Point Drive (see photo on page 2). Fifth Supervisorial District.

APPLICANT: State of California, Department of Transportation (Caltrans)

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA02-0112 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

State Route 1, also known as Pacific Coast Highway (PCH), was originally built in 1931. In 1992 the highway was reconstructed under permit by the County of Orange in anticipation of the Newport Coast Planned Community development on the northeast side of the highway by The Irvine Company. The California Department of Transportation maintains existing drainage facilities along both sides of PCH between Los Trancos Creek and Muddy Creek. These facilities discharge storm water and non-storm water to the bluffs immediately above an area determined by the State of California as an Area Special Biological Significance (ASBS), and directly to the beach in the Crystal Cove State Park. The project area is within the Newport Coast PC/LCP and is known as Crystal Heights.

The project proposes to eliminate existing stormwater water drainage facilities located between Muddy Creek and Los Trancos Creek that discharge directly from PCH through Crystal Cove State to the ocean; and, redirect this stormwater flow to Muddy Creek and Los Trancos Creek through the installation of 7.6 feet wide grassy *bio-swales* for water quality treatment to portions of the inland side of PCH in the project area. A biofiltration swale is a shallow, grass lined, flat bottomed channel that conveys storm water at moderate slopes to allow pollutant removal from highway storm water runoff. The removal of these pollutants from highway runoff using a biofiltration swale, occurs through grass blades or other vegetation, sedimentation and infiltration into the soil.

These bioswales are proposed for areas between Muddy Creek and Reef Point Drive, between Reef Point Drive and Crystal Heights Drive, and between Crystal Heights Drive and Los Trancos Creek. New stormwater inlets and additional stormwater drainage pipes are also included with this proposal. All proposed trenching, fill, paving and grading for the grassy swales occur within previously graded PCH shoulder areas and the highway right-of-way.

The modifications proposed to the drainage facilities are proposed in order to comply with a Cease and Desist Order issued by the State of California Regional Water Quality Board (CRWQB), Santa Ana Region. The Cease and Desist Order No.00-87, issued on November 16, 2000, requires that direct discharges of waste to the Irvine Coast Area of ASBS shall cease by November 2003. A Project Study Report for this proposal was approved by the CRWQB on 9-7-01 and is included with this staff report as Exhibit 2.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site and to all occupants of homes within 100 feet of the site. Additionally, a notice was mailed to the Coastal Commission and numerous organization and groups who expressed an interest in receiving such notices. A Notice of Hearing was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to five County Divisions. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions.

CEQA COMPLIANCE:

Negative Declaration No. PA020112 (Exhibit 3) has been prepared for this proposal. It was posted for public review on January 28, 2003 and became final on February 28, 2003. Prior to project approval, this ND must be found adequate to satisfy the requirements of CEQA by the Zoning Administrator. Appendix A contains the required CEQA Finding.

SURROUNDING LAND USE: (all within the Newport Coast PC/LCP)

Direction	Planning Area	Land Use Designation	Existing Land Use
Project Site	NA	State of California	Pacific Coast Highway
North	3B 14	Medium and High Density Residential Retail	Residential Retail & retention basin
South	17	Recreation	Crystal Cove State Park
East	17	Recreation	Crystal Cove State Park
West	17	Recreation	Crystal Cove State Park



DISCUSSION/ANALYSIS:

The County does not normally act on State projects on State owned property. However, the State is not exempt for the provisions of the Coastal Act and is subject to the requirement of obtaining a Coastal Development Permit prior to any construction. When Caltrans first approached the County about processing a Coastal Development Permit for this proposal, Planning staff felt that since this was a State project in a State right-of-way that the Coastal Commission should be the permitting authority to issue a Coastal Development Permit. The applicant applied to the Coastal Commission for a Coastal Development Permit but the Coastal Commission rejected the application. The Coastal Commission reasoned that since the project was within the certified Newport Coast Local Coastal Program, that the County would be the issuing authority. Additionally, the proposal is defined as an appealable development and is therefore appealable to the Coastal Commission in addition to the County appeal procedures.

The project is in relation to the water quality improvement required in the Newport Coast Master Coastal Development Permit – Seventh Amendment (covering Planning Areas 2C, 3, 4, 5 and 14) as approved under issued Coastal Commission Coastal Development Permit No. A-5-IRC-99-301. The adjacent El Morro School to the south was also issued a separate cease and desist order to address water quality and water run-off into the state park. Both Newport Coast and the school district have satisfied water quality issues by providing treatment and deleting direct run-off into the State Park and then the ocean. Both projects included a combination of bio-swales and detention basins. Exhibit 6 is a water retention basin/bio-swale constructed by the Irvine Company between Planning Area 14 (Promenade commercial center) and PCH. Caltrans proposes the similar type of water quality measures on the inland side of PCH between Lost Trancos Creek and Muddy Creek as shown in Exhibit 6, but to a smaller scale. Only the shallow lower bio-swale portion will be used designed within the Pacific Coast Highway right-of-way.

To ensure a high confidence of pollutant removal, the length of each biofiltration swale will have a minimum length of 90 feet. Curb openings 5 ½ inches x 36 inches will be constructed at 160 feet interval to provide first flush of *storm water runoff* to enter the biofiltration swale. As the storm water is conveyed through the biofiltration swale and pollutant removal has occurred, the filtered storm water would then be intercepted through inlets and returned back to the storm drain system. A native seed mix will be specified to ensure that the vegetation placed in the biofiltration swale allows effective filtration, is drought tolerant, and has low maintenance. Staff has reviewed the seed mix proposed. The use of pesticides or herbicides will be in compliance with the current Storm Water Management Plan (SWMP). For an in-depth project description, please refer to the “Project Report” presented as Exhibit 3.

The Regional Water Quality Board has reviewed the proposed project. The California Regional Water Quality Board, in a letter to Caltrans Dist. 12 dated September 27, 2002, indicated that the water quality improvements proposed to eliminate direct discharge into Crystal Cove appear to satisfy the requirements of the Cease and Desist Order No. 00-87. Their letter is included with this report as Exhibit 2.

The Irvine Community Development Company (ICDC) brought up one issue or concern on the project. Their concern was an ICDC storm water monitoring station for drainage areas of Planning Area 3A of the Newport Coast Planned Community located near Los Trancos Creek and if the Caltrans project would impact the sampling results. If the ICDC monitoring station was impacted by storm water flows from PCH that could present a need to relocate the monitor. If the monitor was moved it could result in ICDC having to amend its previously approved Crystal Cove Storm Water Quality Monitoring Program and other approvals. The ICDC submitted a letter to the Coastal Commission addressing these points. Staff does not have information as to the response for the Coastal Commission. It will fall upon the Coastal Commission to determine the status of the ICDC water monitoring station if the proposed Caltrans project significantly affects the readings from residential runoff at the ICDC monitoring station.

Staff did not receive any negative comments on the proposal during the time between the mailing of the hearing notice and the preparation of this report. With the elimination of direct discharge of storm water into Crystal Cove, this proposal along with water quality improvements projects completed by the Irvine Company and the El Morro School site will greatly enhance the water quality discharges into the Pacific Ocean. Staff supports the proposal as planned and recommends the Zoning Administrator approve the Caltrans proposal as shown in the Recommended Action.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA02-0112 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation and supplemental information
2. Letter to Caltrans Dist. 12 from California Regional Water Quality Board dated 9-27-02
3. Caltrans Project Study Report
4. Irvine Community Development Company letter dated September 20, 2002.
5. Environmental Documentation
6. Irvine Company detention basin photo and other Site Photos
7. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedure.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: March 13, 2003 (Continued from March 6, 2003)

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA02-0112 for Coastal Development Permit

PROPOSAL: Construction of stormwater drainage improvements within the right-of-way on both sides of State Route 1 (Pacific Coast Highway) in the Newport Coast area between Los Trancos Creek and Muddy Creek.

LOCATION: The proposal is located in the Newport Coast Planned Community and is generally located between a point 0.7 of a mile southeasterly of Newport Coast Drive to 400 feet southeasterly of Reef Point Drive (see photo on page 2). Fifth Supervisorial District.

APPLICANT: State of California, Department of Transportation (Caltrans)

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA02-0112 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

This proposal was continued from the March 6, 2003 hearing to allow staff adequate time to evaluate revised plans submitted by Caltrans on March 4, 2003. The revisions dealt with the Caltrans discovery of a high-pressure gas line in the PCH right-of-way that required the location of storm drainpipe on the ocean side of PCH to be altered. Staff has reviewed the revised plans and determined that the revised plans are in substantial compliance with the original plans submitted that were recommended for approval.

Additionally, it was noted that the approving authority listed in Appendix A, Recommended Conditions of Approval numbers 7, 8, 9, 10, 11 and 16 need to be revised to reflect the current division name. In the condition numbers stated: *Manager, Zoning Administrator & Resources* was changed to *Manager, Environmental Planning Services Division*. The revised Recommended Conditions of Approval along with the Findings (which remain the same) are included with this report. Staff recommendation remains the same as from the March 6, 2003 report and is as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- c. Approve Planning Application PA02-0112 for Coastal Development Permit subject to the attached Findings and revised Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

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APPENDICES:

- A. Recommended Findings (unchanged from CPSD Report dated March 6, 2003)
- B. Recommended Conditions of Approval (as revised from CPSD Report dated March 6, 2003)

EXHIBIT:

- 1. Revised Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.

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