

25

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA
APRIL 20, 1988

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

OFFICE OF
COUNTY COUNSEL
ORANGE COUNTY

FO192-210 (5/77)

On the motion of Supervisor Riley duly seconded and carried, the following Resolution was adopted:

WHEREAS, Government Code Sections 65864 through 65869.5, inclusive (the "Development Agreement Legislation") authorize the County to enter into development agreements in connection with the development of real property within its jurisdiction; and

WHEREAS, on April 20, 1980, the Board enacted Resolution No. 80-640; on April 15, 1987, enacted Resolution No. 87-473; and on January 26, 1988, enacted Resolution No. 88-102 (the "Development Agreement Resolution", superseding Resolution Nos. 80-640 and 87-473, which establishes the procedures and requirements for the consideration of development agreements pursuant to the Development Agreement Legislation); and

WHEREAS, The Irvine Company requested a development agreement (the "Development Agreement") with respect to the Irvine Coast Planned Community; and

WHEREAS, on December 2, 1987 the County formally adopted, pursuant to the provisions of the California Coastal Act of 1976 (Public Resources Code Section 30000 et seq.), the Irvine Coast Local Coastal Program ("1988 LCP") which was certified by the California Coastal Commission on January 14, 1988; and

WHEREAS, at the time of its consideration and adoption and pursuant to findings adopted for the approval of both the 1981 Irvine Coast Land Use Plan and the 1988 Irvine Coast Local Coastal Program, the use of a development agreement for implementation of the LCP was an integral aspect of the formulation of the 1988 LCP; and

WHEREAS, on March 29, 1988 the Commission held a public hearing on the Development Agreement and received and considered all oral and written comments and testimony submitted by interested parties in support of, or in opposition to, the Development Agreement; and

WHEREAS, following the public hearing held on March 29, 1988, the Commission recommended approval of the Development Agreement; and

WHEREAS, the Board has reviewed and considered Draft Environmental Impact Report 486 ("DEIR 486") prepared for the Irvine Coast Planned Community Development Agreement, and all other pertinent information, materials and evidence relating to the Development Agreement, including all oral and written comments and responses regarding the Development Agreement, as well as County EMA's staff report and its written responses to comments, which comments and responses are incorporated herein by reference as though set forth in full herein; and

WHEREAS, separate and apart from the Commission's review and approval of the Development Agreement, the Board has held a duly noticed public hearing on,

Resolution No. 88-538
To authorize execution of Irvine Coast -1-
Planned Community Develop. Agreement
No. 87-16
JRG:vn

OFFICE OF
COUNTY COUNSEL
ORANGE COUNTY

FO192-210 (5/77)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

and has conducted its own independent review and consideration of, the merits of the Development Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Board adopts an ordinance approving the Development Agreement and makes and adopts the following findings in support thereof:

1. That the Development Agreement is consistent with: (a) all Elements of the Orange County General Plan; and (b) the 1989 Irvine Coast Local Coastal Program comprising Land Use Plan and Implementing Actions Program, the former being a part of the General Plan for this part of the Coastal Zone pursuant to Public Resources Code 30108.5.

2. That the Development Agreement: (i) is in the best interests of the health, safety and general welfare of COUNTY, its residents and the public; (ii) is entered into pursuant to and constitutes a present exercise of the police power by COUNTY; and (iii) is entered into pursuant to and complies with the requirements of Section 65867 of the Development Agreement Legislation and the COUNTY Development Agreement Resolution.

3. That the development to be undertaken by the Development Agreement, i.e., the development of the Irvine Coast Planned Community, is the same development contemplated by, and is consistent with, the First Amendment to the Irvine Coast Local Coastal Program and Zone Change 83-24P which were previously approved and adopted by this Board on December 2, 1987, pursuant to Resolution Nos. 87-1327 and 87-1606, and Ordinance No. 3674.

4. That this Agreement is a "subsequent agreement" as that term is used in the portion of Chapter 3, Section E, Transportation Policy 22 of the 1988 Local Coastal Program and is consistent with the Implementation Actions Program.

5. That Final EIR ("FEIR") 486 is complete and adequate in that it addresses all environmental effects of the proposed Irvine Coast Development Agreement in compliance with the requirements of the California Environmental Quality Act and the CEQA Guidelines, as set forth in Resolution No. 88-538 adopted by this Board on April 20, 1988.

6. That the Development Agreement will not result in conditions or circumstances contrary to the public health, safety and general welfare nor interfere with any ongoing environmental assessments, such as that for the San Joaquin Hills Transportation Corridor.

7. That the Development Agreement enhances and assures the County's ability to plan and implement with certainty the Master Plan of Arterial Highways, complementing the County's efforts to fully implement infrastructure programs.

8. That the Irvine Coast property shall remain subject to the County's Development Monitoring Program and shall be subject to reasonable regulation, consistent with achieving the objectives of that Program subject to provisions of the 1988 LCP.

9. That the Development Agreement, because of its planning infrastructure commitments, constitutes an increase in infrastructure capacity

OFFICE OF
COUNTY COUNSEL
ORANGE COUNTY

FD-192-210 (5/77)



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

over that contemplated in the 1988 LCP, including an acceleration of certain improvements, such as the dedication of right-of-way for the San Joaquin Hills Transportation Corridor, ahead of the schedule contemplated in the original 1982 LUP findings.

10. That the approval of the Development Agreement is consistent with the Board's findings of December 2, 1987, relating to approval of the 1988 LCP, and accelerates and enhances the implementation and realization of the public benefits recited in the Statement of Overriding Considerations adopted in connection with FEIR 486.

11. That full completion of the Project will itself constitute, or is needed to contribute to, mitigation of short-term potential adverse environmental impacts and that the public benefits of the Project override the anticipated adverse environmental impacts of the Project as set forth in the accompanying EIR 486 resolution and in the findings attached as Exhibit C to the Development Agreement. These determinations have been made based in part upon the paramount values, policies and concerns of the California Coastal Act. Policies related to the phased provision of roads, drainage facilities, open space dedication, and public service facilities have been considered and, to the extent consistent with achieving the Coastal Act policies advanced by the Development Plan, incorporated into the Project and Development Agreement.

12. That the Development Agreement involves appropriate subject matter for a development agreement as contemplated by the Development Agreement Legislation and the Development Agreement Resolution. The Development Agreement has been processed in compliance with the procedures set forth in the Development Agreement Legislation and the Development Agreement Resolution for consideration of development agreements.

13. That the approval of the Development Agreement will further the goals and objectives of the County's land use planning policies, and enhance its ability to conduct its overall planning in a rational manner and to provide for the public safety and general welfare. The Development Agreement will ensure, among other things, the orderly completion of certain public infrastructure in advance of public need therefor by, among other things, requiring Landowner to advance funds for such infrastructure prior to development which otherwise would trigger obligation to pay such amounts and which in part generates the need for such infrastructure. The Development Agreement also will enable the County to secure the completion of infrastructure in useable, coherent segments and to avoid gaps such as those that presently exist in a number of planned arterials where payment of fees for infrastructure are required only upon a developer's completion of a portion of its development. The Development Agreement also will provide funds with which the County may cause the completion of certain vital but unfinished sections of arterials, which completion will both relieve existing congestion on County roads and provide for future traffic needs.

14. That the public benefits of the 1988 LCP were reviewed and assessed in the context of the comprehensive California Coastal Act planning process in full conformance with the requirements of CEQA as applied to the review, approval and certification of the 1988 Irvine Coast Local Coast Program.

1 15. That the future uses of the Property reflect a balance of
2 competing public objectives under and pursuant to Section 30007.5 which best
3 protects coastal resources in that: (i) the open space and other coastal-related
4 resources and benefits obtained under the Development Plan were, and could only
5 be, obtained by not constraining OWNER further than provided by the 1988 Local
6 Coastal Program and other Governing Policies, as defined in the Development
7 Agreement, in the timing of the Development of the Property; (ii) among other
8 things, such increased coastal-related resources and benefits, including the
9 construction of major roadway circulation facilities were "traded-off" for
10 defined limits regarding certain future transportation requirements; and
11 (iii) with respect to the phasing of development, such "balancing" or "trade-
12 offs" adequately provided for the public health and safety based on the facts
13 set forth in FEIR 486, subject to further changes in circumstances.

14 16. That the extensive public benefits incorporated into the Irvine
15 Coast Local Coastal Program and/or provided for pursuant to the approval of said
16 plan are summarized below and in Section 2.3.3 of the proposed Development
17 Agreement.

- 18 a. Early construction of four lanes of Pelican Hills Road;
- 19 b. Circulation Improvements Phasing Plan;
- 20 c. The dedication of right-of-way for 5.3 miles of the SJHTC;
- 21 d. The protection of sensitive habitat areas through
22 modifications to the 1981 LUP and through the dedication of
23 1,100 acres of open space in Buck Gully, Los Trancos Canyon
24 and Muddy Canyon, containing significant habitat areas to
25 the County;
- 26 e. Accelerated dedication of the 2,650-acre Open Space
27 Dedication Area (supplemented by an additional 16 acres) to
28 allow for early County ownership of public use and habitat
protection areas in a manner complementary to the County
regional open space system;
- f. Enhancement of visitor-serving uses through the conversion
of approved office commercial uses to overnight
accommodations and the provision of major recreational and
visual amenities by means of two golf courses to be
constructed in areas previously designated for residential
use;
- g. Increased protection of the coastal viewshed through the
aforementioned commitment to golf course uses in the Pacific
Coast Highway viewshed and reduction in maximum building
heights over those approved in 1981; and
- h. Overall net benefits totalling 75% of the plan area to be
preserved as open space with 3,366 acres of public
recreation areas to complement the 2,850-acre Crystal Cove
State Park.

17. That the findings of approval for the Irvine Coast Local Coastal
Program as set forth in Exhibit E of the Irvine Coast Development Agreement have
determined that the foregoing public benefits not only carry out County policies
but also meet significant visitor-serving use, public access and habitat
protection policies of the California Coastal Act.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

18. That in addition to certain public service benefits assured under implementation of the 1988 LCP, additional public service benefits including fire station, library, sheriff substation, child care facilities, standby commitment for road improvements in the 1990 Action Plan, Traffic Signal Fee Program, upfront irrevocable offer of dedication for the San Joaquin Hills Transportation Corridor right-of-way and early financial commitment to San Joaquin Hills Transportation Corridor fees will be realized as set forth in Attachment D of the Development Agreement. ✓

19. That FEIR 486 has been prepared to address the long-term traffic, air quality and noise impacts of the Irvine Coast Development Agreement. Under the "worst case" long-term regional circulation scenario entailing delays in major regional transportation facilities, the project provides sufficient circulation improvements not only to serve traffic generated by the development of the Irvine Coast but also to serve regional traffic needs which would be exacerbated in the absence of project-funded transportation improvements. Specifically, under the "worst case" scenario, impacts to the circulation capability of MacArthur Boulevard and Pacific Coast Highway would be much more severe without Pelican Hill Road than with Pelican Hill Road in place and the consequences of such additional traffic would include impacts on both commute and coastal access trips in conflict with County and Coastal Act objectives. Consistent with the recommendations of FEIR 486, County has adopted the air quality and noise mitigation measures set forth in the FEIR.

20. That the substantial regional benefits resulting both from (1) the early construction of Pelican Hill Road at capacity levels well in excess of that which would otherwise be required to serve initial stages of development and (2) from the construction of ultimate capacities of Pelican Hill Road in excess of total project needs, including improving the capacity of portions of Pacific Coast Highway and MacArthur Boulevard, offset the possibility that regional traffic could preempt capacity required by Irvine Coast development itself. ✓

21. That the high cost of constructing four lanes of Pelican Hill Road in advance of Irvine Coast development creates uncertainties that would deter early construction of this regionally benefiting facility without assurances that the existing land use ordinances applicable to the project will not be altered or changed except as provided in the Development Agreement. ✓

22. That it is recognized that adequate security to support the formation of an assessment district and the issuance of bonds for public facility improvements is predicated upon the expectation that existing land use ordinances will remain in effect through the duration of the Development Agreement except as provided in the Development Agreement.

BE IT FURTHER RESOLVED that this Board directs that the Development Agreement be entered into and that the Clerk of this Board is directed to execute the Development Agreement on behalf of the County of Orange after execution thereof by The Irvine Company, provided that The Irvine Company execute the Agreement within thirty (30) days of this Resolution.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BE IT FURTHER RESOLVED that the Clerk of this Board is hereby directed to record Notice of Execution of the Development Agreement with the County Recorder upon its execution.

AYES: SUPERVISORS THOMAS F. RILEY, HARRIETT M. WIEDER, GADDI H. VASQUEZ AND DON R. ROTH

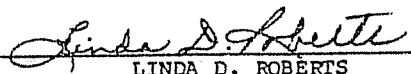
NOES: SUPERVISORS ROGER R. STANTON

ABSENT: SUPERVISORS NONE

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, LINDA D. ROBERTS, Clerk of the Board of Supervisors of Orange County, California, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 20th day of April, 1988, and passed by a four-fifths vote of said Board members present.

IN WITNESS HEREOF, I have hereunto set my hand and seal this 20th day of April, 1988.


LINDA D. ROBERTS
Clerk of the Board of Supervisors
of Orange County, California

OFFICE OF
COUNTY COUNSEL
ORANGE COUNTY

F0192-210 (5/77)