

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060

(408) 427-4863

HEARING IMPAIRED: (415) 904-5200

W/7a



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Commission Action:

COASTAL DEVELOPMENT PERMIT: REGULAR CALENDAR

APPLICATION: 3-97-050, LONG MARINE LAB DISCOVERY CENTER

APPLICANT: UNIVERSITY OF CALIFORNIA SANTA CRUZ (UCSC)
AGENT: Steve Davenport, Long Marine Lab.

LOCATION: 100 Shaffer Road, Santa Cruz City, Santa Cruz County,
APN 59-101-07.

DESCRIPTION: Boundary line adjustment to transfer 2.69 acres of Wells Fargo property to the University of California; construction of the 19,000 SF. Long Marine Laboratory Marine Discovery Center; 3100 lineal feet extension of a sewer main to Santa Cruz City connection; 4500 cy excavation and use of spoils to construct 600 lineal foot berm along perimeter of Younger Lagoon Reserve, and road improvements to McAllister Way.

LOCAL APPROVALS: City of Santa Cruz Zoning Permit Lot Line Adjustment, July 14, 1997; City of Santa Cruz Will Serve Letter for Sewer Line Connection, June 24, 1997.

CEQA: Long Marine Lab Master Plan FEIR, UCSC (1993); and Addendum of July 1997.

FILE DOCUMENTS: Coastal Permit File 3-83-76 and subsequent amendments; Geotechnical Investigation, Haro, Kasunich and Associates, June 1997; Letters regarding drainage system and sewer force main, dated June 12, 1997, July 2, 1997, Ifland Engineers; Santa Cruz Coastal Marine Research Center Terrace Point, DEIR, April 1997; Draft Agreement between ATC (Wells Fargo) and Regents of University of California, May 1997.

EXHIBITS:

Exhibit 1	Regional Location Map
Exhibit 1a	Mapped Area of Deferred Certification
Exhibit 2	Vicinity Map
Exhibit 3	Lot Line Adjustment
Exhibit 4	Schematic Site Plan
Exhibit 5	Building and Parking Lot Site Plan
Exhibit 6	Elevation
Exhibit 7	Floor Plan
Exhibit 8	Terrace Point Wetland Locations

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval, with conditions, based on the following considerations and circumstances.

The development of the Marine Discovery Center adjacent to the Terrace Point Area of Deferred Certification raises Coastal Act issues regarding location of development and adequacy of public services (CCA 30250); maintaining a stable urban/rural boundary (CCA 30241) and permitting development that would prejudice preparation of the Local Coastal Program (CA 30604).

The University of California owns 40 acres of coastal terrace bluff along the western boundary of Santa Cruz City. The Younger Lagoon Reserve wetland system comprises 28 acres; Long Marine Laboratory (LML) facilities (approximately 7 acres), the California Department of Fish and Game Oiled Wildlife Facility (approximately 2 acres) and undeveloped land (portions used for experimental farming) of approximately 3 acres make up the balance. The property was annexed to the City in the early 1980's.

West of the University lands are the agricultural fields of Santa Cruz County. To the east intervening between the University property and the developed area of Santa Cruz City are 60 acres of fallow agricultural fields known as Terrace Point (currently owned by Wells Fargo). Terrace Point separates Long Marine Laboratory from City services and has historically delineated the urban/rural boundary. When the Local Coastal Program for Santa Cruz City was certified in 1981, this key undeveloped oceanfront site was not certified, but was designated as part of the Westside Area of Deferred Certification because the City declined to accept Commission modifications limiting development. Terrace Point remains an Area of Deferred Certification.

The Terrace Point site has been the center of ongoing development planning and ongoing public controversy for several years. Throughout this period no public services

have been extended to the Long Marine Laboratory site. The extension of a private water line was approved by the Commission in 1997 (see Public Facilities discussion below.) Public concerns, in addition to those regarding direct development impacts, are that Long Marine Laboratory development will affect the pattern and intensity of development on the Terrace Point property and prejudice the Coastal Commission's future decisions. Terrace Point development proposals have been opposed based on the type and intensity of development and the loss of open space lands and agricultural potential. A Terrace Point Specific Plan is currently being evaluated by the City in a DEIR for Santa Cruz Coastal Marine Research Center at Terrace Point, April 1997.

The proposed Marine Discovery Center will place development on the original Long Marine Laboratory site and immediately adjacent on 2.69 acres of Wells Fargo property which will be deeded to the University. The proposed Center will house an Education and Visitor Center and a Teaching Laboratory. The purpose of the Center is to provide space for University and public education facilities. It will provide running seawater for the study of live marine plants and animals. The Marine Discovery Center will facilitate public education in marine research and marine environmental conservation, provide public access to research programs and support the conservation and appreciation of the adjacent Younger Lagoon Reserve. The proposed marine research and educational facility requires seawater to function and is, therefore, a coastal dependent/related facility under the Coastal Act and has priority for siting near the shoreline (CA 30255). The facility will provide public education, access and recreation related to the marine environment and, therefore, also has priority for oceanfront siting under Coastal Act policies 30220-2.

The proposed development will use an existing 10,000 gallon septic tank as a sewage pump station and convey the discharge through a 3 inch diameter force main 3100 feet to a connection point with the City sewer system. The force main will cross Terrace Point properties via the easement agreed to for the water line extension. The system will be privately owned and operated by the University to serve Long Marine Laboratory facilities. Use by any other entity would be precluded by Condition #1 attached to this permit, sizing of the pipe, lack of access by others to the LML holding tank, and engineering difficulties of tapping into a force main. As conditioned, the extension is consistent with Section 30254 of the Coastal Act which requires that public works facilities shall be designed to accommodate uses permitted consistent with the Coastal Act and with Section 30604 which requires that development not prejudice the ability of the local government to prepare a local coastal program that conforms to the Coastal Act.

The proposed development is located adjacent to wetlands. The site plan provides for 100 foot buffers from the northern wetland. Buffers along the eastern side are, however, not consistent with Commission standards and the permit has been conditioned to eliminate a deck and patio to increase the setback. As conditioned the proposed development is consistent with the Marine Resource policy 30231.

The proposed development is buffered from the agricultural uses to the northwest by the existing Marine Lab facilities and by Younger Lagoon. The small site is confined by wetlands and roads and is not feasible for agricultural production. The proposed development will not alter the relationship between agricultural and urban land uses and is consistent with Section 30241 and Section 30242 of the Coastal Act which protect agricultural lands.

In order to purchase this site for the Marine Discovery Center the Regents of the University of California have entered into an Agreement with ATC (Wells Fargo) to cooperate in the completion of the Santa Cruz Coastal Marine Research Center at Terrace Point. The agreement addresses all aspects of public facilities including seawater. It assures that if the Terrace Point Specific Plan (Santa Cruz Coastal Marine Coastal Marine Research Center) is approved that the infrastructure will be developed according to Terrace Point Plans. It requires that the University reserve seawater for Terrace Point coastal dependent uses. Wells Fargo estimates that the planning and permitting process for their property will be completed and construction on Phase I infrastructure will commence by May 1, 1998. The University estimates that this scheduling will be consistent with their construction process. Site preparation and foundation for the visitor center will be constructed before winter 1997. Building and utility construction would be done next year. If the Terrace Point Phase I infrastructure is not commenced by May 1, 1998, the University is free to construct utilities and access within its existing easement. Infrastructure permitted under this section does not need to accommodate development anticipated on the Terrace Point Site. Hence, the UC agreement with Wells Fargo restricts the University's scheduling of infrastructure construction but does not prevent its' construction.

The staff, therefore, recommends that the Commission **approve** the proposed Marine Discovery Center subject to conditions for Executive Director review and approval of final plans (and review of the final legal Agreement to assure no commitments are made that would prevent the completion of the project as approved by the Commission) or prejudice the Commission's future actions on Terrace Point planning and permits.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS.

The Commission hereby **approves** the coastal development permit, subject to the conditions below, on the grounds that the development with the proposed amendment is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the adjacent area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the

shoreline 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 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. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions 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 project during its development, 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. FINAL PLANS.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and approval the final plans including site and elevations and grading, drainage, erosion control, restoration and revegetation plans.

Prior to site disturbance, a pre-construction site inspection by Coastal Commission staff is required. The permittee shall delineate the limits of grading and identify the construction staging area. The mitigation measures of the FEIR for Long Marine Lab Master Plan and the 1997 Addendum as they relate to this site except as modified by this permit shall be implemented.

The final plans shall show the location of the deck on the eastern end of the building and the eastern patio area nearest the swale such that no development is within 75 feet of the western edge of the drainage swale between Wetland Site #1 and Wet Meadow Site #3. If a redelineation of the wetlands is found by the Executive Director to be consistent with the Coastal Act and the Commission's Interpretive Wetland Guidelines, then this 75 foot setback of the deck shall apply from the edge of the redelineated wetland. Any expansion of the deck and patio area beyond what is currently proposed will require an amendment to this permit.

The final plans shall show that all improvements to McAllister Way will not encroach further into the wetland buffer of Wetland Site #1. If a redelineation of the wetlands is found by the Executive Director to be consistent with the Coastal Act and the Commission's Interpretive Wetland Guidelines, then a minimum setback equal to the current setback between McAllister Way and the currently delineated wetland shall apply.

Any modifications to the plans shall be submitted to the Executive Director for review and determination as to their permit processing status.

2. Prior to commencement of grading the permittee shall submit evidence that Santa Cruz County Environmental Health Department has reviewed the soils analysis and has made recommendations regarding the status of the soils and their disposition and that the University has incorporated these requirements into their plans.

3. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review the final Agreement between ATC (Wells Fargo) and the Regents of the University of California to assure that no aspect of the Agreement will prevent an unprejudiced evaluation by the Commission of future Local Coastal Program submittals for the Westside Lands Area of Deferred Certifications.

4. The sewer line approved by this project is strictly limited to serve only permitted development on the Long Marine Laboratory site. No other development or site may use this line or any appurtenant facilities for sewage disposal.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

1. Project Location and Background and Project Description.

Location and Background: The University of California owns 40 acres of coastal terrace bluff within the western boundary of Santa Cruz City. Of the 40 acres approximately 28 comprise the Younger Lagoon Reserve, a wetland system which is part of the University's Natural Reserve System. The 12 remaining acres contain the Long Marine Laboratory facilities (approximately 7 acres), the California Department of Fish and Game Oiled Wildlife Facility (approximately 2 acres) and undeveloped land (portions used for experimental farming) of approximately 3 acres. The property was annexed to the City in the early 1980's. See Exhibit 2 attached.

West of the University lands are the agricultural fields of Santa Cruz County. To the north is Raytek, Inc. To the east Intervening between the University property and the developed area of Santa Cruz City are 60 acres of fallow agricultural fields known as Terrace Point. (currently owned by Wells Fargo). Terrace Point separates Long Marine Laboratory from City services and has historically delineated the urban/rural boundary. When the Local Coastal Program for Santa Cruz City was certified in 1981, this key undeveloped oceanfront site was not certified, but was designated as part of the Westside Area of Deferred Certification because the City declined to accept Commission modifications limiting development. Terrace Point remains an Area of Deferred Certification. See Exhibit 1b attached.

The Terrace Point site has been the center of ongoing development planning and ongoing public controversy for several years. Throughout this period no public services have been extended to the Long Marine Laboratory site. The extension of a private water line was approved by the Commission in 1997 (see Public Facilities discussion below.) Public concerns, in addition to those regarding direct impacts from the proposed development, are that Long Marine Laboratory development will effect the pattern and intensity of development on the Terrace Point property and prejudice the Coastal Commission's future decisions. Terrace Point development proposals have been opposed based on type and intensity of development and the loss of open space lands and agricultural potential. A Terrace Point Specific Plan is currently being evaluated by the City in a DEIR for Santa Cruz Coastal Marine Research Center at Terrace Point, April 1997.

Project Description: The proposed project involves development on the original Long Marine Laboratory site and 2.69 acres of Terrace Point land acquired from Wells Fargo. The new acreage is immediately adjacent to the existing LML facilities. The development includes:

- (a) a lot line adjustment to incorporate 2.69 acres of Wells Fargo bluff front land into the Long Marine Laboratory parcel of the University of California (see Exhibits 3);
- (b) on the new site, the Marine Discovery Center building of approximately 19,000 gross square feet; 16,700 square feet building coverage; 30,000 paving coverage including 53 parking spaces; 40,385 square feet landscaped area and 29,986 square feet unimproved area. A fifty three space parking lot. Thirty additional parking spaces will be located on the adjacent Long Marine Laboratory site along McAllister Way. McAllister Way (approximately 2.3 acres) is proposed for possible widening. See Exhibits 4 through 7);
- (c) 4500 cubic yards of soil will be excavated from the parking area of the main project site and the spoils will be used to extend the berm along Younger Lagoon on the original site. The berm extension would be 40 feet wide, 6 to 10 feet high, and 600 feet long (see Exhibit 4);
- (d) the development will discharge waste into an existing 10,000 gallon concrete septic vault which will be connected to the City's wastewater system through a three inch PVC force main running across Terrace Point in the existing utility easement;
- (e) drainage system; and
- (f) coastal access boardwalk.

2. Standard of Review/Procedural Information/Public Review

Section 30604 of the Coastal Act states in part:

(a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

The University does not have a certified Long Range Development Plan (equivalent of Local Coastal Program) for this campus. The standard of review is therefore Chapter 3 of the Coastal Act. The Commission must also find that the proposed development will

not prejudice preparation of the Local Coastal Program for the Westside Lands Area of Deferred Certification.

University development is not subject to local government review. The City of Santa Cruz approved the lot line adjustment for the adjacent private landowner that transferred the 2.67 acres of Wells Fargo property to the University Long Marine Laboratory site on July 14, 1997. The City Attorney determined that the lot line adjustment was not appealable. Regarding CEQA requirements, an Addendum to the 1993 Long Marine Laboratory Master Plan EIR was approved by the University on July 18, 1997. The Addendum was not subject to public review. Hence, public review of this project is limited to the Coastal Commission process.

3. Type of Use/Coastal Priority Land Uses

Section 30001.5 of the Coastal Act states in part:

The Legislature hereby finds and declares that the basic goals of the state for the coastal zone are to:

...

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses in the coastal zone.

Section 30255 of the Coastal Act states:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

Section 30101 of the Coastal Act states:

"Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to the sea to be able to function at all.

Section 30101.3 states:

"Coastal-related development" means any use that is dependent on a coastal-dependent development or use.

Coastal Act Recreation policies (Sections 30220-30222) also identify public recreational and visitor serving uses as priority uses on oceanfront lands.

The proposed Marine Discovery Center will house an Education and Visitor Center and a Teaching Laboratory. The University objectives are to provide space for University classes as well as interpretive and educational offerings for the general public. Currently there is no teaching laboratory at Long Marine Laboratory or UCSC which provides running seawater for the study of live marine plants and animals. The teaching laboratory will provide these facilities and contribute to fulfilling the University's educational mission in the field of marine biology. The expanded public education facilities will help fulfill the University public service mission. The facilities will accommodate program growth in the areas of marine vertebrate studies, marine invertebrate biology, marine aquatic and wildlife toxicology, marine geology and geophysics, and public education. The Marine Discovery Center will encourage public education in marine research and marine environmental conservation, provide public access to research programs and support the conservation and appreciation of the adjacent Younger Lagoon Reserve.

The proposed marine research and educational facility requires seawater to function and is, therefore, a coastal dependent/related facility under the Coastal Act and has priority for siting near the shoreline (CA 30255). The new building will provide public education, access and recreation related to the marine environment and has priority for oceanfront siting under Coastal Act policies 30220-2.

Therefore, the proposed Marine Discovery Center is a high priority coastal use that is consistent with Coastal Act policies regarding priority types of use and shoreline location.

4. Agricultural Issues

The Terrace Point properties were formerly farmed. Agricultural production was discontinued in 1988. The issue of whether the Terrace Point soils are prime continues to be discussed. The Younger lands to the west of Long Marine Laboratory and Terrace Point properties remain in agricultural production.

Section 30241 of the Coastal Act provides in part that the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy. Conflicts shall be minimized between agricultural and urban land uses by establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas.

Section 30242 provides that:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

The University's Long Marine Laboratory site is fragmented by development and is not viable for row crops. Small scale aquaculture (which is a form of agriculture pursuant to CA 30100.2) was practiced on site but has been discontinued. The purchase of the 2.69 acres of Terrace Point lands by the University precludes the re-establishment of row crops on this site in conjunction with any possible agricultural uses on the remainder of Terrace Point. Agricultural use of this site is infeasible in any event due to its smaller size and location. The site for the visitor center is hemmed in by McAllister Road, coastal bluff and wetlands. Farming immediately adjacent to the sea has limited success -- most farms on the north coast leave a 100' or greater setback from the edge of the bluff to the growing area to avoid exacerbating cliff erosion. A similar setback adjacent to the wetlands which define the north and east boundaries of the site would also be required to protect habitat. The remaining area available for farming would be less than two acres in size. This size parcel is not economical for any of the crops (Brussels sprouts, artichokes) that are grown near the ocean on the north coast. The existing Long Marine Lab facilities have coexisted with the agricultural uses in Santa Cruz County north of the site for almost two decades. The proposed Marine Discovery Center is approximately 1000 feet from the Younger fields and is buffered by the existing facilities and Younger Lagoon.

In any case the particular location of the development site is confined by wetlands and roads (see Finding 6 below) and would have limited utility for large scale agriculture, and will not affect continued agricultural production to the north-west. The separation provided by the wetlands north and east of the site would also provide an adequate buffer for the visitor center if intensive agriculture was resumed on the remainder of the Terrace Point site.

Therefore, the proposed development is adequately buffered to prevent conflicts with and adversely affect nearby agricultural uses. The proposed development will not alter the relationship between agricultural and urban land uses and is consistent with Section 30241 of the Coastal Act which protects agricultural lands.

5. Public Facilities

Section 30250 requires that development be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, in other areas with

adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30254 of the Coastal Act provides:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division... Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Section 30604 requires that prior to certification of the local coastal program, the Commission must find that the development is in conformity with Chapter 3 of the Coastal Act policies and that permitted development will not prejudice the ability of the local government to prepare a local coastal program that conforms to Chapter 3 of the Coastal Act.

Background: The Commission found in the original coastal permit for Long Marine Laboratory (1983) and subsequent amendments including amendment 3-83-76-A5 for the DFG Oiled Wildlife Facility (1996) that because urban services were not being extended to the facility, the development would not adversely affect adjacent agricultural uses, would maintain the urban/rural boundary, and would not prejudice preparation of the Local Coastal Program for the Westside Lands/Terrace Point Area of Deferred Certification.

However, during construction of the Oiled Wildlife Facility, the State Fire Marshall rescinded his approval of the use of seawater for fire protection and required the University to find an alternative source of water. The Commission approved a *private* 10 inch water line across Wells Fargo property under Coastal Development Permit 3-83-76-A11. The line was constructed to public water line specifications and connected to the municipal system at Delaware. Wells Fargo has no legal right to use of the water, did not pay for the improvements, does not incur any taxes or service charges because the water is extended across their property, and entered into a non-exclusive easement with the University to allow the extension of a private line across their property which effectively acknowledged the independence of this water supply from any decisions of the Coastal Commission on future uses of their site. The Commission found that the private water line extension would not prejudice preparation of the Local Coastal Program for the Area of Deferred Certification.

Proposed Sewer Main: The Marine Discovery Center will require municipal water, sanitary sewer, propane, electrical energy, telecommunications lines and seawater. All of these except a sanitary sewer line presently serve the Long Marine Laboratory site.

The existing sewer facilities on the University lands discharge to a 10,000 gallon septic tank. There are no leach fields and the tank is pumped weekly. The waste is transported by truck to the Santa Cruz Waste Treatment Facility. The applicant proposes to convert the existing 10,000 gallon tank to a sewage pump station and convey the discharge through a 3 inch diameter force main 3100 feet to a connection point at an existing sewer manhole at the intersection of Delaware Avenue and Shaffer Road. The force main will cross Terrace Point properties via the easement agreed to for the water line extension. The force main system will be privately owned and operated by the University to serve Long Marine Laboratory facilities. Use by any other entity including Terrace Point would be precluded by Condition #1, as well as lack of access to the LML holding tank and engineering difficulties of tapping into a force main.

Though the use of the existing septic tank as a component of a sewer system is uncommon, the consulting engineers, Ifland and Associates, have concluded that the proposed system is both functionally sound and capable of operating for the long term.

Hence, the system design prevents connection of other users including Terrace Point and also assures a permanent disposal facility for the University. The City's waste treatment plant has adequate capacity to serve the Marine Discovery Center; it has a capacity of 17 mgd and uses 10 mgd.

Therefore, as conditioned, the proposed development is consistent with Section 30254 which requires that public works facilities shall be designed to accommodate uses permitted consistent with the Coastal Act, with Section 30241 which protects agricultural uses and the urban/rural boundary, and with Section 30604 which requires that development not prejudice local governments ability to prepare a local coastal program that conforms to the Coastal Act. Approval of a sewer force main across Terrace Point will not prejudice Commission action on future decisions regarding development of the University lands or Terrace Point lands.

6. Biotic Resources/Marine Resources

Section 30240 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 those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

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.

Most of the Marine Discovery Center building site is covered with ruderal vegetation. This plant community is composed primarily of weedy non-native species. A second plant community, northern coastal bluff scrub, occupies a ten-foot wide strip along the bluffs south of the building. The berm site is occupied by ruderal vegetation and by coyote scrub brush. No special status plants or habitats are present on any of the sites and no mitigation measures are proposed to avoid impacts to special status plant species. The project will use only non-invasive native plant species for landscaping.

The project site is within 300 feet of the Younger Lagoon Reserve, a 28-acre wetland system which is a U.C. Natural Reserve. The Reserve serves as a wildlife refuge and provides for research and teaching in the field sciences. More than 200 species of bird have been identified at the reserve.

The project site and adjacent lands provide habitat for several wildlife species including two birds identified by the California Department of Fish and Game as species of special concern. The loss or disruption of an active nest of these species would be considered a "take" under the Migratory Bird Act. Merlins are winter visitors and not thought to breed in the vicinity. Northern harriers may nest on or in the vicinity of the site. As mitigation a preconstruction survey will be conducted for nesting harriers between March and July if any construction activities would occur during the nesting season. Any occupied nests would be avoided and protected by a buffer zone established in consultation with the California Department of Fish and Game.

Just north of the building site on the adjacent Terrace Point property is a seasonal pond delineated as a wetland, Wetland Site 1, by the U.S. Army Corps of Engineers in 1993. A new delineation was done in 1997 reducing the size of this and other wetlands on the Terrace Point site. This information has not been evaluated or integrated into the Terrace Point Draft EIR; the University analysis and this analysis by Commission staff will treat the Terrace Point Project and the larger, 1993, wetland delineation as described in the Terrace Point Draft EIR as the operational project at Terrace Point. See Exhibit 8 attached.

Both Younger Lagoon Natural Reserve and the Wetland Site I, are environmentally sensitive habitats under Coastal Act Section 30240.

Wetland Buffers

The site is within the City of Santa Cruz though not subject to their jurisdiction. The City standard and the most commonly used setback standard for wetlands and environmentally sensitive habitat by the Department of Fish and Game is 100 feet. The setback provides a buffer area to protect the wetland from direct effects and to provide necessary habitat for organisms such as amphibians, reptiles, birds and mammals, that spend only a portion of their life in the wetland, such as amphibians, reptiles, birds and mammals. *Coastal Commission Procedural Guidance for Review of Wetland Projects, June 1994*, recommends a minimum width of 100 feet and in some cases larger buffer areas are appropriate. In practice, site specific mitigation standards can vary depending on the characteristics and value of particular wetlands, the topography and other qualities of the site itself, etc.

The proposed development is more than 100 feet from the Younger Lagoon Reserve Boundary and will be set back greater than 100 feet from the edge of delineated Wetland Site 1 to allow for maintenance of a 100 foot buffer if the Wetland site is enhanced consistent with the Terrace Point Specific Plan. To mitigate impacts on wildlife the applicant proposes to restrict lighting in the adjacent parking area to low fixtures (less than 10 feet) directed away from the pond and to provide a low fence or vegetation barrier to restrict public access.

However, McAllister Way, the existing access road to Long Marine Lab and to the proposed Marine Discovery Center, is currently situated 25 feet from Wetland Site 1. The coastal development permit has been conditioned to specify that all improvements to McAllister Way may not further encroach into this wetland buffer.

The development also encroaches into the 100 foot buffer of wetland drainage swale that connects Wetland Site #1 to Coastal Wet Meadow #4. The Discovery Center eastside deck and patio area encroach to within 50 feet of the swale. The EIR for Terrace Point identified this area as of low hydrologic and wetland habitat value and allowed minimized buffers. However, this general approach was not shared by the U.S. Environmental Protection Agency (letter to USCOE September 1996 regarding fill of jurisdictional wetlands) which recommended a revised design and mitigation to better avoid and enhance wetland functions and provide more adequate buffer protection. The Central Coast Regional Water Quality Control Board (letter to City of Santa Cruz, May 1997) recommended a redesign of the project to avoid and protect all wetlands.

The removal or relocation of the deck on the eastern end of the building and the eastern patio area nearest the swale could reduce the intrusion by more than 25 feet. If a subsequent redelineation of the wetlands is found to conform to the Commission's Guidelines and the Commission approves a revised restoration plan for the Terrace Point wetlands, the applicant may apply for an amendment to the coastal development permit to include the deck and expanded patio area in their original locations. The

permit has been conditioned to require removal or relocation of the deck and patio area within 75 feet of the swale between Wetland site #1 and Wet Meadow Site #4.

The University has entered into an agreement with Wells Fargo (Draft Agreement between ATC Realty Sixteen, Inc. and the Regents of the University of California, May 2, 1997) that requires UC to participate in the wetlands mitigation program. This agreement assures that UC funds its proportional share of wetland restoration on the Terrace Point site if such restoration is approved by the Coastal Commission.

Hydrology and Water Quality

The 2.7 acre main project site currently drains via sheet flow over the ocean bluff at the southern edge of the site. Runoff from McAllister Way drains via sheet flow to adjacent land to the west. The project will result in creation of approximately 50,000 square feet of new impervious surfacing on the main project site and as much as 30,000 square feet on McAllister Way. Runoff from paved surfaces on the main site and McAllister Way will be pretreated in bioswales conveyed through a subsurface oil and sediment removal vault and discharged to the ocean via the LML seawater return system. Uncontaminated runoff, roofs and landscaped areas, will not be treated and will be directed to the seawater system, allowed to runoff over the bluff, or directed to small detention basins as appropriate. The development will not impact the rocky shoreline below the site.

Soil Contamination: Runoff from the western side of the berm extension along Younger Lagoon would drain by sheet flow to Younger Lagoon. The east side of the berm would be collected and directed to a drainage swale which also empties into Younger Lagoon.

According to the DEIR for Terrace Point, pesticides including DDT and Dieldrin are present on the project site. DDT and its break down products do not exceed Region 9 EPA Preliminary Remediation Goals. Dieldrin does exceed the PRG recommendation. Additionally, there are no health risk standards that consider additive totals. The Terrace Point DEIR requires mitigation as remedial measures such as removal, thermal treatment (burning), or paving over of contaminated soils unless results of toxicological risk assessment and or consultation with regulatory agencies indicate the absence of a health risk.

The possible impact on Younger Lagoon of contaminated runoff from the soils used to construct the proposed berm will be further analyzed by the University. If the berm cannot be constructed, the University will fence the Younger Lagoon Natural Reserve as is recommended for mitigation in the Master Plan EIR and the contaminated soil will be removed to a designated disposal site.

The permit has been conditioned to require submittal of Santa Cruz County Environmental Health Department recommendations regarding the status of the soils and their disposition.

Therefore, as conditioned, to require relocation or deletion of the east side deck and patio area within 75 feet of Wetland Drainage Swale #4, to restrict improvements to McAllister Way to prevent further encroachment on Wetland Site #1, and to require submittal of a follow up status report on the suitability of the soils to be excavated from the parking lot and used to construct the Younger Lagoon Reserve berm, the proposed development will not significantly disrupt the habitat values of the wetlands and is consistent with Sections 30240 and 30231 of the Coastal Act. See also the following finding.

7. Geology and Soils

Section 30253 of the Coastal Act provides in part 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 regional geology setting and geology of the immediate area was addressed in the 1976 Long Marine Lab EIR and Soils Report, Long Marine Lab Additions (May 1992) by Rutherford and Chekene. These documents were reviewed and supplemented by Foxx, Nielsen and Associates for the LML Master Plan EIR (October 1993). A Geotechnical Investigation for Long Marine Lab Visitor Center, Haro, Kasunich and Associates, Inc. for this specific proposal was done in June 1997.

Hazards: The site is not located within an area of known geologic hazards such as known or suspected landslide, steep slopes or unstable conditions. The site is located in a highly active seismic region of California but there are no faults on site and the potential for liquefaction was found to be low or moderately low. Structural design to meet the most current Unified Building Code seismic criteria is adequate to protect structures.

The Foxx Nielsen review found that the average rate of seacliff erosion at the project site over the last 50 years is between 0 and 0.2 feet (0 to 2.5 inches) per year. Large magnitude earthquakes could accelerate erosion rates up to 10 feet during a single event. The review recommends a 100-year setback of 50 feet. The University has conservatively defined the 100 year setback as 75 feet for habitable structures and the

proposed Discovery Center will be setback at its closest point seventy-five feet (75) from the top of the coastal bluff. The Coastal Commission generally seeks a minimum coastal erosion setback to protect a structure for a minimum of 100 years. The City of Santa Cruz Land Use Plan Safety Policy requires a setback that protects structures for 50 years. Regarding coastal erosion the Marine Discovery Laboratory development is sited to assure stability and structural integrity consistent with Coastal Act policy 30253.

The Geotechnical Investigation by Haro, Kasunich and Associates found that the primary geotechnical considerations for the proposed center will be mitigating the loose near surface soil materials and the shallow, perched winter groundwater table. The field exploration found that the first 3.5 feet of soil was loose to very loose silty and clayey sands. Groundwater levels within the proposed building envelopes ranged from 1.5 to 3.5 feet below existing surface grade elevations. The proposed development will use slabs on grade rather than the more expensive drilled pier and grade beam system. To mitigate the loose near surface soils, the soil must be recompacted. The redensification of soils during the late summer or early fall is recommended. The Investigation provided recommendations and concluded that if the recommendations were incorporated into the design and construction, the proposed development could be constructed safely on the site.

Grading and Erosion: Grading and construction could result in increased erosion and contribution of sedimentation into Younger Lagoon if not properly controlled. The proposed development includes the excavation of the parking area by approximately 2 feet. The grading spoils (4500 cu. yds.), would be used to extend a berm along the Younger Lagoon Natural Reserve, separating the Reserve from the activities of the Laboratory facilities and also lowering the visibility of the vehicles in the parking lot. Construction related erosion and sedimentation will be mitigated by erosion control measures including stockpiling and covering of graded materials; a silt mesh fence at the perimeter of the construction site adjacent to wetlands, provisions of temporary stormwater detention facilities, revegetation as necessary and restricting grading and earthmoving during the rainy season, October 15 to April 15.

The permit has been conditioned to require submittal of final grading, drainage, erosion control and construction plans. Additionally, restoration and revegetation plans for all disturbed areas of the site are to be submitted for review and approval of the Executive Director. Prior to site disturbance, a pre-construction site inspection by Coastal Commission staff is required. The permittee shall delineate the limits of grading and identify the construction staging area. Except as modified by conditions of this permit, all mitigation measures of the LML Master Plan EIR and Addendum shall be implemented.

Therefore, as conditioned, the proposed development is consistent with the Geologic Hazard Policy 30253 of the Coastal Act and with the Marine Resource and Environmentally Sensitive Habitat policies 30230-1 and 30240 of the Coastal Act.

8. Visual Resources

Section 30251 of the Coastal Act 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 of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas.

The University lands are located on a coastal bluff on the western edge of Santa Cruz City Monterey Bay to the south, the agricultural lands of Santa Cruz County to the west, the 57-acre vacant Terrace Point properties to the east and the Raytek plant to the north. To the east beyond Terrace Point is the low profile DeAnza Mobile Home Park. This site provides both a visual and land use transition between urban uses and the undeveloped north coast. Views entering Santa Cruz on Highway 1 from the north include the open fields of Terrace Point, and in the distance the Long Marine Laboratory water towers and the new Department of Fish and Game Oiled Wildlife Facility. The site is also visible from the hills of Wilder Ranch State Park and from bluff at Natural Bridges Beach State Park.

The proposed center is being constructed below grade with a roof ridge height of 24 feet. The parking lot is also being constructed below grade to minimize visual effects. The buildings are designed to harmonize with the rural barnlike structures at Long Marine Lab and the new Department of Fish and Game Oiled Wildlife Facility. The new development will clearly alter the scenic aspects of this coastal bluff area but is appropriately designed and scaled to be compatible with the existing coastal dependent development.

Therefore, as conditioned to require submittal of final plans for review and approval of the Executive Director, the proposed development is consistent with Section 30251 of the Coastal Act.

9. Archaeologic Resources

Section 30244 of the Coastal Act requires that reasonable mitigation measures shall be required where development would adversely impact archaeological resources. A survey was conducted by Biosystems Analysis, Inc. in December 1992. A records search and a review of previous archaeological surveys indicate that no archaeological sites have been reported within or adjacent to the site. The field survey noted a number of Monterey chert pebbles, all of which appeared to be of natural origin. No indications of cultural resources were found on the site. There is a small possibility that project grading and excavation could disturb resources not identified. The applicant has proposed mitigation to halt work within 150 feet of any archaeological resources

discovered and to implement mitigation measures consistent with the requirements of the State Historic Preservation Office.

Therefore, the proposed development is consistent with the archaeologic resource policy of the Coastal Act.

10. Public Access

Section 30604 of the Coastal Act provides in part:

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

Coastal Act public access and recreation policies 30210 to 30214 provide for maximizing public access by protecting existing access and providing new access to the shoreline. The site is located between the shoreline and the first public road (Section 30212) and limited access is currently provided to Younger Lagoon for research purposes. The proposed Marine Discovery Center will expand public access opportunities. Currently public education visitors number approximately 35,000 each year. With the improved facilities visitation would increase to 90,000 each year. An elevated wood boardwalk will provide public access across the bluff but protect the bluff vegetation to be restored by the applicant.

Therefore, the proposed development provides public access and recreational opportunities and is consistent with the Public Access policies of the Coastal Act.

11. Traffic and Circulation

Section 30250 requires that new development be located in existing developed areas with adequate public services.

Section 30252 provides that the location and amount of new development should maintain and enhance public access to the coast providing adequate parking facilities.

Section 30254 of the Coastal Act states:

...where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services, and basic industries vital to the economic health of the region, state or nation, public recreation, commercial

recreation, and visitor serving lands used shall not be precluded by other development.

Access to the site is via the Terrace Point Delaware extension, a private road from Delaware Avenue to McAllister Way. The University has a restricted access easement. The University's McAllister Way follows the eastern edge of the Long Marine Lab property to the bluff. Under the University's Long Marine Laboratory Master Plan McAllister Way will be improved from 20 feet to 32 feet. The applicant proposes to construct the improvements concurrent with this project if adequate funding is available. The eighty three parking spaces provided on site will meet the parking demand. Bus turnarounds are provided.

The proposed Marine Discovery Center development will generate approximately 308 vehicle trips per day, 62 at the peak pm hour. The Delaware Avenue intersections currently operate at acceptable levels and will continue to do so with the additional traffic. Levels of service on the Mission Street/Highway 1 corridor at selected intersections currently operate at level of service D but would not be further reduced by this project.

The proposed Marine Discovery Center development is a coastal-dependent use which gives it priority over other types of development when public facilities (such as road capacity) are limited. The proposed development has been conditioned to require submittal of the parking and street improvement plans for review of the Executive Director. As conditioned the proposed development is consistent with Section 30250 of the Coastal Act which requires that new development be located with adequate public services and Section 30252 which requires provision of adequate parking.

12. LRDP/LCP/CEQA

Coastal Act Section 30605 allows the University to submit Long Range Development Plans (LRDP) as an alternative to project-to-project review by the Coastal Commission. To date the University has chosen not to prepare an LRDP for the LML site. The standard for review of this project is, therefore, the policies of the Coastal Act.

In November 1993 the University adopted the Long Marine Lab Master Plan and certified its EIR. The University's Master Plan considered two options, Option 1 which restricted development to the 40 acre LML site, and Option 2 which included use of 12 acres of the adjacent Terrace Pt. site. This required close coordination with the development of the Terrace Point Specific Plan.

The Master Plan identified 135,000 square feet of new and expanded research teaching and laboratory facilities. The Coastal Commission staff had extensive comments (August 27, 1993) on the Draft EIR and concluded that "further modifications are necessary to result in a product consistent with the Coastal Act." Staff comments also

stated that despite constraints the site was appropriate for coastal dependent and possibly some coastal related development which are priority land uses under the Coastal Act. The Master Plan was not subject to Commission review and has no legal standing under the Coastal Act. Nevertheless, the future direction of development on the LML site is well established and though elements of different development plans could not be found consistent with the Coastal Act, the goal of buildout of LML as a marine research center is consistent with the Coastal Act in terms of types of uses.

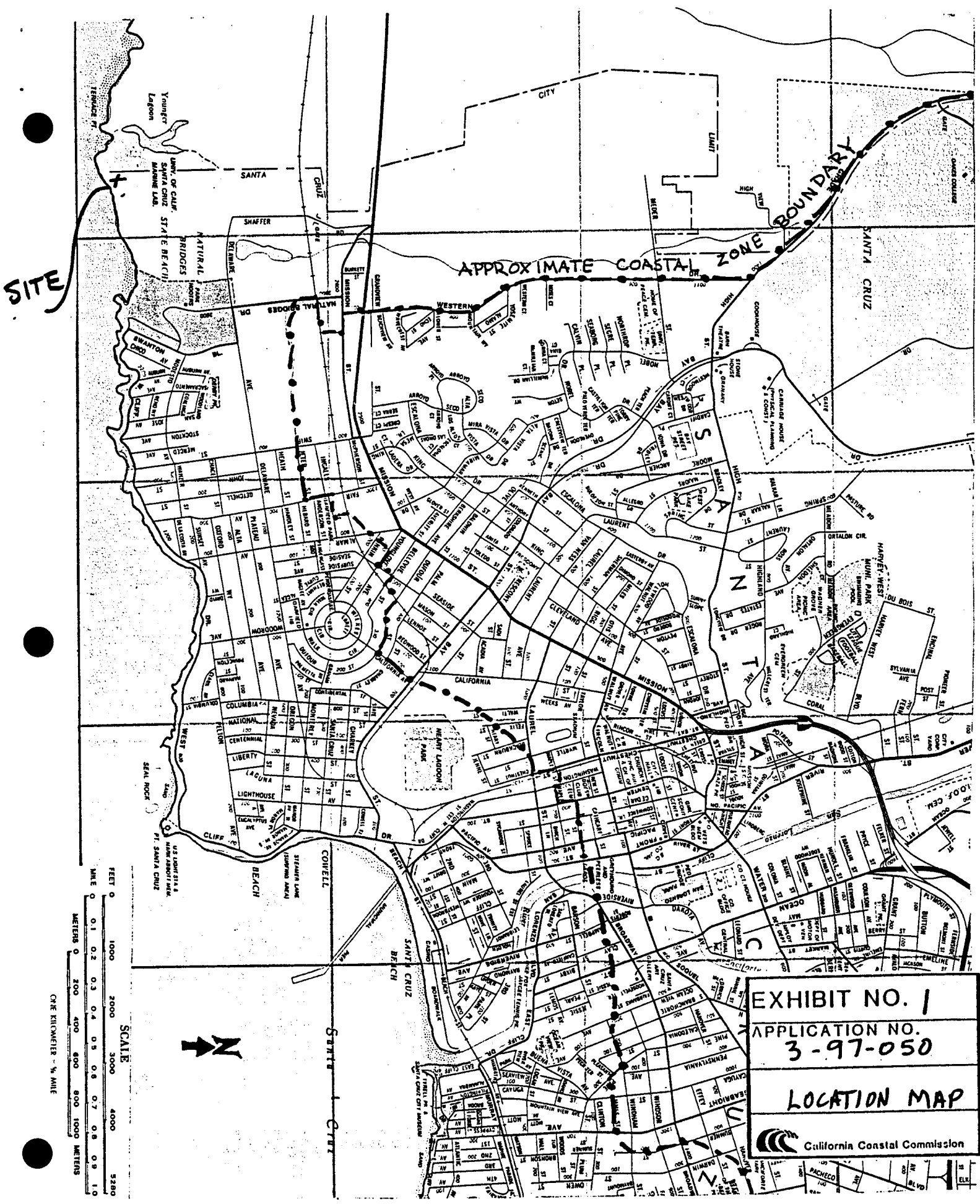
Because of the complexity and controversy of the Terrace Point Plan, the University reduced the scope of its options and purchased the 2.69 acres on the bluff needed for the Marine Discovery Center. The University adopted an Addendum to the Long Marine Lab Master Plan EIR (July 17, 1997) as its CEQA action for this project. The Addendum reports that with few exceptions the Marine Discovery Center is the same as the Visitor Education Center proposed in the original EIR. However, the proposed project has combined two aspects of the original Master Plan - a visitor education center and a teaching laboratory. The change increased the size of the building on the bluff front site from 11,900 to 19,000 SF, but eliminated the need for two separate buildings. The impacts of the project and its consistency with the Coastal Act have been discussed in the preceding findings.

Area of Deferred Certification/LCP

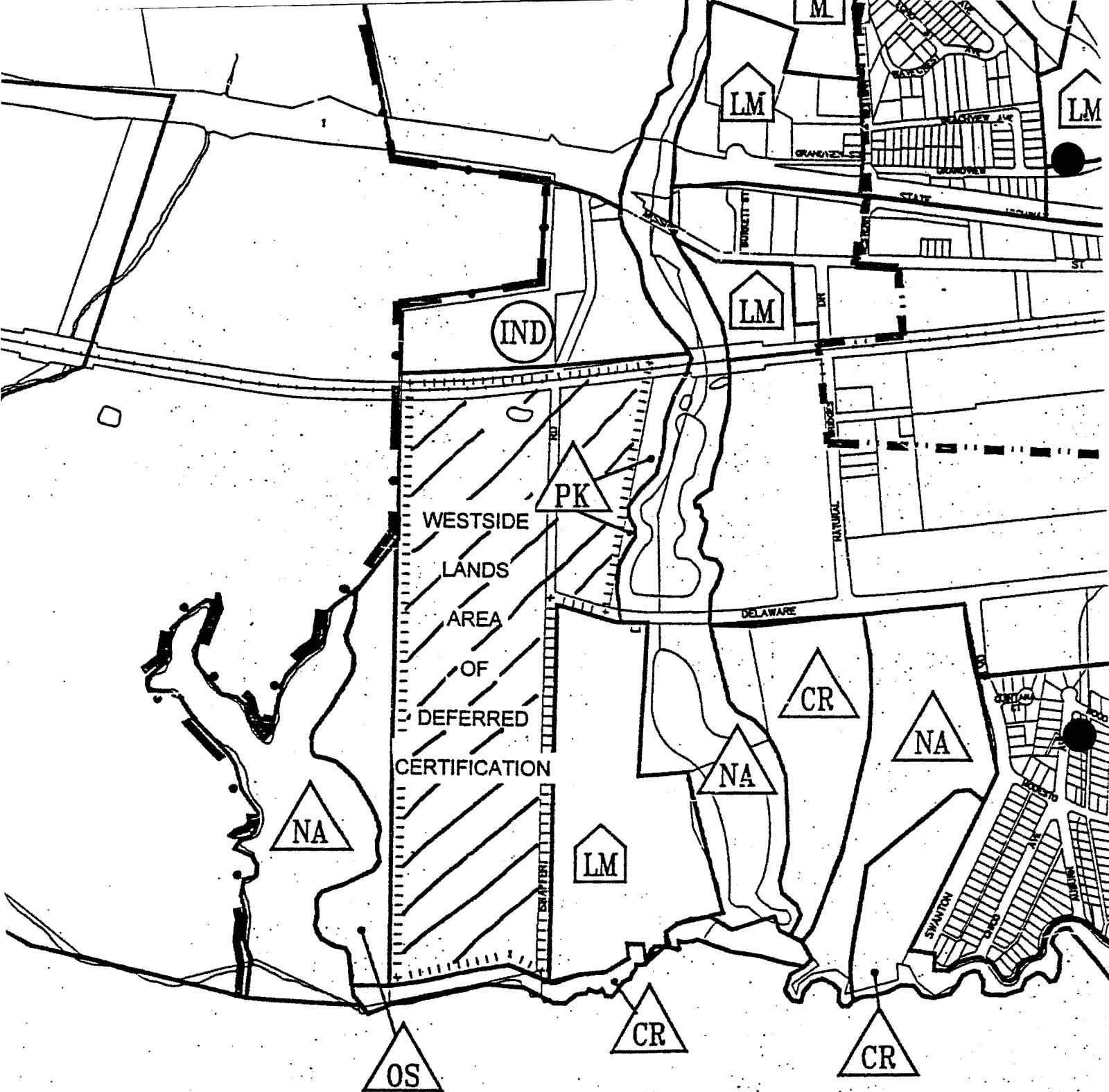
The City of Santa Cruz Westside Lands (including Terrace Point) remains an Area of Deferred Certification. The City of Santa Cruz is currently circulating a Draft EIR for the Santa Cruz Coastal Marine Research Center at Terrace Point April 1997. The development provides for 17 acres of coastal dependent/related uses, 12 acres and 190 residential units; 2 acres of commercial uses and 3.5 acres of visitor serving use; 25 acres remain in open space for wetland restoration, community agriculture and blufftop park. The process for adoption of the Specific Plan includes approval of a Local Coastal Program Land Use Plan and Implementation Program for the Terrace Point Area of Deferred Certification. Until the Commission has certified the Westside Land Areas of Deferred Certification, development proposals on LML must be evaluated for their potential to prejudice City decisions on planning for that area, consistent with Section 30604 of Coastal Act.

As conditioned, Commission approval of the proposed project will not prejudice the City's action on a Local Coastal Plan for Terrace Point because urban infrastructure has been sized and conditioned to be used only by Long Marine Laboratory and the visitor center/teaching labs are adequately setback from agricultural lands to avoid conflicts with potential, renewed production.

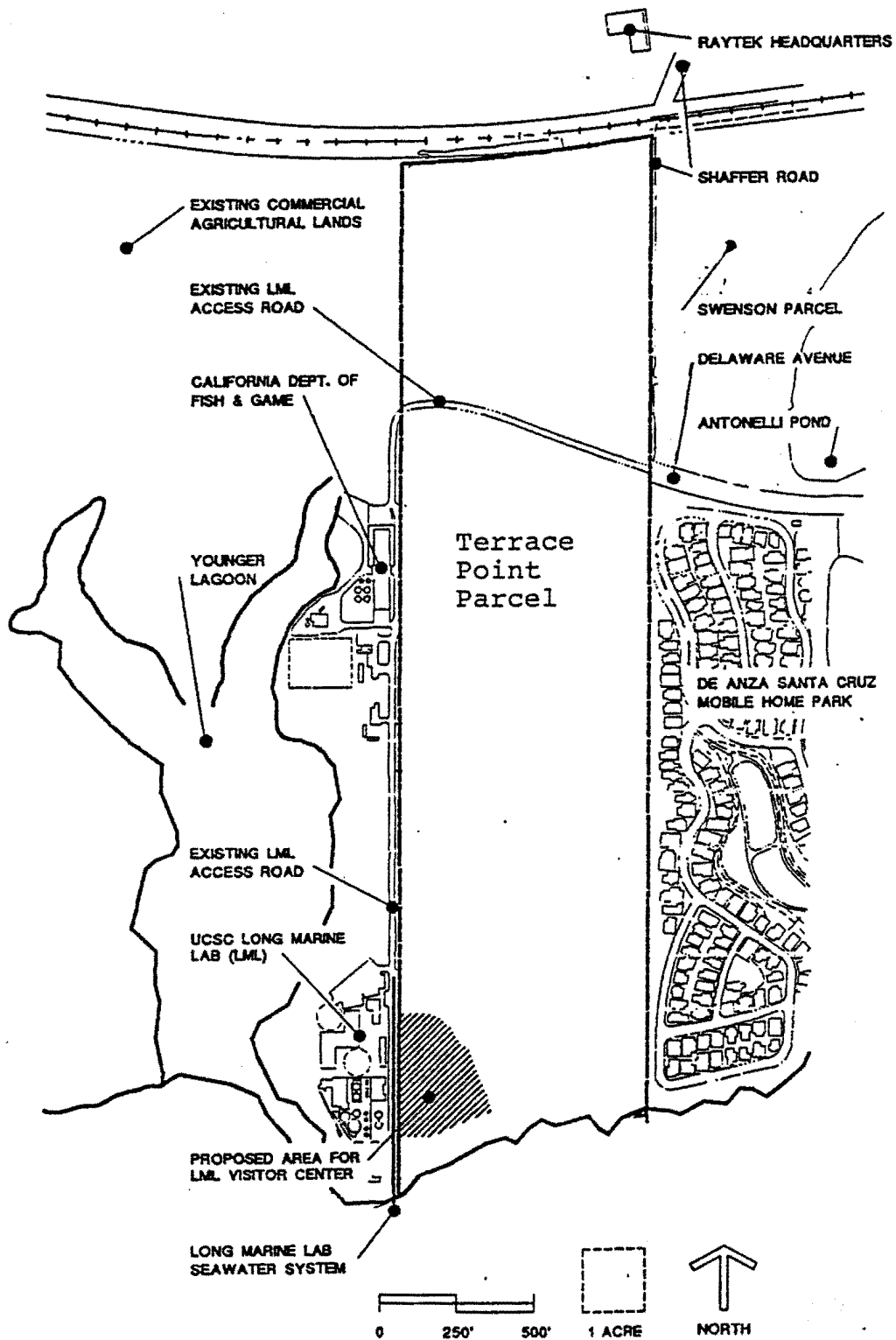
SITE



SANTA CRUZ CITY - WEST



3-97-050
CALIFORNIA COASTAL COMMISSION
EXHIBIT 1a

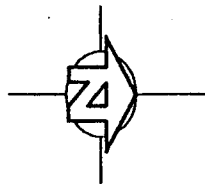


VICINITY MAP

3-97-050

CALIFORNIA COASTAL COMMISSION

EXHIBIT 2



GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft

UNIVERSITY OF CALIFORNIA REGENTS
57 M 44
2269 OR 437
EXISTING PARCEL 40 AC ±
PROPOSED PARCEL 42.66 AC ±

TOP OF BLUFF
(APPROXIMATE)

LONG MARINE
LAB

8" x 8" POST
N 1807538.82
E 8104338.76

N 01°03'01" E 3330.88'

FOR BOUNDARY INFORMATION
REFER TO ENLARGEMENT
AT RIGHT

PARCEL C
47 PM 30
A.P.N. 003-321-07
EXISTING PARCEL 43.8 AC ±
PROPOSED PARCEL 41.11 AC ±

TOP OF BLUFF
(APPROXIMATE)

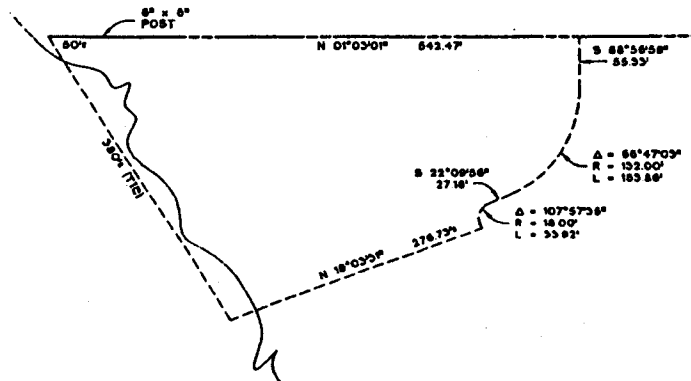
WALT, SCHILLING & Co.
4 OR 28

S 01°10'28" W 3186.00'

DEANZA MOBILE
HOME PARK

1-1/2" IRON PIPE
TAGGED RE. 8270
N 1807772.83
E 8106038.47

SCALE: 1" = 200'



SCALE: 1" = 100'

1/2" IRON PIPE
TAGGED LB 3668
N 1810658.93
E 8104288.80

(R) S 01°15'54" E

Δ = 08°24'08"
R = 5806.86'
L = 547.82'

A.P.N. 003-321-08

1/2" IRON PIPE
TAGGED LB 3666

S 83°24'58" W
276.12'

SHAPPER ROAD

1/2" IRON PIPE
TAGGED LB 3668
N 1810827.89
E 8106120.18

S.P.R.R.

DELANE AVENUE

EXHIBIT 3
CALIFORNIA COASTAL COMMISSION
Pacific Ocean
3-97-050



DATE 7/10/97
DESIGN N/A
DRAWN Jan

Lot Line Adjustment for:
ATC Realty Sixteen, Inc./U.C.S.C.
Santa Cruz, CA

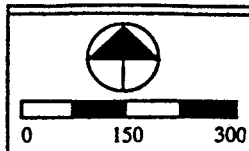
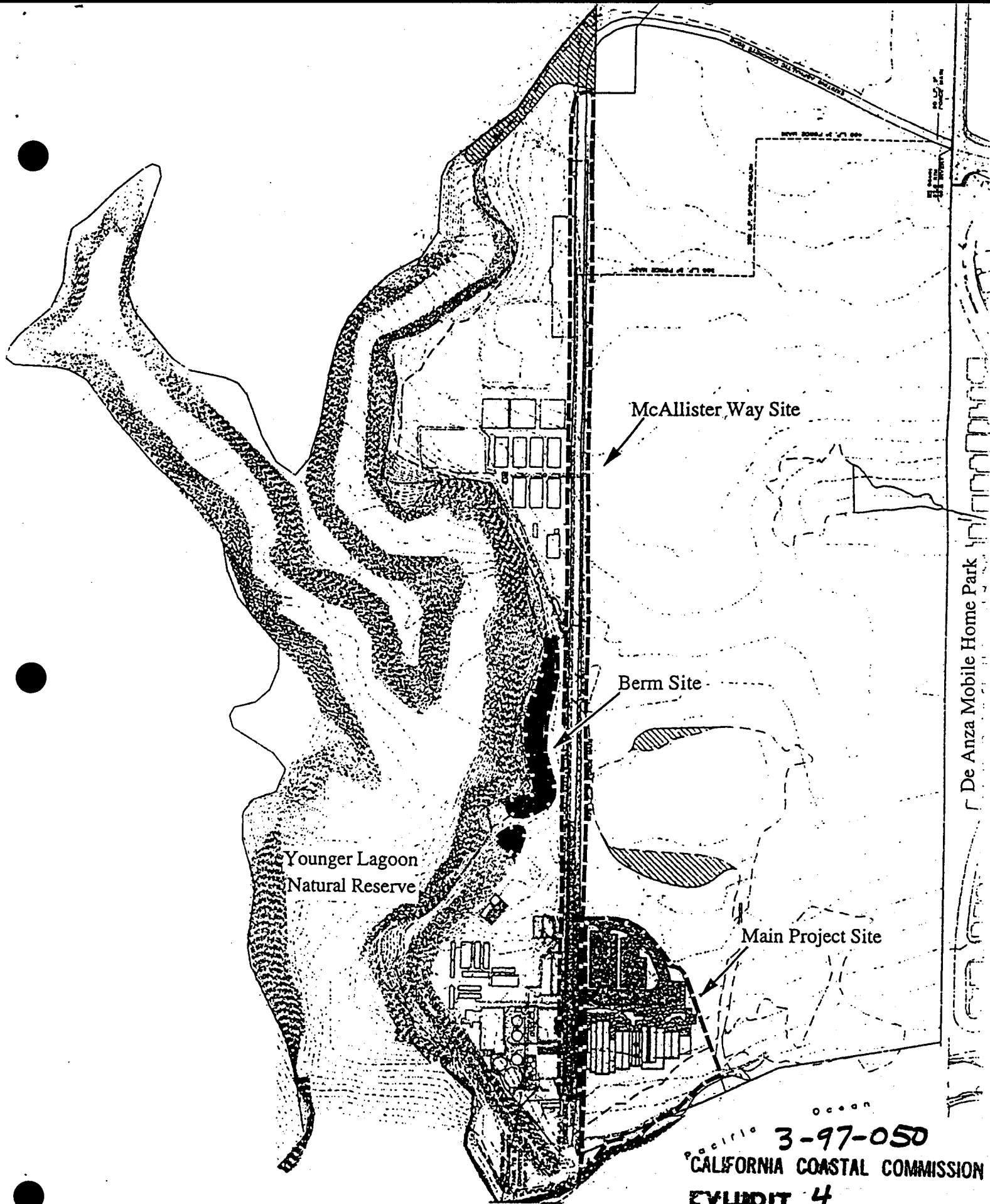


ifland
ENGINEERS, INC.

1100 WATER STREET
SANTA CRUZ, CA 95062
TEL (408) 426-5313
FAX (408) 426-1763

REVISIONS
APPROVED

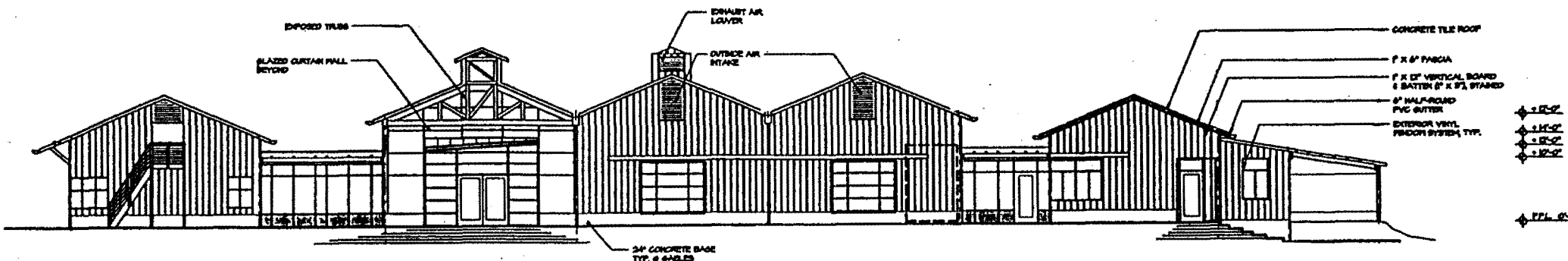
SHEET
1
OF 1 SHEETS



Marine Discovery Center: Schematic Site Plan

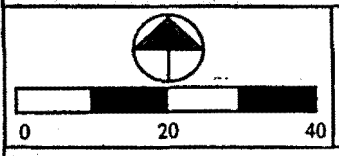
(Prepared by EAG, June 30, 1997)

Figure B



① NORTH ELEVATION

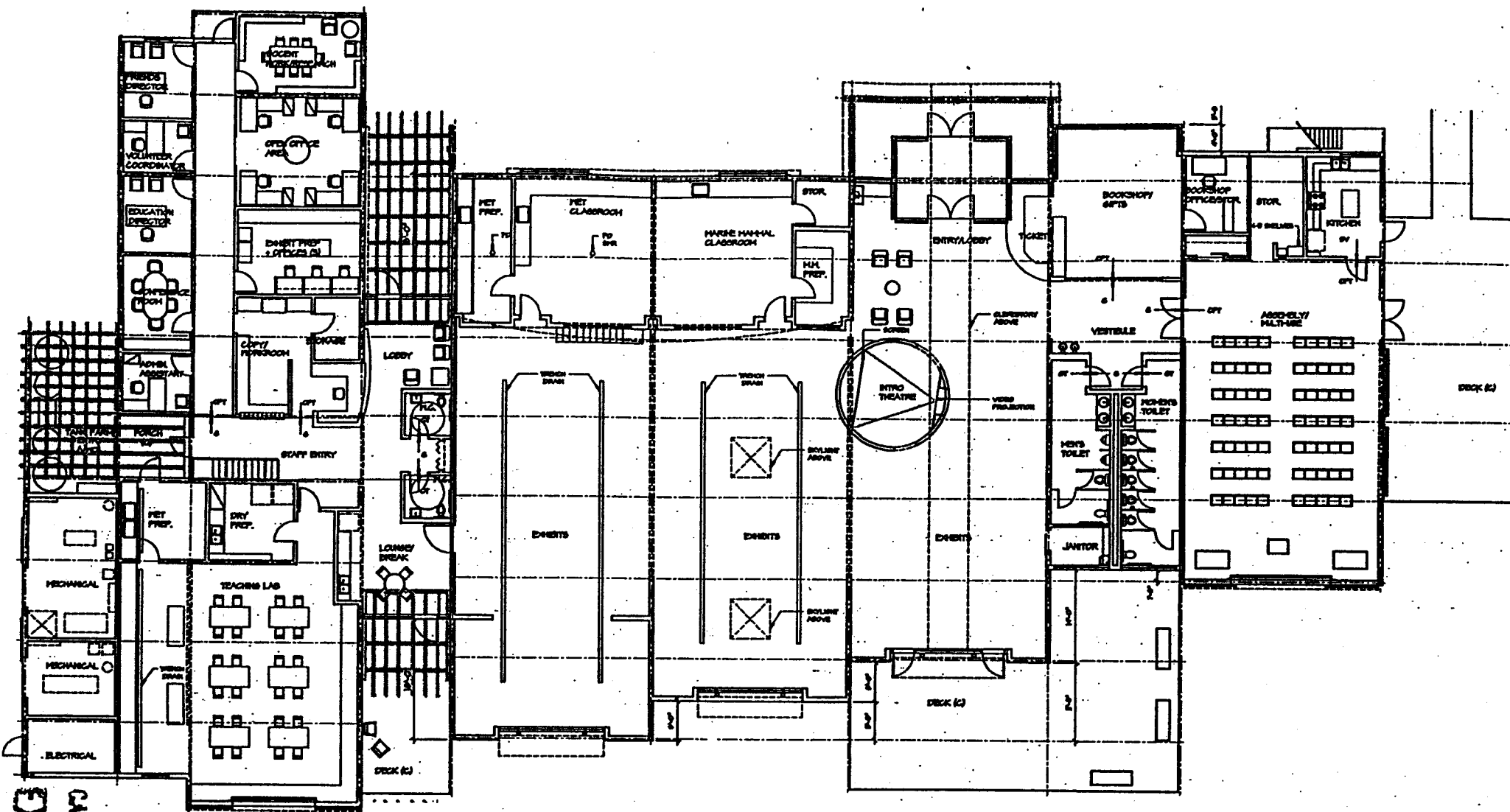
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 CALIFORNIA COASTAL COMMISSION
 EXHIBIT 6



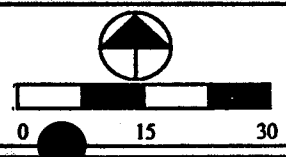
Marine Discovery Center: Schematic Building Elevation

(Prepared by EAG, June 30, 1997)

Figure E



3-97-050
 CALIFORNIA COASTAL
 COMMISSION
 EXHIBIT 7



Marine Discovery Center: Schematic Building Plan
 (Prepared by EAG, June 30, 1997)

Figure D

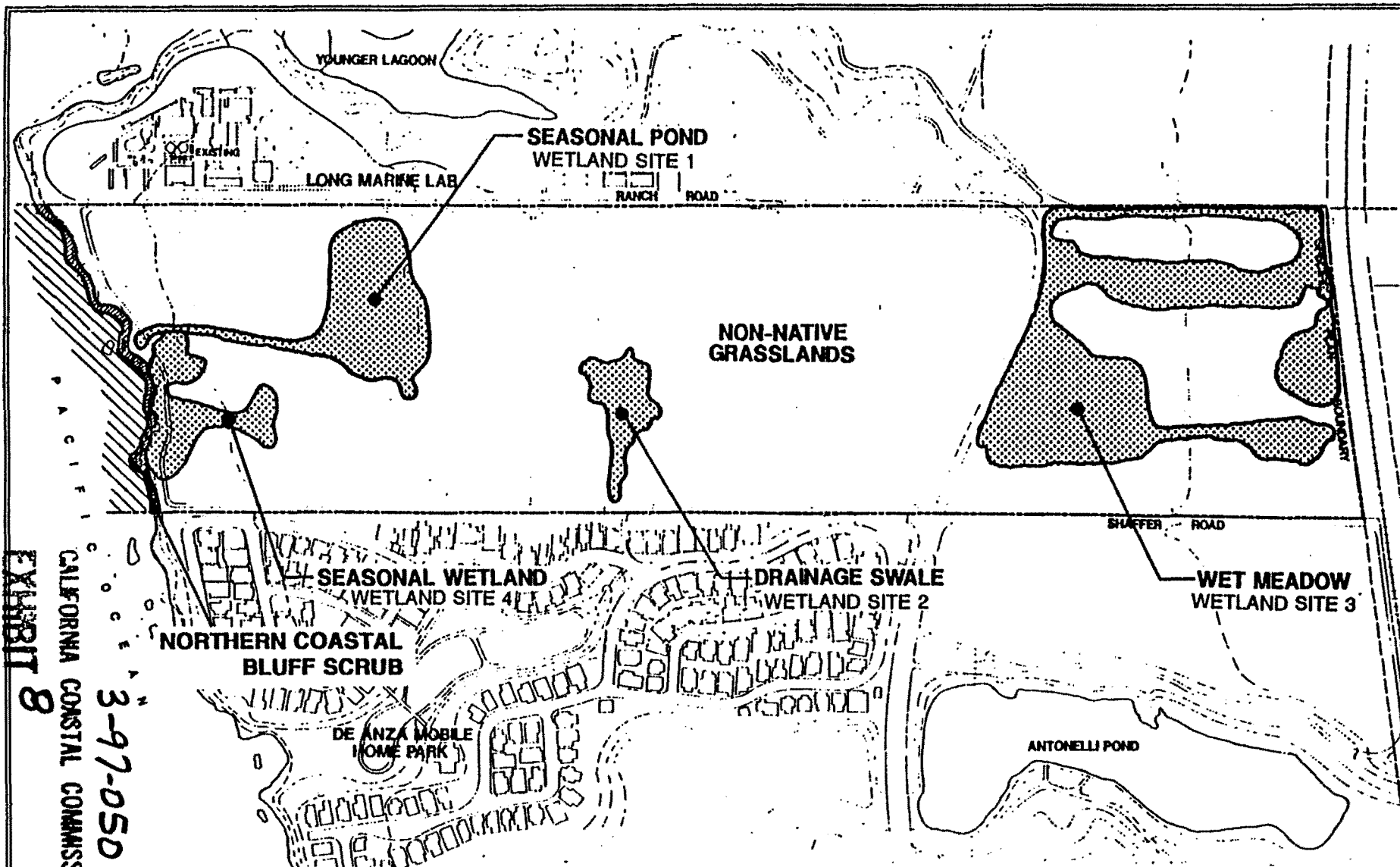


EXHIBIT 8
3-97-050
CALIFORNIA COASTAL COMMISSION

SOURCE: THE HABITAT RESTORATION GROUP

STRELOW CONSULTING
Environmental Analysis &
Planning

➔
NORTH

Existing Vegetation

FIGURE
17

