

**CALIFORNIA COASTAL COMMISSION**

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**Tu 16d****STAFF RECOMMENDATION****ON CONSISTENCY DETERMINATION**

Consistency Determination No.	<b>CD-50-98</b>
Staff:	MPD-SF
File Date:	4/14/98
45th Day:	5/29/98
60th Day:	6/13/98
Commission Meeting:	5/12/98

**FEDERAL AGENCY:** National Marine Fisheries Service (NMFS)

**DEVELOPMENT****LOCATION:**

Delaware Ave., Terrace Point, seaward of Highway in the western area of the City of Santa Cruz (Exhibits 1 & 2)

**DEVELOPMENT****DESCRIPTION:**

Acquisition of 2.5 acres of land and a utility easement corridor and construction of a 53,400 square foot, 2-story fisheries research laboratory complex, with associated parking, landscaping and utilities (Exhibits 4-6)

**SUBSTANTIVE FILE****DOCUMENTS:**

See page 20

**EXECUTIVE SUMMARY**

The National Marine Fisheries Service (NMFS) has submitted a consistency determination for the construction of a fisheries research laboratory at Terrace Point in the City of Santa Cruz. NMFS proposes to relocate the staff and operations of the existing NMFS Tiburon Laboratory (and a limited number of the staff of the Protected Species Division of the NMFS Southwest Region in the Santa Rosa) to the proposed NMFS Santa Cruz Laboratory. The existing Tiburon

Laboratory would be closed. Research at the proposed Santa Cruz Laboratory would provide information on marine, estuarine, and anadromous fish populations and their habitats to support and improve the nation's ability to conserve and manage these resources. The geographic area of operations covers the eastern Pacific ocean, with most research conducted in Central and Northern California. A wide variety of field and laboratory studies will be conducted on economically and ecologically important fisheries with emphasis on groundfish, sensitive coastal and estuarine fish, and species protected by legislation such as the Endangered Species Act. Research will also be conducted on the influence of environmental factors on resources, such as contaminant effects, habitat quality, ecosystem health, and larger scale climatic and oceanographic changes. In addition to research staff, management staff at the proposed Santa Cruz Laboratory would deal with issues and problems relating to the regulation of environmental and natural resource laws, and the impacts of human activities on aquatic habitats and protected species.

The project is a coastal-dependent research facility, one of the highest priority uses under the Coastal Act, and one whose research will assist the Commission's ability to better protect marine and other coastal resources. Nevertheless the project's infrastructure needs (i.e., road access, and water and sewer lines) have raised important local coastal planning issues. As the Commission took care to assure in approving the nearby Long Marine Lab expansion and adjacent Dept. of Fish and Game oiled wildlife rescue facility, in the absence of further planning efforts the utilities to the site need to be carefully managed to assure they do not undermine efforts to enable the City of Santa Cruz to develop land use policies and standards that conform to the requirements of the Coastal Act. The project site is within Terrace Point, an area that has been "white-holed" (i.e., is an area of deferred certification under the City's Local Coastal Program (LCP)). NMFS is unable to wait for completion of this plan, due to funding and timing considerations. NMFS' submittal at this time raises the issue of whether NMFS' infrastructure proposal will prejudice preparation by the City of approvable LCP policies and standards for the Terrace Point property and prematurely commit the area to a particular development pattern, thereby lessening the flexibility to maximize coastal resource protection in the area.

Based on this concern the Commission staff has requested that NMFS use existing authorized infrastructure alignments (i.e., the existing road and the water line alignment shown on Exhibit 7) to serve the project with road and utility access. In response, NMFS has agreed to use the existing road (Delaware/McAllister Rd, shown on Exhibits 3 & 7), pending completion of the planning process for Terrace Point, and thus does not propose a new road to its facility that might prejudice the completion of the LCP planning process. However NMFS also proposes to route its proposed water and sewer lines through other than existing authorized alignments. Nevertheless NMFS is able to agree, similarly to what the Commission requested in authorizing the UC/Long Marine Lab expansion, that the utility easement would be "relocatable." With this commitment, combined with the commitment to utilize the existing road (Exhibit 3) for access, pending completion of LCP planning for this area which should resolve the issue of the

appropriate location, if any, for new roads, the project will avoid prejudice to the planning process under the Coastal Act, and will retain the City's and Commission's ability to fully protect the Terrace Point property in a manner consistent with Chapter 3 of the Coastal Act.

The project is a high priority use under the Coastal Act, will not adversely affect agriculture, scenic public views, water quality, environmentally sensitive habitat, and wetlands, is not growth-inducing, and would not cause adverse cumulative impacts on coastal resources, and is consistent with Sections 30222, 30222.5, 30255, 30241, 30242, 30230, 30231 30240, 30251, 30250 and 30254 of the Coastal Act.

## **STAFF SUMMARY AND RECOMMENDATION**

### **I. Project Description.**

a. **Overall Project.** NMFS proposes to develop a fisheries research laboratory (called the NMFS Santa Cruz Laboratory) on a to-be-created 2.5 acre parcel of land located south of Delaware Avenue and seaward of Highway 1 in the western area of the City of Santa Cruz. The 2.5 acre parcel is currently unsubdivided and part of a larger 60 acre parcel known as Terrace Point. NMFS proposes to acquire the 2.5 acres and a utility easement and to construct a 53,400 square foot, 2-story laboratory building, with 53 parking spaces, site landscaping, and utilities, and a install a seawater intake station on the adjacent Long Marine Laboratory site, with underground pipelines to route water to and from the proposed Santa Cruz Laboratory. The seawater intake line would entail joint use with the University of California Santa Cruz's (UCSC's) Long Marine Laboratory (LML) (Exhibit 2, p. 2).

While NMFS would construct its own infrastructure (access road and utilities), it would need an easement to bring the infrastructure across the Terrace Point property to the project site. NMFS proposes to use the 35-foot wide by 1,700-foot long access/utility easement as depicted on Exhibit 2, extending 1,700 feet from the intersection of Shaffer Road and Delaware Avenue to the site. The proposed utility route would extend from the end of Delaware Street west approximately 450 feet and south approximately 1,250 feet across relatively flat topography to the east side of the proposed NMFS Santa Cruz Laboratory site. As initially proposed, this easement was to contain utilities *including* road access. However this has been modified as described in the following paragraph.

At the request of the Commission staff, NMFS has modified the project to: (1) delete the proposed road at this time, and instead use the existing road (Delaware extension/McAllister Rd. (Exhibit 3)) that currently serves Long Marine Lab and the Fish and Game facility; and (2) assure that the utility easement would be "relocatable" i.e., it would be relocated in the event future planning efforts conclude with a plan indicating they should be relocated. This assurance requires agreement from the underlying landowner, which has been provided.

The water and sewer lines would be located as originally proposed, and would include an 8 inch diameter gravity feed sewer line and a 10 inch water line (the latter of which would be partially shared with the UC water line), and both of which have been "... sized according to the requirement of the proposed NMFS Santa Cruz Laboratory, and in accordance with the City of Santa Cruz utility departments." Connecting the water line to the LML main would be dependent on approval by the City of Santa Cruz, and mutual agreement between UCSC and NMFS. Wastewater would connect to the city's 8-inch sewer line at the corner of Delaware Avenue and Shaffer Road. To tie into this gravity feed line, NMFS would also install a sewage pump station and a 4-inch force main to pump sewage from the NMFS site into the 8-inch line connecting to the city system. NMFS and UCSC intend to cooperate and jointly use this system, providing necessary city approvals and agreements are agreed to. Wastewater would include domestic sewage and possibly wastewater originating from freshwater used for fisheries experiment. Alternatively, wastewater from freshwater research tanks could be treated as required and discharged with the return seawater from the laboratory via the existing seawater discharge system operated by LML.

To ensure the availability of seawater, NMFS would also construct a second seawater intake station and connect this station to the existing LML seawater system. The new and existing systems would be operated as an integrated system.

Construction activities would include minor site grading, minor excavation for building foundations and access roads, site drainage facilities, paving for parking areas, site landscaping, and utility construction and connections. Construction is scheduled to commence prior to September 30, 1998.

**b. Surrounding Uses.** The proposed project site is part of a 60 acre property, known as Terrace Point, which lies between the De Anza Mobile Home Estates to the east and LML to the south and west. The larger property has been the subject of planning efforts by ATC Realty Sixteen, Inc. (ATC), a wholly-owned subsidiary of Wells Fargo Bank. The plan, which will provide the basis for the Local Coastal Plan for Terrace Point, will be the subject of public hearings before the City of Santa Cruz later this year. A Draft Specific Plan, including an Environmental Impact Report (EIR) has been prepared for the property (which is also referred to as the Santa Cruz Coastal Marine Research Center (SCCMRC)).

To the south of the site is Long Marine Laboratory (LML), a marine research center operated by UCSC, and the Younger Lagoon Reserve, a 24 acre wetland system that is part of the UCSC'S Natural Reserve System. Agricultural land extends to the west beyond Younger Lagoon along the coast, and to the north to the Southern Pacific Railroad tracks and beyond to Highway 1. South of the Terrace Point site lies Monterey Bay and the Pacific Ocean. The De Anza Mobile Estates and Natural Bridges State Park lie to the east of the Terrace Point property. Industrial land uses occur in the vicinity of Terrace Point, particularly to the northwest of the Terrace Point property.

c. **Seawater Intake.** Construction of the seawater intake station would occur near the southern edge of the bluffs, on LML property. The seawater intake station would require minor site grading and excavation for a concrete pad. A borehole would be drilled from the land surface through to the East Sea Cave, which is located adjacent to the West Sea Cave (the site of the existing LML seawater intake). An 8-foot diameter concrete caisson would be installed. A platform and pump equipment would be constructed within the caisson. A screened seawater intake pipe would extend from the pumps outward from the sea cave, in a submerged tidal area adjacent to the existing LML intake. The intake would be situated at a depth to assure 3 to 5 feet of water covering the intake during the lowest tides. The proposed seawater system would be similar to the seawater system currently used by LML.

A second seawater system at Terrace Point is proposed for two main reasons. It would assure an adequate supply to meet the sustained seawater demands of the three facilities using seawater: (LML, the proposed NMFS Santa Cruz Laboratory, and the California Department of Fish and Game Marine Wildlife Veterinarian Care and Research Center). A second system would also help assure a continuous supply when one of the seawater intakes is shut down for periodic maintenance.

d. **Runoff Management.** A storm drainage system would be built to collect, treat, and convey storm water runoff from impervious surfaces on the proposed developed site. Stormwater runoff from roofs and runoff from the access road and the parking/storage areas of the proposed project site would be treated and directed to the existing seasonal pond located to the immediate area south of the proposed site. Treatment of stormwater from parking, roadway, and other areas that could accumulate contaminants would use appropriate Best Management Practices (BMP).

e. **Alternatives Considered.** NMFS engaged in an extensive review of alternative sites to accommodate its research needs, including rebuilding at the existing Tiburon site. NMFS cites a number of reasons that continuing to use the existing Tiburon site is not a viable option, including inadequate and aging infrastructure, structural problems, and lack of access to clean seawater for research (NMFS must travel to Bodega Bay for a reliable seawater source). In looking at alternative new sites, NMFS considered sites ranging from Seattle, Washington, south to La Jolla. The Terrace Point site in western Santa Cruz is NMFS' preferred site, for a number of reasons as explained in detail in Exhibit 8 (part of the alternatives analysis from NMFS' Draft Environmental Assessment (EA), pp. 12-16).

II. **Status of Local Coastal Program.** The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the LCP has been certified by the Commission and incorporated into the CCMP, it can provide guidance in applying Chapter 3 policies in light of local circumstances. If the LCP has not been incorporated into the CCMP, it cannot be used to guide the Commission's decision, but it can be used as background information. The City of Santa Cruz's LCP has not been incorporated into the CCMP. In addition, the project site is

within an "Area of Deferred Certification" that has not yet been certified by the Commission as part of the City's LCP (most of which has been certified by the Commission).

**III. Federal Agency's Consistency Determination.** The NMFS has determined the project consistent to the maximum extent practicable with the California Coastal Management Program.

**IV. Staff Recommendation:**

The staff recommends that the Commission adopt the following motion:

MOTION. I move that the Commission **concur** with NMFS's consistency determination.

The staff recommends a **YES** vote on this motion. A majority vote in the affirmative will result in adoption of the following resolution:

**Concurrence**

The Commission hereby **concurs** with the consistency determination made by NMFS for the proposed project, finding that the project is consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program (CCMP).

**V. Findings and Declarations:**

The Commission finds and declares as follows:

**1. Land Use Priorities.** Under the Coastal Act, agriculture and coastal dependent development are the highest priority uses. Section 30222 and 30222.5 of the Coastal Act provides:

*Section 30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

*Section 30222.5. Ocean front land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

Section 30255 also provides:

*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 provides:

*"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 provides:

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

Research at the proposed NMFS laboratory would provide valuable information on marine fisheries and the environment in support of improving the nation's ability to manage, conserve, and benefit from those resources. In addition, the proposed laboratory would provide information concerning California's salmon stocks, some of which have been designated or are under consideration as endangered species. The laboratory would rely on its seawater intake for fisheries research, and thus can be considered coastal-dependent, because it requires a site along the shoreline in order to function. The project's proximity to the Long Marine Lab and Fish and Game oiled wildlife facility lends further support for siting the project in this location; NMFS states:

*The proposed action would provide an excellent opportunity for NOAA to efficiently continue the integrated research activities of the existing Tiburon Laboratory at a location that provides good proximity and accessibility to the fishery resources, and that provides proximity to and opportunities for interaction with other research and resource management institutions, including the adjacent Long Marine Laboratory operated by UCSC.*

For these reasons, the Commission finds that the project is consistent with the land use priorities discussed in Sections 30222, 20222.5 and 30255 of the Coastal Act. In making this finding, as explained in the last two sections of this report, the Commission wishes to also clearly articulate that it would not be appropriate, absent completion of the LCP, to authorize any non-priority development at Terrace Point. Finally, the Commission wishes to also reiterate its support of NMFS's efforts, and notes that the research undertaken at the lab will assist the Commission's overall ability to better protect marine and other coastal resources.

**2. Agriculture.** Section 30241 and 30242 of the Coastal Act provides:

*30241: The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

*(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.*

*(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*

*(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*

*(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*

*(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*

*(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

*30242: 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.*

Policies and approaches to protect potential and productive coastal agriculture in the greater project vicinity and at the Terrace Point site on which the NOAA parcel is located have been the subject of significant planning efforts in the City and County of Santa Cruz. The Terrace



Point properties were formerly farmed. The issue of whether Terrace Point soils are prime or suitable for production continues to be debated and is unlikely to be resolved pending completion of the planning process. Commission findings on the Westside Lands Area of Deferred Certification identified the eastern boundary, not the western boundary, of Terrace Point as the urban-rural boundary. The potential recultivation of the larger site or its use for aquaculture, also an agricultural use (as defined in Coastal Act Section 30100.2), remains a key planning issue, the outcome of which should not be precluded by incremental conversion of the site.

The proposed NOAA facilities will convert fallow agricultural land to another use. Nevertheless, the proposed NOAA National Marine Fisheries facility is unique in its association with the existing Long Marine Laboratory facilities. NMFS will become, by location and co-use of seawater facilities, an integral part of an enclave of coastal dependent marine research facilities separated from the residential and industrial uses of the urbanized areas to the west. Appropriate sitings for these specialized and public serving coastal dependent uses are rare. The potential for development of agricultural uses on the balance of the Terrace Point site that can co-exist with these facilities, such as aquaculture or organic farming, remains. In addition, the NOAA site is situated more than 500 feet from currently productive agricultural fields in the County. Five hundred feet is the buffer width recommended by local agricultural interests and the proposed facility would be compatible with and not interfere with continued agricultural production.

Therefore, because the NMFS proposal: (1) is a coastal dependent marine research use with high priority under the Coastal Act and sites to accommodate such uses are limited; (2) would not preclude certain agricultural uses such as aquaculture; and (3) would not impact current nearby agricultural uses, the Commission finds that proposed project is consistent with the agricultural protection policies (Section 30241 and 30242) of the Coastal Act.

**3. Water Quality/Wetlands.** Sections 30230 and 30231 of the Coastal Act provide:

*30230: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

*30231: 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,*

*surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

NMFS has carefully considered and addressed the applicable water quality considerations raised by the project, stating in its Draft Environmental Assessment (EA):

*The proposed site is relatively flat with an average elevation of about 47 feet above mean sea level. The land slopes very gradually downward toward the south at a slope of one percent. ... Several wetland areas are located on the surrounding Terrace Point property, including a seasonal pond located about 100-feet south of the site. No wetlands are found on the proposed site, or are crossed by the proposed access and utility route.*

*Chemical storage and use at the laboratory would be under roofed conditions. No discharge of laboratory chemicals would occur to any surface water runoff. Runoff from the access road and parking lot would carry pollutants associated with automobile use. These would include oils and grease, petroleum hydrocarbons, and metal such as copper, zinc, and chromium. The quality of the runoff would be similar to that of the urbanized portion of nearby Santa Cruz. Minor water quality impact could occur in the seasonal pond and Younger Lagoon.*

*The ... project would incorporate mitigations which minimize stormwater impacts. During construction, hay bales, and silt fencing at strategic locations along the project site perimeter would prevent eroded soils from leaving the site, minimizing the possibility of siltation.*

*A dual stormwater collection system would serve the proposed NMFS project site. Runoff from building roofs, which is relatively high quality, would be discharged from the site in a separate pipe system. Runoff from the access road, the parking lot and the storage area, which is subject to vehicular or other uses, would be treated on the project site prior to release. A state-of-the-art system known as compost stormwater filter (CSF) would be used. The filter consists of partially decomposed leaf filter. Stormwater is passed through the filter prior to its release from the project site. The filter removes on the order of 90 percent of sediment and associated pollutants. Metal removal rates of 70 to 85 percent are achieved while 50 to 70 percent of nutrients such as total phosphorus and nitrogen are removed. CSF's require very little space and are a good application where available, onsite space is at a premium, as is the case with this project. These best management practices (BMPs) would minimize the water quality impacts of stormwater runoff from the project site. Recent*

*advances in filtration technology related to stormwater treatment could result in the application of a possibly more advanced technology to manage stormwater runoff associated with this proposed project.*

*Treated stormwater runoff and clean roof runoff would be directed to the seasonal pond, southeast of the project site. This would help to maintain the local hydrology which maintains the wetted conditions of this pond.*

With the measures discussed above being incorporated by NMFS to protect water quality, the Commission finds the project will not adversely affect water quality or marine resources and is consistent with Section 30230 and 30231 of the Coastal Act.

**4. Environmentally Sensitive Habitat.** Section 30240 of the Coastal Act provides:

*(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.*

Because of past agricultural operations on the site, vegetation consists mainly of ruderal, non-biologically important species. NMFS has coordinated with the U.S. Fish and Wildlife Service and analyzed potential habitat impacts in its Draft EA, in which it concludes that the only potentially affected sensitive species would be the red-legged frog, the northern harrier and loggerhead shrike. NMFS has included measures to assure these species will not be adversely affected. Concerning red-legged frogs, NMFS states in its Draft EA:

*Implementation of the proposed project would not eliminate any breeding habitat for red-legged frogs, but would result in the loss of potential upland habitat for red-legged frogs dispersing from source populations east and west of the project site. Ground disturbing construction activities during the wet winter months may adversely affect red-legged frogs dispersing through or taking refuge in uplands on the project site. These potential impacts to California red-legged frogs can be minimized by the implementing the following construction mitigation (USFWS, 1997a):*

- (1) pre-construction surveys;*
- (2) briefing workers on the construction site about California red-legged frogs;*

*(3) limit ground-disturbing activities to the dry spring, summer, and fall months; and*

*(4) strict erosion control measures to minimize sedimentation of adjacent wetlands.*

Concerning northern harrier and loggerhead shrikes, NMFS states in its Draft EA:

*Grading and excavation could disturb reproduction of northern harrier or loggerhead shrike if project implementation occurred during the breeding or nesting season. Although nesting by these species on the project site is considered unlikely, implementation of the project while nesting was occurring would constitute a significant adverse impact. This potential impact could be mitigated by implementing either of the following measures: (1) schedule construction activities to avoid the breeding and nesting season of northern harrier and loggerhead shrike (March-July); or (2) if construction were scheduled during the breeding season of these species, the project site could be mowed or disced to reduce cover and eliminate potential nesting habitat prior to the breeding season.*

Based on these commitments, the Commission finds the project will avoid impacts to environmentally sensitive habitat and is consistent with Section 30240 of the Coastal Act.

**5. Public Views.** Section 30251 of the Coastal Act provides:

*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 Terrace Point property is in a highly scenic location, being visible from Highway 1 and located at the entryway to the City for southbound travelers from rural Santa Cruz County. NMFS notes in its consistency determination:

*The proposed site is located near the western edge of the City of Santa Cruz where there is a change from urban uses, including residential and industrial, to rural and agricultural uses to the west. The far western shoreline with the City of Santa Cruz includes Natural Bridge State Park, the De Anza community, NOAA's proposed site within an unused parcel, and Long Marine Laboratory. Younger Lagoon, lying west of LML, forms a physical boundary between urban uses within the City, and agricultural lands to the north and west. Hills rise to*

*the north of Highway 1, however, topography is relatively flat between Highway 1 and the coastline. The immediate surroundings include undeveloped, fallow agricultural land and the Long Marine Laboratory. The visibility of the site varies considerably depending on the location of the viewer. Expansion of LML has included the LML discovery Center, and the recently completed California Department of Fish and Game Marine Wildlife Veterinarian Care and Research Center. The visual aspects of these developments indicated that views of the ocean and visual quality would be altered, but the alteration was not seen as incompatible with the scale and visual character of the surrounding area.*

*Construction of the proposed NMFS Santa Cruz Laboratory on the project site would alter local views and the visual character of the immediate site. However, views of the two-story buildings, parking, and landscaping from more distant viewpoints would be seen as part of the existing and planned facilities at LML. Although the proposed laboratory buildings would add incremental bulk to views of the LML the scale of the buildings would be consistent with those anticipated on the LML site. The proposed construction of additional seawater facilities would include placement of additional water storage tanks in the immediate vicinity of the two existing LML storage tanks. At this point design of the proposed new seawater facilities has not commenced. It is estimated approximately 60,000 gallons of water storage would be necessary. Initially, NOAA envisioned an additional pair of storage tanks similar to and in the immediate vicinity of the existing LML tanks. Though the Commission approved the existing LML tanks, comments received at NOAA's public meeting for the project's draft EA suggested that the appearance of these tanks was not appreciated by the neighboring residents. NOAA will design its water storage at LML in light of these concerns, and will work on a low-profile storage system that will minimize visibility.*

Despite the sensitivity of the site, NMFS maintains that: "With appropriate design mitigation ... impacts to visual resources would not be significant." The Commission agrees that the proposed facility is compatible with the already built and authorized UC Long Marine Lab (and expansion) and the Fish and Game oiled wildlife facility. In addition, the proposed NMFS development benefits visually from its adjacency to the 2+ acre wetland pond/buffer to its south, which effectively provides an open space setback for the facility. This will help protect views from the publicly used bluff top area, which is also planned as a public bluff top recreational park under draft Terrace Point plans. Furthermore, given the angle of the nearby available public view of the site from Highway 1, the project is situated so that it will consolidate structures rather than appear as a new visual intrusion into a view corridor. In addition the site is below Highway in elevation and would not block any views of the ocean from Highway 1.

However, the Commission also finds that with the completed construction of the LML Marine Discovery Center and NMFS' facility, together with the newly constructed Fish and Game oiled wildlife facility, a significant cumulative visual impact from building scale and site coverage may well occur. With the exception of the LML facilities, the surrounding development is primarily open space, and nearby structures to the east are of low heights (i.e., the DeAnza Mobile Home Park with structures 12 ft. in height or less). A continued development pattern of the intensity and height of the existing and proposed facilities across the Terrace Point parcel would transform the visual character of the Westside Land, particularly its open coastal bluff setting and natural resource areas.

In other words, notwithstanding its visual compatibility as an individual project adjacent to existing uses, the proposed NMFS facility will necessarily affect the visual character of the Terrace Point area. These impacts can only be accounted for in future planning efforts for Terrace Point. The Commission must observe, therefore, that future development proposals for Terrace Point will need to be evaluated within the context of the entire site, including the partial commitment to development on Terrace Point that the NMFS facility represents.

Nonetheless, given the high priority coastal dependent use proposed and the fact that the NMFS facility will not significantly alter scenic public views because of its physical relationship to existing development on the LML site and its location adjacent to the wetland/open space area to the south, the Commission can find that this partial commitment to development on Terrace Point is, therefore, consistent with Section 30251 of the Coastal Act.

**6. Public Works.** 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; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with 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 30250 provides:

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where*

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

The project represents a type of land use for which, in the event of limited public works capacities, it would be a high priority for service. However, rather than overall capacity issues, the public works issues raised by the project are more the location and size of public works serving the site. The project, then, raises issues concerning whether public services to the facility would be growth-inducing or frustrate planning efforts, based on either the proposed public works sizes and/or locations.

NMFS states that since it will need to construct its own infrastructure, the access road and utility lines serving the project site:

*... would be sized to the extent necessary to service the site, and the University if we can cooperate. Nonetheless, some of these utilities, particularly domestic water, would have the capability to serve other local development within the Terrace Point property. Additional development in the immediate area would require approval from both the California Coastal Commission and the City of Santa Cruz. In the absence of an approved specific plan for the area, it is reasonable to expect that the proposed project may accelerate other marine-dependent development. Even with an approved specific plan, the proposed NMFS Santa Cruz Laboratory may attract other marine-dependent activity.*

When the Commission staff initially received NMFS' consistency determination, the staff indicated concerns over both the location and capacity of the proposed road, water, and sewer lines, based on concerns that they could be prematurely growth-inducing and/or could frustrate planning efforts. Consequently, at the request of the Commission staff, NMFS has modified the project to: (1) delete the proposed road at this time, and instead use the existing road (Delaware extension/McAllister Rd. (Exhibit 3)) that currently serves Long Marine Lab and the Fish and Game facility; and (2) assure that the utility easement would be "relocatable" (i.e., it would be relocated in the event future planning efforts conclude with a plan indicating they should be relocated). This assurance requires agreement from the underlying landowner (ATC), which has been provided.

Thus, the water and sewer lines would be located as originally proposed, and would include an 8 inch diameter gravity feed sewer line and a 10 inch water line (the latter of which would be partially shared with the UC water line), and both of which have been "... sized according to the requirement of the proposed NMFS Santa Cruz Laboratory, and in accordance with the City of Santa Cruz utility departments." Regarding the sewer line, NMFS has sized the line based on recommendations from the City of Santa Cruz. NMFS states:

*As with the proposed ... water line, the sewer would be exclusive to NOAA, and would not be constructed with connecting "T" fittings. NOAA prefers to install a gravity feed sewer instead of a force main sewer line. A gravity feed system is more reliable and requires less maintenance and expense to operate. The minimum size for a gravity feed sewer line is 8 inches.*

With NMFS's agreed-to proposed road access modification, the project would avoid constructing a road that could be considered growth inducing or prejudicial to the planning process. This commitment, along with NMFS' - and ATC-agreed to language indicating that the water and sewer lines would only serve NMFS, and would be relocatable at ATC's (or its successor's) sole expense, if the planning process indicates an alternative location is appropriate, enable the Commission to find that the integrity of the planning process will not be compromised. In concurring with NMFS' proposal, the Commission makes no commitment for authorization of any other development at Terrace Point, and the Commission further notes that any modification to the above commitments could trigger a re-opening of the federal consistency review process, pursuant to Section 930.44 (b) of the federal consistency regulations. That regulation provides:

*15 CFR Section 930.44 (b):*

*(b) The State agency shall request that the Federal agency take appropriate remedial action following a serious disagreement resulting from a State agency's objection to a Federal activity which was: (1) Previously determined to be consistent to the maximum extent practicable with the State's management program, but which the State agency later maintains is being conducted or is having a coastal zone effect substantially different than originally proposed and, as a result, is no longer consistent to the maximum extent practicable with the State's management program ... The State agency's request must include supporting information and a proposal for recommended remedial action.*

Given these considerations, the Commission finds the project would not require public works capacities in excess of available supplies, would not induce development inconsistent with Chapter 3 of the Coastal Act, and would not generate cumulative impacts that would be inconsistent with Chapter 3 of the Coastal Act. The Commission therefore concludes the project is consistent with Sections 30250 and 30254 of the Coastal Act.

**7. Related Commission Action/LCP Prejudice.** While most the City of Santa Cruz's Local Coastal Program has been certified by the Commission, the Terrace Point property is within an area of deferred certification. Development at Terrace Point has raised major planning issues for the Commission and the City for a number of years, and the Commission has carefully reviewed coastal development permits on Terrace Point and adjacent lands to assure that development occurring prior to completion of the LCP does not frustrate planning



efforts or prejudice preparation of the plan, as required by Section 30604(a) of the Coastal Act. That Section provides:

*(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.*

Therefore, in reviewing development proposals by UC for the expansion of Long Marine Laboratory, and by UC and the Department of Fish and Game for an oiled wildlife rescue facility, the Commission imposed extensive conditions designed to assure that the infrastructure improvements serving these facilities would not prejudice planning for the Terrace Point property. In permit amendment 3-83-76-A5, for the Fish and Game oiled wildlife rehabilitation center, the facility relied on the existing road to the site, water wells, and wastewater being trucked from the facility. The Commission found:

*Because urban services were not being extended to the facility, it was found it would not adversely affect adjacent agricultural uses and would maintain the urban rural boundary.*

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 ATC property under Coastal Development Permit 3-83-76-A11 (Exhibit 7). The line was constructed to public water line specifications and connected to the municipal system at Delaware. The Commission noted that ATC 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.

In reviewing a coastal development permit for 3-97-050, the Long Marine Lab expansion, the Commission authorized limited sewer and water extension across Terrace Point and to the Marine Lab (in the location as depicted for the water line on Exhibit 7). The Commission found:

*The development of the Marine Discovery Center ... 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 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 .... 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.*

*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 [Exhibit 7]. 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.*

Commission-imposed conditions included:

- 1. 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 UCSC 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.*

*2. 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.*

NMFS maintains the project as proposed would not preclude planning options for the overall site, stating:

*Installation of these utilities and the private access driveway/fire lane would not have significant adverse effects on coastal resources, nor would they prejudice future planning efforts. Cooperative utilization of the existing seawater system, the recently installed LML water line, and installation of a shared sewer line would minimize the disturbance of the land and any related potential effects on coastal resources. As the NOAA installed infrastructure would be exclusive to NOAA, and constructed without predesigned connections for lateral lines, growth inducement would be checked, and future planning efforts would not be compromised.*

In addition, the underlying landowner (ATC), states:

*Since there is not plan for this site currently before the coastal Commission, the utility lines in the private driveway NOAA [NMFS] proposes is not "growth-inducing" or "prejudicial to future planning."*

ATC also states:

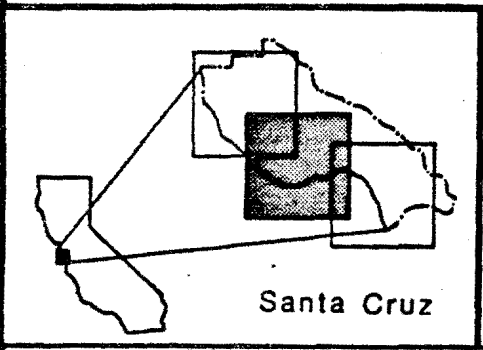
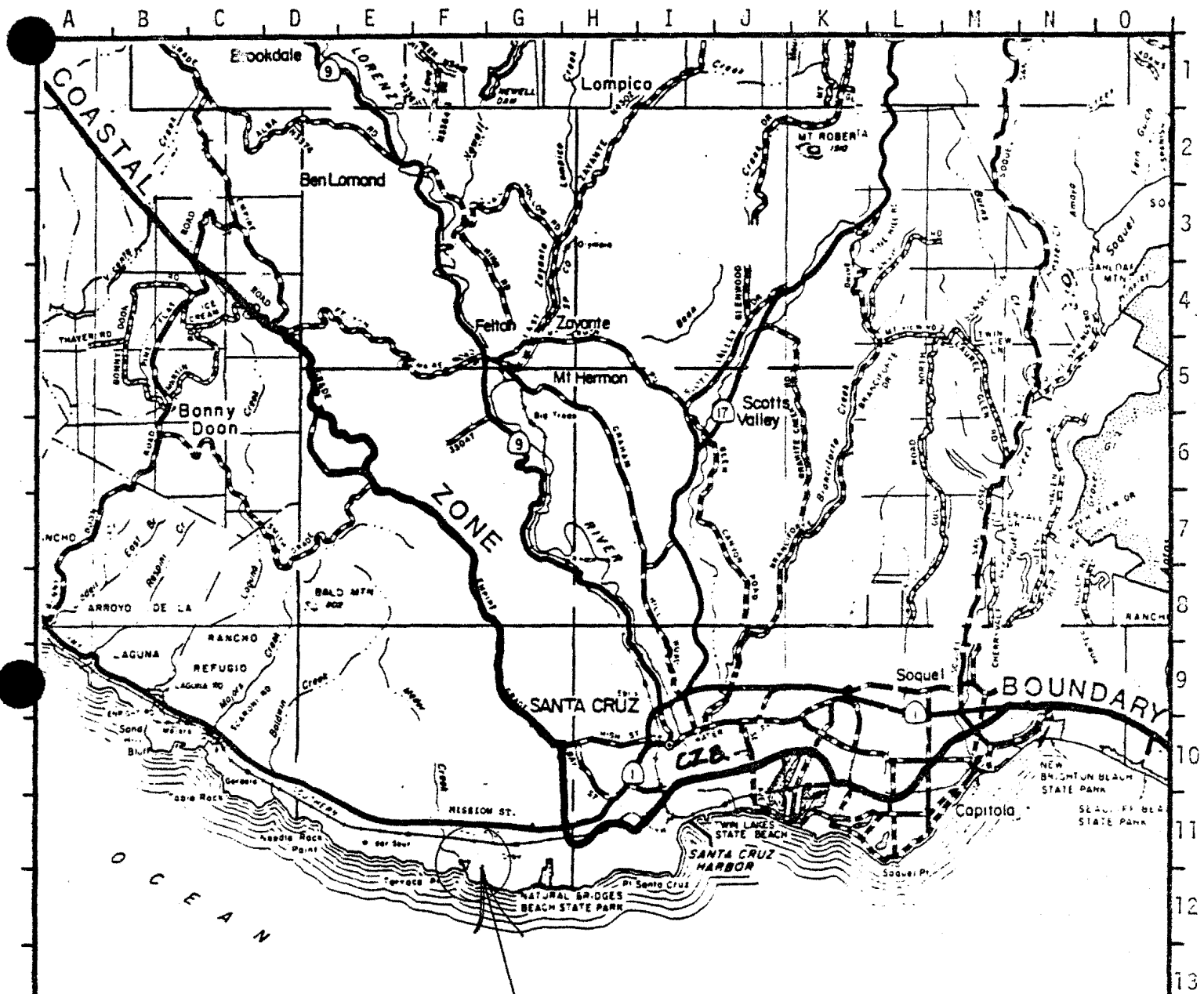
*The landowner will have not secured any additional rights or privileges, or any future uses that are not approved by the City of Santa Cruz or the California Coastal Commission. The current NOAA/NMFS application does not "prejudice" the local coastal planning process, as nothing is approved for future use. All options thereby remain open for uses within the Specific Plan/Area of Deferred Certification process.*

By themselves these arguments are unpersuasive in assuring the planning process will not be compromised by the project as originally proposed. However NMFS has responded to concerns raised by the Commission staff, and has modified the project to: (1) delete the proposed road at this time, and instead use the existing road (Exhibit 3)) that currently serves Long Marine Lab and the Fish and Game facility; and (2) assure that the utility easement would be "relocatable" (i.e., it would be relocated in the event future planning efforts conclude with a plan indicating they should be relocated). This assurance requires agreement from the underlying landowner (ATC), which has been provided.

Therefore, for the reasons discussed in the previous section of this report, and with the additional commitments made by NMFS and the underlying property owner, the Commission believes concurrence with NMFS' consistency determination at this time, as modified, would not prejudice preparation of a Local Coastal Program consistent with Chapter 3 of the Coastal Act.

**VI. SUBSTANTIVE FILE DOCUMENTS:**

1. Draft Environmental Assessment, National Marine Fisheries Service, Santa Cruz. Laboratory, Santa Cruz, California, February 1998.
2. Coastal Development Permit No. 3-97-050 (UC Long Marine Lab Discovery Center).
3. Coastal Development Permit Amendments 3-83-76-A5 and A-11 (UC and California Dept. of Fish and Game oiled wildlife rescue facility).
4. Coastal Commission Staff Report, March 2, 1994, for Santa Cruz City: (1) Local Coastal Program Major Amendment #2-93 and (2) Santa Cruz City Land Use Plan Resubmittal For Westside Lands Area of Deferred Certification.



PROJECT SITE

EXHIBIT NO. 1
APPLICATION NO.
NMFS CD-50-98



Figure 1 Project Vicinity Map

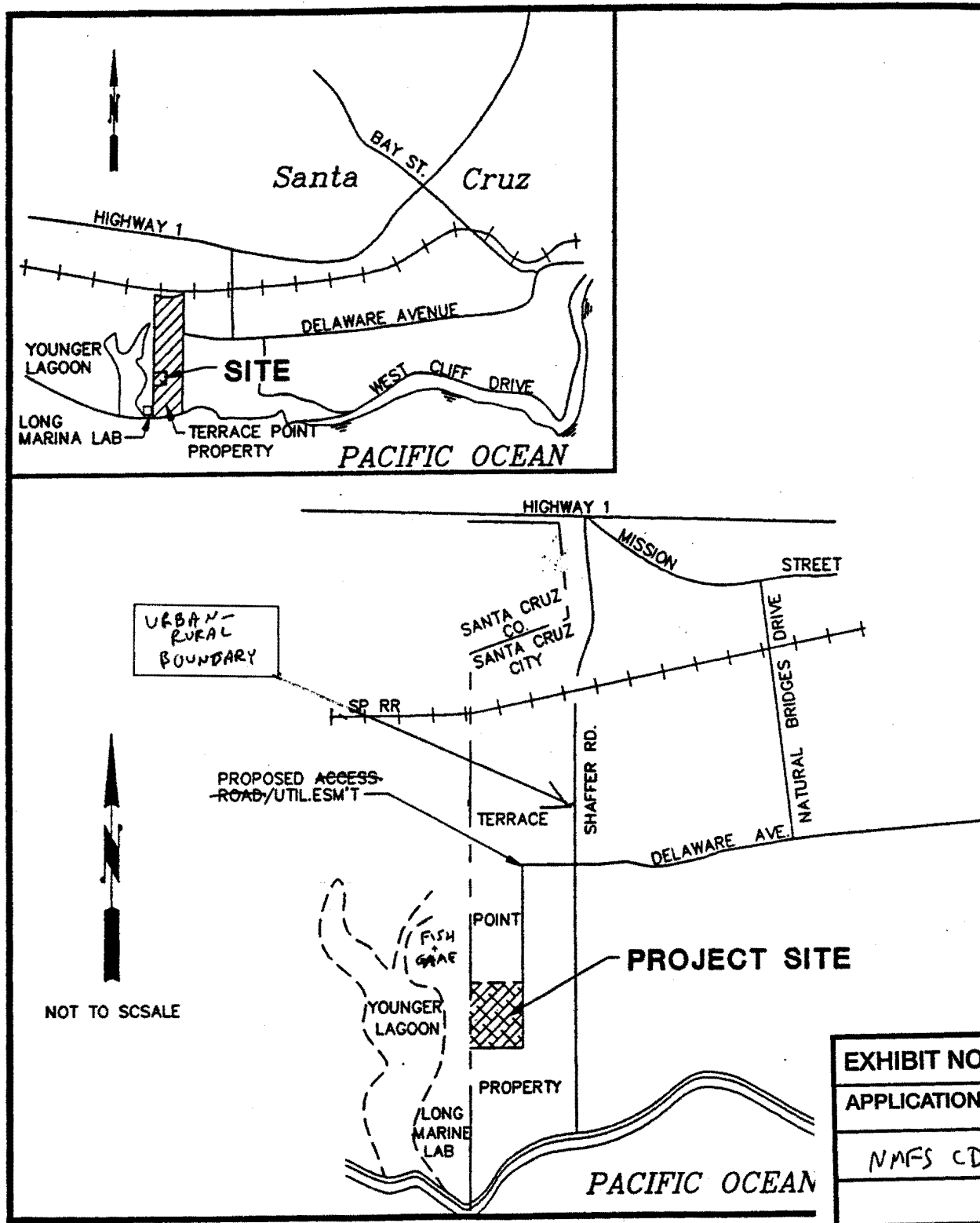
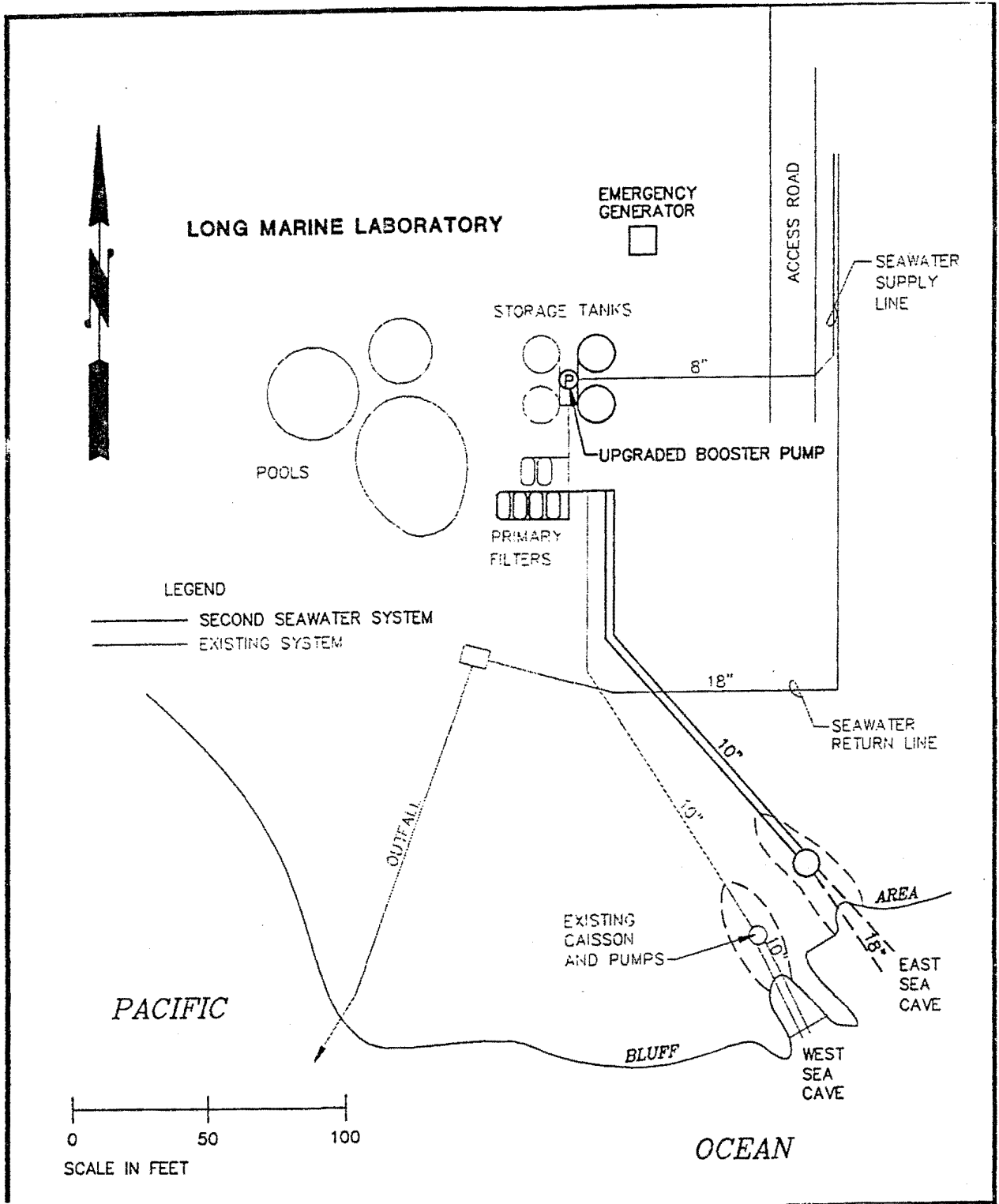
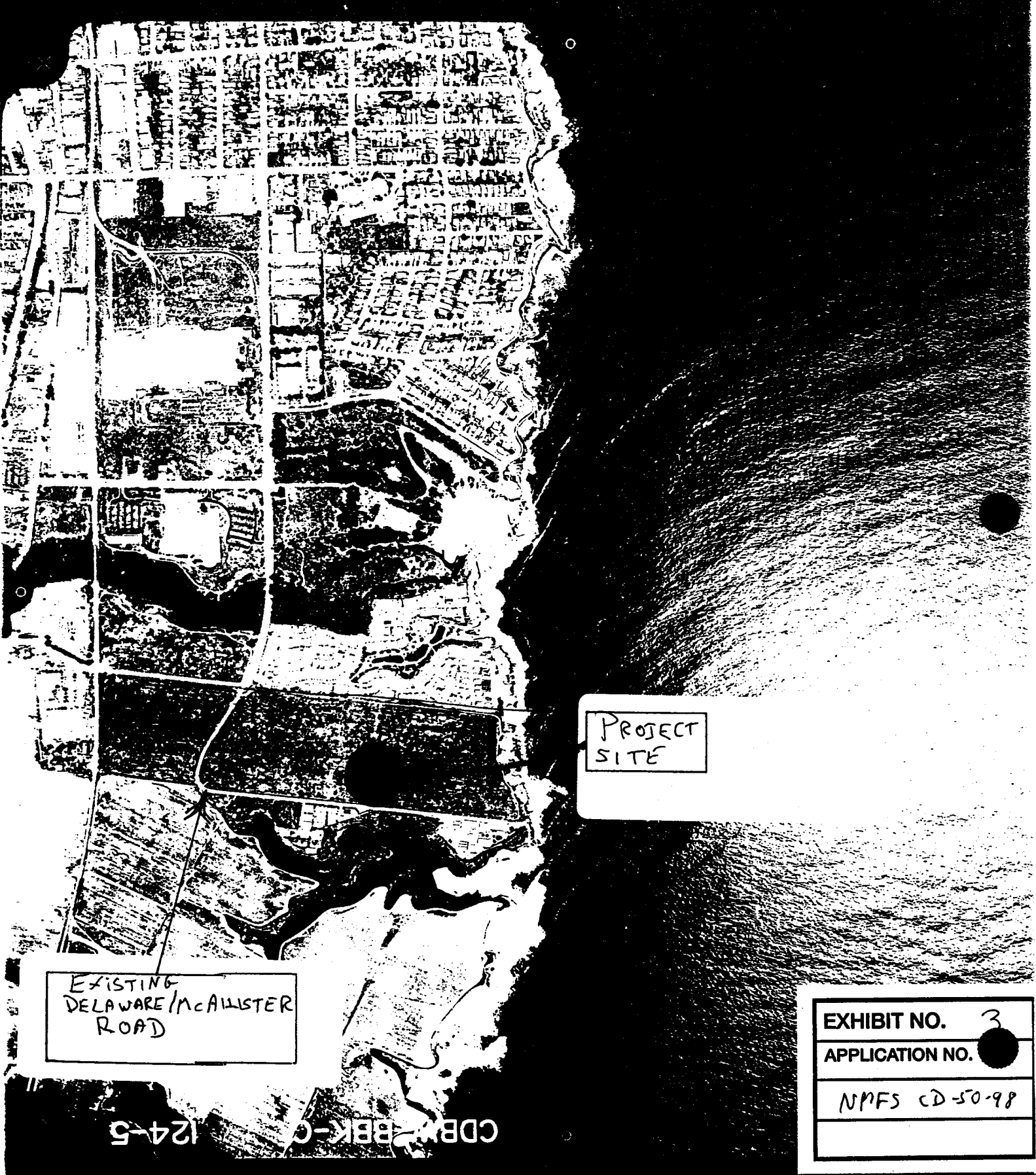


EXHIBIT NO. 2
APPLICATION NO.
NMFS CD-50-

Figure 3 Seawater System





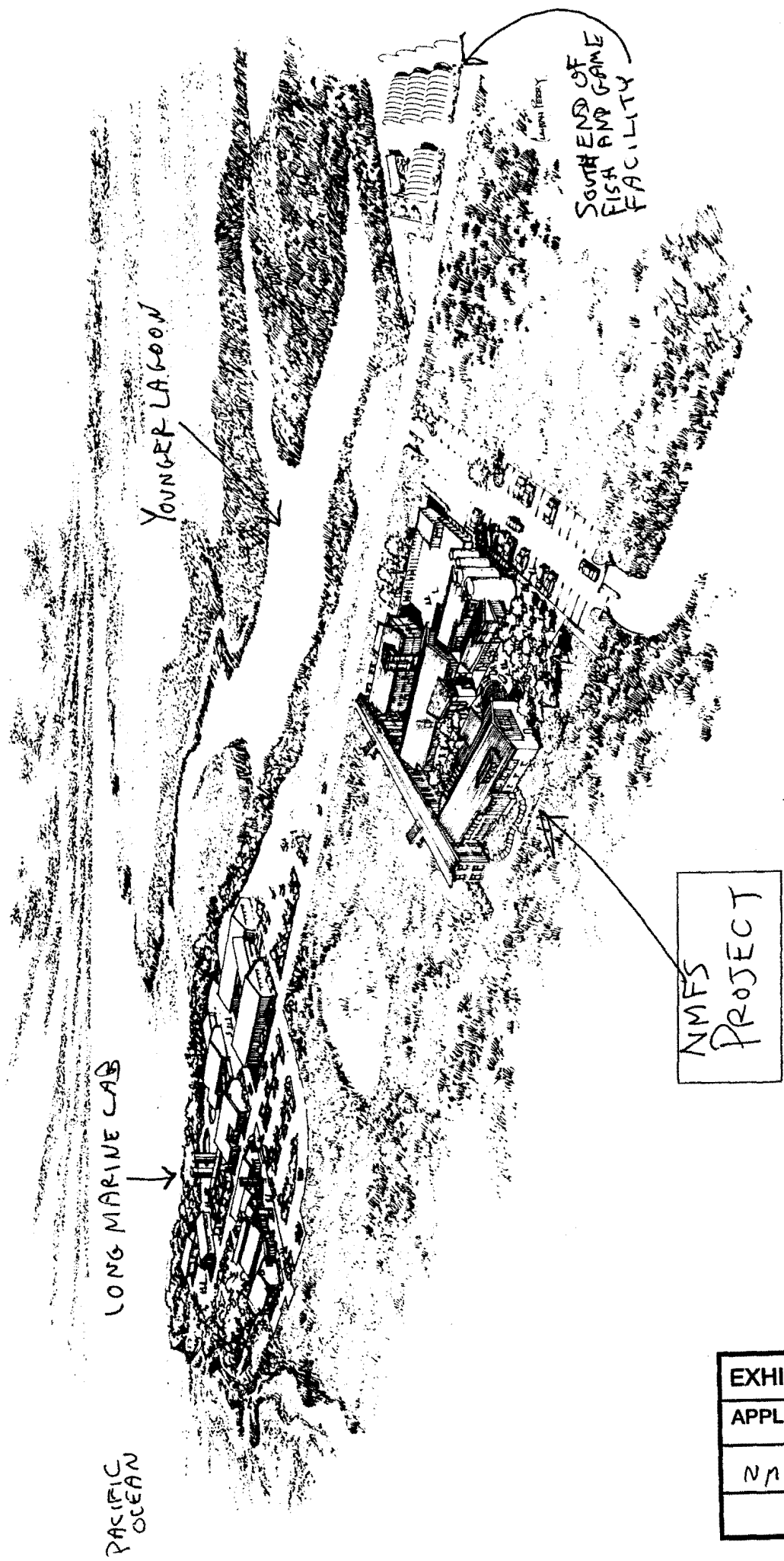
PROJECT  
SITE

EXISTING  
DELAWARE/McALISTER  
ROAD

EXHIBIT NO. 3  
APPLICATION NO.  
NPFS CD-50-98

CDBM-BBK-C 124-5





LONG MARINE CAB

YOUNGER LAGOON

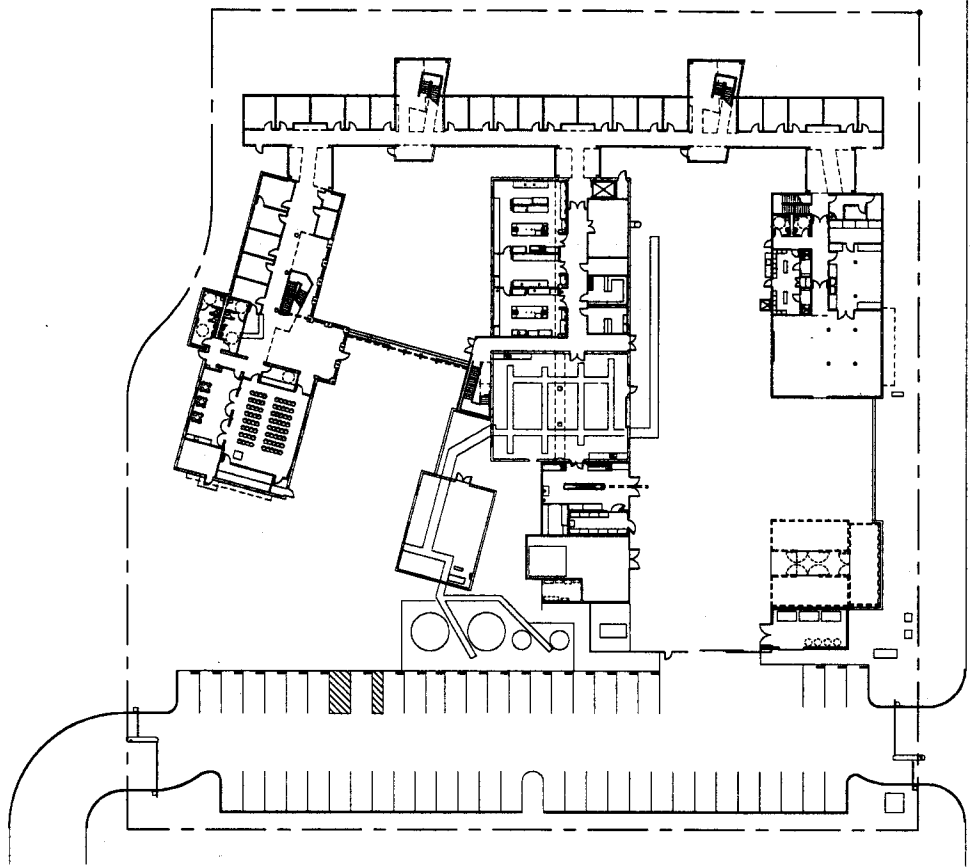
PACIFIC OCEAN

SOUTHWEST OF FISH AND GAME FACILITY

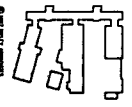
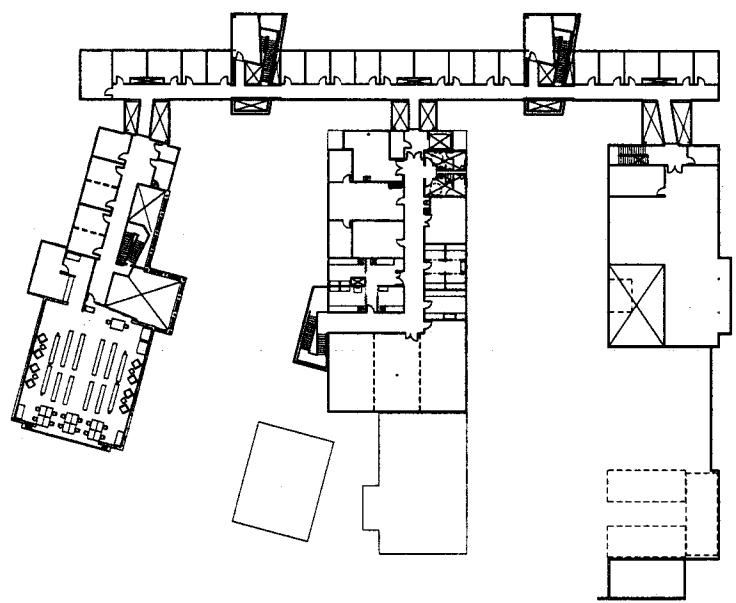
NMFS PROJECT

EXHIBIT NO.	4
APPLICATION NO.	
NMFS CD-50-48	

1 SITE PLAN AND 1ST LEVEL FLOOR PLAN



2 SECOND LEVEL FLOOR PLAN



SITE PLAN,  
1ST LEVEL,  
AND  
2ND LEVEL  
FLOOR PLANS

DATE: 21 Jun 1988

NOAA / NMFS  
MARINE BIOLOGY  
RESEARCH LABORATORY  
Santa Cruz, California

EXHIBIT NO.	5
APPLICATION NO.	
	NMFS CD-50-98

AD.2

**RIPLEY**

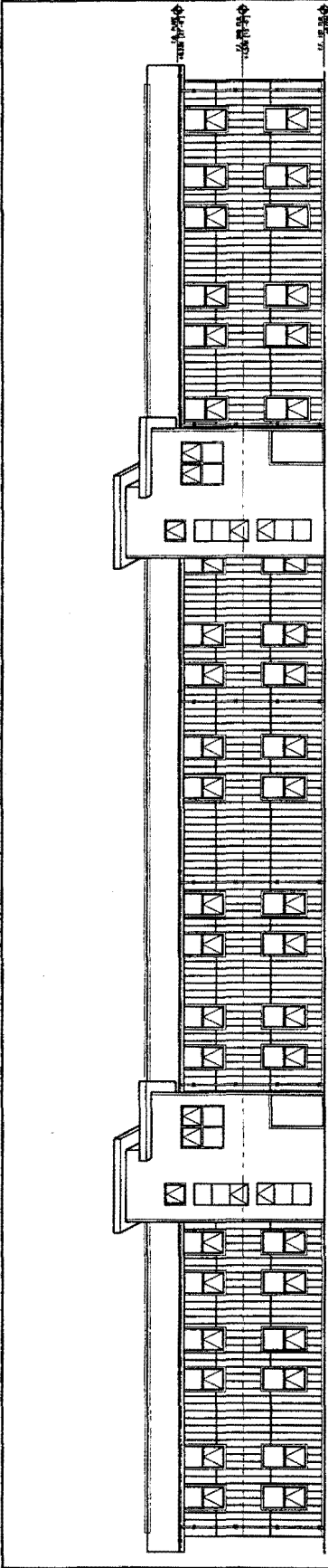
ARCHITECTS  
 1000 AVENUE OF THE STARS  
 SUITE 1000  
 WASHINGTON, DC 20004  
 TEL: (202) 462-1000  
 FAX: (202) 462-1001  
 WWW: WWW.RIPLEYARCHITECTS.COM

NOAA / NMFS  
 MARINE BIOLOGY  
 RESEARCH LABORATORY  
 Santa Cruz, California

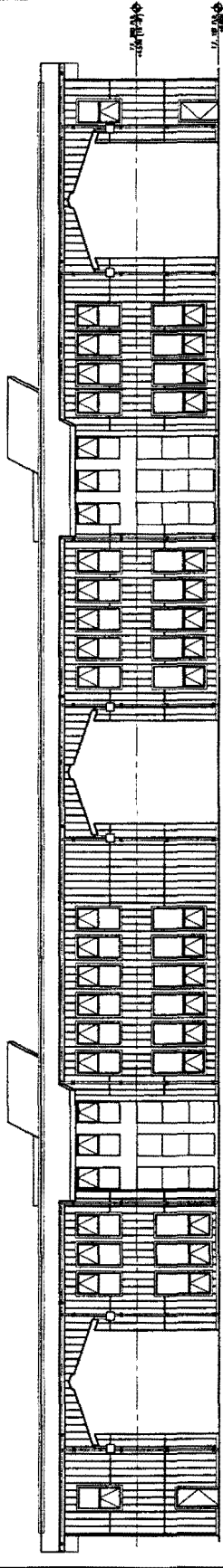
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 PROJECT:

WEST FACE  
**EXTERIOR ELEVATIONS  
 OFFICE WING**

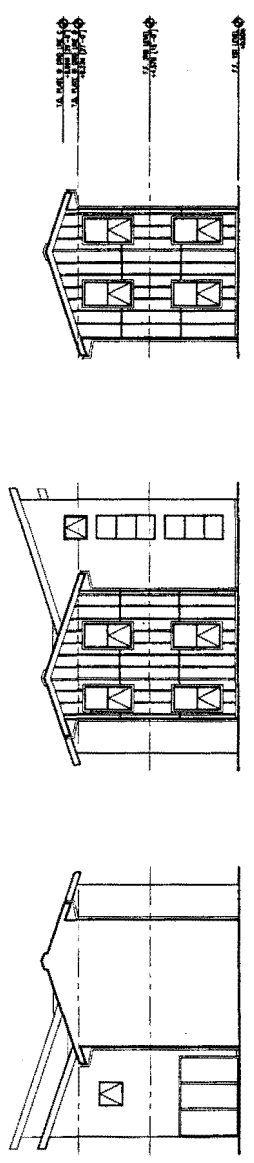
DATE: 27 APR 1998  
 PROJECT: NOAA / NMFS MARINE BIOLOGY RESEARCH LABORATORY  
 SHEET NO. 97.13.0  
**A3.6**



1 SOUTH ELEVATION OF OFFICE WING  
 1/4" = 1'-0"



2 NORTH ELEVATION OF OFFICE WING  
 1/4" = 1'-0"



3 EAST ELEVATION STAIR 1-2 OF OFFICE WING  
 1/4" = 1'-0"  
 4 WEST ELEVATION OF OFFICE WING  
 1/4" = 1'-0"  
 5 EAST ELEVATION OF OFFICE WING  
 1/4" = 1'-0"

EXHIBIT NO.	6
APPLICATION NO.	
NMFS CD-50-98	

NOAA/NMFS  
 RESEARCH LABORATORY  
 Santa Cruz, California

NOAA/NMFS  
 RESEARCH LABORATORY  
 Santa Cruz, California

DATE: 21 APR 1988  
 DRAWING

EXTERIOR  
 ELEVATIONS  
 WAREHOUSE  
 WING



SCALE: 1/8" = 1'-0"  
 DRAWN BY: [illegible]  
 CHECKED BY: [illegible]  
 DATE: 21 APR 1988

A3.7

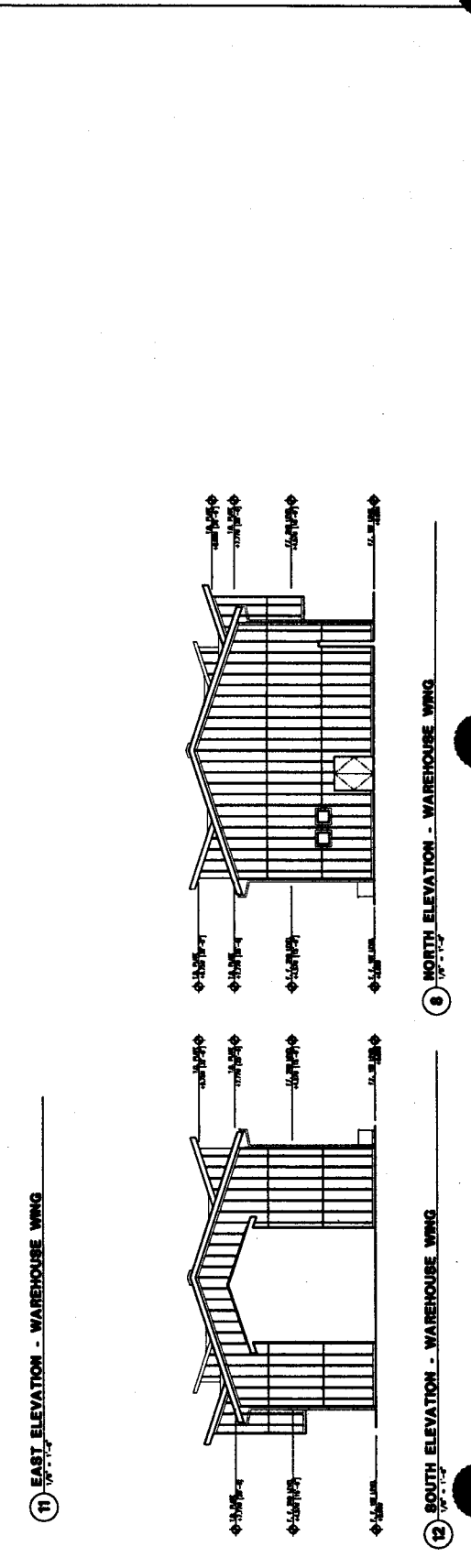
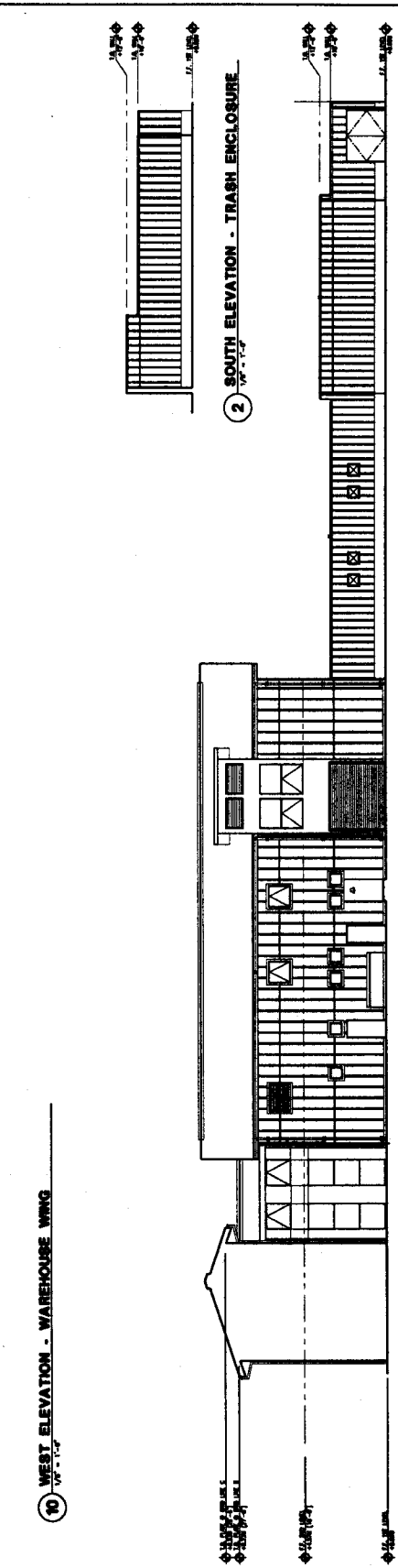
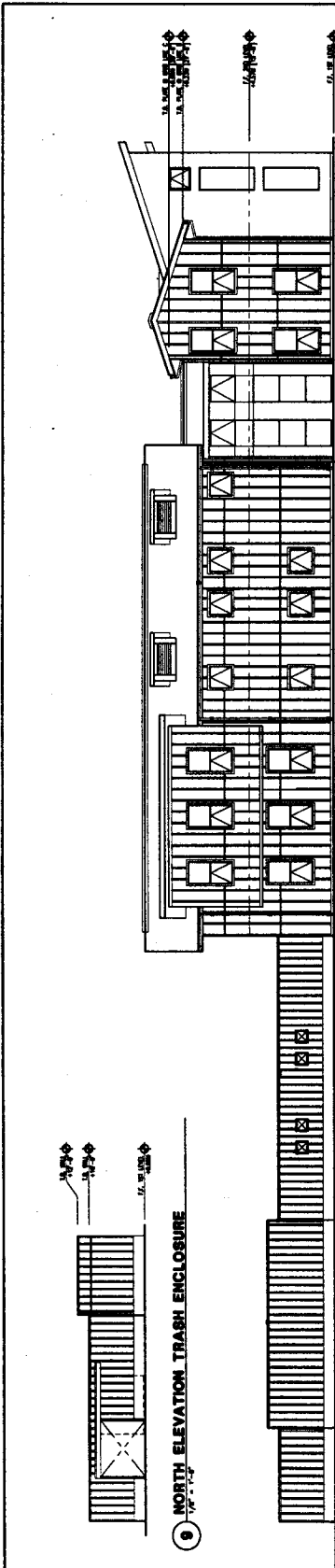
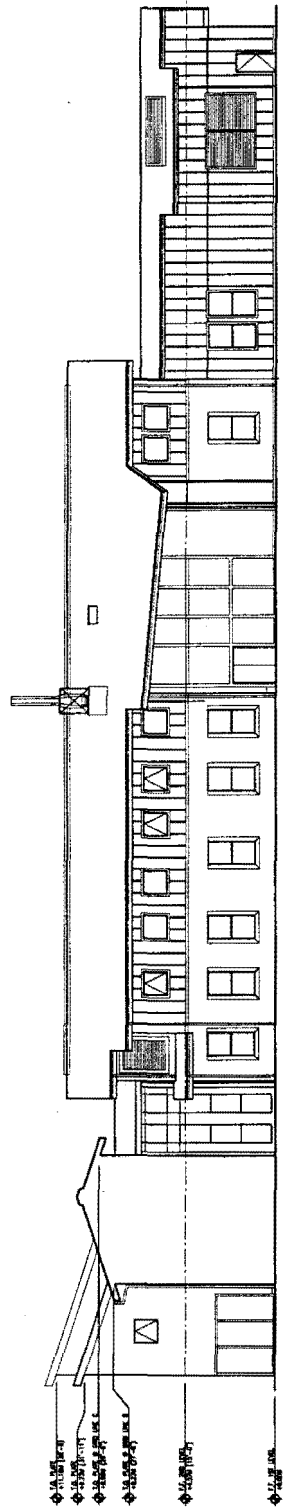
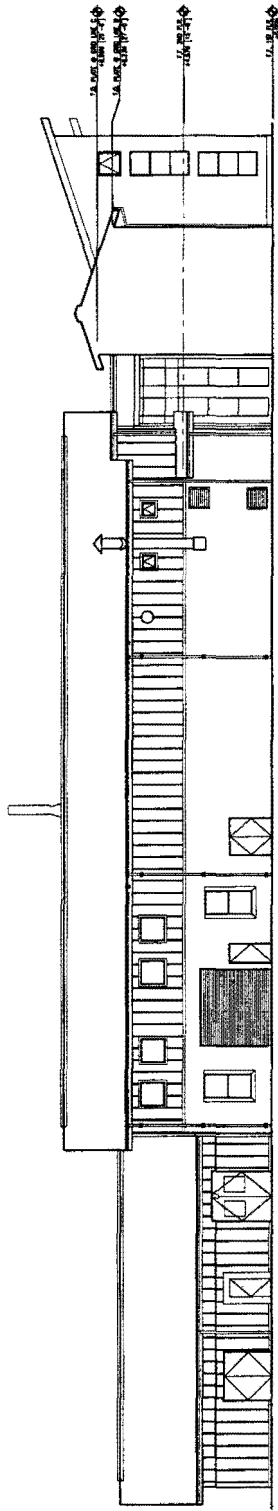


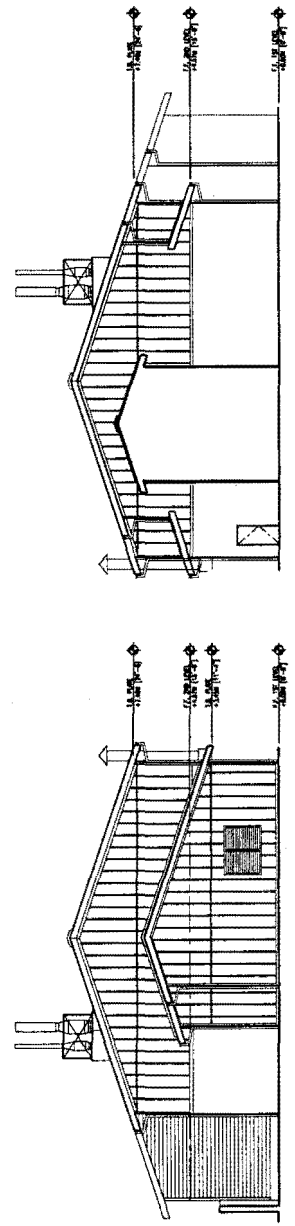
EXHIBIT 6, P. 2



1 EAST ELEVATION - LABORATORY WING



2 WEST ELEVATION - LABORATORY WING



3 NORTH ELEVATION - LABORATORY WING

4 SOUTH ELEVATION - LABORATORY WING

NOAA / NMFS  
 RESEARCH LABORATORY  
 Santa Cruz, California

NOAA / NMFS  
 RESEARCH LABORATORY  
 Santa Cruz, California

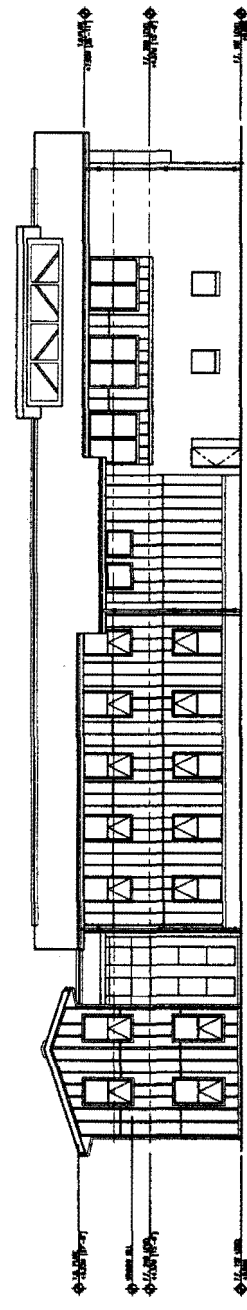
DATE: 21 JAN 1989  
 DRAWING

EXTERIOR ELEVATIONS ADMINISTRATION WING

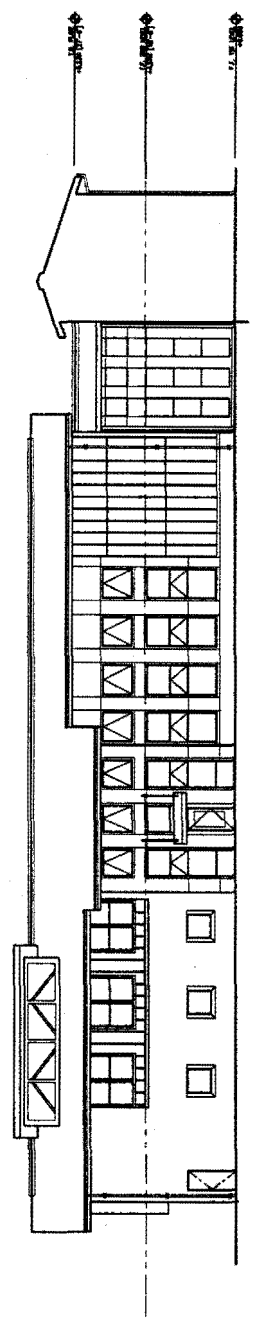
NOAA / NMFS  
 RESEARCH LABORATORY  
 Santa Cruz, California

DATE: 21 JAN 1989  
 DRAWING

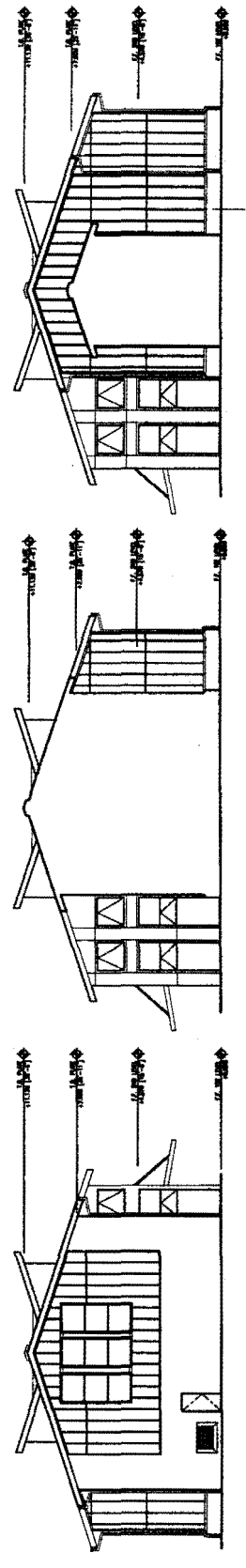
A3.9



① EAST ELEVATION - ADMINISTRATION WING



② WEST ELEVATION - ADMINISTRATION WING

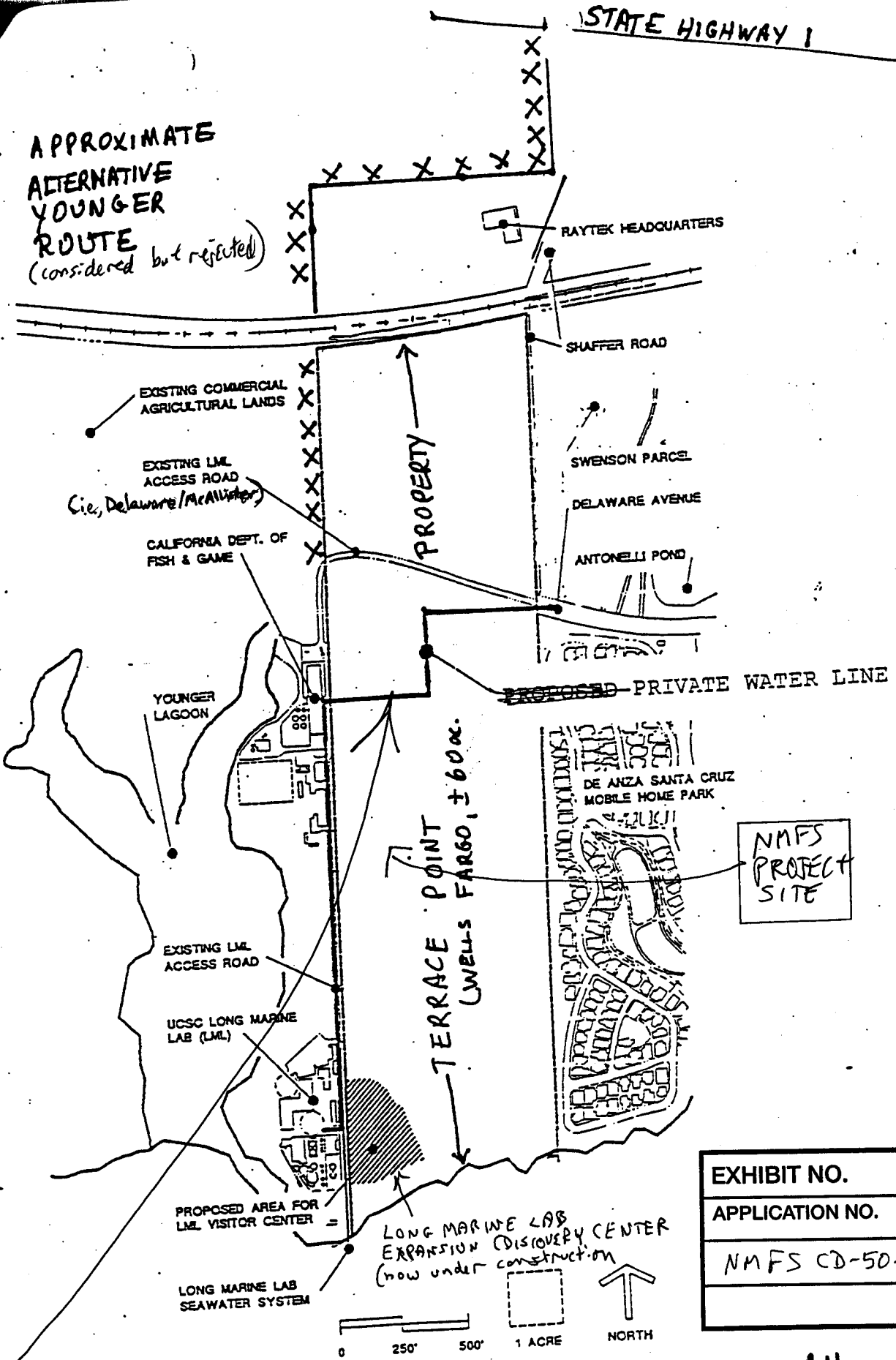


③ NORTH ELEVATION of ADMINISTRATION WING  
 ④ SOUTH ELEVATION of ADMINISTRATION I WING  
 ⑤ SOUTH ELEVATION of ADMINISTRATION WING

SCALE  
 0 1 2 3 4 5 6 7 8 9 10 11 12

STATE HIGHWAY 1

XX = APPROXIMATE  
ALTERNATIVE  
YOUNGER  
ROUTE  
(considered but rejected)



WATER LINE TO  
LONG MARINE LAB

VICINITY MAP SOURCE:

3-83-76-A11

CALIFORNIA COASTAL COMMISSION

EXHIBIT #

EXHIBIT NO.	7
APPLICATION NO.	
	NMFS CD-50-98

# ALTERNATIVES ANALYSIS

DRAFT February 25, 1998

## **4.3 Consolidate Tiburon Laboratory Functions Into Other Existing NMFS West Coast Laboratories**

This alternative considered the potential for consolidating the existing Tiburon Laboratory functions into three existing NMFS laboratories. NMFS operates research laboratories in Seattle, Washington; Newport, Oregon; and La Jolla, California. This alternative considers the potential for relocating the personnel and programs from Tiburon Laboratory to other existing NMFS laboratories. A potential benefit of this consolidation alternative could be to achieve some administrative and operational efficiencies and associated cost savings. However, as discussed in the following sections, NOAA considers that there would be no significant programmatic, economic, or environmental advantages to consolidating Tiburon Laboratory with any of the existing NMFS west coast facilities. The inability of any of them to meet Tiburon's programmatic requirements makes them unsuitable for further consideration.

### **4.3.1 Seattle**

The NMFS Northwest Regional Office and the Alaska Fisheries Science Center are located at the NOAA Western Regional Center (WRC) in the City of Seattle. Because the existing buildings at WRC are fully utilized, relocation of Tiburon Laboratory to Seattle would require construction of a new building. A building site is available at WRC. While opportunities would exist for collaboration with NMFS scientists presently stationed at WRC, this alternative has two major drawbacks. First, seawater is not available at WRC. Second, WRC is not convenient to the fisheries or potential study sites (many of which are off the north and central California coast).

### **4.3.2 Newport**

NMFS operates a laboratory on the campus of Oregon State University's (OSU) Hatfield Marine Science Center. The laboratory is used by NOAA and OSU researchers, and presently is fully utilized. New construction would be required to relocate Tiburon Laboratory to Newport, OR. A building site and seawater are available. The Newport location is not convenient to north and central California coast study sites, and its remote location makes logistics difficult.

### **4.3.3 La Jolla**

The NMFS Southwest Fisheries Science Center is located at the University of California - San Diego. This facility is fully utilized, and due to the layout of present buildings and availability of land, the potential for expansion is limited, in part due to limited opportunities for needed parking to support an increase in the number of employees at the site. As with Seattle and Newport, this location is not convenient to study sites along the north and central California Coast.

## **4.4 Use of Alternative Developed Sites**

### **4.4.1 Fort Ord**

EXHIBIT NO.
APPLICATION NO.
NMFS CD-50-98



Two sites were considered at Fort Ord, which was closed in 1992 and is undergoing transformation from a military base to civilian use. Fort Ord is located along Monterey Bay, northeast of Monterey, California. While located in the general vicinity of other research institutions in the Monterey Bay Area, neither site considered at Fort Ord would be collocated with any colleague institution, thus limiting opportunities for interaction and cooperative activities with other research and resource management organizations. The Fort Ord locations would provide, however, good opportunities for maintaining existing research staff and recruiting personnel. Affordable housing for employees is available within reasonable proximity to the site.

Stillwell Recreation Center, a former officer's club, was considered, but dismissed as a relocation site for the Tiburon Laboratory. This property was not considered a viable alternative because of difficulties in providing seawater for laboratory research activities, and because of concerns for ongoing coastal erosion. The Stillwell site is located on a coastal dune about 75 feet above the surf zone of Monterey Bay. Considerable rip rap has been placed at the base of the steep dune for erosion protection. Erosion of surrounding unprotected dunes suggests that coastal erosion is an ongoing process in the vicinity of the Stillwell site, and that continued efforts would be required over the long term to prevent substantial damage to the building.

The provision of seawater would require an intake structure extended over 500 feet through the shallow surf zone to deeper water that would be unaffected by sediment and wave action. The seawater would also have to be pumped 75-100 feet above sea level in order to supply a laboratory built in an extensively remodeled Stillwell Recreation Center.

The old sewage treatment plant located between Highway 1 and coastal dunes at Fort Ord was also considered, but dismissed because of difficulties in providing seawater, as at the Stillwell site. In addition, the existing facilities (small buildings and sewage treatment tanks) do not lend themselves to support the types of research activities that would be conducted by the Tiburon staff.

#### 4.4.2 Long Marine Laboratory, Santa Cruz

The recent Long Marine Laboratory (LML) Master Plan and Final Environmental Impact Report (EIR) evaluated expansion of facilities on the LML property, which is located adjacent to the west side of the Terrace Point property in Santa Cruz. A building site was evaluated on the LML property for a new U.S. Geological Survey (USGS) Branch of Pacific Marine Geology (BPMG) facility. The LML building site is located west and north of the proposed site, along a bluff overlooking Younger Lagoon. Sufficient space would be available to construct the required NOAA buildings, parking, and staging areas. Its location at the LML would be equivalent to the Terrace Point site in relation to the ability to conduct cooperative research with other research and resource management institutions, and in terms of maintenance of the existing research staff. Compared to the Terrace Point site, however, the site on LML property would be closer to Younger Lagoon, with a greater potential for long-term indirect effects on wildlife values of the lagoon due to night lighting, lighting of buildings and cars, increased human activity, and noise

from facility operations and vehicles. Generally, these could be mitigated as discussed in the Final EIR for the LML expansion (UCSC, 1993). Construction activities would involve greater short-term effects on wildlife using Younger Lagoon than construction on the Terrace Point site. Construction near the bluff would be somewhat more complex than at Terrace Point. Due to the nearby steep slopes, erosion control would be required, along with more grading to ensure proper drainage of storm water. Use of the LML property would require developing a long-term lease with the University of California. On the Terrace Point site, however, NOAA would be able to obtain ownership of the property, thereby providing a greater long-term security of operations for the laboratory. Use of the LML property would also displace two commercial activities currently at the site -- a marine bioassay operation and an aquaculture operation.

#### 4.5 Delayed Action

Under the delayed action alternative, research activities at the Tiburon Laboratory would continue as at present. Inefficiencies in conducting research requiring seawater would continue with researchers having to travel about 75 miles between the Tiburon Laboratory, where their offices are located, and the Bodega Bay Marine Laboratory, where seawater is available. Difficulties associated with the existing cost of living in the Tiburon area for staff would continue and increase as the cost of living increases in the Tiburon area. Costs of maintaining existing facilities would continue and could increase depending on the length of the delay.

#### 4.6 No Action

Under the No Action alternative, the Tiburon Laboratory research activities would remain indefinitely at Tiburon in the existing facilities. The considerations discussed under the Delayed Action alternative would be continued over the long term. Opportunities for cooperative research with other research and resource management institutions would be compromised. Maintaining the existing research staff would be increasingly difficult over the longer term due to the problems associated with cost of living in the Tiburon area and the lack of a good seawater source at Tiburon. Problems with the existing facilities and the lack of a seawater system would limit the research activities that could be accomplished at the Tiburon Laboratory.

### 5. EXISTING ENVIRONMENT

This section provides a brief description of the setting of the proposed NMFS Santa Cruz Laboratory at Terrace Point. Additional descriptions relevant to each environmental category are provided in Section 6.

The site for the proposed NMFS Santa Cruz Laboratory at Terrace Point is situated on the central California coast, along the northwestern side of Monterey Bay. The 2.5 acre site is located within and near the western edge of the city of Santa Cruz. The proposed site lies within the coastal zone. Immediately to the west of the site is Long Marine Laboratory (LML), a marine research center operated by the University of California at Santa Cruz, and the Younger Lagoon Reserve,

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

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April 21, 1998

RECEIVED

APR 23 1998

CALIFORNIA  
COASTAL COMMISSION

California Coastal Commissioners  
c/o Mark Delaplaine, Coastal Planner  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

*RE: National Marine Fisheries Laboratory--Santa Cruz*

Dear Commissioners:

I write to express my enthusiastic support for the development of the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) laboratory in Santa Cruz, at their site adjacent to the University of California's Long Marine Laboratory. We at the University of California, Santa Cruz have worked hard over the past six years to attract this important laboratory to Santa Cruz. We have been working cooperatively with them to plan efficient and effective ways to share an expansion of our existing seawater system, and to share the development of off-site infrastructure needed for the fisheries laboratory as well as the existing Long Marine Laboratory. I urge your support of the project and infrastructure as currently planned.

The NMFS Santa Cruz Laboratory will be a strong asset to this community on the Monterey Bay National Marine Sanctuary, a community which expresses the value of understanding and protecting our marine environment and its resources. The Laboratory will be a wonderful compliment to the ocean science community, established and growing, on the UC Santa Cruz campus and all around the Monterey Bay Crescent.

The NMFS Santa Cruz Laboratory represents a high priority use in the Coastal Zone, and further, represents a growth of "green" industry in our community.

EXHIBIT NO.	9
APPLICATION NO.	
	NMFS CD-50-98

In these times of hard-fought budget battles on Capital Hill, I urge you to swiftly move this project through the process to secure its success in the interest of our community. The project is budgeted in the current federal fiscal year, but if this fiscal year passes by without a project approval and project start, it will again be subject to the whims of Congressional budgeteering. Please, seize this opportunity for our coastal communities.

Sincerely,



M.R.C. Greenwood  
Chancellor

EXHIBIT 9, p. 2

# Tu 16d

## Submission for CD-50-98 Consistency Determination Hearing NMFS

### Two Letters from the Younger Ranch

The Younger Ranch borders the Property on which road and sewer rights of way are being proposed in support of the NMFS site development.

1. The first letter objects to the NMFS proposal for the right of way.
2. The second letter objects to the Coastal Commission Staff Proposal for the right of way.

There are three attachments:

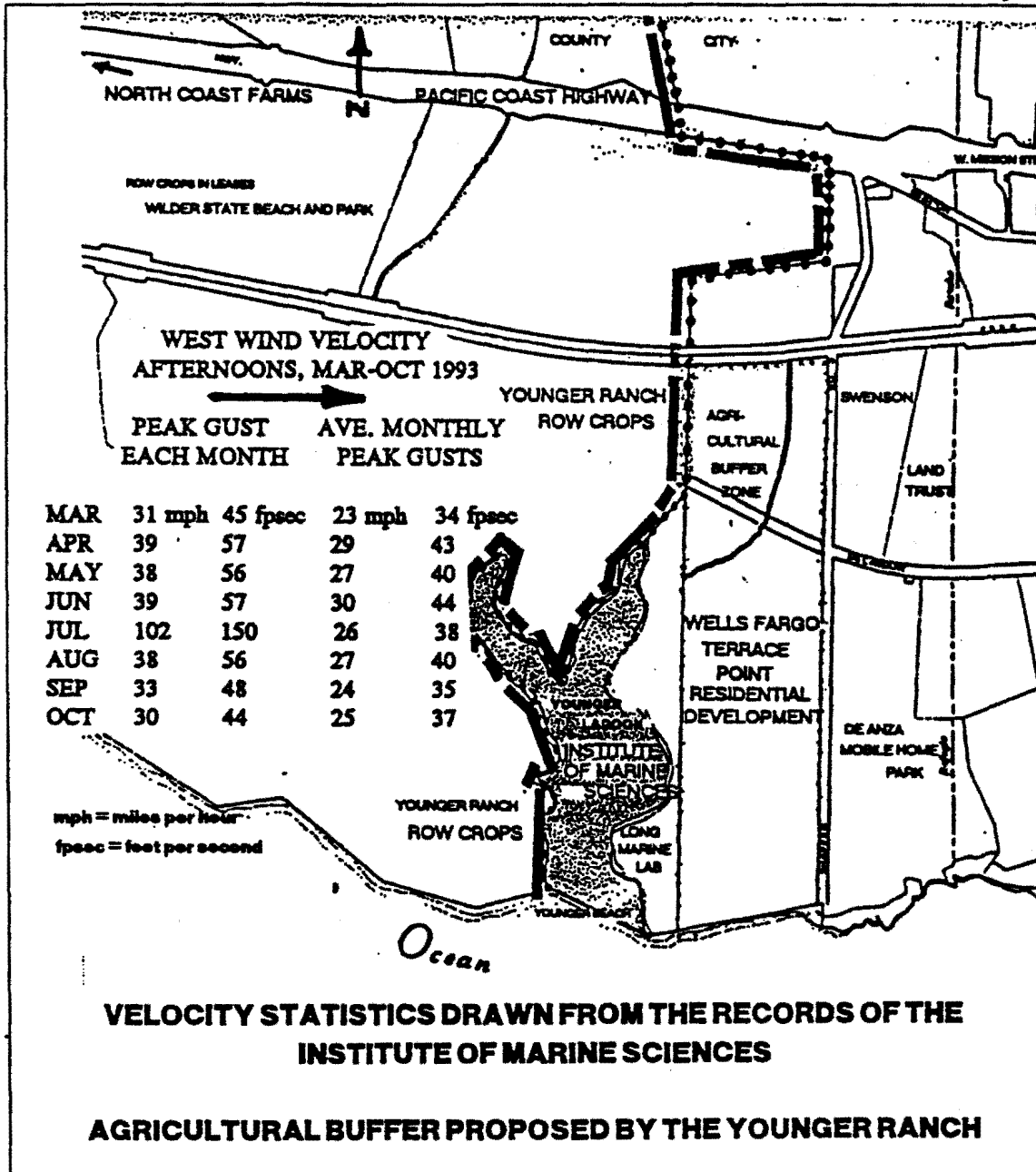
1. Attachment: titled, Westerly Wind Velocities Across Terrace Point 1993, from the Records of the Institute of Marine Sciences.
2. Attachment A, titled, Agricultural Buffer Overlay on Wells Fargo Site Plan
3. Attachment B: titled, A Better Urban Edge Development Solution For the Coastal Marine Center, with the Younger Ranch proposal for rights of way.

Mrs. Helen Younger Goode and Mr. Robert V. Goode of the Younger Ranch plan to be at the hearing to discuss their objections.

The Goodes request individual Commissioners to question applicant and its supporters and the staff about the comparative merits of the alternate rights of way which it proposes in Attachment B.

The Goodes assert they are willing to work with NMFS and Wells Fargo on solutions to NMFS concerns about going ahead, after the meeting if the Commission turns down the NMFS request and does not adopt the Staff Compromise.

# WESTERLY WIND VELOCITIES ACROSS TERRACE POINT 1993



23 April 1998

The California Coastal Commission  
45 Fremont Street, 20<sup>th</sup> Floor  
San Francisco, CA 94105

Re: The NMFS demanded rights of way to NMFS site in Consistency Determination CD-50-98

Dear Coastal Commissioners,

This is the first in a two letter package.

In 1975, Our family gave the University 40 oceanside acres from our Brussels sprouts ranch to UCSC for marine research because we believe the research being done on the ocean is important and necessary.

We have owned the Younger Ranch, formerly called the Terrace Point Ranch, for over 100 years. We have kept the land in open agricultural space for 100 years. We cannot preserve this space any longer without your help.

The demanded placement of NMF main access road and sewer connection utilities denies Younger Ranch a 500 foot agricultural buffer, free of people. The agricultural buffer is essential to preserve the historical agricultural uses of the property. The request by the Federal Government pre-empts and interferes with our rightful participation in the Santa Cruz planning process. Four and a half years of participation to date has cost us thousands of dollars in legal fees and many hundreds of hours of our concerned time, trying to preserve the livelihood of our farmers from inappropriate urban intrusion.

If you will look at Attachment A, you will see that the Wells Fargo Specific Plan for Terrace Point proposes a retail commercial services area on the proposed rights of way, *inside the agricultural buffer*. This commercial center is *the primary unique beneficiary* of the sewer and the road segment which are the demanded rights of way to the NMFS site proposed to the Consistency Determination CD-50-98.

The road segment is not only within the buffer, but *it is positioned as the primary intersection of roadways in the Wells Fargo specific plan*.

Your approval of applicant's CD-50-98 rights of way, will void our past efforts; and we judge there will soon be a high volume of humans in the buffer every day. Before long, our tenant farmers will be driven off the land by the consequent regulatory harassment and litigation bred from unwarranted fear of agricultural activities. Such fearful effects are

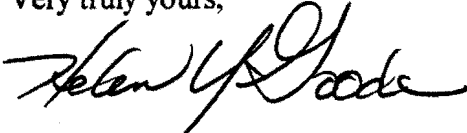
now well documented around the state, more particularly in Lompoc, Ventura, and Watsonville.

\* \* \* \* \*

The proposed rights of way are inconsistent with the applicable local and state land use regulations and statutes. We cannot accept the roadway and sewer intrusion into the essential buffer zone and continue to ranch. Please protect the planning process and the Younger Ranch. Do not permit this roadway and sewer intrusion into an agricultural buffer unless you wish to end our farming.

Finally, the requested Consistency Determination is a project under CEQA and, therefore, requires an Environmental Review and Environmental Impact Report because there will be significant adverse environmental impacts.

Very truly yours,

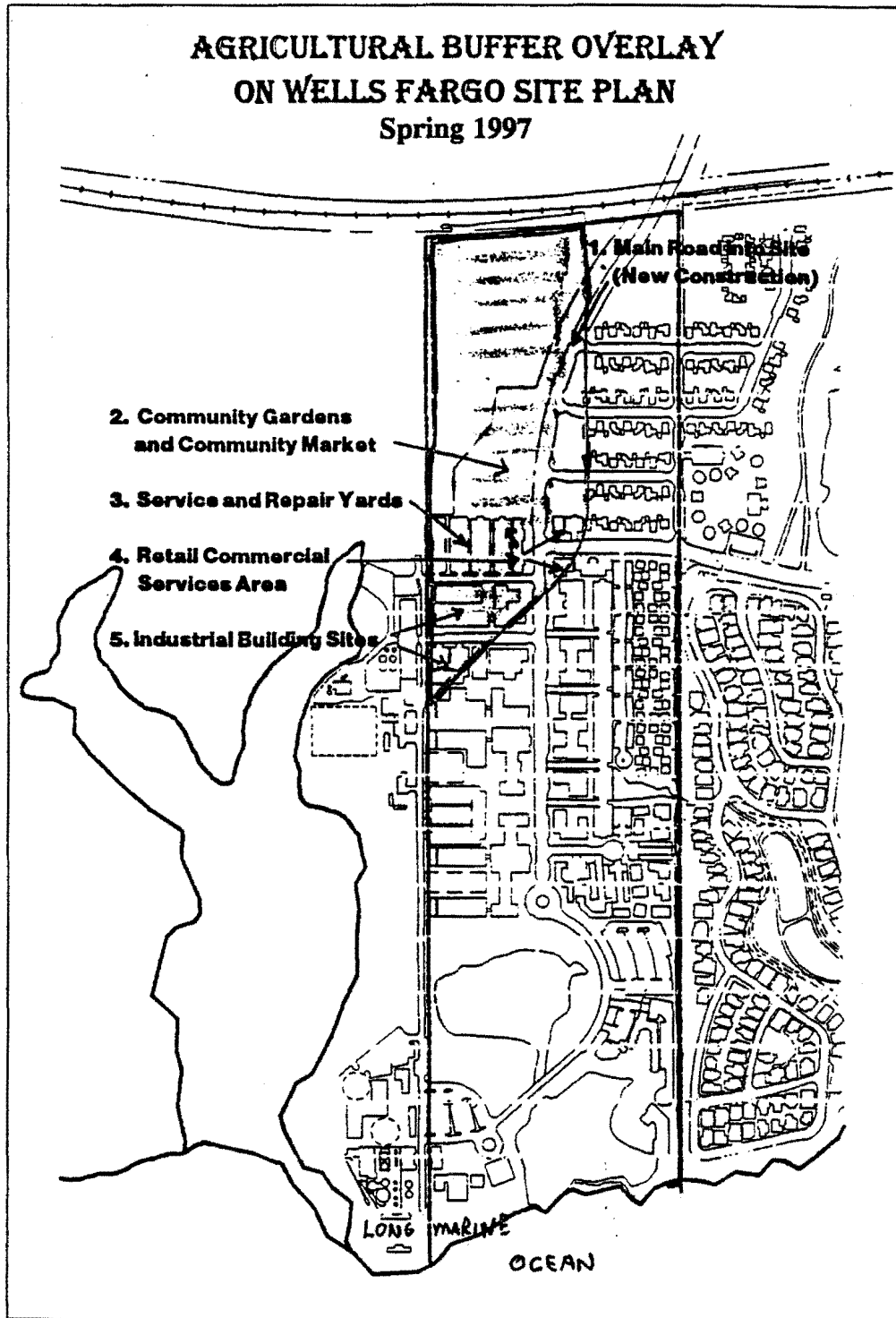


Helen Younger Goode  
The Younger Ranch  
Santa Cruz

cc: Mr. Peter M. Douglas, Executive Director  
Ms. Tami Grove, Deputy Director, Central Coast District  
Mr. Mark Delaplane, Federal Consistency Co-ordinator, San Francisco



**AGRICULTURAL BUFFER OVERLAY  
ON WELLS FARGO SITE PLAN  
Spring 1997**



23 April 1998

The California Coastal Commission  
45 Fremont Street, 20<sup>th</sup> Floor  
San Francisco, CA 94105

Re: The Coastal Commission Executive Staff's Objectionable "Compromise" Solution for  
Consistency Determination CD-50-98

Dear Coastal Commissioners,

This letter is part of a two letter package. It accompanies our letter on the NMFS/Wells Fargo proposal.

#### **BACKGROUND**

On October 5<sup>th</sup>, 1994 and March 6<sup>th</sup> 1995, the representatives of Wells Fargo Bank were courteous enough to meet with the Younger Ranch and work out our objections to their 1993 Specific Plan. The Wells Fargo team was forced to withdraw that plan after public hearings. It was seeking to make adjustments for their current 1996 plan which would satisfy as many objections as possible.

As a result of that meeting we were able to get concessions on some of our requests, but not on others. The conclusion of these meetings left us knowing our positions and respecting them. Importantly, it left the Bank with a public relations platform under which they would regularly tell the public and media that a 500 foot agricultural buffer had been granted.

Each party appreciated that we would get decisions on these differences in the prescribed local planning process. We are a small private farm threatened by the development. They are one of the world's largest banks, supported by the largest University (and now by the Federal Government). It would be a difficult task for us, but we hoped for a level playing field in Santa Cruz.

#### **BETRAYED BY THE COMMISSION CENTRAL OFFICE**

**The staff alternative proposal, negotiated in the isolation of the S.F. Headquarters, gives back concessions won by Younger Ranch.** Unlike the Wells Fargo team, the Commission staff again reached conclusions without the courtesy of discussion with Younger Ranch representatives. Furthermore, Younger Ranch was not informed of this negotiation by the Commission staff, but only discovered it through other contacts. **The staff proposal is *more objectionable* than the NMFS proposal.**

Each proposal sells out neighboring agriculture on the Younger Ranch. Each one makes valueless thousands of dollars of legal fees and personal hours spent by a small private business with limited resources opposing monster institutions with full time paid staffs.

The goals of the Commission for protection of neighboring agriculture, which can be expressed in lay terms, are not significant elements of the staff proposal. Staff justification for its compromise

relies almost totally on the arcana of professional planners. Arguing with such is hardly in the reach of non-expert lay persons. For example, the pre-existing routing of the LML city water system is an element of the argument; and pre-existing rights of way are given heavy priority.

We assert that such arcana in this proposal defeats the primacy of agriculture, which the State Legislature determined is an important natural resource of this State including the Younger Ranch in the Santa Cruz environs. For example, Section 1 of Statutes 1993, Chapter 812 (s.b.850) provides, in part, as follows:

"The legislature hereby finds and declares all of the following:

- a) Agriculture is the State's leading industry and is important to the State's economy.
- b) The continued productivity of agricultural lands in California is important in maintaining a healthy agricultural economy.
- c) The conversion of agricultural lands to non-agricultural uses threatens the long-term health of the State's agricultural industry."

Because the agricultural buffer was so insignificant a factor in the arcana the staff chose for its decision, it subtly abandoned the Coastal Commission's mission of protecting agriculture as an important public mission. But more than that, the Staff proposal goes backward from the buffer concessions to which the Younger Ranch and Wells Fargo agreed. Regardless of the bafflegab of arcana; regardless of protestations about temporariness of a sewer line, the staff compromise is a disheartening abandonment of the State legislature's policy for preservation of agriculture.

We have spent 54 months in efforts to persuade City officials of the merits of our case. Now we have three minutes to present a complex twenty minute argument to the Coastal Commissioners. We have three minutes to oppose two fully developed and "negotiated" versions of "solution" which have the weight of the applicant and the Coastal Commission staff and Wells Fargo Bank and UCSC. Our small private business has no friends except you individual Coastal Commissioners if you will respond to our plea.

Once Coastal Commissioners approve either proposal, the Coastal Commission terminates any further presentations by the Younger Ranch of arguments for the 500 foot agricultural buffer, which is endorsed for Terrace Point by the American Farmland Trust, the Santa Cruz County Farm Bureau, the Community Alliance for Family farmers and every other farming organization. A third attachment shows the high velocity winds from the farm to Terrace Point. The 500 foot people-free buffer is a minimum requirement.

#### **A BETTER OPTION TO SUPPORT AT THE HEARING**

Both the Santa Cruz Coastal Commission staff and the City have from us a better proposal for the temporary road and sewer. (It is being evaluated in the City EIR process.) The Santa Cruz City Public Works Department engineer informally has indicated it would be no more expensive than either proposal. It would be technically as doable if Wells Fargo grants a few feet of added right of way to cut off the right angle in its offer. Sewer and water lines are not related and do not need to follow the same path. A road on top of the sewer is always desirable so that access to repair and

service the sewer line is always easy. (This is the reason a sewer line across the buffer heavily predisposes a road in the same place.)

The Commissioners are asked at the hearing to obtain evaluation of the road and sewer routing shown in attached Appendix B, titled "A Better Urban Edge Development Solution for the Coastal Marine Center". The temporary road and sewer rights of way we suggest run around the South of the agricultural buffer.

Implementing this option only involves a short temporary 45 degree cut off of the NMFS proposed right angle in order to clear the right of way out of the 500 foot buffer. ANY TEMPORARY ROAD AND SEWER RIGHTS OF WAY SHOULD FOLLOW THIS PATH, to be moved later if necessary.

- It answers Younger Ranch objections to the NMFS preferred proposal in the other letter.
- It is superior in terms of minimum disruption to any future planning for use of the property.
- It follows a path that is almost the same as that proposed by Wells Fargo.
- It will be vastly more easy to move it around if things change in final planning
- It is more consistent with the City's objections to a retail and commercial center and primary road intersection in the current Wells Fargo proposals

## **REQUEST**

1. We ask Commissioners to disapprove Both NMFS and Staff proposals.

There are other avenues to solve the problems for NMFS without destroying the Younger Ranch. Capable executives in these affected institutions will come up with other solutions. We invite them to meet with us after the meeting if the Commission turns the proposals down. We would like to have NFMS stay in Santa Cruz. However, Wells Fargo will have to do something more than they have done. Please motivate them.

2. Commissioners should appraise the possibilities of the Appendix B proposal by four or five questions to the applicant from the floor.

- Do you think the Staff compromise proposal is more expensive than your proposal?
- Did staff ask you to consider an option like Appendix B, outside the agricultural buffer?
- What are reasons to doubt the City Engineering Department view that Appendix B should be no more expensive than your preferred option? Especially since it is 95 per cent identical.
- Confirm for us your reasons to believe Wells Fargo will not adjust their proposed right of way by 5 per cent to preserve the multi-million dollar sale of the property to you?

## CONCLUSION

We are saddened to find that City planning staffs and Santa Cruz Coastal Commission staffs have their job yanked away from them, without a murmur in their defense. We think you should return it to them.

Your approval of either applicant or staff proposal for CD-50-98 rights of way, will void our past efforts; and we judge there will soon be a high volume of humans in the buffer every day. Before long, our tenant farmers will be driven off the land by the consequent regulatory harassment and litigation bred from unwarranted fear of agricultural activities. Such fearful effects are now well documented around the state, more particularly in Lompoc, Ventura, and Watsonville. (The California Conservancy Study in Ventura also showed an average 5 per cent fall in profitability of farms from urban intrusion.)

\* \* \* \* \*

The proposed rights of way are inconsistent with the applicable local and state land use regulations and statutes. We cannot accept the roadway and sewer intrusion into the essential buffer zone and continue to ranch past this year. (Even as I write we are beginning our Brussels sprouts planting for the year.) Please protect the planning process and the Younger Ranch. Do not permit this roadway and sewer intrusion into an agricultural buffer unless you wish to end our farming.

Finally, the requested Consistency Determination is a project under CEQA and, therefore, requires an Environmental Review and Environmental Impact Report because there will be significant adverse environmental impacts.

Very truly yours,



Helen Younger Goode and Robert V. Goode  
The Younger Ranch  
Santa Cruz

cc: Mr. Peter M. Douglas, Executive Director  
Ms. Tami Grove, Deputy Director, Central Coast District  
Mr. Mark Delaplaine, Federal Consistency Co-ordinator, San Francisco

**A BETTER URBAN EDGE DEVELOPMENT SOLUTION  
FOR THE COASTAL MARINE CENTER**

**WITHIN THE  
1992 SANTA CRUZ CITY GENERAL PLAN CONCEPT**

