

CALIFORNIA COASTAL COMMISSION

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Staff: M. Revell-LB
Staff Report: 11/17/2016
Hearing Date: 12/07/2016

STAFF REPORT: CONSENT CALENDAR

Application No.: 5-16-0363

Applicant: City of Irvine

Location: University Drive between the MacArthur Blvd. southbound ramps and east of Campus Drive, Newport Beach and City of Irvine, Orange County (APN 455-241-27; 455-242-03; 455-242-04; 455-241-26; 455-242-01; 455-241-25; 445-072-32; 120-591-23; 445-072-11; 445-072-16; 455-052-16; 455-052-06)

Project Description: Roadway improvements, including a third approximately 12 ft. wide travel lane, curb, and gutter in each direction, and an approximately 5 ft. sidewalk on the eastbound side of University Drive between MacArthur Blvd. and Campus Drive.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The applicant is proposing improvements to an existing roadway adjacent to natural habitat areas in Irvine and Newport Beach. The proposed project raises issues regarding biological resources and water quality.

Staff is recommending **APPROVAL** of the proposed coastal development permit with **Four Special Conditions**. The special conditions are: 1) Avoidance of special status species; 2) Landscaping plans; 3) Construction area and staging plans; and 4) storage of construction materials.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Irvine does have a certified Local Coastal Program.

However, they have exercised the provisions in Coastal Act Section 30601.3 regarding consolidated permit processing. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Irvine Local Coastal Program may be used for guidance.

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EXHIBITS

Exhibit 1 – Project Location

Exhibit 2 – Coastal Zone Boundary

Exhibit 3 – Site Plans

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all of the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** 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. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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:

This permit is granted subject to the following special conditions:

1. Avoidance of Special Status Species. An appropriately trained biologist shall monitor the proposed development for disturbance to sensitive species or habitat area. At minimum, monitoring shall occur once a week during any week in which construction occurs. Daily monitoring shall occur during development which could significantly impact biological resources such as grading or construction that could result in disturbances to special status species, including the Least Bell's Vireo and the Yellow-Breasted Chat. Based on field observations, the biologist shall advise the applicant regarding methods to minimize or avoid significant impacts, which could occur upon sensitive species or habitat areas. The applicant shall not undertake any activity, which would disturb sensitive species or habitat area unless specifically authorized and mitigated under this coastal development permit or unless an amendment to this coastal development permit for such disturbance has been obtained from the Coastal Commission.

2. Landscaping Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, in a form and content acceptable to the Executive Director, two (2) full size sets of final landscaping plans prepared by an appropriately licensed professional which demonstrates the following:

(1) The plan shall demonstrate that:

(a) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;

(b) Where possible, landscaped areas adjacent to identified riparian habitat shall be planted and maintained for habitat protection and habitat enhancement. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent or nearby native plant areas, all landscaping shall consist of native species appropriate to the habitat type. Native plants shall be from local stock wherever possible. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. All plants shall be low water use plants as identified by California Department of Water Resources (See: <http://www.owue.water.ca.gov/docs/wucols00.pdf>).

(2) The plan shall include, at a minimum, the following components:

(a) A map showing the type, size, and location of all plant materials that will be on the developed site, topography of the developed site, and all other landscape features, and

(b) A schedule for installation of plants.

B. The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Construction Access and Staging Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit a construction and staging plan for the review and approval of the Executive Director which indicates that the construction staging area(s) and construction corridor(s) will avoid impacts to sensitive habitat areas.

(1) The plan shall demonstrate that:

- (a) Construction equipment or activity shall not occur outside the staging area
- (b) No upland areas vegetated with native plants shall be used for staging or storage areas.
- (c) Construction access shall not result in impacts to riparian or wetland habitat

(2) The plan shall include, at a minimum, a site plan that depicts:

- (a) Limits of the staging area(s)
- (b) Construction corridor(s)
- (c) Construction site
- (d) Location of sensitive habitat areas to be avoided

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Storage Of Construction Materials, Mechanized Equipment And Removal Of Construction Debris

A. The permittee shall comply with the following construction-related requirements:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent

- runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a storm drain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT DESCRIPTION & LOCATION

The City of Irvine proposes roadway improvements along University Drive consisting of: 1) widening University Drive between the MacArthur Boulevard southbound ramps and Campus Drive to provide a third travel lane with curb and gutter in each direction; 2) a new sidewalk on the eastbound side of University Drive between MacArthur Boulevard and Campus Drive; 3) traffic signal modification to the lights at the intersections of University Drive at the MacArthur Blvd. northbound ramps and California Avenue; 4) medians east of MacArthur Blvd will be removed and reconstructed; 5) construction of three retaining walls, two located along portions of the southerly sidewalks, and one along the northerly edge of the San Diego Creek; and 6) Drainage improvements, grading, curb ramps, and relocation or adjustment of utility lines, signs, and landscaping (**Exhibit 3**). The proposed improvements would require removal of portions of existing landscaping and vegetation in the median, roadway edges, and slopes. The project includes work outside and within the coastal zone within the University Drive corridor. Overall, the proposed project will result in the removal of approximately 150 trees. The portion of the roadway improvements in the coastal zone will result in the removal of landscaping and approximately 50 trees of various types, including eucalyptus and pine. Replacement of plantings in the median, parkways, and slopes are proposed, which will include the planting of approximately 115 trees for the entire project, and approximately 40 trees within the coastal zone.

The subject site is located along University Drive between the MacArthur Boulevard southbound ramps, and east of Campus Drive, approximately ½ mile east of Upper Newport Bay in the Cities of Newport Beach and Irvine (**Exhibit 1**). The portion of the project site within the City of Newport Beach is a small 250 foot segment of University Drive located on the western half of the project along University Drive, while the eastern half of the project is within the City of Irvine. Only the western half of the project along University Drive is actually located within the coastal zone, while the eastern half of the project is outside the coastal zone. Commission staff is therefore only analyzing the portion of the project that is within the coastal zone (**Exhibit 2**).

The purpose of the project is to address existing deficiencies and complete this segment of University Drive consistent with the *City of Irvine General Plan* Circulation Element. The proposed project would widen University Drive while minimizing impacts to existing infrastructure and right-of-way. The roadway alignment would not be altered and medians would typically be 14 feet wide to minimize impacts to the medians and median utilities, lighting, and landscaping. In order to reduce impacts to the edges of both sides of the road, widths of the middle and outer travel lanes and bike lanes would be reduced from City standards. The middle and outer lanes would be 11 feet wide, reduced from the 12-foot standard. Bike lanes would be 5 feet wide, and raised medians would have standard 8-inch curbs.

Pedestrian connectivity would be improved through the project area by a proposed sidewalk along the south side of University Drive. The approximately 5 foot wide sidewalk would be constructed from the MacArthur Boulevard northbound ramps to Campus Drive, with Americans with Disabilities Act (ADA) compliant curb ramps at all curb returns. The sidewalk would generally be 5 feet wide, except in areas where retaining walls are proposed. At these locations, the sidewalk would be reduced to 4 feet wide and placed against the wall, to allow for a 2.5-foot wide parkway between the curb and sidewalk. Beyond the retaining walls, parkways may be provided between curb and sidewalk where right of way, slopes, and utilities permit. These parkways would provide buffers between pedestrians and vehicles, as well as enhanced landscape aesthetics. The proposed design includes a parkway between the MacArthur Boulevard northbound ramps and California Avenue. At the west end of the project, the existing sidewalk on the south side of University Drive has two gaps between the MacArthur Boulevard southbound and northbound ramps. This segment of University Drive is located in Caltrans right of way, within the Cities of Irvine and Newport Beach. A sidewalk would be constructed at each of the gap locations to provide continuous access between the ramp intersections.

The expansion of University Drive will impact areas where the applicant has identified approximately 0.05 acre of saltbush scrub along the northern edge of University Drive near the western end of the project, and approximately 0.05 acre of coastal sage scrub on a slope along the southern edge of University Drive near the western end of the project will be permanently impacted. Additionally, the proposed project is likely to temporarily impact 0.09 acre of saltbush scrub, and 0.19 acre of coastal sage scrub. These habitat areas were not determined to be Environmentally Sensitive Habitat Areas (ESHA) by the applicant because they are highly disturbed due to surrounding development and human activity along the San Diego Creek Trail and University Drive. The Coastal Commission staff ecologist, Dr. Jonna Engel, visited the site and concurs with the applicant's assessment.

Based on the *University Drive Habitat Assessment* conducted in November 2013, no sensitive species have been identified within the project site and none were determined to have a potential to

occur within the project site. However, San Diego Creek, the San Joaquin Marsh, and Newport Back Bay are located in the immediate vicinity of the project site, which provide natural plant communities known to provide suitable habitat for sensitive plant and wildlife species, and are considered ESHA because these adjacent areas are known to provide suitable habitat for sensitive plant and wildlife species such as the Least Bell's Vireo.

Coastal Act Section 30240 requires protection of environmentally sensitive habitat areas from significant disruption of habitat values, and requires development located adjacent to ESHA to be sited and designed to prevent impacts which would significantly degrade those areas. Coastal Act Section 30231 requires that the biological productivity of wetlands be maintained, and where feasible, restored.

Although these areas are allocated outside the project footprint, and no direct impacts are anticipated to these areas, the Commission imposes **Special Condition 1**, requiring pre-construction surveys for the presence of special status species. The trees and vegetation proposed to be removed could be used by species in the nearby habitat areas. To ensure that no incidental impacts occur to the adjacent habitat areas, the Commission imposes **Special Conditions 3 and 4** requiring the submittal of construction staging plans, and storage and removal of construction debris for the review and approval of the Executive Director. The applicant proposes to install landscaping in the natural areas impacted by the project. To ensure that such plantings are consistent with the continuance of the adjacent natural habitat communities, the Commission imposes **Special Condition 2**, requiring the submittal of a landscaping plan for the review and approval of the executive director.

As conditioned, the proposed development would result in only a minor change to the footprint of development, and will not result in significant impacts to the adjacent riparian and wetland habitat. Therefore, as conditioned, the proposed project would not result in impacts adjacent to ESHA that would significantly degrade ESHA, and would maintain biological productivity of wetlands. Therefore, as conditioned, the proposed project is consistent with Coastal Act Sections 30240 and 30231.

B. WATER QUALITY/MARINE RESOURCES

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include the appropriate management of equipment. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

C. BIOLOGICAL RESOURCES

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

D. VISUAL RESOURCES

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. As conditioned, the project will not disrupt public coastal views. Therefore, the Commission finds that the development conforms with Sections 30250, 30251, and 30252 of the Coastal Act.

E. PUBLIC ACCESS

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

F. LOCAL COASTAL PROGRAM (LCP)

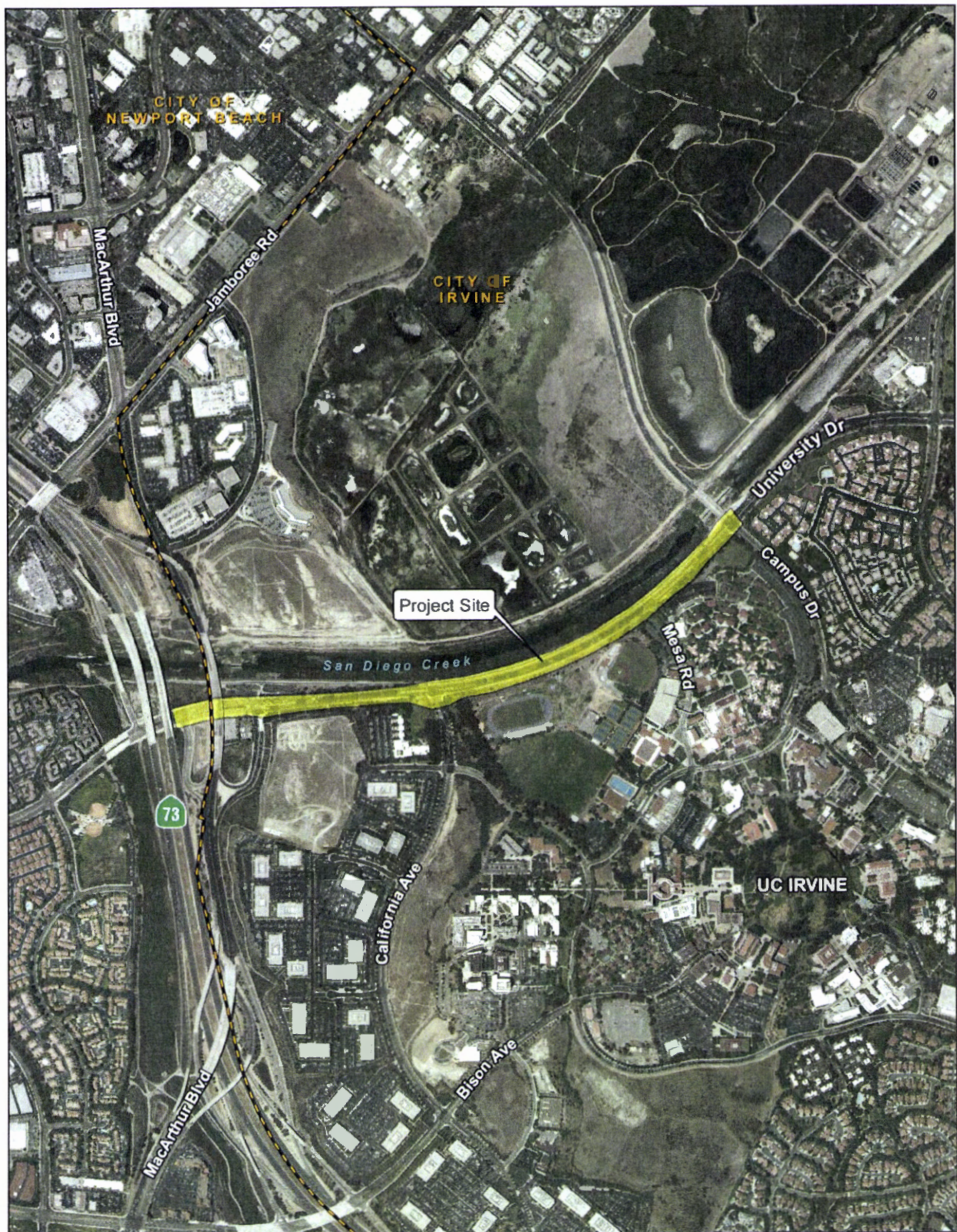
Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program, which conforms with the Chapter 3 policies of the Coastal Act.

The Land Use Plan for the City of Newport Beach was effectively certified on May 19, 1982. At the October 2005 Coastal Commission Hearing, the certified LUP was updated. Since the City only has an LUP, the policies of the LUP are used only as guidance. The proposed development is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

The City of Irvine does have a certified Local Coastal Program, certified in 1982. However, they have exercised the provisions in Coastal Act Section 30601.3 regarding consolidated permit processing. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Newport Beach Land Use Plan and Irvine Local Coastal Program may be used for guidance.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



Source: Eagle Aerial, 2013.

NOT TO SCALE



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UNIVERSITY DRIVE WIDENING PROJECT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Site Vicinity

EXHIBIT #

PAGE

OF

Exhibit 2-2



Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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EXHIBIT # 2
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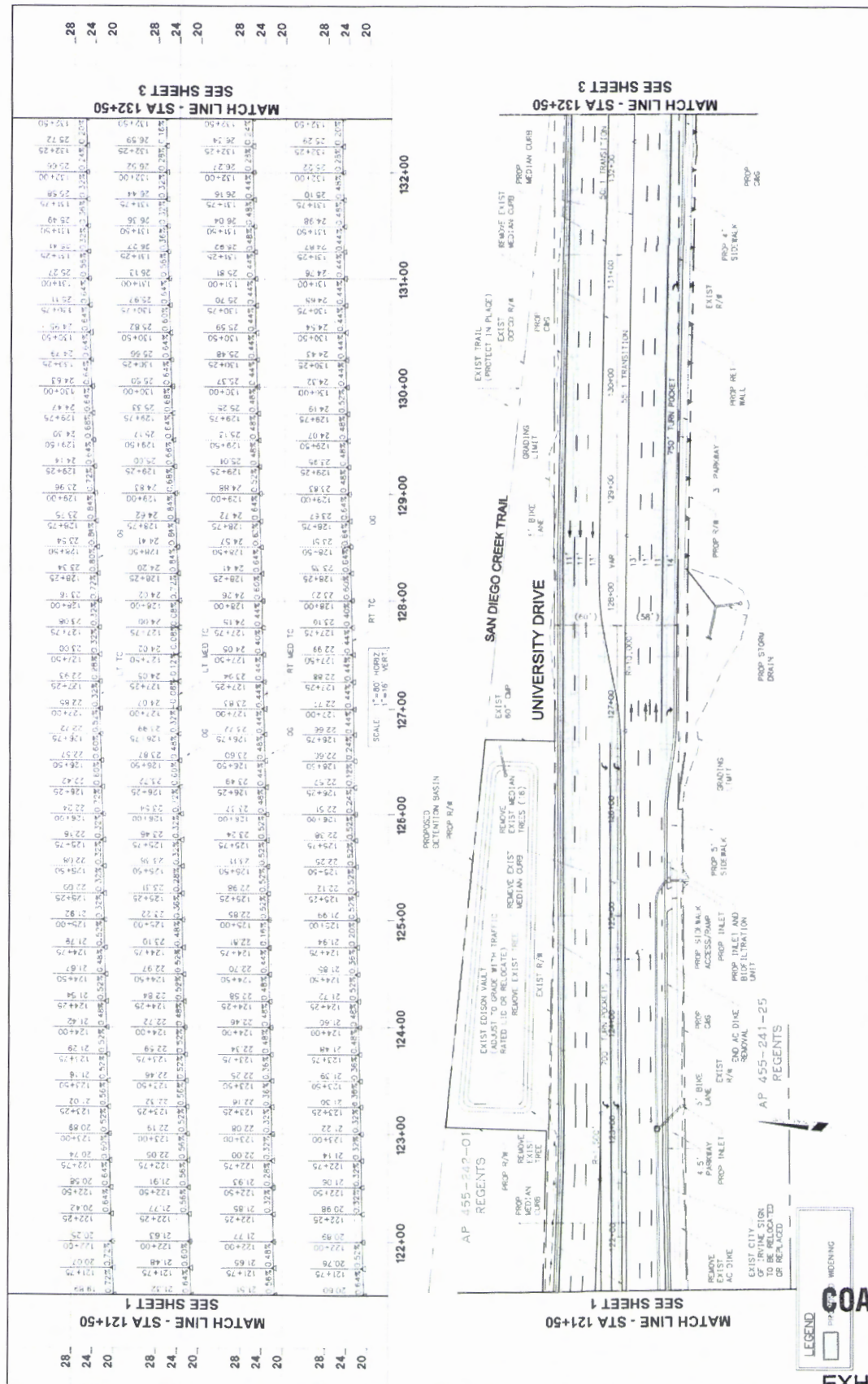


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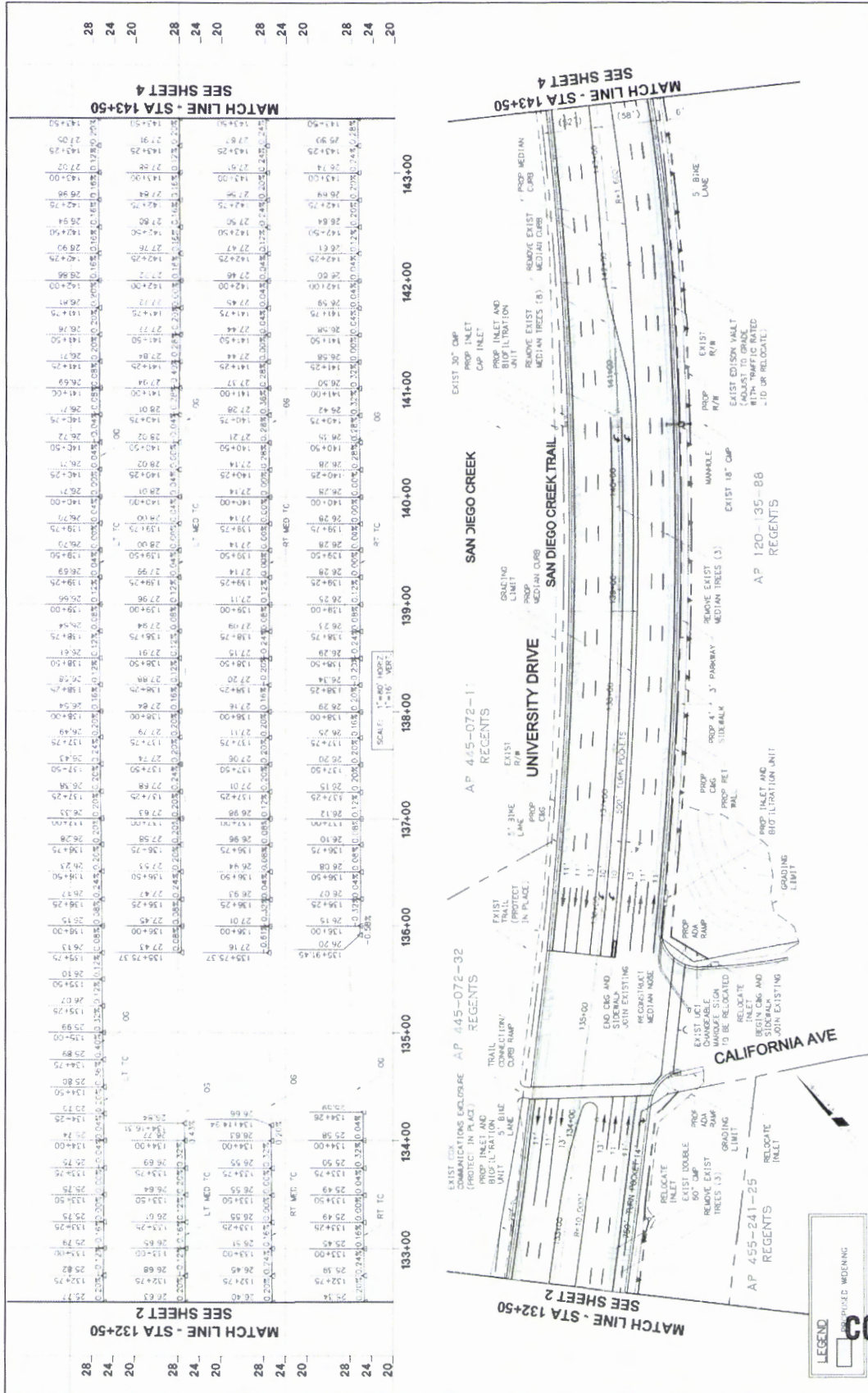


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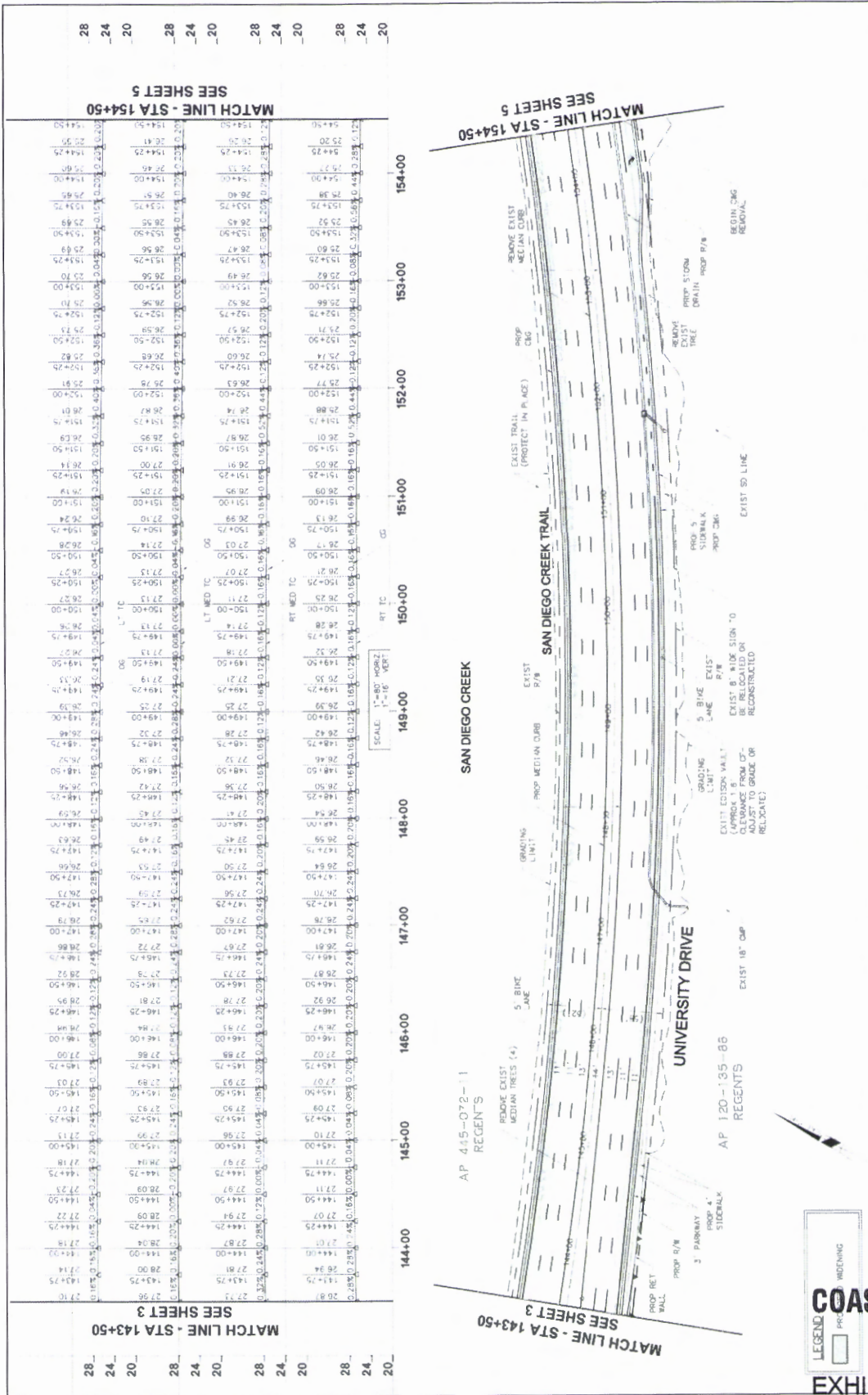
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EXHIBIT # **3**

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Exhibit 2-3e





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