

OC PLANNING REPORT

DATE: May 7, 2020

TO: Orange County Zoning Administrator

FROM: OC Development Services/Planning Division

SUBJECT: Public Hearing on Planning Application PA20-0007 for a Coastal Development Permit in the Newport Coast LCP area and Planning Application PA20-0009 for a Coastal Development Permit in the Aliso Viejo segment of the Aliso Creek LCP area.

PROPOSAL: Proposed work includes four (4) components: (1) drainage improvements, (2) safety roadway improvements, (3) provide shoulder widening and bicycle lanes, and (4) underground overhead utilities.

GENERAL PLAN DESIGNATION: 1B "Suburban Residential"

ZONING: The project area is located within two zoning districts. The Laguna Canyon Road improvements are within Planning Area 20C (Recreational) of the Newport Coast Local Coastal Plan. The El Toro Road improvements are within the Aliso Viejo Segment Local Coastal Plan Planning Area 63.1 (Agricultural/Greenbelt).

LOCATION: The roadway improvements will be on Laguna Canyon Drive within the segment from the 73/133 interchange to 0.2 miles south of El Toro Road intersection and on El Toro Road at its intersection with Laguna Canyon Road, within the Fifth Supervisorial District.

APPLICANT: California Department of Transportation

STAFF Kevin Canning, Contract Planner

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RECOMMENDED ACTIONS:

OC Development Services/Planning recommends the Zoning Administrator:

- a) Receive staff report and public testimony as appropriate;
- b) Find that the potential environmental impacts of components of the project have previously been assessed and approved by the County in MND No.05-240 and Addendum IP 09-306. Modifications to the project have been found to decrease

any potential impacts previously found and are documented in in a combined analysis, OP94U MND and Finding of No Significant Impact (Caltrans 2018); and,

- c) Approve Planning Applications PA20-0007 and PA20-0009 for a Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND AND EXISTING CONDITIONS

The project scope of work has been revised since it was first contemplated in 2017 and 2018. One of the primary safety goals of the project is to extend the southbound SR-133 merge lane in front of Anneliese School (in the City of Laguna Beach), as it does not meet Caltrans standards. Previously, Caltrans had proposed to construct additional pavement on the northbound and southbound SR-133 to widen the road and allow the extension of the existing substandard merge lane. Due to the additional pavement work, the natural landscape on southbound SR-133 south of El Toro Road was proposed to be graded and replaced with large retaining walls. The related contoured slopes would have required improvements that would have required removal of several large Oak trees with related impacts to biological and aesthetic resources.

Seeking alternatives, Caltrans held several project team and stakeholder meetings, and the input and concerns received led to the development of an alternative option which does not require any additional paving on SR-133 south of El Toro Road. The alternative option is what is currently proposed in this application.

PROPOSED PROJECT

The applicant requests approval of two Coastal Development Permits (CDP) to allow roadway and safety improvements to State Route 133 (Laguna Canyon Road) and El Toro Road. The improvements, discussed more fully below, would include road widening, reconfiguring of vehicle travel lanes and shoulders, addition of bicycle lanes, drainage improvements, undergrounding of overhead utilities, and landscaping.

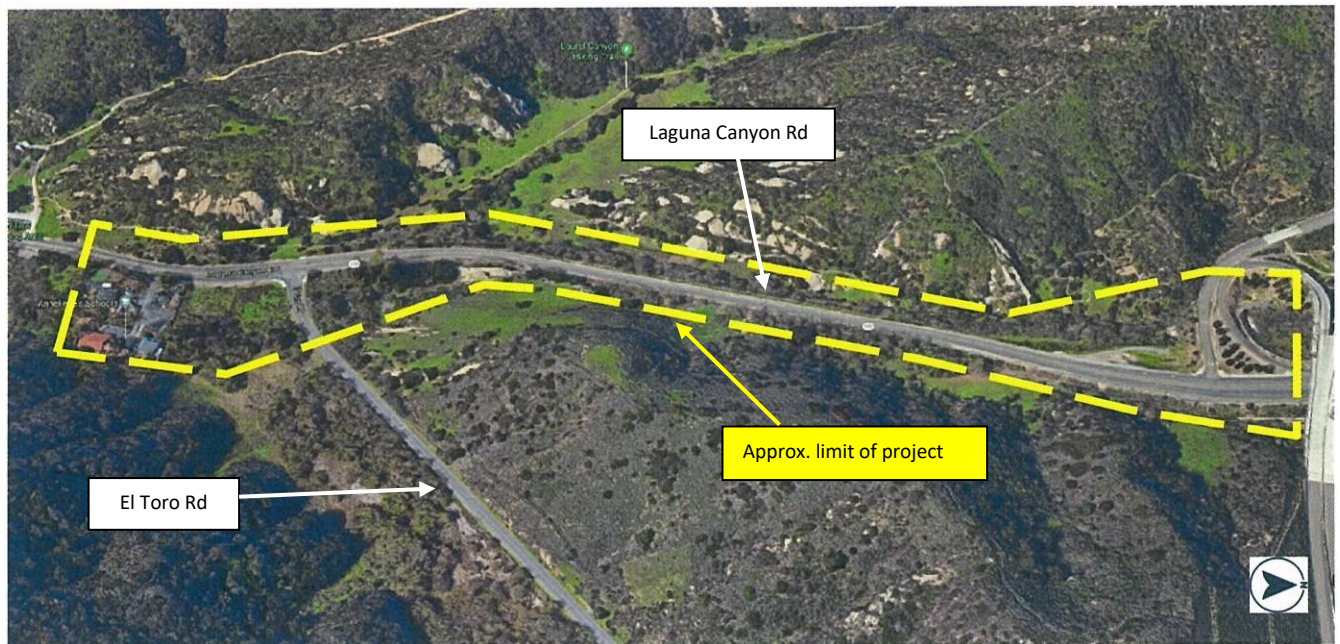
The overall project includes improvements within both the City of Laguna Beach and the County of Orange. In December 2019, the City of Laguna Beach reviewed the project components within their jurisdiction and granted an approval-in-concept (per their regulatory requirements). Most of the 'County' improvements will be along the westside of Laguna Canyon Road which are within the Newport Coast Local Coastal Plan area. One improvement, an additional driveway from El Toro Road to serve a private school is within the Aliso Viejo Local Coastal Plan.

The two subject CDPs include one for the Newport Coast LCP area (PA20-0007) and one for the Aliso Viejo LCP area (PA20-0009). A further clarification, the area of the Aliso Viejo LCP was included within the Aliso Viejo Planned Community but was not included in the incorporation of the City of Aliso Viejo.

SURROUNDING LAND USE

The project site is surrounded by open space and natural areas within both the City of Laguna Beach and unincorporated jurisdictions, except within the southernmost portion, which has the Willowbrook campus of the Anneliese School, a private school with classes from nursery through 6th grade.

Approximate Project Limits



DISCUSSION/ANALYSIS

Caltrans is requesting concept review for the proposal, which consists of four primary components:

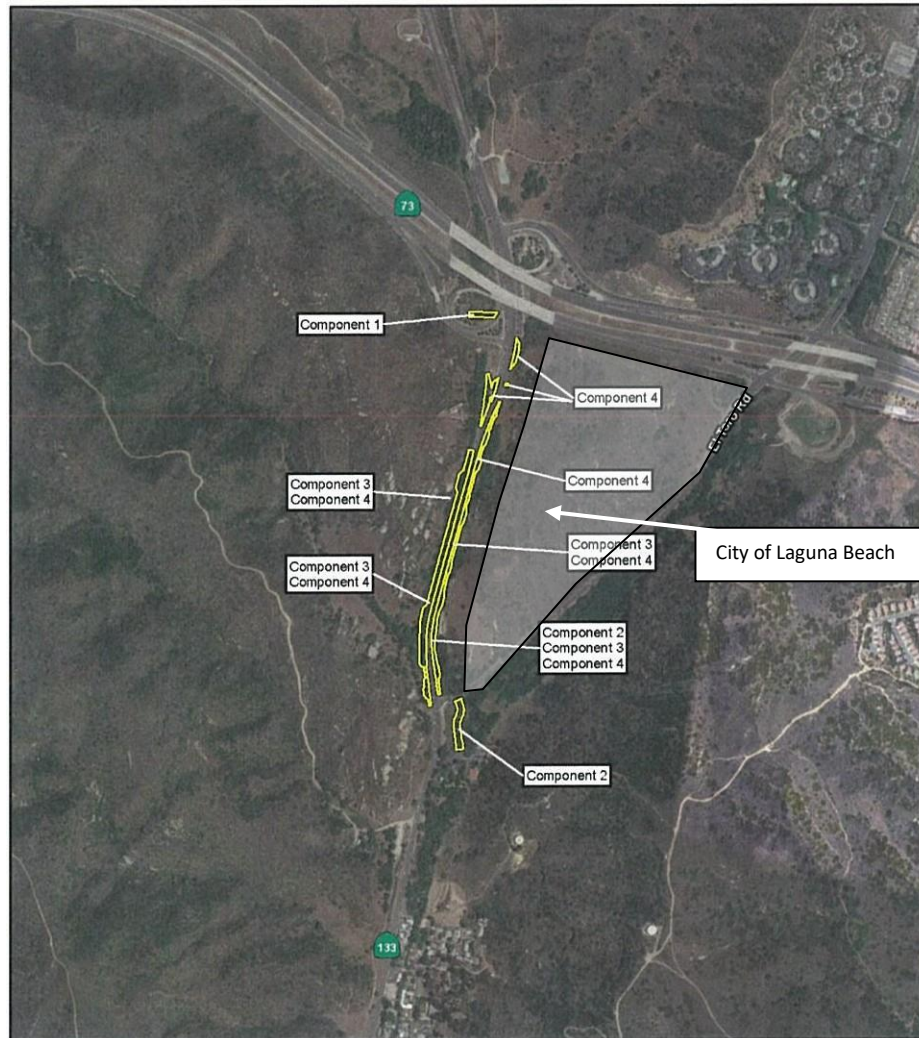
- Component 1 - Drainage Improvements
- Component 2 - Vehicular Safety
- Component 3 - Bicycle Lanes, Shoulder Widening
- Component 4 - Underground Overhead Utilities

Component 1 - Drainage Improvements

The project vicinity is located within the FEMA 100-Year Flood Zone and is subject to regular flooding due to the confluence of three natural watercourses. The proposed drainage improvements include restoration of the existing drainage channel along SR-133, and construction of a new concrete check dam. There is an existing earthen drainage channel along SR-133 from El Toro Road to SR-73. This drainage course is proposed to be reconstructed and relocated to accommodate a bike lane, and improved with an articulated block channel, which is pervious and allows for vegetation to grow in between

the blocks. The concrete check dam is proposed within the area of the southbound SR-133 loop on-ramp to the southbound SR-73. The dam will interrupt the flow of water, reducing water flow velocity and decreasing flooding of the existing/improved channel alongside SR-133

Locations of each component within the project vicinity



Component 2 - Vehicular Safety

This component includes the portion of the project that was revised based on the public and stakeholder input. The revised scope of work is as follows for south of El Toro Road:

- The southbound existing pavement south of El Toro Road will be restriped to provide the standard merge lane taper, to end just north of the Willow Staging Area, keeping a clear zone.
- The northbound ingress and egress to Anneliese School from SR-133 will be right turn only.
- Restriping and modification of the SR-133/El Toro Road intersection will

provide a U-turn option allowing vehicles to go southbound from northbound SR-133.

- An alternate driveway for additional access to Anneliese School will be constructed from El Toro Road, and be right turn exit only. This additional access is the only improvement within the Aliso Viejo LCP area.
- Southbound SR-133, north of the El Toro Road intersection will add additional pavement to accommodate a 100-foot extension of the left-turn lane.

By eliminating the southbound SR-133 left-turn pocket into Anneliese School, Caltrans was able to propose conversion of the existing median into a travel lane. As such, the existing road can be restriped with the Caltrans right-of-way to accomplish the standard merge lane taper without adding additional pavement. Due to this change, the project was revised to extend the left-turn pocket at the southbound SR-133/El Toro Road intersection by 100 feet to accommodate motorists accessing the new driveway. Since the existing left-turn pocket for accessing Anneliese School is proposed to be removed, a new driveway is proposed to allow left and right turns from El Toro Road. The new driveway is proposed on the parcel to the adjacent north of Anneliese School, which is owned by the County of Orange. This parcel of land is not within the City's jurisdiction and will ultimately require County review for permitting discretion. Caltrans has noted that the County has indicated willingness to relinquish the land to the City, which would need to provide an access easement for the Anneliese School. See the diagram below explaining the vehicular safety improvements.

Proposed additional Anneliese School access



Component 3 - Bicycle Lanes, Shoulder Widening

Currently, there are no bike lanes on SR-133 between El Toro Road and SR-73, and paved shoulders are sub-standard. The project scope involves widening the road by constructing additional pavement to provide eight-foot shoulders which will function as a Class II bike lane

in both northbound and southbound directions between El Toro Road and SR-73. Class II bike lanes consist of a striped lane for one-way travel by bicyclists, improving bicycle connectivity. See the photograph and rendering below depicting Class II bike lanes.



Bike lane rendering



Existing Class II bike lane

Component 4 - Underground Overhead Utilities

The final project component involves the undergrounding of overhead utilities along SR-133 between SR-73 and El Toro Road. The undergrounding of utilities requires maintenance access areas that must be located outside of the paved shoulders. Caltrans proposes the maintenance access areas to be paved with articulated block that can accommodate hydro-seeding and vegetation, similar to what is being proposed for the new drainage channel.

CONSISTENCY WITH LOCAL COASTAL PROGRAMS

Newport Coast LCP

The improvements generally along Laguna Canyon Road are within Planning Area 20C (Recreation) of the Newport Coast LCP. The following excerpts from the LCP are applicable to development on this site. This LCP states:

CHAPTER 7 - RECREATION PLANNING AREAS

C. OTHER PERMITTED USES IN PA 18, PA 19, PA 20B, AND PA 20C SUBJECT TO COASTAL COMMISSION APPELLATE JURISDICTION OVER "CD" PERMITS

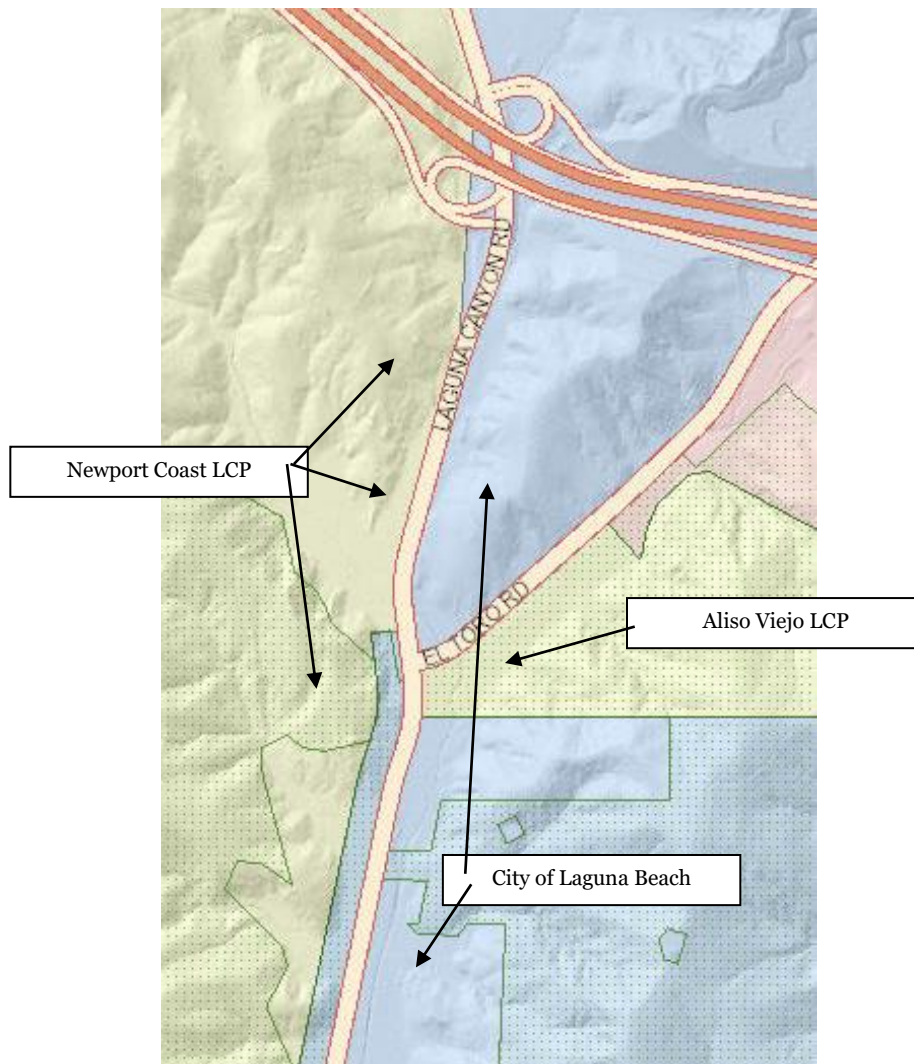
1. New utility development.
2. New roads or expansions. Any widening or relocation of Laguna Canyon Road shall conform with IAP Special Provision Subsection II-3-B-27.

CHAPTER 3 - GENERAL PROVISIONS AND REGULATIONS

B. SPECIAL DEVELOPMENT REVIEW PROVISIONS (*IAP Special Provision Subsection II-3-B-27*)

27. LAGUNA CANYON ROAD: Improvements to accommodate the widening and/or relocation of Laguna Canyon Road shall be allowed in PA 16A, PA 16B, PA 20A, PA 20B, PA 20C, PA 21A, and PA 21B, provided that any such project is the least environmentally damaging feasible alternative, as determined and approved by the California Coastal Commission. *(NOTE: A Coastal Commission approval will be sought following the County's action on the applications)*

Thus, in anticipating the potential need for future roadway improvements, the proposed project is consistent with the Newport Coast LCP. Further, the subject project itself represents a project that has been modified from its original concept to address and minimize environmental impacts.



Aliso Viejo LCP

This site is within what was PA 61.3 (Agricultural/Greenbelt) of the former Aliso Viejo Planned Community, and was covered by the 1980 LCP - Aliso Viejo Segment of the Aliso Creek Planning Unit. This area was not included within the incorporation of the City of Aliso Viejo (July 2001).

Under the County's Aliso Viejo Segment LCP, the site is:

- Land Use component – 5.3 Recreation
- Circulation component – there are no trails or parking/staging areas identified within this site
- Identified as grassland
- No potential archeo sites or wildlife corridor (some appear further inland)
- Potentially some or all of site could be within floodplain
- Is not specifically identified or named, geographically or otherwise, as a site having unique features to be preserved or enhanced under the Coastal Act

The Aliso Viejo Segment LCP also states:

“The provision of public works and infrastructure to serve the Aliso Viejo Planned Community will be permitted within the Aliso Viejo Segment as conditioned by Section 30168 (g) (*cited below*). Consideration by the Coastal Commission for development or use of any infrastructure to serve the Aliso Viejo Planned Community shall be strictly limited to addressing direct impacts on coastal zone resources and shall be carried out in a manner that assures that such infrastructure will be provided. The Legislature also directed the Coastal Commission to amend ‘without conditions’ Permit No. A-61-76 to release sewer outfall flow limitations to serve the Aliso Viejo Planned Community. Infrastructure which may be required to serve the Aliso Viejo Planned Community, but located with the Aliso Viejo LCP Segment, includes the facilities and improvements as defined in Section 30168 (g).”

Section 30168 (g) of the Public Resources Code states:

Notwithstanding any other provision of law, the application of the provisions of this division by the commission to the development or use of any infrastructure necessary and appropriate to serve development within the portions of such Aliso Viejo Planned Community located inland of the coastal zone as amended by this section, shall be strictly limited to addressing direct impacts on coastal zone resources and shall be carried out in a manner that assures that such infrastructure will be provided. Further, the commission shall amend without conditions its prior permit No. A-61-76 to provide for its release of sewer outfall flow limitations necessary and appropriate to serve such Aliso Viejo Planned Community located inland of the coastal zone as amended by this subdivision. For purposes of this subdivision, “infrastructure” means those facilities and improvements necessary and appropriate to develop, construct, and serve urban communities, including but not limited to, streets, roads, and high-ways; transportation systems and facilities; schools; parks; water and sewage systems and facilities; electric, gas, and communications systems and facilities; and drainage and flood control systems and facilities. Notwithstanding the provisions of this subdivision, the commission may limit, or reasonably condition, the use of the transit corridor in Aliso Creek Valley to transit uses, uses approved by the commission that will serve the Aliso Greenbelt Project prepared by the State Coastal Conservancy, the provision of access to and from the sewage treatment works in Aliso Creek Valley, emergency uses, and drainage and flood control systems and facilities and other services approved pursuant to this subdivision.

While this document did not anticipate a need for future roadway improvements in this specific area, as did the Newport Coast LCP, the proposed project is nonetheless consistent with the intent and limitations of the Aliso Viejo LCP for the subject site.

REFERRAL FOR COMMENT AND PUBLIC NOTICE

A Notice of Hearing was mailed to all property owners of record and occupants of dwellings within 600 feet of the project boundaries on April 24, 2020. Additionally, a notice was posted at four locations along the project boundaries, the County Hall of Administration and at the County Administration South building, 601 N. Ross Street, as required by established public hearing posting procedures. The City of Laguna Beach approved-in concept those project improvements within its jurisdiction in December 2019.

CEQA COMPLIANCE

As noted above, the subject project represents the components of a previously reviewed and approved master improvement plan. The potential environmental impacts of components of the project have previously been assessed and approved by the County in MND No.05-240 and Addendum IP 09-306. The project modifications currently proposed have been found to decrease any potential impacts previously found and are documented in in a combined analysis, OP94U MND and Finding of No Significant Impact (Caltrans 2018)

CONCLUSION

Staff has reviewed the applicant's request for a Coastal Development Permit and found the proposed project to be compliant with both the Newport Coast and Aliso Viejo LCPs. Staff supports approval of the project subject to the Findings and Conditions of Approval provided as Attachments 1 and 2.

Submitted by:



Brian Kurnow, Land Use Manager
Planning, OC Development Services

Concurred by:

Richard Vuong, Interim Deputy Director
OC Public Works/Development Services

Attachments

1. Findings and Conditions of Approval – PA20-0007
2. Findings and Conditions of Approval – PA20-0009
3. Aerial with Project Plan overlay
4. Full Project Plans
5. CEQA Documentations
 - a. Caltrans OP94U_SR-133 and supporting studies
 - b. County IP05-240 MND
 - c. County IP09-306 MND