

**CALIFORNIA COASTAL COMMISSION**

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**W19a**



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**PERMIT AMENDMENT**

**Application number** .....3-83-076-A12, UCSC-CDFG Oiled Seabird Facility Expansion

**Applicant**.....University of California at Santa Cruz (UCSC)  
Agent: Steve Davenport, Long Marine Laboratory

**Project location**.....Adjacent to the California Department of Fish & Game's Marine Wildlife Veterinary Care and Research Center along McAllister Way in the Terrace Point area of the City of Santa Cruz adjacent to Younger Lagoon (at the western Santa Cruz City limits) in the middle portion of Santa Cruz County (APN 003-321-03).

**Project description**.....Expand the California Department of Fish & Game's Marine Wildlife Veterinary Care and Research Center (the State's primary oil spill response center for wildlife) to provide additional seabird care facilities (aviaries, holding facilities, recovery chambers, lab space and research offices).

**Approvals Received** .....University of California, September 7, 1999 (Negative Declaration & Project)

**File documents**.....Coastal Development Permit (CDP) files P-1859 and 3-83-76 and subsequent amendments (for UCSC Long Marine Laboratory), including 3-83-076-A5 for the CDFG facility); CDP file 3-97-050 and subsequent amendments (for the Marine Discovery Center); Consistency Determination CD-50-98 (for the National Marine Fisheries Service Research Laboratory); Oiled Seabird Facility Negative Declaration (September 1999); Long Marine Laboratory Master Plan FEIR (1993); City of Santa Cruz certified Local Coastal Program.

**Staff recommendation ...Approval with Conditions**

**Summary:** The Applicant proposes to expand the capacity of the California Department of Fish and Game (CDFG) Marine Wildlife Veterinary Care and Research Center (MWVCRC), which is the State's primary oil spill center. To provide capacity for a larger oil spill event, the facility would add 4 aviary enclosures with above ground pools, 1 bird holding enclosure, a modular office building, and an 8 space parking lot. The structures would range in height from 12 to 17 feet with approximately 5,700 square feet for bird facilities and 2,300 square feet of office research space.

The project is a low intensity development of modest scale that would increase the capacity of a coastal-dependent use of high priority under the Coastal Act. Potential issues with the project have been



**California Coastal Commission**  
**November 3, 1999 Meeting in Santa Monica**

Staff: D. Carl Approved by: C.F.Z. 10/14/99  
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addressed by project design and/or condition:

Wetlands. Though adjacent to the Younger Lagoon Reserve wetland system, the facilities would be set back approximately 150 feet from the extent of wetland vegetation and about 100 feet from the Reserve boundary. The planted willow riparian vegetation between the existing CDFG facility and the Lagoon would be extended south as part of the project to provide habitat enhancement and additional buffering capabilities. Site runoff from non-paved areas would be settled and then directed through vegetated filter swales to improve Lagoon hydrologic function.

Agriculture. The proposed facilities would be set back approximately 200 to 400 feet from agricultural lands to the north. The site is separated from these agricultural lands by the existing CDFG facility as well as Younger Lagoon. Although prevailing winds sweep west to east (from Younger Ranch farming operations towards the subject site), existing CDFG uses have coexisted with agricultural operations for years with the same buffer. There is little reason to believe that new conflicts will occur between the coastal-dependent CDFG use and continued farming as a result of the proposed project.

Public Access. Public access was closed off to Younger lagoon and beach in 1981. The Commission will soon be reviewing the appropriateness of this continuing closure when the Applicant submits an overall management plan for the beach and lagoon system for Commission review and approval (a condition of the Commission's August 1999 approval of the Center for Ocean Health project at the Long Marine Laboratory (LML) site). Accordingly, this approval is conditioned for providing public access to and along the Lagoon adjacent to the CDFG facility in the event that such access is deemed necessary by the Commission in this upcoming review.

Visual Resources and Scale. The proposed structures are low-slung, ranging from 12 to 17 feet in height and have been designed to harmonize with the existing CDFG facility (wood, board and batten construction). Off-site views of the site would not be appreciably altered as the existing CDFG facility mostly screens the area where the oiled seabird expansion takes place.

Public Services. The previously approved projects (LML/Marine Discovery Center/CDFG facility) and the proposed amendment represent a type of land use that, in the event of limited public works capacities, is a high priority for service. The additional oiled seabird facilities would connect to the existing CDFG site utilities and would result in a modest increase in water usage and wastewater generation for the site. The City of Santa Cruz has determined that there is adequate water supply and adequate wastewater treatment capacity to satisfy any additional incremental demands that may be generated by the proposed development.

Traffic and Parking. During non-spill periods, the 8 space parking lot is sufficient for the 8 researchers and student workers who would occupy the facilities, and there would be no net increase in traffic on or off site as the users are currently housed at the main LML campus to the south (and would be moving to the proposed facilities). During spill events, additional parking would be provided off-site and the Applicant's existing shuttle service (which currently runs hourly from the main UCSC campus to the site) would be used. The infrequent additional trips and parking generated during oil spill events (for



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approximately 24 site users) would not significantly impact on or off-site circulation systems. In any event, the proposed oiled seabird facilities represent a coastal-dependent development that gives it priority over other types of development when public facilities (such as road capacity) are limited.

LCP/LRDP. Although the Commission has certified the majority of the City of Santa Cruz Local Coastal Program (LCP), the adjacent Terrace Point site remains in the Westside Lands Area of Deferred Certification. Furthermore, the Commission has not certified a Long Range Development Plan (LRDP) for any of the University's holdings at Terrace Point. Accordingly, the standard of review for this proposal is the Coastal Act. In any case, the City and University are currently involved in ongoing concurrent (and overlapping) LCP and LRDP planning processes respectively. The proposed expanded facilities for oiled seabird care are an integral component of the MWVCRC facility and, in order to function, are dependent upon seawater and proximity to ocean oil spill events. The facilities proposed are modest, on a small portion (0.71 acres) of the overall University holding, and would use existing MWVCRC infrastructure. Overall, the proposed project is an appropriately sited adjunct to the existing oil spill response facility. As such, this project would not prejudice Commission action on future coastal planning decisions regarding development of the LML/Terrace Point lands, and would not prejudice future LCP or LRDP coastal planning efforts.

At the Terrace Point site, the Long Marine Laboratory campus and the related California Department of Fish and Game and National Marine Fisheries Service facilities have become, by location and co-use of seawater facilities, an enclave of coastal-dependent marine research facilities separated from the residential and industrial uses of the urbanized areas of Santa Cruz to the east. Appropriate sites for these specialized, public serving coastal-dependent uses are rare, and the Terrace Point site provides an important opportunity to pursue other integrated coastal-dependent research facilities. The proposed project enhances these facilities. Ultimately, the oil spill cleanup and marine research undertaken at this location will help the Commission, and other local, state, and federal (as well as non-governmental) resource management agencies and organizations to better understand and protect marine and other coastal resources.

As conditioned, the proposed project is consistent with the policies of the California Coastal Act and staff is recommending approval.



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## **1. Staff Recommendation on Coastal Development Permit**

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. Staff recommends a **YES** vote on the motion below. A yes vote results in approval of the project as modified by the conditions below. The motion passes only by affirmative vote of a majority of the Commissioners present.

*Motion: I move that the Commission approve Coastal Development Permit Amendment Number 3-83-076-A12 subject to the conditions below and that the Commission adopt the following resolution:*

*Approval with Conditions. The Commission hereby grants a permit for the proposed development, as modified by the conditions below, on the grounds that the modified development is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976 (Coastal Act), will not prejudice local coastal planning, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and recreation policies of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).*

## **2. Conditions of Approval**

### **A. 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.



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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.

**B. Special Conditions**

1. **Previous Conditions.** Unless specifically altered by this amendment, all previous conditions of approval attached to the previously approved Long Marine Laboratory permits (Coastal Development Permits P-1859, 3-83-076, and 3-97-050) and subsequent amendments (Coastal Development Permit Amendments 3-83-076-A1 through 3-83-076-A11, 3-83-076-A13, 3-83-076-A14, 3-97-050-A1) remain in effect.
2. **CEQA Mitigation Measures.** Unless specifically altered by this amendment, all mitigation measures cited in the Final Negative Declaration dated August 27, 1999 and approved by the University on September 7, 1999 shall be implemented.
3. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit final plans to the Executive Director for review and approval. The final plans shall include:
  - a.) Site plans and elevations which clearly identify all development on the subject site and all materials to be used.
  - b.) Willow planting plans which clearly identify the location of all willows that will be planted between the approved development and Younger Lagoon. At a minimum, the willow planting area shall extend across the entire western length of the subject 0.71 acre site and shall functionally connect to the existing planted willows directly northwest of the subject site adjacent to the existing California Department of Fish and Game facility. All willow planting plans shall be submitted with evidence of review and approval by the Younger Lagoon Reserve Coordinator. PRIOR TO OCCUPANCY OF THE APPROVED PROJECT, all willows shall be planted consistent with the approved willow planting plans.
  - c.) Landscape and irrigation plans which clearly identify the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features for the entire site.



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The plant materials shall be drought and salt-water resistant, non-invasive species native to the Santa Cruz coastal terrace and/or Younger Lagoon area. PRIOR TO OCCUPANCY OF THE APPROVED PROJECT, all site landscaping shall be installed consistent with the approved landscape and irrigation plan.

Prior to site disturbance, a pre-construction site inspection by Coastal Commission staff is required. Please notify the Coastal Commission's Central Coast District Office at least two (2) working days in advance to schedule the pre-construction site inspection. The permittee shall delineate the limits of grading, identify all construction staging areas, and install all erosion and sediment control measures prior to the pre-construction site inspection.

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

- 4. Public Access.** By acceptance of this permit, the Permittee acknowledges and agrees that the Commission's review of the *Younger Lagoon Beach/Wetland Area Management and Access Plan* required by Special Condition 8 of Coastal Development Permit Amendment 3-83-076-A13 may result in public access to Younger Lagoon and the associated beach environs. The Permittee further acknowledges and agrees that any approved project fencing at the subject site shall be realigned and/or removed, and any public access paths and/or signs at the subject site shall be installed, should the Commission determine that approval of the *Younger Lagoon Beach/Wetland Area Management and Access Plan* requires such actions.

### 3. Recommended Findings and Declarations

The Commission finds and declares as follows:

#### A. General Project Location & Background

The project site is located on a coastal terrace located just within the western boundary of the City of Santa Cruz in Santa Cruz County. The Applicant (the University of California) has for years owned and managed approximately 43 acres of this area located on the extreme western boundary of the City. Of this 43 acres, approximately 28 acres make up the Younger Lagoon Reserve (a wetland system which is part of the University's Natural Reserve System) and the 15 remaining acres contain: the Long Marine Laboratory (LML) campus and related facilities (approximately 7 acres), the CDFG MWVCRC (approximately 2 acres), the nearly finished Marine Discovery Center (approximately 3 acres), and approximately 3 acres of undeveloped land (portions previously used for experimental farming). The property was annexed to the City in the early 1980's.



More recently, the Applicant has acquired the majority of property lying between the 15 acre Long Marine Laboratory holding and the De Anza Mobile Home Estates located to the east (not counting 2.5 acres of NMFS lands). This approximate 55 acre parcel, known locally as the Terrace Point property, had been the subject of recent planning efforts by ATC Realty Sixteen, Inc., a wholly-owned subsidiary of Wells Fargo Bank, for many years. Terrace Point, an area primarily made up of fallow agricultural fields now home to mostly vacant coastal meadows and wetland areas, separates LML and the CDFG facility from City services and has historically delineated the urban/rural boundary on the City of Santa Cruz's west side. When the Local Coastal Program for the City of Santa Cruz was certified in 1981, this key undeveloped oceanfront site was not certified, but was designated as part of the Westside Lands Area of Deferred Certification (ADC) because the City declined to accept Commission modifications limiting development. The main undeveloped Terrace Point property remains within the ADC today.

The Terrace Point site has been the center of ongoing development planning and public controversy for many years. Terrace Point development proposals have raised issues regarding the appropriate type and intensity of development, and the loss of open space lands and agricultural potential. Likewise, there have been public concerns that, in addition to direct impacts from proposed development, LML development may affect the pattern and intensity of development on the Terrace Point property and prejudice the Coastal Commission's future decisions there.

In the general LML/Terrace Point vicinity, 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. The Raytek industrial facility is located directly north of the Terrace Point property across the railroad tracks. South of the Terrace Point site lies Monterey Bay and the Pacific Ocean. To the east are the De Anza Mobile Estates (residential) and Natural Bridges State Park.

See Exhibit A for project location.

## **B. Previously Approved Project & Related Commission Actions**

### **1. General Site Development History**

In 1976 the Commission approved the original Phase I development of the Long Marine Laboratory facility through CDP P-1859. In authorizing construction of LML, the Commission found: that the lab was a coastal-dependent use that required a remote, semi-rural location. The Commission also found that the facility would not adversely affect adjacent agricultural operations and that limits on public access were necessary in order to protect the environmentally sensitive lagoon and beach habitats. CDP P-1859 authorized the construction of multiple lab buildings, educational facilities, tanks, sheds and associated infrastructure including the McAllister Way access road from Delaware Avenue, a saltwater exchange system, underground electric and telephone extensions, and a 10,000 gallon sewage holding tank. Through Commission-approved condition compliance for CDP P-1859, access to Younger Lagoon and the beach environs was generally closed off to the public in 1981 to allow for wetland research and





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study in a controlled setting.

In 1983 the Commission approved Phase II expansion of the Lab through CDP 3-83-076. This expansion effectively doubled the size of the original facility and included a new aquarium and museum, as well as additional research facilities, tanks, service buildings, and parking. Several amendments followed from 1985 through 1987 which allowed for modifications to the dolphin tank (3-83-076-A1), an additional LML building (3-83-076-A2), and an aquaculture operation with buildings, tanks, and associated facilities (3-83-076-A3, A4 and a 1987 immaterial amendment).

The next major expansion on the LML site occurred in 1994 when the Commission approved the CDFG MWVCRC on the blufftop plateau above Younger Lagoon inland from the main assemblage of LML buildings (3-83-076-A5). The CDFG facility provides rescue and rehabilitation services for oiled wildlife and includes two major buildings along with pens, mammal pools, bird holding areas, cage cleaning areas, and parking and storage area (see below for project specifics). This CDFG development was followed in 1995 and 1996 by several projects associated with the same upper terrace (inland) site. These projects include slope restoration along Younger Lagoon (also numbered 3-83-076-A5), partial change from greenhouse aquaculture use to organic plant propagation (3-83-076-A6), partial change from greenhouse aquaculture use to bioassay operation (3-83-076-A7), and the installation of an equipment storage shed for the CDFG facility (3-83-076-A9 & A10). In 1996 the Commission also authorized chain link and mesh fencing along the eastern property boundary of the Lab (3-83-076-A8).

In 1997, the Commission authorized a private water line extension to serve the LML site through amendment 3-83-076-A11. The line was constructed to public water line specifications and connected to the municipal system at Delaware Avenue. The Commission conditioned the water line approval to limit use of the line to permitted development on the LML site. Accordingly, the Commission found that the private water line extension would not prejudice future planning or Coastal Commission decisions for the undeveloped area of deferred certification at Terrace Point.

Later in 1997, the Commission authorized the construction of the Long Marine Lab Marine Discovery Center (CDP 3-97-050) on the coastal bluff immediately to the east to the Long Marine Lab campus. The Marine Discovery Center (currently nearing completion) consists of the Education/Visitor Center and Teaching Laboratory (approximately 19,000 gross square feet) and a public parking lot for 53 cars. While not processed as an amendment to the base permit, the Discovery Center is a component of the overall LML campus. This is clearly evident in the Commission's Discovery Center authorization which included the conversion of the LML 10,000 gallon concrete septic vault to a sewage pump station and the connection of this system to the City's wastewater system at the intersection of Delaware Avenue and Shaffer Road. Use of this sewer line was, and is, limited to existing permitted development at the LML site.

In a related 1998 action, the Commission concurred with the consistency determination of the National Marine Fisheries Service (NMFS) for the development of a fisheries research laboratory on a 2.5 acre parcel of land directly east of LML property and McAllister Way on the Terrace Point parcel (CD-50-



98). The NMFS facility (currently under construction) involves a 53,400 square foot, 2-story, 36 foot high laboratory building, with 53 parking spaces, site landscaping, and utilities, and a seawater intake station on the adjacent LML site. Although clearly interrelated, the NMFS facility is not part of the LML campus.

In 1999, the Commission approved a slight modification to the 1997-authorized sewer line at the July hearing (3-97-050-A1). This modification allows the University to connect the LML sewer system to the system to be constructed by NMFS instead of constructing a second redundant sewer line connection to the municipal system at Delaware Avenue and Shaffer Road. Subsequently at the September hearing, the Commission approved a permit to allow the CDFG MWVCRC to connect to this private sewer system (3-83-076-A14).

The most recent Commission action for above-ground development at the Applicant's property came in August 1999 when the Commission approved the expansion of the main LML campus through authorization of the Center for Ocean Health. The Center for Ocean Health replaces LML's temporary trailers and effectively doubles the amount of marine research space available at the LML campus. The Commission was concerned about the mass and scale of the Ocean Health project as it may relate to future development at Terrace Point, but ultimately approved the project finding that:

*By allowing such a mass, scale, and density of development at the LML campus site, the Commission expects that large undeveloped open space areas which separate developed areas of the property will be observed should other development be contemplated for the overall vacant Terrace Point parcel. ...For example, it is unlikely that additional development should or could take place seaward of Wetland Site 1 as lands not committed to the LML campus and the Discovery Center are constrained by the presence of the wetland and the coastal bluff. Development potential appears to be concentrated to the north and east of the NMFS/CDFG "node" in the swath between wetlands and Shaffer Road....*

The above-described permits and amendments have been extensively conditioned by the Commission. Other than conditions specifically altered by this amendment, all of these previous conditions of approval remain in effect (see Special Condition 1).

## **2. CDFG MWVCRC Facility**

On January 12, 1994 the Commission approved the CDFG MWVCRC on the blufftop plateau above Younger Lagoon (CDP Amendment 3-83-076-A5). The purpose of this CDFG facility is the rescue and rehabilitation of oiled wildlife, with an emphasis on sea otters. MWVCRC serves as the State's primary oil spill center when significant numbers of wildlife are impacted by spill events. Between oil spills, MWVCRC staff conduct research on marine ecosystem health issues including the causes of sea otter and marine bird mortality. Facilities to clean and stabilize oiled seabirds and other marine mammals are provided and the facility includes two mobile triage units for emergency medical care to be administered close to the site of spills. The Center also includes research facilities for CDFG and LML staff. More



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specifically this previously approved development included:

- Two major buildings totaling approximately 15,800 square feet: an administrative and service building with a connecting breezeway to a treatment and rehabilitation building.
- Outdoor facilities of approximately 43,500 square feet including an estimated 35 otter pens, mammal pools, bird holding areas, cage cleaning areas, and parking and storage areas.
- Approximately 4,400 cubic yards of grading and infiltration swales to process site drainage.
- An 8 foot wall inside of a 40 to 50 foot buffer separating the development from the Younger Lagoon Reserve boundary.
- A 20,000 gallon, 25 foot high seawater tank connected to the LML seawater system.
- Three underground holding tanks: one for human waste (5,000 gallons), one for wastewater generated from sea otter cleaning (10,000 gallons), and a 1,000 gallon tank for liquid waste from the veterinary lab.

### **C. Proposed Amendment**

The Applicant, under contract to CDFG, proposes to expand the capacity of the MWVCRC. The expansion would take place immediately adjacent to the existing facility and would consist of 4 aviary enclosures with above ground pools, 1 bird holding enclosure, a modular office building, and an 8 space parking lot. The structures would range in height from 12 to 17 feet with approximately 5,700 square feet for bird facilities and 2,300 square feet of office research space. See Exhibit B for a site plan and elevations of the proposed structures.

The coastal development permit application includes the September 7, 1999 Final Negative Declaration for the project. This Negative Declaration cites a number of mitigation measures that are incorporated into the project design. As such, these mitigation measures so cited are also a part of the project description. In order to explicitly ensure compliance with these mitigation measures, this approval is conditioned for compliance with all such measures cited in the September 7, 1999 Final Negative Declaration (see Special Condition 2).

### **D. Standard of Review**

The proposed development would take place on University of California property within the City of Santa Cruz. As discussed above, the adjacent Terrace Point property (to the east) is in an area of deferred certification. The City annexed the LML property (including Younger Lagoon) into the City after the Terrace Point property was left uncertified. However, like the Terrace Point property, there is no LCP for the LML site. Likewise, the University does not have a certified LRDP for either the LML or Terrace



Point sites. In any case, University development projects are not subject to local government regulatory review. Accordingly, the standard of review for the proposed development, and for all proposed development at Terrace Point/LML, is the Coastal Act.

## **E. Coastal Development Permit Determination**

### **1. Land Use Priorities**

Coastal-dependent and coastal-related development are among the highest priority Coastal Act uses. Section 30001.5 states in part:

*Section 30001.5. The Legislature further 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.*

Coastal Act Sections 30222 and 30222.5 state:

*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.*

Coastal Act Section 30255 also provides:

*Section 30255. 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.*

The Coastal Act defines coastal-dependent and coastal-related as follows:

*Section 30101. "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. "Coastal-related development" means any use that is dependent on a coastal-dependent development or use.*



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Furthermore, the Coastal Act specifically identifies the need for oil spill response facilities such as those proposed. Section 30232 states:

*Section 30232. Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

MWVCRC serves as the State's primary oil spill center when significant numbers of wildlife are impacted from such spill events. Between oil spills, MWVCRC and LML on-site staff conduct research on marine ecosystem health issues including the causes of sea otter and marine bird mortality. In winter 1997-98, MWVCRC handled two pollution events, each affecting over 500 live marine birds. These case loads nearly exceeded MWVCRC's capacity for oiled seabird treatment even though neither spill event was particularly large. Furthermore, in both cases, oiled sea otters or marine mammals weren't involved.

With these spill events came the realization that the State is ill-prepared to provide adequate oiled wildlife care in the event of a major oil spill along the central coast. The Office of Spill Prevention and Response (OSPR) subsequently pursued proposals for additional central coast wildlife care response facilities and ultimately selected the proposal currently before the Commission. The additional facilities proposed would be able to accommodate up to 150 birds of pelican size and a larger number of smaller seabirds in the event of an oil spill. During non-spill periods, the facility would be used for research on optimal cleanup techniques, factors affecting the survival of rehabilitated birds, and bird release and tracking strategies. The primary non-spill occupant would be the Santa Cruz Predatory Bird Research Group currently housed at LML's main campus to the south.

See Exhibit C for letters from the Applicant describing the project in more detail; see Exhibit I for a letter from the State's Oiled Wildlife Care Network Advisory Board.

In order to function at all, the proposed facilities for oiled seabird care are dependent upon seawater, proximity to ocean oil spill events, and a location adjacent to the existing MWVCRC. As such, these facilities are coastal-dependent. In addition, non-spill research utilizing the seawater holding pens and other on-site facilities is both coastal-dependent and coastal-related. Accordingly, the proposed development is a primarily coastal-dependent development housing oil spill cleanup facilities, which has a priority for shoreline siting under the Coastal Act. Such a land use is likewise consistent with the Commission's direction for the overall Terrace Point site as described recently in the findings authorizing the NMFS facilities (CD-50-98):

*The Commission finds that the [NMFS] 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 [CD-50-98], 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.*



Since development of the LML site was first authorized in 1976, the Monterey Bay area has become a national center for marine research activities, and a national sanctuary. No less than 18 major marine science facilities are operating in the Monterey Bay area; the vast majority of these in Monterey, and to a lesser degree in Moss Landing to the south. These marine science facilities have a combined annual budget of \$120 million and more than 1,600 staff. At the Terrace Point site, the LML campus and the related CDFG and NMFS facilities have themselves become, by location and co-use of seawater facilities, an enclave of coastal dependent marine research facilities separated from the residential and industrial uses of the urbanized areas of Santa Cruz to the east. Appropriate siting for these specialized and public serving coastal dependent uses are rare, and the Terrace Point site provides an important opportunity to pursue integrated coastal-dependent research facilities such as the oiled seabird expansion.

Accordingly, the Commission finds that the proposed development is a high priority coastal use that is consistent with the land use priorities of Coastal Act Sections 30001.5, 30222, 30222.5, 30232 and 30255. The facility would provide crucial augmentation to the existing oil spill response capabilities of the MWVCRC and is an appropriate use for this coastal zone location.

## **2. Agricultural Uses and Buffers**

Coastal Act Sections 30241 and 30242 provide:

*Section 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*



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*pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

*Section 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.*

The Terrace Point property, including the subject site and the remainder of the LML holdings, were formerly farmed. The subject 0.71 acre site was converted from row-crop agriculture to greenhouse aquaculture in 1987 (CDP 3-83-076-A4); the site area has not been farmed since 1986 and the site aquaculture use has since been abandoned. The issue of whether fallow Terrace Point soils are prime or suitable for agricultural production is a matter of some debate and is unlikely to be resolved pending completion of the coastal planning process for the area of deferred certification directly east of the subject site.

In any case, the subject 0.71 acre parcel is penned in by the existing CDFG facility to the north, by existing greenhouses to the south, by Younger Lagoon to the west, and by McAllister Way to the east. Notwithstanding the question of prime soils, the viability of agricultural use for the subject site is severely limited by conflicts with these adjacent developments. The subject site has been fragmented by development and its small size and location make it infeasible for the crops that are grown near the ocean on the north coast of Santa Cruz County (e.g., brussel sprouts and artichokes). Accordingly, the subject development does not raise Coastal Act issues with regards to direct conversion of agricultural lands. The agricultural issues raised by the proposed amendment relate to the appropriate buffer between development on the urban fringe of the City and the existing agricultural lands to the west and north of the site on the far side of Younger Lagoon (i.e., Younger Ranch).

Adequate buffers are necessary to ensure that continued agricultural cultivation is not threatened by the proximity of non-agricultural uses should standard agricultural practices (such as chemical spraying and fertilizing) or ongoing agricultural by-products (such as dust and noise from machine operations – cultivating, spraying, harvesting, et al) be seen as incompatible and/or a threat to the non-agricultural uses. Appropriate buffers are particularly relevant for the Terrace Point area because of the high prevailing westerly winds which typically sweep across this relatively treeless area bringing noise, dust, and odors from adjacent farming operations to this site.

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. At that time, LML was identified as an intentionally isolated resource dependent facility. The LML campus (now 23 years old) and the related CDFG and NMFS facilities have since become, by location and co-use of seawater facilities, an enclave of coastal dependent marine research facilities separated from the residential and industrial uses of the urbanized areas of Santa Cruz to the east. Appropriate siting for these specialized



and public-serving coastal-dependent uses are rare, and the Terrace Point site provides an important opportunity to pursue other integrated coastal-dependent research facilities.

Agricultural operations exist to the west of the subject site immediately west of the City of Santa Cruz city limit line. These row crop agricultural operations have, for many years, produced primarily brussel sprouts. Brussel sprouts are a one crop per year growing operation with an approximate 8 month growing cycle. Dust generating activities (for field preparation) usually occur a few times per year with fertilizer application taking place over the course of the growing season and pesticide application taking place every few weeks. Such operations have coexisted with LML operations for over twenty years and approximately 5 years with the CDFG operation. The existing minimum buffer distance between the LML campus and Younger Ranch to the west is approximately 400 feet. The buffer distance for CDFG is approximately 150 feet. Both LML and CDFG are separated to varying degrees from agricultural uses by Younger Lagoon itself. The LML campus is also buffered with a 12 foot berm along the western side of the site which acts as a wind barrier. See Exhibit D.

More recently, the NMFS facility authorized by the Commission in May 1998 is separated from agricultural lands by approximately 700 feet. During the public hearing on the project, NMFS further agreed to modify the project to relocate the utility easement to be outside of a 500 foot buffer from Younger Ranch to the west of the Terrace Point property. The 500 foot buffer width was (and is) the distance recommended by the owners of Younger Ranch. The Commission's action on the consistency determination was not meant to define a 500 foot buffer as the appropriate buffer distance for the Terrace Point property. Rather, by moving the utilities outside of a 500 foot buffer distance, the Commission held open the *possibility* of a 500 foot agricultural buffer, subject to further analysis through the coastal planning process, for future development on Terrace Point. Notwithstanding the buffer question, NMFS committed, through CD-50-98, to relocating their utilities across the Terrace Point property in the event that a future coastal planning process indicates that an alternative location is appropriate.

The appropriate width of agricultural buffers for the west side of the City of Santa Cruz remains undecided. The Coastal Act does not provide for specific buffer distances; these are appropriately determined through localized planning processes such as LCPs. The City of Santa Cruz LCP, although not the standard of review in this case, could provide some guidance for this uncertified portion of the City. The City's LCP, however, provides little specificity in terms of required buffer distances. Rather, buffers are required to be "appropriate" to the case at hand. Santa Cruz City LUP Policy LU 3.1.3 does state support for "County policies and programs aimed at preservation of agricultural/grazing uses on the North Coast." Within Santa Cruz County jurisdiction (Younger Ranch is located within the County directly abutting the City limits) the required agricultural buffer distance is 200 feet. This 200 foot buffer can be reduced if site specific analyses support a lesser buffer.

Also recently (the latter part of 1998), during the planning process that was underway for the Terrace Point property by the previous landowner (Wells Fargo/ATC Realty), staff of the City of Santa Cruz was recommending that a agricultural buffer zone ranging from 200 to 300 feet be established for the Terrace





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Point site. Although the City of Santa Cruz staff recommendation for the then-proposed residential uses would have provided a 500 foot buffer distance from agricultural uses, coastal-dependent buildings would have been set back 300 feet, while outdoor parking and storage for coastal-dependent uses would have been set back 200 feet.

As part of the City's 1998 research, a survey was conducted of 16 counties and 4 cities in the State to determine agricultural buffer policies. As expected, the results of this survey were all across the board. For those jurisdictions where a specific buffer distance was specified, row crop (e.g., brussel sprout) buffers ranged from 25 feet to 500 feet. In almost every case, buffer distance requirements could vary from the specified distance (both increase and decrease) depending upon site specific conditions. See Exhibit E for the survey results.

At about the same time in 1998, the City approved expansion of the Raytek industrial facility just north of the railroad (north of the main Terrace Point site) adjacent to Shaffer Road. The Raytek development was previously authorized by the Commission in 1981. The original Commission approval was for the rehabilitation of a pre-Coastal Act building and parking lot already located within a 200 foot buffer area (approximately 20 feet from agricultural lands to the north). The 1998 City-approved expansion allowed for expanded parking (approximately 10 feet from Younger Ranch agriculture) and a new structure with a minimum 200 foot buffer relying upon the County's agricultural buffer requirements. Raytek has coexisted with agricultural operations for nearly 20 years at this location. Raytek has recorded a hold harmless/indemnification agreement with Younger Ranch.

**Approximate Distance Between Coastal Commission-Approved Development and Agricultural Operations at the LML/Terrace Point Site\***

|                          |          |
|--------------------------|----------|
| LML (1976 - 1999) .....  | 400 feet |
| CDFG (1994 & 1996) ..... | 150 feet |
| NMFS (1998) .....        | 700 feet |
| Raytek (1981) .....      | 20 feet  |

**LCP Requirements**

|                              |                                                      |
|------------------------------|------------------------------------------------------|
| City of Santa Cruz LCP ..... | No specific distance; reference to County LCP policy |
| Santa Cruz County LCP .....  | 200 feet                                             |

\* Above-ground structures; see also Exhibit D.

The proposed expanded oiled seabird facilities would be set back approximately 200 to 400 feet from Younger Ranch agricultural operations to the west and northwest. These new facilities would be further separated from agricultural lands by the eastern arm of Younger Lagoon itself. Moreover, these additional facilities would be primarily located on the far side (from agricultural uses) of the existing CDFG facility which currently maintains an approximate 150 foot setback distance.

The project would not move development closer to productive agricultural operations than exists at the CDFG facility currently. Although prevailing winds sweep west to east (from Younger Ranch farming operations towards the LML/CDFG/Terrace Point site), LML/CDFG uses have coexisted with



agricultural operations for years with the same buffer. The Applicant has indicated that they have had no problems with the adjacent agricultural operations and that no complaints have ever been registered (Steve Davenport, personal communication). There is little reason to believe that new conflicts will occur between the coastal-dependent CDFG use and continued farming as a result of the proposed oiled seabird facilities.

Even with the existing buffer, however, some LML/CDFG employees, visitors, and other users may find agricultural operations (e.g., spraying, odors, noise, etc.) a nuisance. In order to absolutely minimize the potential for future conflict that could potentially jeopardize continued agricultural production to the west, the Commission required a recorded hold-harmless agreement on the subject property as a condition of approval of the Ocean Health project in August 1999 (CDP amendment 3-83-076-A13).

As conditioned, the Commission finds that the proposed project is a high priority coastal-dependent facility for which sites available to accommodate such uses are limited; that renewed agricultural use at the subject site is infeasible; that the project would not affect current nearby agricultural uses, is adequately buffered to prevent conflicts with these agricultural operations, and will not alter the relationship between agriculture and urban land uses; and that, as such, the project is consistent with Coastal Act Sections 30241 and 30242.

### **3. Marine Resources and Sensitive Habitat**

Coastal Act Sections 30230 and 30231 provide:

*Section 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.*

*Section 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, 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.*

Coastal Act Section 30240 states:

*Section 30240(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.*

*Section 30240(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.*

The proposed project is located on the coastal terrace directly above and adjacent to Younger Lagoon, a 28 acre wetland system which includes a fresh and saltwater marsh, a barrier sandbar, a backdune pickleweed flat, steep bluffs with dense coastal scrub, a pocket beach, dune lagoon slope and a dense willow thicket. Younger Lagoon is a University of California Natural Reserve that is a part of the University of California Reserve System. Younger Lagoon is directly west of the subject site on the other side of the 12 foot tall earthen berm separating the LML campus from the 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. See Page 3 of Exhibit A for the project location relative to the Lagoon.

Seaward of the project site approximately 1,700 feet, is the blufftop edge and the rocky intertidal benches below the main LML campus. The Younger Lagoon beach and environs is directly west of this intertidal area. The LML seawater system pumps ocean water from a seacave at this location; seawater is also discharged in the same general vicinity through an outfall pipe in the intertidal zone located approximately 2 feet below mean sea level. This rocky shore biotic community is typical of many of the rocky shores in northern Santa Cruz County with a variable cover of barnacles, marine algae, mussels, and other typical species of marine plants and animals. The Monterey Bay National Marine Sanctuary (MBNMS) is offshore.

The Younger Lagoon Reserve and adjacent coastal bluffs/intertidal areas support numerous species of birds, mammals, reptiles, and insects. Waterbirds and shorebirds forage and nest along the Lagoon shoreline, as well as the bluff, rocky shoreline, and beach habitats below the LML campus. The connection between the Lagoon to the Monterey Bay, and its management as a nature reserve with limited human disturbance, contributes to an overall high wildlife and habitat value in the immediate project area. Younger Lagoon is an environmentally sensitive habitat under Coastal Act Section 30240.

### **3.1 Water Quality**

Runoff from the undeveloped vacant site currently flows overland and into Younger Lagoon to the west. This existing site runoff flows through a series of previously constructed vegetated swales which act as a filtering mechanism. The proposed project would increase the amount of impervious surface at the site due to the construction of roofs, a paved parking lot, an access road, and other structural improvements. Using a 10-year storm event as the baseline, the proposed project would result in a 0.7 cubic feet per second (cfs) increase in site runoff (approximately 0.4 cfs from impervious and 0.3 cfs from non-paved areas).



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Runoff from non-paved areas would be directed to a detention basin and then conveyed through the existing vegetated filtering swales which ultimately discharge to Younger Lagoon. Energy dissipaters would be installed to prevent erosion at the point of discharge. The release rate into the swales would be controlled to be at (or below) the existing release flow rate. The vegetated filtering swales are a water quality best management practice applicable to situations such as this which have a limited amount of site runoff. Furthermore, hydrologic benefits in the Lagoon can be realized by increased water supply. These project drainage elements are supported by the Manager of Younger Lagoon (see Exhibit G).

All runoff from paved areas would be collected and passed through a drainage vault equipped with a sediment catch basin and an oil/grease trap. Filtered runoff from the vault would be discharged into the existing CDFG storm water line, which ultimately discharges to the ocean via the LML seawater return line. The LML seawater discharge was regulated in the past through a National Pollutant Discharge Elimination System (NPDES) permit as a point source. In 1996 the Regional Water Quality Control Board (RWQCB) determined that LML's discharge was not a point source within the meaning of the Clean Water Act and exempted the discharge from NPDES permitting requirements. At the time, the RWQCB did not issue a waste discharge permit or a waiver of waste discharge requirements. Though no longer required by a NPDES permit, the Applicant has continued to monitor the outfall pursuant to the NPDES monitoring requirements and the discharge remains within NPDES water quality standards (Steve Davenport, personal communication).

The Applicant has committed to long-term maintenance of the overall runoff contaminant removal system, including provisions for biannual inspections, sediment removal, and water quality monitoring at the seawater return discharge pipe. However, lacking ongoing review and approval of the Applicant's water quality monitoring reports by RWQCB and MBNMS, it is unclear that water quality will be maintained in the Sanctuary pursuant to current regulations. To ensure that this is the case, RWQCB and MBNMS sign-off for the LML discharge line, including discharge from the CDFG facility, was required as a condition of approval of the Ocean Health project in August 1999 (CDP amendment 3-83-076-A13).

In addition to post-construction best management practices (BMPs), the Applicant has committed to implement erosion control BMPs (straw bale filters, silt fences, gravel drive-off pads, etc.) during the course of construction. No construction is planned during the rainy season (i.e., October 15 through April 15). Approximately 160 cubic yards of material would be removed for the parking areas and road. As proposed, the Applicant would install protective barriers (silt mesh fencing, hay bales, sand bag barriers, block and gravel filters, etc.) prior to construction to prevent contaminated runoff from entering into storm drain inlets and natural drainage swales which ultimately discharge into the Lagoon or Sanctuary. These measures would be maintained during the course of construction. In order to assure adequate implementation of proper construction erosion control measures, this approval is conditioned for staff site review and sign-off of the erosion control apparatus prior to construction (see Special Condition 3).

The Applicant has to date submitted only preliminary landscape plans for the project. Accordingly, this



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approval is conditioned for the submittal of final landscape plans covering all disturbed areas of the site (see Special Condition 3).

### 3.2 Wetland Buffers

Wetland buffers function as important transition zones between wetlands and upland areas, often exhibiting characteristics of both habitats. These buffer areas adjacent to wetlands act to protect the wetland from the direct effects of nearby disturbance (both acute and chronic), and provide necessary habitat for organisms that spend only a portion of their life in the wetland such as amphibians, reptiles, birds, and mammals. By minimizing disturbance to a wetland from adjacent development, buffers contribute to the health and vitality of functioning wetland systems such as Younger Lagoon.

While appropriate buffer widths vary, the most commonly used setback standard for wetlands and environmentally sensitive habitat is generally 100 feet. This is the buffer utilized most commonly by CDFG and is the recommended minimum buffer width by the *Coastal Commission Procedural Guidance for Review of Wetland Project (June 1994)*. While not the standard of review in this case, the City of Santa Cruz LCP standard likewise calls for a 100 foot buffer from wetlands. In practice, site specific buffering standards can vary depending on the characteristics and value of particular wetlands, as well as the topography and other qualities of the site itself.

In this case, the proposed structures would be set back approximately 150 feet from the extent of Younger Lagoon wetland vegetation and about 100 feet from the Reserve boundary itself. There would be no lagoon-facing windows and night/security exterior lighting would be no higher than 10 feet and downward directed, incorporating the use of shields to deflect light away from the Reserve. The project includes a 6 foot high perimeter fence extension which would connect with the existing CDFG fence to provide buffering between the Lagoon and the development. In addition, the planted willow riparian vegetation between the existing CDFG facility and the Lagoon would be extended south as part of the project to provide habitat enhancement and additional buffering capabilities. Because this additional willow planting area has not been explicitly identified on a site plan, this approval is conditioned for a specific willow planting plan (see Special Condition 3).

The proposed structures would range in height from 12 to 17 feet, with the office structure closest to the Lagoon at 12 feet in height. With the increased building heights, there is the corresponding potential for increased light and noise disturbance directed from the working spaces in these buildings towards the lagoon. It is important to ensure that wildlife in the Reserve is not adversely affected by the increased elevation of activities at the site. In this case, most of the proposed structures would be hidden from wildlife in the Lagoon by the willow plantings and extension of the CDFG fence. Cross-sections provided by the Applicant display this relationship (see Exhibit F).

Because of the fence, the additional willow plantings, and the 150 foot wetland vegetation buffer area, any impacts from the proposed development on adjacent Younger Lagoon wetland habitat would be negligible. In addition, the willow cover will enhance functional habitat in the buffer area. The Applicant has included a Lagoon-sensitive lighting scheme to further minimize potential conflicts and the project



has been endorsed by the Manager of the Younger Lagoon Reserve (see Exhibit G).

### 3.3 Environmentally Sensitive Habitat

The existing site itself does not support any environmentally sensitive habitat. However, some sensitive species can be found in the Younger Lagoon Reserve and on adjacent Terrace Point property to the east. According to the project CEQA documents, species that have been observed on or nearby the site include California red-legged frog, California brown pelican, northern harrier, merlin, Peregrine falcon, snowy plover, and black swift. However, as described in the project's 1999 CEQA Negative Declaration:

*There are no special-status wildlife species known to use the LML site, nor habitat present to support special-status wildlife species. Northern harriers, a CDFG species of special concern, have been reported nesting in the past in the middle of the adjacent Terrace Point property. Field surveys of the Terrace Point property and observations by local birders indicate that harriers may have attempted to nest in the vicinity in the early 1990s, but since 1992, there has been no direct or indirect evidence of nesting at Terrace Point.*

*Mitigation Measure 16B in the LML Master Plan EIR requires pre-construction surveys (March-July) to determine whether the species is nesting nearby and could be indirectly affected by construction noise and activities. The proposed construction will not occur during the nesting period, and thus any indirect impacts to this potential nesting species would be avoided. If the schedule changes, pre-construction surveys and implementation of recommendations will be conducted....*

*Since preparation and certification of the Long Marine Lab Master Plan EIR, California red-legged frogs (a federally listed threatened species) have been sighted in the vicinity of the adjacent Terrace Point property between 1994 and 1996 at Antonelli Pond (northeast of the project site), Natural Bridges State Park (east of the project site) and further west at Wilder Ranch State Park and Wilder Quarry. Surveys at the Terrace Point site found no evidence of the species in 1992 or 1993, but found individuals at the northern portion of the site near the railroad tracks in 1997. Other freshwater wetlands surveyed at the same time on the Terrace Point property and within a one-mile radius found no evidence of frogs.*

*The red-legged frog survey results concluded that the Terrace Point site is not a California red-legged frog breeding area, although the northern portion of the site may be used infrequently for movement to the Moore Creek corridor to the east. Known breeding sites for red-legged frogs exist approximately 1.5 miles north of Terrace Point in the upper reaches of Moore Creek, and approximately 1.5 miles west in the general vicinity of Wilder Creek.*

*The brackish waters of Younger Lagoon do not provide suitable breeding habitat for California red-legged frog. The project site itself (which has no ponds or waterways) also has no breeding habitat for the species. As indicated above, the adjacent Terrace Point site may be used*



*infrequently for movement, but there are no known breeding sites adjacent to or near the project site. The species has not been sighted on LML property during surveys conducted in the past. The proposed project would not result in direct removal of habitat or create indirect impacts to the potential infrequent movement of frogs found once on the northern portion of the adjacent Terrace Point site.*

Adjacent environmentally sensitive wetland habitat (Younger Lagoon) is discussed above. Accordingly, environmentally sensitive habitat and species would not be adversely impacted by the proposed project.

### **3.4 Marine Resources and Sensitive Habitat Conclusion**

The project incorporates water quality filtering mechanisms (both engineered filtration and vegetated filter swales) which will serve to maintain coastal water quality. In any case, the discharge from the Applicant's site must be signed-off by RWQCB and MBNMS. Younger Lagoon Reserve will additionally be protected by setback and buffering mechanisms, including habitat enhancing arroyo willow plantings between the proposed development and the Lagoon. The project includes Lagoon-sensitive lighting and has been endorsed by the Manager of Younger Lagoon Reserve. As conditioned, the Commission finds that the proposed project would maintain marine resource water quality; would not adversely impact adjacent wetland habitats; and would not impact other environmentally sensitive habitat areas or species; and, as such, is consistent with Coastal Act Sections 30230, 30231, and 30240.

## **4. Public Access and Recreation**

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road (Highway 1). Coastal Act Sections 30210 through 30214 and 30220 through 30224 specifically protect public access and recreation. In particular:

*30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

*30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

*30212(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

*(1) it is inconsistent with public safety, military security needs, or the protection of fragile*



*coastal resources,*

*(2) adequate access exists nearby, or,*

*(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

**30213:** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

**30214(a):** *The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

*(1) Topographic and geologic site characteristics.*

*(2) The capacity of the site to sustain use and at what level of intensity.*

*(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

*(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

**30221:** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

**30223:** *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

#### **4.1 Public Access Background**

Through the original LML permit in 1976 (CDP P-1859), as implemented through Commission-approved condition compliance for CDP P-1859 in 1981, public access to Younger Lagoon and the beach environs was generally closed off to allow for wetland research and study in a controlled setting. In closing off public access to the area west of the subject site in 1981, the Commission found that uncontrolled public access to the lagoon and beach area conflicted with Coastal Act Section 30212(a)(1) because of the sensitive nature of the lagoon and beach resource. The lagoon and beach area needed protection as fragile coastal resources within which public access was deemed inappropriate. Up until this decision, the Younger Lagoon beach area was quite popular, particularly with UCSC students. Since the closure, some continued unauthorized public access use has been observed by Commission staff, particularly of the forebeach area by surfers who descend the coastal bluff at the southwest corner of the





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LML property.

As a condition of approval of the closure, the Applicant was required to submit a management plan for the LML site and annual reports of the Lagoon studies being conducted in order to monitor the effects of decreased public use in the area (i.e., upon the dunes, vegetation, estuarine system, birds, mammals, etc.). If the Executive Director were to determine that the closure was not resulting in significant lagoon/beach enhancement and/or research and educational activities, then the management plan was to be brought back to the Commission for review and possible action. If research activities in the lagoon/beach area were to cease, public access was to be reinstated.

In other words, the Applicant was required by the Commission to continue to justify the closure of the beach and lagoon system through the submittal of annual management plan monitoring reports. Three such reports were subsequently submitted by the Applicant. In 1986, through CDP amendment 3-83-076-A3, the Commission required a consolidated management plan report (which included the three previous submittals) for Executive Director sign-off. This management plan was signed-off in 1987. This 1987 submittal is the last annual management plan monitoring report in the Commission's records.

More importantly, pursuant to the conditions of approval for the closure, the issue of public access to the beach and lagoon was to come back to the Commission for review 5 years after the closure was approved (i.e., in 1986). Although the Commission has reviewed several LML projects over the years, this particular requirement has not been fulfilled. As a result, when the Commission approved the Applicant's Center for Ocean Health project at the August 1999 hearing, the Commission required the submittal of an overall management plan for the beach and lagoon system for Commission review and approval. Special Condition 8 of CDP Amendment 3-83-076-A13 states:

*Younger Lagoon Beach/Wetland Area Management and Access Plan. PRIOR TO THE COMMENCEMENT OF PHASE 2 CONSTRUCTION, the Permittee shall submit to the Coastal Commission for review and approval a Younger Lagoon beach/wetland area management and access plan. Such plan shall include at a minimum: a description of the formal research activities that have taken place, and/or are currently taking place, in the beach/wetland area; identification of existing public access opportunities provided via trails and overlooks from the UCSC Long Marine Laboratory property; a description of the status of research activities at Wilder Ranch State Beach and an analysis of opportunities for combining Wilder Ranch and Younger Lagoon research programs; an analysis of the effects of limiting access to the Younger Lagoon beach/wetland area since 1981 and potential impacts that might be expected were public beach use to be reinstated; and an analysis of the opportunity for installation of a wetland perimeter coastal trail.*

*Such Younger Lagoon beach/wetland area management and access plan shall include an analysis of trail linkages from McAllister Way through to Younger Lagoon overlooks. At a minimum, the following overlooks shall be analyzed for public access use: (1) the blufftop west of the berm at the southerly extent of the Permittee's property located east of the beach at*



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*Younger Lagoon; (2) the area on top of the berm currently developed with an overlook between the existing marine mammal pools and Younger Lagoon; (3) the blufftop west of the berm directly west of the proposed shop building; (4) the blufftop west of the berm at the area to the west of the subject site where there exists a break in the berm area; (5) the blufftop west of the berm and north of the termination of the existing berm where there exists a turnout on the west side of McAllister Way; and (6) the blufftop located south and west of the existing greenhouses on the upper terrace site occupied by the California Department of Fish and Game facility. See Exhibit H [note: attached to this staff report as page 3 of Exhibit H].*

*Such Younger Lagoon beach/wetland area management and access plan shall include a fencing detail for the Permittee's property at Terrace Point. Such fencing detail shall identify: (1) all existing permitted fences on the property; and (2) the Permittee's proposal for all fences and gates necessary to implement the Younger Lagoon beach/wetland area management and access plan.*

One goal of reviewing such a submittal will be to determine whether continued blocked public access is appropriate at this location. As of the date of this staff report, the Applicant has not submitted this plan (it is required prior to commencement of construction of the main Ocean Health building, which has yet to occur).

The original concept of preserving a coastal lagoon system was to provide a type of control for lagoon research (both on and off site). However, blocking off public access to and along the coast runs counter to the basic tenets of the Coastal Act and must be given serious thought and consideration. This is why the Commission required that this restriction be reevaluated on a regular basis. It should be further noted that Wilder Ranch State Beach approximately  $\frac{3}{4}$  of a mile to the west is also blocked off to general public access as a natural preserve of the State Park system. Public access there is likewise limited to scientific research and overlook viewing of the beach and estuarine system; this Wilder system is much larger than the Younger Lagoon system. There may be opportunity for better reconciling resource enhancement/research activities and public access through some combination of these two systems.

In any case, the approved 1987 management plan kept the Younger Lagoon and beach area off limits to public access. Public access was to be provided through docent led tours and through several lagoon overlooks. The coastal trail was to follow to "the fullest extent possible around the perimeter of the wetland" and along the eastern edge of McAllister from north to south to the coastal bluff. At the bluff, a blufftop trail (old farm road) provided lateral access east towards Santa Cruz across Terrace Point. The Commission's approval of the Applicant's Center for Ocean Health project at the August 1999 hearing was also conditioned for an interim public access plan (also not yet submitted) which would ensure that continued public access along McAllister Way and along the coastal bluff would be maintained (see adopted Special Condition 7 in Exhibit H). The question of additional access west of McAllister Way was deferred until after the Commission's review of the required overall management plan for the beach and lagoon system.



#### **4.2 Future Public Access**

The proposed project would not alter public access at the subject 0.71 acre site because access to or along the Lagoon at the site is not currently allowed or provided. However, the reason that no public access is currently allowed or provided at this location rests on the Commission's authorization in 1981 to make the Lagoon system off limits pending further Commission review and approval of the Lagoon closure. As described above, this required reevaluation has never occurred.

In any case, notwithstanding the tentative prohibition on access, the most recently adopted management plan for the site (signed-off by the Executive Director in 1987) stated that the coastal trail was to follow to "the fullest extent possible around the perimeter of the wetland." Currently, there is no perimeter trail due to the general access closure. Potential Lagoon vista points were also described southwest of the subject site. Depending upon the outcome of the Commission's further review of the Lagoon closure issue, some form of public access between the proposed development and the Lagoon may be required. Although the subject site topography is gentle enough that a trail and/or vista point(s) could likely be sited on the Lagoon-side of the development, the proposed fencing may interfere with any such access amenities. Moreover, any such trail may need to be pushed to the east (towards McAllister Way) in order to achieve adequate lagoon separation. In order to ensure that the Commission's future decision regarding access to and along the Lagoon is not prejudiced by this development, this approval is conditioned for the realignment and/or removal of any project fencing and the installation of any paths or signs deemed necessary at the subject site by the Commission to implement their decision on the Lagoon closure issue (see Special Condition 4).

As conditioned, the Commission finds that the proposed project would preserve public access and recreational opportunities and, as such, is consistent with Coastal Act Sections 30210 through 30214 and 30220 through 30224.

#### **5. Visual Resources**

Coastal Act Section 30251 states:

*Section 30251. 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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The University lands are located on a coastal bluff on the western edge of the City of Santa Cruz with Monterey Bay to the south, the agricultural lands of Santa Cruz County to the west, the 55-acre Terrace Point property to the east and the Raytek plant to the north. To the east, beyond Terrace Point as viewed



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from Highway 1, is the low profile De Anza Mobile Home Park. This site provides both a visual and land use transition between urban uses and the undeveloped north coast. The LML/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. Views entering Santa Cruz on Highway 1 from the north include the open fields of Terrace Point, and in the distance the CDFG facility, the Long Marine Laboratory water towers, and now the Marine Discovery Center. The site is also visible from the hills of Wilder Ranch State Park and from the bluff at Natural Bridges Beach State Park.

The proposed structures would range in height from 12 feet to 17 feet. The aviary structures (structures 1, 2, & 3 on Exhibit B) would be constructed with wood poles and shade cloth roofing and would be approximately 15 to 17 feet in height. The other structures (structures 4, 5, & 6 on Exhibit B) would be constructed of wood frame modular units with sloped roofs and would be approximately 12 to 15 feet in height. The structures would be constructed to match the exterior of the existing CDFG facility (wood, board and batten construction).

In terms of off-site views of the project, only a small portion of the office structure would be visible from Highway 1. For the most part, the proposed structures would be screened from the Highway view by the existing CDFG facility. The structures would not intrude upon the horizon (i.e., the ocean would be visible above the structures) and view corridors between existing LML-site buildings would not be appreciably altered.

In terms of local views and the visual character of the immediate site, the proposed buildings are low-slung and have been designed to harmonize with the existing CDFG facility. The site will be landscaped. Aesthetically, such improvements would generally enhance visual attributes of the subject 0.71 acre site. Because landscape plans have yet to be submitted, and because the Applicant has submitted only preliminary plans, this approval is conditioned for the submittal of final plans for Executive Director sign-off (see Special Condition 3). In any event, the development is immediately contiguous to existing development which is part of the CDFG/NMFS "node" of development on the overall Terrace Point site.

More specifically, a general pattern of "node" development has already partially been established as a result of permitted development at Terrace Point. This nodal development is characterized by larger blocks of open space and wetlands between built portions of the landscape. The main LML campus and the Marine Discovery Center form such a node while the general NMFS/CDFG area form a second node on the property. Such nodal development has come about partially in recognition of Terrace Point site wetland resources which act to separate development. Future development scenarios will likewise be shaped by the developed nodes and the site resources. For example, it is unlikely that additional development should or could take place seaward of Wetland Site 1 (due north of the Discovery Center) as lands not committed to the LML campus and the Discovery Center are constrained by the presence of the wetland and the coastal bluff. Development potential appears to be concentrated to the north and east of the NMFS/CDFG "node" in the swath between wetlands and Shaffer Road.

As conditioned, the Commission finds that the proposed project is a high priority coastal-dependent use



that will not significantly alter scenic public views because of its physical relationship to existing development on the site and, as such, is consistent with Coastal Act Section 30251.

## **6. Public Services**

Coastal Act Section 30250(a) states:

*Section 30250(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 such areas are not 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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

Coastal Act Section 30252 states:

*Section 30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Coastal Act Section 30254 states:

*Section 30254. 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.*



## 6.1 Utilities

The site is located on the perimeter of Santa Cruz City, and though within the City limits, no *public* services (i.e., water, sewer, roads) reach the site. The Terrace Point property itself separates the LML site from City services and has historically delineated the urban/rural boundary. LML was found by the Commission (in CDPs P-1859 and 3-83-076) to be a coastal dependent use, which needed to be located in a remote, semi-rural area. Because urban services were not being extended to the facility, it was found that it would not adversely affect adjacent agricultural uses and would maintain the urban-rural boundary.

Since the original LML approval, several urban services have been extended to the site. The LML site is currently served and/or has been previously authorized by the Commission to install the following utilities: water, sanitary sewer, electricity, phone, and natural gas. These utilities are private utilities designed to serve the needs of permitted development at the LML campus. The Commission previously approved the following improvements on the site: private access road extending from the intersection of Delaware and Shaffer (pursuant to CDP P-1859), electric and phone utilities (pursuant to CDP P-1859), private water line (pursuant to CDP amendment 3-83-076-A11), private sewer system (permitted for the LML campus pursuant to CDP 3-97-050), and natural gas (pursuant to CD-50-98 and CDP amendment 3-97-050-A1).

The Commission has been careful to insure that permitted utility infrastructure for the LML property would not be growth inducing and would not frustrate any future LCP/LRDP planning efforts for the LML site and Terrace Point. Towards this end, the Commission has been careful to limit public services to those necessary to serve the coastal-dependent facilities authorized. Specifically, special conditions have been imposed which do not allow for non-LML site users to utilize these facilities. These conditions on the use of utilities remain in effect. In terms of the water line, Commission-imposed conditions in CDP amendment 3-83-076-A11 included Special Condition 1:

*1. This permit amendment allows the construction of a private 10 inch water line from the Santa Cruz City water main located at the terminus of Delaware Avenue to the California Department of Fish and Game's Oiled Wildlife Center on the University of California Long Marine Laboratory Campus following the easement location shown on Exhibit A attached and an eight inch line or greater diameter water line extension from the Oiled Wildlife Center to the Long Marine Laboratory facilities on the oceanfront. The water line shall serve only the Oiled Wildlife Center and existing, legally permitted facilities on the University's Long Marine Laboratory properties. The water line may supply both domestic and fireflow needs. The water line shall be adequate to deliver the 2500 gallons per minute fireflow required for the existing Long Marine Laboratory oceanfront structures. Any change in the structures, location, use, or users of the waterline, will require an amendment to this permit.*

In terms of the sewer line, Commission-imposed conditions in CDP 3-97-050 included Special Condition 4:



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*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.*

The previously approved project (LML/Marine Discovery Center/CDFG facility) and the proposed amendment represent a type of land use which, in the event of limited public works capacities, is a high priority for service. The additional oiled seabird facilities would utilize the existing CDFG site utilities and would result in a modest increase in water usage and wastewater generation for the site. The Commission authorized the CDFG to connect to LML sewer line pursuant to CDP amendment 3-83-076-A14 in September 1999. The City of Santa Cruz has determined that there is adequate water supply and adequate wastewater treatment capacity to satisfy any additional incremental demands that may be generated by the proposed development.

As conditioned, the Commission finds that the proposed project would not require public works capacities in excess of available supplies; would not generate cumulative impacts that would be inconsistent with Chapter 3 of the Coastal Act; and, as such, is consistent with Coastal Act Sections 30250 and 30254 in terms of utilities.

## **6.2 Traffic and Parking**

Access to the LML site is provided by a private road which extends from the Delaware Avenue-Shaffer Road intersection to McAllister Way; McAllister is a private 20-foot wide oil and gravel road which runs along the eastern edge of the Long Marine Laboratory site. A security gate with keyed access at Shaffer Road restricts public access to the LML property after hours. Delaware Avenue is a 2-lane collector street which runs parallel to Mission Street (Highway 1); several streets provide connections between Mission Street and Delaware Avenue. An 8 space vehicle parking lot (one of these a handicapped space with ramp) and 4 bicycle parking spaces would be provided with the project.

Non-spill period use of the site would be for approximately 8 researchers and student workers. These users are currently housed at the main LML campus (and would be moving to the proposed facility) and thus no net increase in traffic on or off site would result. The proposed 8 space parking lot would be sufficient to accommodate these users. While not the standard of review in this case, the City's LCP would require approximately 6 parking spaces for this research facility.

During spill events, the facility would operate with approximately 24 site users (12 employees and 12 student assistants). Clearly the 8 space parking lot would not be sufficient during these spill events. However, such periods would be infrequent and some parking on nearby Delaware Avenue and/or increased use of the existing UCSC shuttle system serving the site would minimize any impacts during these infrequent events. The Applicant currently provides shuttle service between the main UCSC campus and LML on an hourly basis Monday through Friday.

Traffic attributable to such spill events is expected to result in approximately 100 daily trips and 15 peak hour trips. According to the LML Master Plan FEIR, peak hour level of service (LOS) on the 3-lane



section of the primary Mission Street/Highway 1 corridor west of Bay operate at LOS F (representing the worst type of congested conditions); where more than 3 lanes are provided, LOS is better than F. According to the project's CEQA Negative Declaration, all of the Mission Street/Highway 1 intersections are currently operating at acceptable levels of service (i.e., LOS D or better).

Clearly the Mission Street/Highway 1 corridor is a very congested roadway. This corridor provides a main arterial for traffic from northern Santa Cruz County and the west side of the City of Santa Cruz through to the Santa Cruz downtown area. However, it is not anticipated that the small number of additional infrequent trips during oil spill events would make the matter significantly worse. The Delaware Avenue intersections near to the subject site currently operate at acceptable levels and will continue to do so with the small number of additional trips that would be generated by the project. Moreover, the Applicant's existing shuttle service running hourly during the work week would accommodate some of these trips.

In any event, the proposed oiled seabird facilities represent a coastal-dependent development which gives it priority over other types of development when public facilities (such as road capacity) are limited.

Public access parking is provided in the Marine Discovery Center parking lot which is provided for both the fee and non-fee users of the overall Discovery Center site.

As conditioned, the Commission finds that the proposed project: would provide adequate parking; is a Coastal Act priority traffic consumer for which adequate circulation public services exist; would not generate cumulative impacts that would be inconsistent with Chapter 3 of the Coastal Act; and, as such, is consistent with Coastal Act Sections 30250, 32252 and 30254 in terms of traffic and parking.

## **7. LCP/LRDP Planning Process**

Coastal Act Section 30604(a) states:

*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 proposed development would take place on University of California property within the City of Santa Cruz. As detailed earlier, the subject site is part of the larger University holding which is not covered by a LRDP, and which is in an area not covered by the certified City of Santa Cruz LCP (see





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map in Exhibit L). The Commission has encouraged, and continues to encourage, local coastal planning processes to be completed for the larger Terrace Point site. There are currently two ongoing, concurrent efforts taking place. The City was awarded an LCP completion grant in March of 1999 for the Westside Area of Deferred Certification (ADC), which at that time was totally in private ownership. In May of 1999, however, the University acquired approximately 55 acres of the ADC. Thus, the ADC now includes part of the University's overall holdings and part of a separate privately owned parcel (again, see Exhibit L). As such, the University is now moving forward with their own LRDP planning process for all of their Terrace Point holdings, including LML (see Exhibit J). The City has agreed to participate in the University's effort, but it is unclear at this time as to how the particulars of the two plans may coordinate with one another. The optimum scenario from the Commission viewpoint would be for the City and the University to bring forward one unified "plan" for the site (which could be embodied in both LCP and LRDP documents) that was the result of a joint planning effort, and mutual consensus, through local public hearings and participation.

In terms of this project's consistency with Section 30604(a), development at LML and Terrace Point has raised major planning issues for the Commission and the City for a number of years. The Commission has carefully reviewed coastal development permits on Terrace Point and adjacent lands to assure that development occurring prior to completion of a LCP and/or a LRDP does not frustrate planning efforts or prejudice preparation of such plans, as required by Coastal Act Section 30604(a).

The Commission has become increasingly concerned, however, with the incremental development on Terrace Point. To address this concern, and to respond to Coastal Act concerns that new development not prejudice proper coastal planning, the Commission directed the Applicant at the August 1999 meeting to complete a LRDP prior to returning with any development proposals on University lands. As documented in Exhibit J, the Applicant has begun such a process. However, Commission review and action on any such LRDP proposal is at least a couple of years away. As such, the application currently before the Commission has been submitted prior to completion of a LRDP. Nonetheless, Commission staff have brought this application before the Commission for several reasons:

- (1) The application for the proposed project was submitted in June 1999, two months prior to the August 1999 hearing when the Commission directed the Applicant to complete a LRDP before returning with additional development proposals. There are no other University applications currently pending at the Commission, and the proposed development is the only pending University project at Terrace Point, conceptual or otherwise. As such, it makes sense that no further projects be brought forward *after this one* until LRDP completion.
- (2) The Applicant has begun LRDP planning in earnest as is evidenced by the materials attached in Exhibit J.
- (3) The proposed development is a high priority coastal-dependent use that is consistent with the land use priorities of the Coastal Act. The facility would provide long planned crucial augmentation to the existing oil spill response capabilities of the MWVCRC which serve the State.



(4) The proposed additional facilities for oiled seabird care must be sited immediately adjacent to the existing MWVCRC facility because these new facilities are dependent in large measure on the existing MWVCRC clinical care services and equipment (including the seawater utility, labs, clinical care areas, etc.) (see also Exhibit C for additional siting justification from the Applicant). As such, this is the most appropriate siting for these facilities. Given that the project is integrated with the existing MWVCRC facility, a LCP and/or LRDP planning process would not establish a different location. Moreover, the proposed facilities would not prejudice future planning for the overall University site.

Overall, the proposed project is an appropriately sited adjunct to the existing oil spill response facility that will not negatively impact ongoing LCP and LRDP efforts. In addition, for the reasons discussed in this report, the Commission finds that, as conditioned: the proposed oiled seabird facilities would not prejudice Commission action on future coastal planning decisions regarding development of the LML/Terrace Point lands; and is consistent with Coastal Act requirements that development not prejudice coastal planning efforts that conform to the Coastal Act.

## **8. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The University (as the lead CEQA agency) issued an Initial Study/Negative Declaration for the project on June 23, 1999. Commission staff commented on the Initial Study/Negative Declaration on July 26, 1999 and identified several project issues regarding: priority uses for the site; potential water quality and Younger Lagoon drainage impacts; appropriate agricultural setbacks; water and sewer availability; and public access to and along Younger Lagoon (see Exhibit K for these Commission staff CEQA comments). Subsequently, the University modified the Initial Study/Negative Declaration in response to Commission staff and other comments and adopted a Final Negative Declaration with mitigation measures on September 7, 1999.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The issues previously forwarded to the University by Commission staff, as well as others that have become apparent since the Negative Declaration, have been discussed in this staff report and appropriate mitigations have been developed to supplement the University's approval of the proposed project. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant



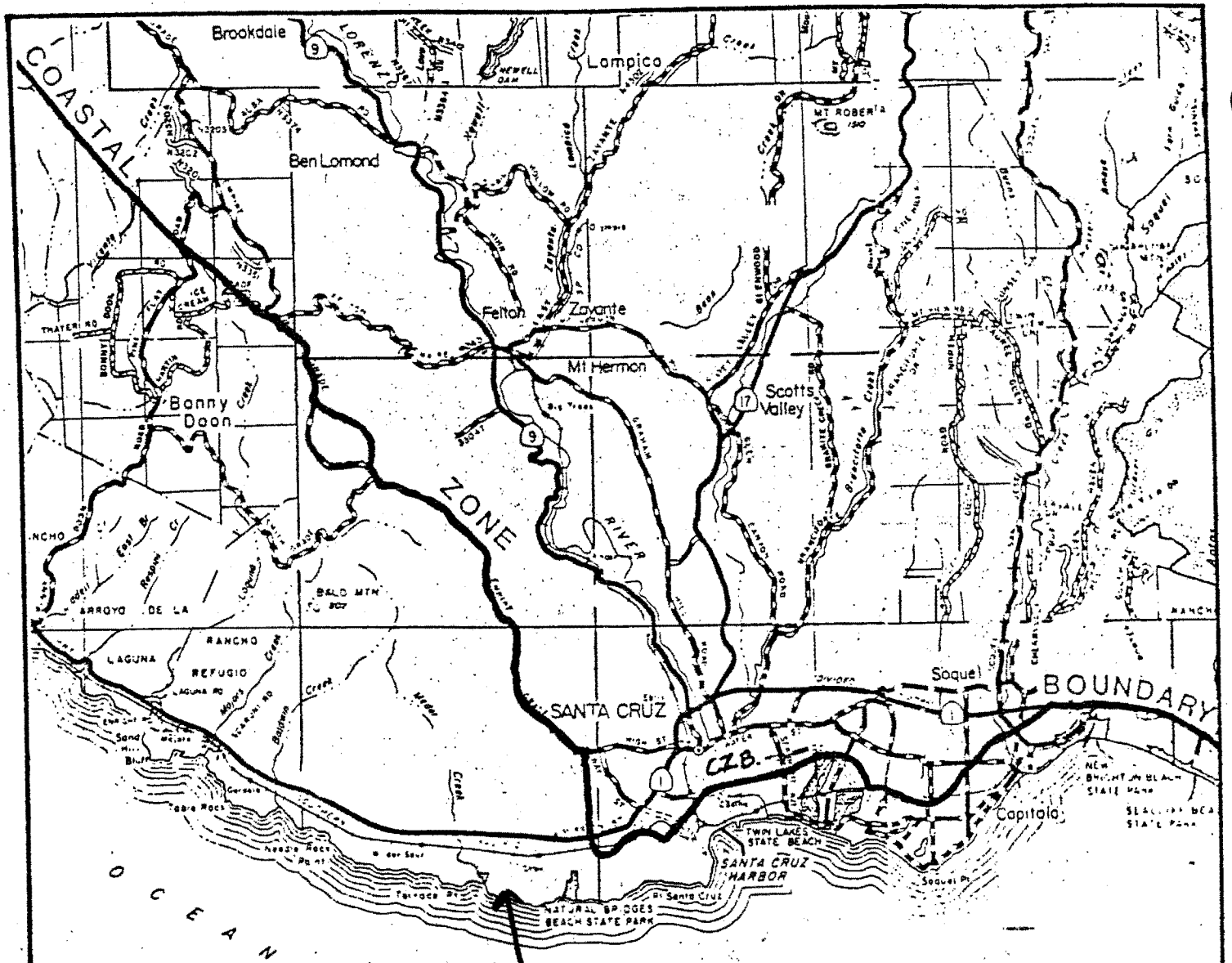
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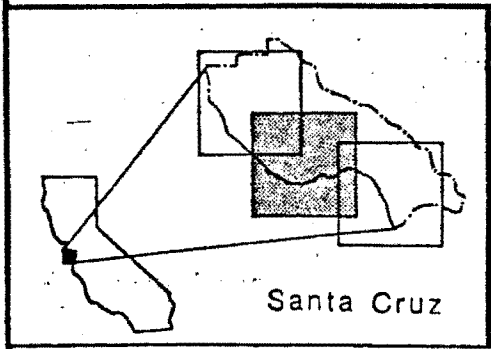
Page 35

adverse effects on the environment within the meaning of CEQA.



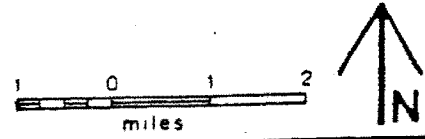


**SITE LOCATION**



California Coastal Commission

**LOCATION MAP**



County of Santa Cruz

Sheet 2 of 3

**EXHIBIT A - PROJECT LOCATION  
(10P3)**

# SITE LOCATION

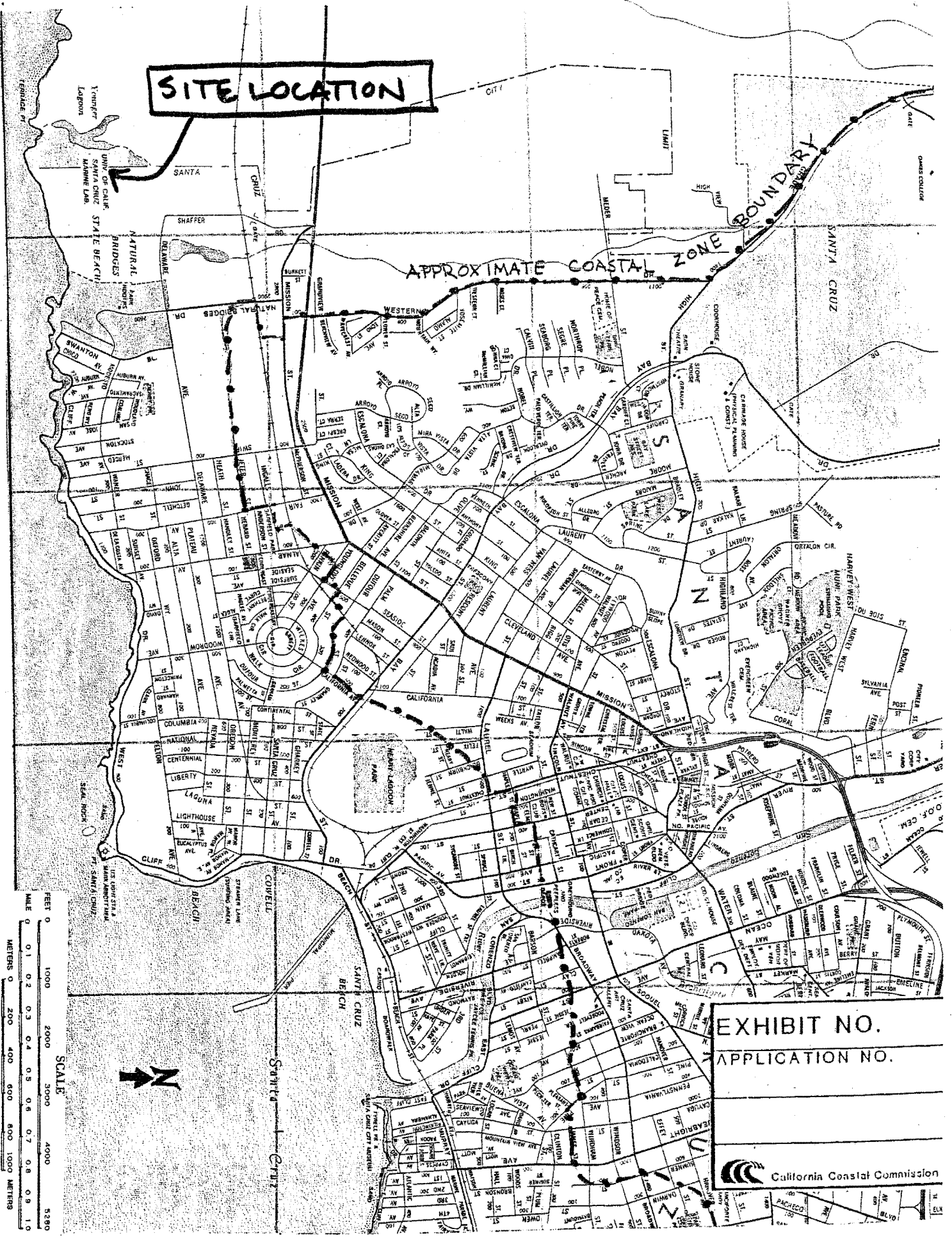



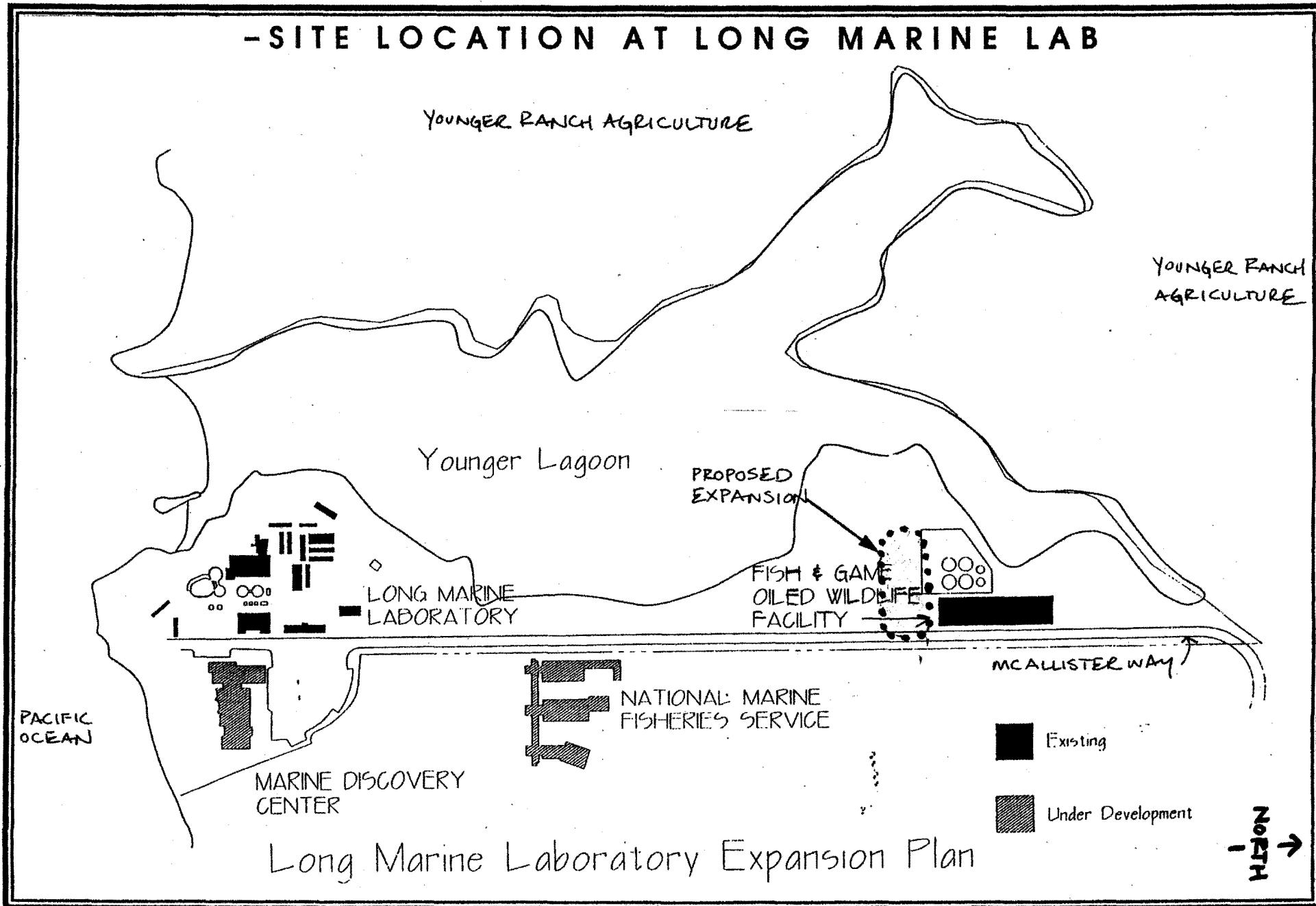
EXHIBIT NO. \_\_\_\_\_  
APPLICATION NO. \_\_\_\_\_

 California Coastal Commission

## EXHIBIT A (20F3)

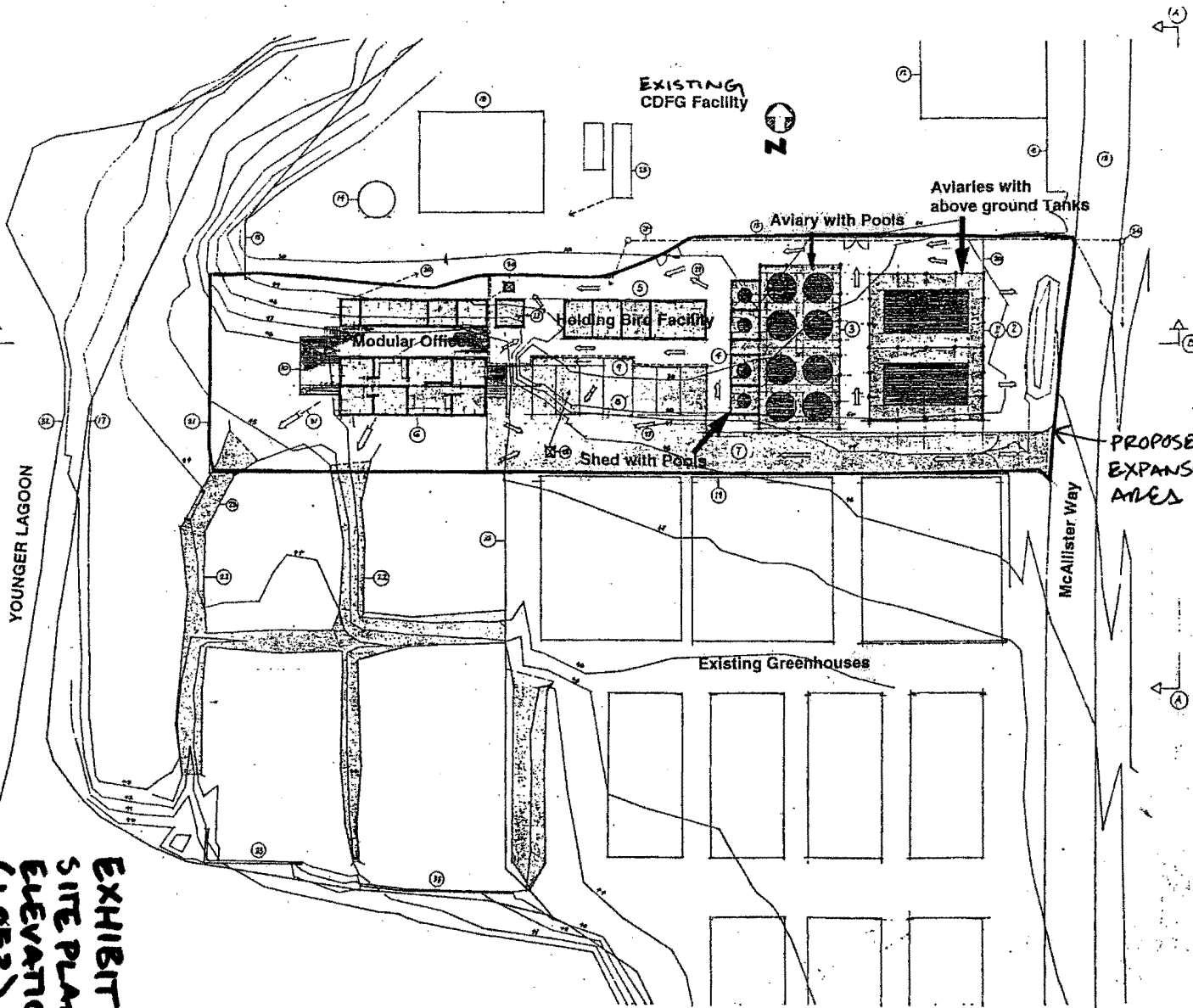
# -SITE LOCATION AT LONG MARINE LAB

EXHIBIT A  
(3 OF 3)



Long Marine Laboratory Expansion Plan

# PROJECT SITE PLAN



ELEMENTS NUMBERED ON SITE PLAN, ELEVATION (A), AND SECTION (B)

- ① ② ③ ④ & ⑥ ~~EXISTING~~ LABELLED AT LEFT
- ⑦ PAVED ENTRY DRIVE FROM MCALLISTER WAY (18).
- ⑧ EIGHT PARKING SPACES WITH ONE HANDICAP SPACE AND RAMP INCLUDED.
- ⑨ RETAINING WALL (MATERIAL TO BE DETERMINED) - MAX. HEIGHT 3 FT. - MIN. 1 FT.
- ⑩ WOOD DECK FOR OUTDOOR MEETINGS.
- ⑪ BALLY WALK-IN PORTABLE FREEZER (TO BE ENCLOSED IN A WOOD STRUCTURE).
- ⑫ EXISTING D.F.G. OILED WILDLIFE FACILITY (BLDG. A).
- ⑬ EXISTING D.F.G. OILED WILDLIFE FACILITY (BLDG. B).
- ⑭ EXISTING SEAWATER STORAGE TANK (D.F.G.).
- ⑮ EXISTING 6 FT. HIGH WOOD FENCE.
- ⑯ EXISTING CHAIN-LINK FENCE (FENCE ALONG ⑦ TO BE MOVED TO FACE OF EXISTING GREENHOUSES (19)).
- ⑰ EXISTING CHAIN-LINK FENCE AT TOP OF RESERVE (YOUNGER LAGOON).
- ⑱ MCALLISTER WAY.
- ⑲ EXISTING GREENHOUSES (NOT BEING USED).
- ⑳ 6 FT. HIGH WOOD FENCE TO MATCH EXISTING (15).
- ㉑ 6 FT. HIGH WOOD BOUNDARY FENCE.
- ㉒ EXISTING BIO-SWALES.
- ㉓ MODIFICATION TO ㉒ RELATIVE TO DRAINAGE FROM (31)
- ㉔ EXISTING UTILITY LINES ALONG (15) AND (18) (SEE ISLAND ENGR. SHEET 1 - JOB NO. 98162).
- ㉕ EXISTING UNDERGROUND WASTE FACILITY.
- ㉖ WASTE LINE FROM OFFICE COMPLEX (6) TO (25)
- ㉗ INDICATES SLOPE OF PAVEMENT.
- ㉘ DRAINAGE VAULT (PIPE TO (13)).
- ㉙ INDICATES SLOPE OF GRADE TO (30).
- ㉚ DRAINAGE VAULT (PIPES TO (31)).
- ㉛ DRAINAGE FIELD TO (22).
- ㉜ INDICATES BOUNDARY OF YOUNGER LAGOON RESERVE.
- ㉝ EXISTING CONCRETE WALLS.
- ㉞ INDICATES 50 FT. SETBACK REQUIREMENT FROM RESERVE BOUNDARY (32).

**PROPOSED  
EXPANSION  
AREA**

**EXHIBIT B  
SITE PLAN &  
ELEVATIONS  
(10/22)**

# PROJECT ELEVATIONS

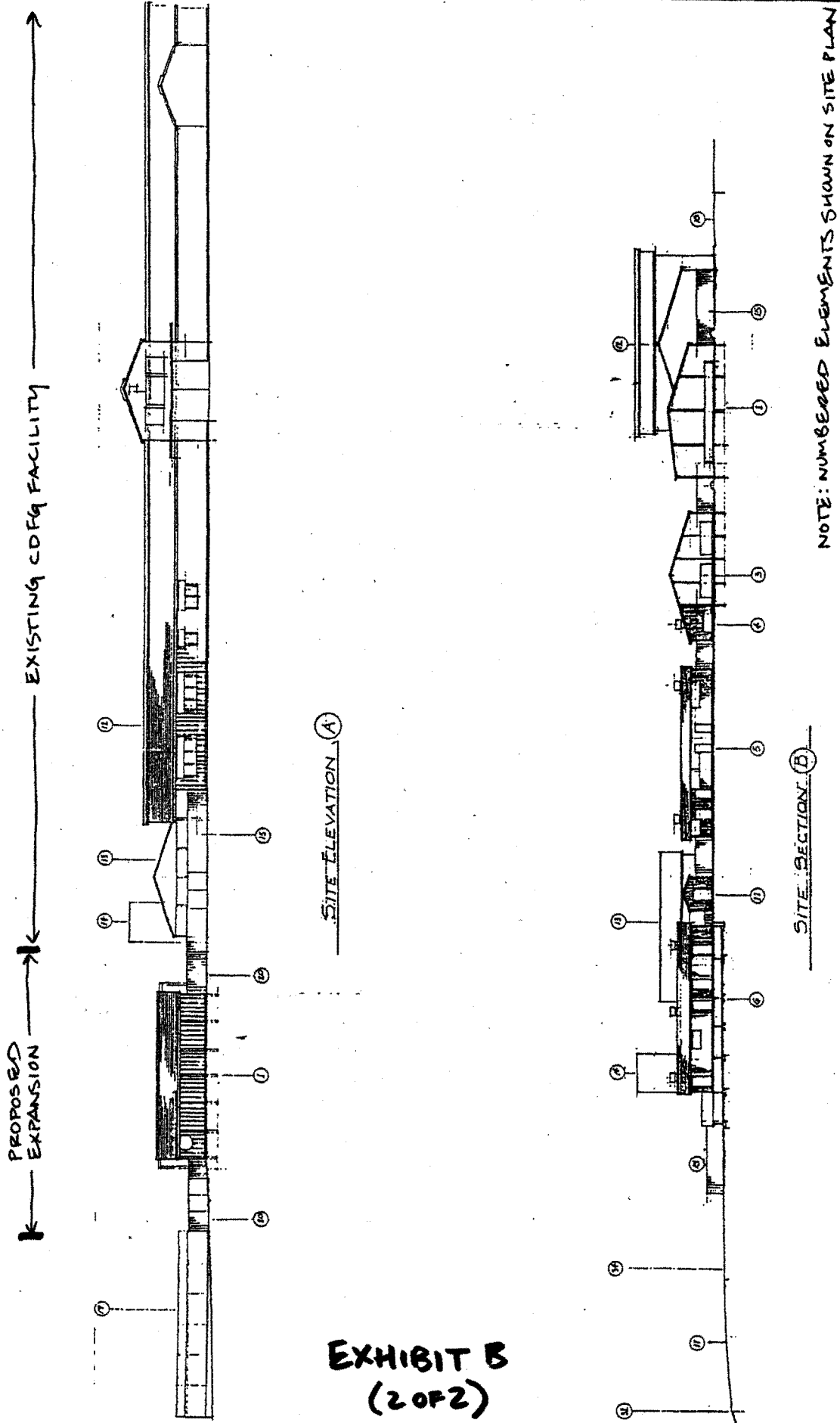


EXHIBIT B  
(2 OF 2)

SEE FIGURE 3 FOR ELEVATION LOCATIONS



UNIVERSITY OF CALIFORNIA, SANTA CRUZ

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SANTA BARBARA • SANTA CRUZ

INSTITUTE OF MARINE SCIENCES  
EARTH AND MARINE SCIENCES BUILDING  
TEL: (831) 459-4026  
FAX: (831) 459-4882

SANTA CRUZ, CALIFORNIA 95064

**RECEIVED**

September 2, 1999

SEP 07 1999

Dan Carl-Planner  
California Coastal Commission  
725 Front Street  
Santa Cruz, Ca. 95060

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**RE: California Department of Fish and Game/University of California:  
Oiled Seabird Facility**

Dear Dan:

This proposed Oiled Seabird Facility at Long Marine Laboratory represents an extension and expansion of the existing Marine Wildlife Veterinary Care and Research Center (MWVRC). The primary mission of the existing Wildlife Center is to care for and rehabilitate sea otters in the event of a major oil spill while the proposed expansion facility is planned for marine birds.

The Oiled Seabird Facility is one of several such facilities along the California coast mandated by state legislation several years ago as part of the Oiled Wildlife Care Network. The Administrator of the Office of Oil Spill Prevention and Response (OSPR), in conjunction with the Oiled Wildlife Care Network Advisory Board, determined that this facility was needed to provide legislatively mandated "best achievable treatment" and to fully protect California's central coast. At full build out of the Oiled Wildlife Care Network, the nearest major oiled wildlife care facilities will be in Cordelia (North S.F. Bay) to the north and San Luis Obispo to the south. Thus the proposed and funded facility fills a significant geographic gap in treatment facilities. The intent is to develop a facility at the Long Marine Laboratory to provide for the care and rehabilitation of oiled seabirds in the event of a major central coast oil spill and also to carry out research on optimal clean up strategies, factors affecting the survival of rehabilitated birds, and how to effectively track these birds when released.

The University of California is working with the California Department of Fish and Game to construct and operate this companion facility. In order to provide the most efficient use of state funds and to avoid duplication of facilities, the Oiled Seabird Facility was planned and designed to be integrated with and therefore directly adjacent to the existing Marine Wildlife Veterinary Care and Research Center. There is no other logical location for this facility in the immediate vicinity due to its connection with the existing OSPR building. With this adjacency, the Oiled Seabird Facility will have access to clinical care, bird washing and drying areas, the analytical laboratory, a large storage freezer, the necropsy lab and, and also hook up

**EXHIBIT C - LETTER FROM APPLICANT  
(10P3)**

directly to the seawater supply and discharge line. This is the only reasonable site for this facility as it is dependent upon the existing OSPR facility for its operation and infrastructure.

There is also some time constraints from the state requiring timely completion of the Seabird Facility. The contract for this facility has already been extended once due to the Department of Fish and Game's failure to execute the original agreement. We requested an extension of the contract and the present contract calls for completion of the facility by April 30, 2000.

Sincerely,



Gary B. Griggs  
Director-Institute of Marine Sciences

EXHIBIT C  
(20F3)

## DEPARTMENT OF FISH AND GAME

Wildlife Veterinary Care and Research Center  
Shaffer Road  
Santa Cruz, CA 95060  
Telephone (831) 469-1719  
Fax (831) 469-1723

September 9, 1999

**RECEIVED**

SEP 09 1999

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Mr. Dan Carl  
Coastal Planner  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Dear Mr. Carl,

In January of 1994 the Coastal Commission approved Permit Number 3-83-076-A5 for the building of the California Department of Fish and Game's (CDFG) Marine Wildlife Veterinary Care and Research Center (MWVCRC) on University of California Santa Cruz (UCSC) property adjacent to Long Marine Laboratory (LML). This facility was developed under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990. Since October of 1997 it has served as the States primary oil spill response center for wildlife, and between spill events it has supported research on marine ecosystem health and causes of sea otter and marine bird mortality. I am the MWVCRC's director and CDFG's Senior Wildlife Veterinarian.

The purpose of this letter is to express support for the building of additional facilities for the care of raptors and marine birds immediately adjacent to the MWVCRC as proposed by UCSC under Permit Number 3-83-076-A12. As stated in Dr. Gary Griggs memo to you of September 2, 1999 (attached) these facilities should be viewed as an adjunct to, or extension of, the MWVCRC. In the winter of 1997-98 two pollution events, each effecting over 500 live marine birds, were handled the MWVCRC. These case loads nearly exceeded the MWVCRC's capacity for best achievable treatment, WITHOUT having any oiled sea otters or marine mammals to deal with. It should be noted that neither of these spills were particularly large, and should a major oil spill effect Monterey Bay the current capacity for oiled wildlife care could easily be exceeded. After the winter of 1997-98 this obvious shortfall in capacity for the care of oiled wildlife along California's central coast led the Office of Spill Prevention and Response (OSPR) and the Oiled Wildlife Care Advisory Board to select the UCSC location and proposal.

Again, as well stated in Dr. Griggs letter, the raptor and marine bird extension only makes sense if it is in the proposed location immediately adjacent to the MWVCRC. In this way the MWVCRC's surgery suite, clinical care rooms, washing-drying and recovery rooms, post mortem complex and other amenities are available, and building costs are minimized. For a number of reasons time is of the essence and a prolonged delay would jeopardize the integrity of the project. Please feel free to contact me with further questions at the above letterhead address.

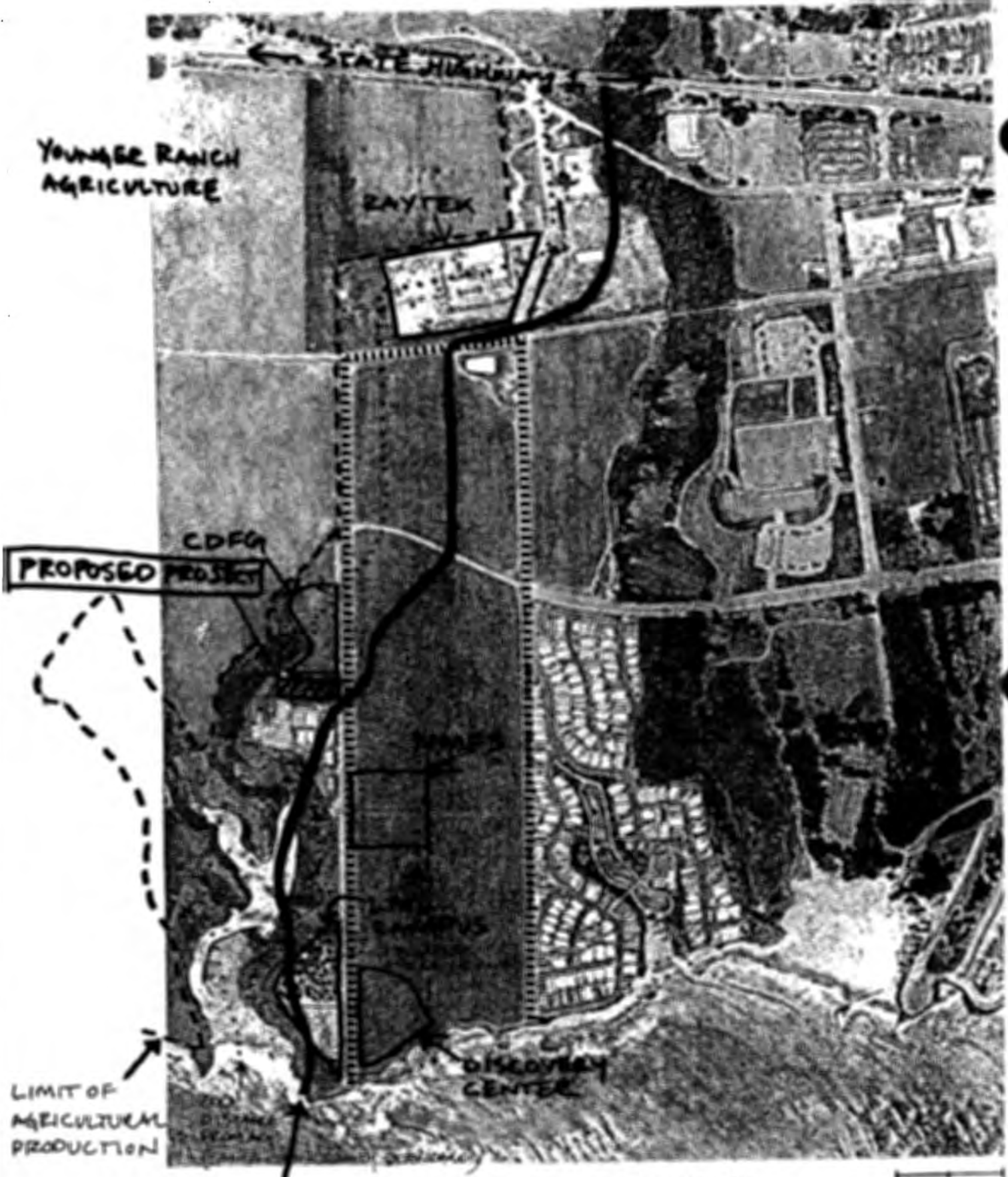
Sincerely



David A. Jessup

cc: Griggs, Davenport, Mayer, Petrovich

**EXHIBIT C**  
**(30F3)**



500' DISTANCE FROM AGRICULTURAL PRODUCTION

APPROXIMATE 100' BUFFER DISTANCES

NORTH  
↑

EXHIBIT D  
(10/1)



1415 20<sup>th</sup> STREET  
SACRAMENTO, CALIFORNIA 95814

(916) 446-0522  
FAX (916) 446-7520

## MEMORANDUM

DATE: July 14, 1998

TO: Ken Thomas/Juliana Rebagliati, City of Santa Cruz

FROM: Derek DiManno, Mintier & Associates

SUBJECT: Terrace Point - Agricultural Buffer Survey

---

The following is a summary of findings from a survey regarding agricultural buffers conducted by Mintier & Associates. This survey was requested by City of Santa Cruz Staff in connection with the City's consideration of the Terrace Point Specific Plan.

Originally, Mintier & Associates contacted 16 counties from the Central Coast, Bay Area, and Central Valley. In addition, we contacted four cities after they were referred to us by county staff. When we contacted the jurisdictions, we asked the following questions:

- Does your city/county have an agricultural buffer policy?
- If so, what are your setbacks for urban development adjacent to existing agricultural operations? Do you have different setback criteria (i.e., vegetable crops such as brussel sprouts)?
- Is the agricultural buffer required by the general plan, an ordinance, or an EIR?
- Have there been any problems that have emerged in recent times over this issue? If so, what are the examples?
- Do you have any additional information on this subject such as studies, staff reports, newspaper articles, or survey work?

Of the 20 jurisdictions surveyed, 13 do not have a citywide/countywide policy for agricultural buffers. Seven jurisdictions (Napa County, San Mateo County, Marin County, Stanislaus County, and the Cities of Greenfield, Buellton, and Half Moon Bay) do not have any setback requirements, while the other six counties (San Joaquin, Ventura, Sonoma, Santa Barbara, San Luis Obispo, and City of Lompoc) require setbacks as a condition of approval or a mitigation measure during the discretionary review process. Only seven jurisdictions (Santa Cruz, Yolo, Sacramento, Santa Clara, San Benito, Contra Costa, and Monterey) have a formal general plan

**EXHIBIT E**  
**(1056)**

policy or an ordinance that requires a setback.

Although nine of the respondents said that their setback requirements are variable depending on several conditions such type of urban development, crop type, pesticide use, and intensity of agricultural production, seven counties said that their setbacks for row and vegetable crops are in the 100 to 400 foot range. These include the following:

- San Joaquin - 100 feet
- Ventura - 100 feet
- Yolo - 100 feet
- Sonoma - 100 to 200 feet
- Santa Cruz - 200 feet
- Santa Clara - 25 to 100
- San Luis Obispo - 200 to 400 feet

Three counties have required relatively large setbacks: Yolo County (up to 500 feet), San Luis Obispo (up to 800 feet), and Sacramento County (up to 500 feet). In the first two cases, the maximum setback has been required for aerial spraying of vineyards or orchards. For Sacramento County, the buffer is generally from 300 to 500 feet, but may be narrowed depending on the type of crop application methods, natural features, and applicable specific plan policies.

We received several supporting documents from jurisdictions including copies of their agricultural buffer policy or ordinance, newspaper articles, survey work, and studies. In addition, the County of San Benito and Santa Clara referred us to articles and Internet sites, but we were unable to locate those sources. Those sources include the following:

- American Farmland Trust homepage (agricultural buffer information);
- State Department of Health homepage (pesticide study);
- articles regarding the Aromas San Joaquin Unified School District in the City of Green field (pesticide drifting); and
- articles regarding the Pajaro Unified School District in Watsonville (pesticide drifting).

We have enclosed copies of all the supporting documents we received.

If you have any questions regarding the research, feel free to contact me at (916)446-0522.

**EXHIBIT E**  
**(20FG)**

## ROW/VEGETABLE CROP BUFFER SURVEY

June 17, 1998  
(Revised July 14, 1998)

| Jurisdiction    | Contact person            | Title                                  | Contact Date | Phone #      | Row /Veg. Crop Setbacks | Setback Required By:                         | Discussion                                                                                                                                                                                                                                                                                                                                                          | Studies/ Attachments* |
|-----------------|---------------------------|----------------------------------------|--------------|--------------|-------------------------|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>COUNTIES</b> |                           |                                        |              |              |                         |                                              |                                                                                                                                                                                                                                                                                                                                                                     |                       |
| Napa            | Ed Colby                  | Planner                                | 6-12-98      | 770/253-4416 | None                    | N/A                                          | Napa has a Right-to-Farm policy that requires residents adjacent to ag. lands to sign a statement of understanding regarding nuisances such as pesticide use. If the County receives a complaint, the land owner (farmer) is contacted and asked to voluntarily change their spraying to non-windy days.                                                            | No                    |
| San Mateo       | ???                       | Planner                                | 6-16-98      | 650/363-1825 | None                    | N/A                                          | Any ag. land converted to residential use requires signing a deed restriction. The only setback requirement the County has for res/ag lands is for greenhouses, but this setback is for purely aesthetic reasons.                                                                                                                                                   | No                    |
| Marin           | Neil Osborne              | Planner                                | 6-17-98      | 415/499-6269 | None                    | N/A                                          | The County has a Right-to-Farm policy that requires residents to sign disclosure statements.                                                                                                                                                                                                                                                                        | No                    |
| Stanislaus      | Darrell                   | Planner                                | 6-16-98      | 209/525-6330 | None                    | N/A                                          | Stanislaus County has a Right-to-Farm policy but no countywide policy for agricultural buffers.                                                                                                                                                                                                                                                                     | No                    |
| San Joaquin     | Chandler Martling         | Planner                                | 6-16-98      | 209/468-3121 | 100 ft.                 | Discretionary review - condition of approval | The County has a Right-to-Farm policy but no setbacks requirements. The County has required setbacks up to 100 feet during the discretionary review process.                                                                                                                                                                                                        | No                    |
| Ventura         | Steve Alery, Malada Allen | Planner<br>Planner<br>(Ag. Specialist) | 6-16-98      | 805/654-2488 | 100 ft.                 | Discretionary Review - condition of approval | There is no county-wide buffer policy. There are two subdivision tracts that have required setbacks of 100 feet. Both were conditions of approval. The County also has a Right-to-Farm policy to protect grazing and citrus farms.                                                                                                                                  | No                    |
| Yolo            | Dave Flores               | Planner                                | 6-16-98      | 916/666-8020 | 100 ft.                 | General Plan policy                          | For some projects (e.g., those requiring use permits), the Ag. Commissioner may be contacted to give a recommendation for the proper setback given unique circumstances. Setbacks vary depending on type of operation and chemicals used for spraying. Row crops with ground application require 100 ft. setbacks, while aerial spraying requires 500 ft. setbacks. | Yes                   |

EXHIBIT E  
(3076)

**ROW/VEGETABLE CROP BUFFER SURVEY**

June 17, 1998  
(Revised July 14, 1998)

| Jurisdiction  | Contact person                 | Title                | Contact Date | Phone #                                     | Row /Veg. Crop Setbacks | Setback Required By:                                           | Discussion                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Studies/ Attachments* |
|---------------|--------------------------------|----------------------|--------------|---------------------------------------------|-------------------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Sonoma        | Tracy Tesconi                  | Ag. Specialist       | 6-16-98      | 707/527-1909<br>707/527-1900<br>(main line) | 100 ft. - 200 ft.       | CEQA (mitigation measure)                                      | The County does not have a formal requirement but instead requires a setback during the environmental review process. Setbacks for field grown crops such as brussel sprouts in Sonoma County would be 200 ft. There hasn't been any contention between developers and farmers regarding setbacks. Staff informs applicants of possible nuisances ahead of time and projects are designed to reduce impacts. In addition, Sonoma County has a Right-to-Farm policy. | No                    |
| Santa Cruz    | Bob Stakum,<br>Sheryl Mitchell | Ag. Resource Planner | 6-16-98      | 408/454-2580                                | 200 ft.                 | Ordinance                                                      | The 200 foot setback is for habitable residential structures adjacent to ag. lands. The Ordinance is 16.50.059.                                                                                                                                                                                                                                                                                                                                                     | Yes                   |
| Santa Barbara | Rita Bright,<br>Pamela Grant   | Planner              | 6-12-98      | 805/568-2000<br>805/568-2044                | Variable                | Discretionary Review - condition of approval (community Plans) | The County does not have a countywide policy for ag. buffers. The County does require setbacks on a case-by-case basis during their discretionary review process. The setbacks are determined according to farm use and crop type. Currently, the County is testing ag. clusters using a 150 to 200 foot setback from grazing areas.                                                                                                                                | Yes                   |
| San Benito    | Mary Paxton                    | Planner              | 6-16-98      | 408/637-5313                                | Variable                | General Plan policy (Land Use Element)                         | The General Plan states that any res. development adjacent to ag. lands with row crops on Grade 1 soils have a "non-development buffer." However, it doesn't specify the width.                                                                                                                                                                                                                                                                                     | No                    |
| Montcrey      | Delinda Robinson               | Planner              | 6-17-98      | 408/755-5025                                | Variable                | General Plan and Zoning Ordinance                              | Both the General Plan and the Zoning Ordinance require a buffer between new subdivisions and adjacent farmland or grazing land. The Zoning Ordinance requires a setback of 200 feet or greater. The setback is determined during the discretionary review process.                                                                                                                                                                                                  | Yes                   |

EXHIBIT E  
(4056)



**ROW/VEGETABLE CROPS BUFFER SURVEY**

June 17, 1998

(Revised July 14, 1998)

| Jurisdiction    | Contact person   | Title            | Contact Date       | Phone #                                        | Row /Veg. Crop Setbacks | Setback Required By:                               | Discussion                                                                                                                                                                                                                                                                                                                                                                                                              | Studies/ Attachments* |
|-----------------|------------------|------------------|--------------------|------------------------------------------------|-------------------------|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Contra Costa    | Bob Drake        | Planner          | 6-16-98            | 925/335-1214                                   | Variable                | General Plan policy                                | The Conservation Element requires buffers for all non-agricultural development adjacent to existing agricultural operations, but does not set specific guidelines. All setbacks are established on a case-by-case basis. The County also has a Right-to-Farm Ordinance that requires all adjacent inhabitants to sign disclosure statements.                                                                            | Yes                   |
| San Luis Obispo | Robert Hopkins   | Ag. Commissioner | 6-15-98<br>6-16-98 | 805/781-5753<br>805/781-5600<br>Planning Dept. | 200-400 ft.             | Discretionary review process - mitigation measures | The Agricultural Commissions Office established a policy that the Board has officially adopted. The setbacks are variable depending on the type of development being built and adjacent ag. use. Intensive farming such as vegetable crops requires a setback of 200 to 400 ft. The buffer setback ranges from 50 to 800 ft. Vineyards and orchards have the largest setbacks at 300 to 800 ft.                         | Yes                   |
| Sacramento      | Peter Morse      | Planner          | 6-16-98            | 440-6141                                       | 300-500 ft.             | General Plan policy                                | Buffers generally consists of a physical separation 300-500 feet wide including roadways. Narrower buffers may be approved depending on the natural features of the buffer, applicable specific plan policies, and on the relative intensities of the proposed urban use and the adjacent agricultural use. The County also has a Right-to-Farm Ordinance.                                                              | Yes                   |
| Santa Clara     | Andrea Boyd-Ball | Planner          | N/A                | 408/299-2521                                   | 25- 100 ft.             | 1995 General Plan policy                           | The width of the buffer will vary depending on the type of use and orientation of the buildings. For non-residential projects that "turn their back" on the agricultural use, a 25-foot buffer is probably sufficient. For all residential projects, a buffer of 200 feet provides sufficient space for aerial spraying. A 100-foot buffer may be sufficient for other uses (South County Agricultural Preserve Study). | Yes                   |

EXHIBIT E  
(50F6)

## ROW/VEGETABLE CROP BUFFER SURVEY

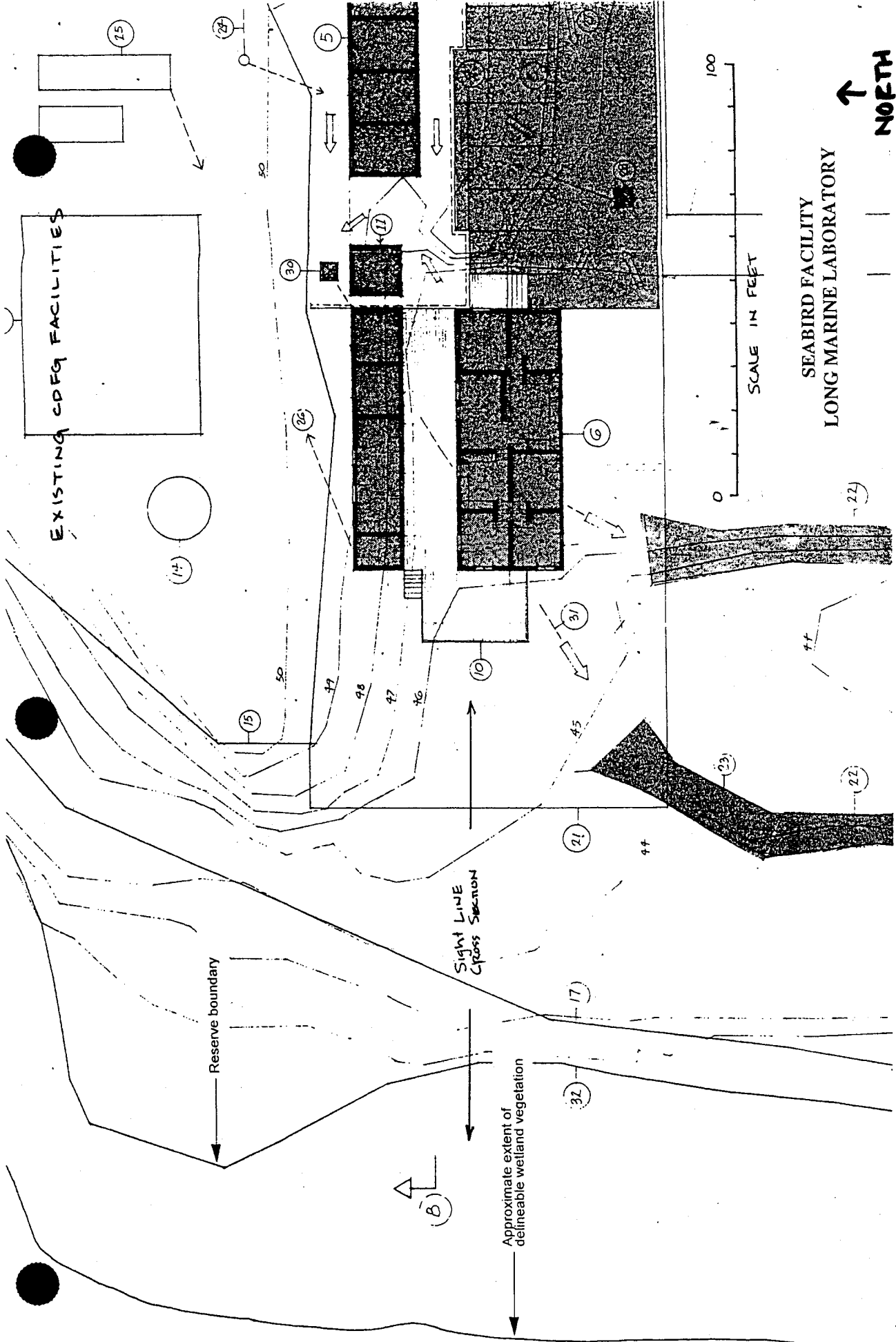
June 17, 1998  
(Revised July 14, 1998)

| Jurisdiction    | Contact person   | Title              | Contact Date | Phone #               | Row /Veg. Crop Setbacks | Setback Required By: | Discussion                                                                                                                                                                                                                                                                                                                                                                 | Studies/ Attachments* |
|-----------------|------------------|--------------------|--------------|-----------------------|-------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>CITIES**</b> |                  |                    |              |                       |                         |                      |                                                                                                                                                                                                                                                                                                                                                                            |                       |
| Greenfield      | Mark McClain     | Planner            | 6-17-98      | 408/674-5592          | None                    | N/A                  | Greenfield does not have a setback policy but instead uses street trees (two for every residential lot bordering a farm) as a buffer. This buffer is tied into a development agreement. In some cases, a house may be as close as 60 to 70 feet from an active farming operation.                                                                                          | No                    |
| Lompoc          | Diana Deltadillo | Planner            | 6-17-98      | 805/736-1261 ext. 272 | 200 feet                | General Plan EIR     | N/A                                                                                                                                                                                                                                                                                                                                                                        | No                    |
| Buellton        | Charlotte Wilson | Planner            | 6-17-98      | 805/688/7474          | None                    | N/A                  | The City has a policy in their Conservation and Open Space Element that states that the City should support the County's Right-to-Farm ordinance and other methods to mitigate potential impacts caused by urban development. These additional measures may include establishing a buffer on land to be developed between new urban development and surrounding ag. lands. | Yes                   |
| Half Moon Bay   | Sigrid White     | Planning Secretary | 6-30-98      | 650/726-8250          | None                    | N/A                  | The only urban-agricultural conflict to occur in the last five to ten years occurred at the Main Street Affordable Housing complex. The site is adjacent to ag. land in San Mateo County. Since there was no room for setbacks, the apartments were designed with carports abutting the ag. property to serve as a buffer.                                                 | No                    |

\* Background materials such as staff reports, studies, surveys, ordinances, and newspaper articles will be made available upon request.

\*\* Cities were included in the survey after county staff identified them as a possible source for information about agricultural buffers.

EXHIBITE (606)



↑ NORTH

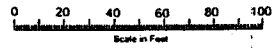
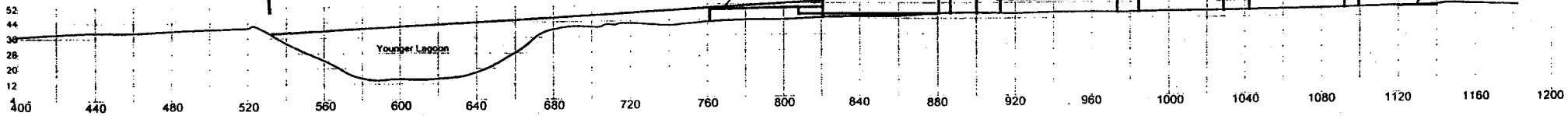
SEABIRD FACILITY  
LONG MARINE LABORATORY

SCALE IN FEET

0 100

**EXHIBIT F: YOUNGER LAGOON CROSS SECTION (1 OF 2)**

← 290' →



Sight line presumes  
no vegetation at  
top of slope

Sight line begins  
at top-of-window  
elevation

SEABIRD FACILITY  
LONG MARINE LABORATORY

EXHIBIT F  
(2 of 2)

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

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JUL 22 1999

NATURAL RESERVES  
C/O ENVIRONMENTAL STUDIES  
1156 HIGH STREET  
(831) 459-4971  
FAX: (831)459-4015  
EMAIL: FUSARI@CATS.UCSC.EDU

SANTA CRUZ, CALIFORNIA 95064 CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

19 July, 1999

California Coastal Commission  
c/o Dan Carl, Planner  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Dear Mr. Carl:

I am writing a letter of support for the Center for Ocean Health Project, and the Seabird/Raptor Facility at the UCSC Long Marine Laboratory (LML)

I am the Director of the Natural Reserves for the UCSC campus and the manager of Younger Lagoon Reserve (YLR) which lies adjacent to the LML property. This reserve was established at the time of the development of the Long Marine Laboratory and incorporated into the UC/Natural Reserve System (NRS) to serve for protection of wildlife and native vegetation in support of the teaching and research mission of the NRS which is "...to contribute to the understanding and wise management of the Earth and its natural systems by supporting university-level teaching, research, and public service at protected natural areas throughout California.". It seems that both facilities are logical neighbors for such a reserve. YLR was a part of the original plan for the LML site in that the reserve would be closed to the general public in order to protect vegetation and wildlife but made available through interpretive areas and docent led tours. The reserve is especially important in providing feeding and resting habitat for migrating birds. We see ourselves as part of the overall efforts in teaching and research and public education at UCSC and as a partner to the LML group.

Both the Ocean Health project and the Seabird Facility seem to me to be highly desirable facilities for this area of the LML and the Coastal Zone in general. Along with the new LML Visitor Center that promotes public education about marine systems these facilities will promote marine research and conservation.

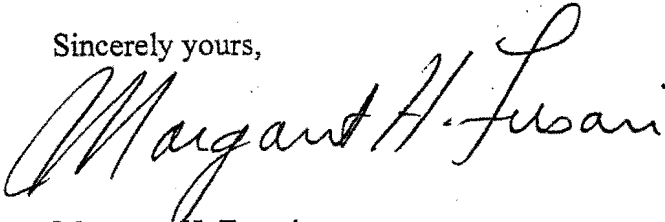
In addition and after significant consultation with the project developers I feel that both of these projects have been carefully designed to avoid impacts to YLR. The Ocean Health building will be set behind a ten foot high berm that protects YLR from impacts, including light and sound and visual disturbances. In replacing the temporary trailers it should actually stabilize the comings and goings at the lab quite a lot. The Seabird facility will be buffered from YLR by fencing and plantings. There is no drainage

EXHIBIT G: FUSARI CORRESPONDENCE  
(10F2)

issue with Ocean Health. LML and YLR staff have carefully planned the drainages for the Seabird facility to avoid any negative impacts to YLR. I believe that we have fully covered all of the potential impacts that could arise from a project adjacent to a natural reserve and that these projects themselves will serve to buffer the reserve against intrusions and disturbances just as the reserve serves as a functional buffer between the developments and the agricultural land beyond.

I fully support these 2 projects as important for UCSC and its mission and for our coast through ocean research, and education at all levels. I think that the combination of facilities at LML will enhance our region's ability to support coastal and marine conservation and research. I am confident that YLR and LML staff will continue to work together to assure the environmental integrity of both sites.

Sincerely yours,

A handwritten signature in cursive script that reads "Margaret H. Fusari". The signature is written in black ink and is positioned to the right of the typed name.

Margaret H. Fusari

cc: Steve Davenport, LML

**EXHIBIT 9  
(20F2)**

Quality Control Board or the Monterey Bay National Marine Sanctuary.

**ADOPTED**

7. **Interim Public Access Plan.** PRIOR TO THE COMMENCEMENT OF PHASE 2 CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval an interim public access plan for the Permittee's property at Terrace Point. At a minimum, such plan shall provide for through public access from the Delaware Avenue and Shaffer Road intersection westerly along Delaware Avenue Extension/McAllister Way to McAllister Way, thence southerly through to the coastal bluff, thence easterly along the seaward side of the Marine Discovery Center building along the blufftop to the property boundary with the De Anza Mobile Estates, thence northerly along the De Anza Mobile Estates property boundary through to the point of beginning (i.e., Delaware Avenue and Shaffer Road intersection). See Exhibit H.

Such interim public access plan shall include a fencing detail for the Permittee's property at Terrace Point. Such fencing detail shall identify: (1) all existing permitted fences on the property; and (2) all fences to be installed substantially in conformance with the plans submitted to the Commission titled *Center for Ocean Health* dated May 1999 except that such fencing detail shall not include any fencing which blocks public access along McAllister Way through to the coastal bluff thence eastward along the bluff (seaward of the Marine Discovery Center) to the eastern extent of the Permittee's property at the De Anza Mobile Estates. The fencing shall not block or impair any accessway described in this special condition.

Such interim public access plan provide for adequate number and placement of public access signs, and may include reasonable times of limited access (i.e., during non-daylight hours), as determined by the Executive Director.

Such interim public access plan shall remain in effect until such time as the Coastal Commission has adopted a formal public access plan through certification of a Local Coastal Program or Long Range Development Plan for the Permittee's property at Terrace Point. The Permittee shall maintain and keep open all accessways in accordance with the approved public access plan. Any proposed changes to the approved public access plan shall be reported to the Executive Director. Other than any modifications required by the Commission through Commission action on the Younger Lagoon Beach/Wetland Area Management and Access Plan (Special Condition 8 below), no changes to the public access plan shall occur without a Commission amendment to this coastal development permit amendment unless the Executive Director determines that no amendment is necessary.

8. **Younger Lagoon Beach/Wetland Area Management and Access Plan.** PRIOR TO THE COMMENCEMENT OF PHASE 2 CONSTRUCTION, the Permittee shall submit to the Coastal Commission for review and approval a Younger Lagoon beach/wetland area management and access plan. Such plan shall include at a minimum: a description of the formal research activities that have taken place, and/or are currently taking place, in the beach/wetland area; identification of existing public access opportunities provided via trails and overlooks from the UCSC Long Marine Laboratory property; a description of the status of research activities at Wilder Ranch State Beach

**ADOPTED**



**EXHIBIT H: 3.83.076-A13  
PUBLIC ACCESS REQ'S  
(10FS)**

**ADOPTED**

and an analysis of opportunities for combining Wilder Ranch and Younger Lagoon research programs; an analysis of the effects of limiting access to the Younger Lagoon beach/wetland area since 1981 and potential impacts that might be expected were public beach use to be reinstated; and an analysis of the opportunity for installation of a wetland perimeter coastal trail.

Such Younger Lagoon beach/wetland area management and access plan shall include an analysis of trail linkages from McAllister Way through to Younger Lagoon overlooks. At a minimum, the following overlooks shall be analyzed for public access use: (1) the blufftop west of the berm at the southerly extent of the Permittee's property located east of the beach at Younger Lagoon; (2) the area on top of the berm currently developed with an overlook between the existing marine mammal pools and Younger Lagoon; (3) the blufftop west of the berm directly west of the proposed shop building; (4) the blufftop west of the berm at the area to the west of the subject site where there exists a break in the berm area; (5) the blufftop west of the berm and north of the termination of the existing berm where there exists a turnout on the west side of McAllister Way; and (6) the blufftop located south and west of the existing greenhouses on the upper terrace site occupied by the California Department of Fish and Game facility. See Exhibit H.

Such Younger Lagoon beach/wetland area management and access plan shall include a fencing detail for the Permittee's property at Terrace Point. Such fencing detail shall identify: (1) all existing permitted fences on the property; and (2) the Permittee's proposal for all fences and gates necessary to implement the Younger Lagoon beach/wetland area management and access plan.

9. **Long Marine Laboratory Parking Supply and Demand Report.** WITHIN ONE YEAR OF OCCUPANCY OF THE APPROVED PROJECT, the permittee shall submit a parking supply and demand report to the Executive Director for review and approval. Such report shall include an analysis of the parking supply and demand for the Long Marine Laboratory campus. In the event that in the opinion of the Executive Director parking demand exceeds supply, the existing Long Marine shuttle system shall be expanded to accommodate the extra demand.

### **3. Recommended Findings and Declarations**

The Commission finds and declares as follows:

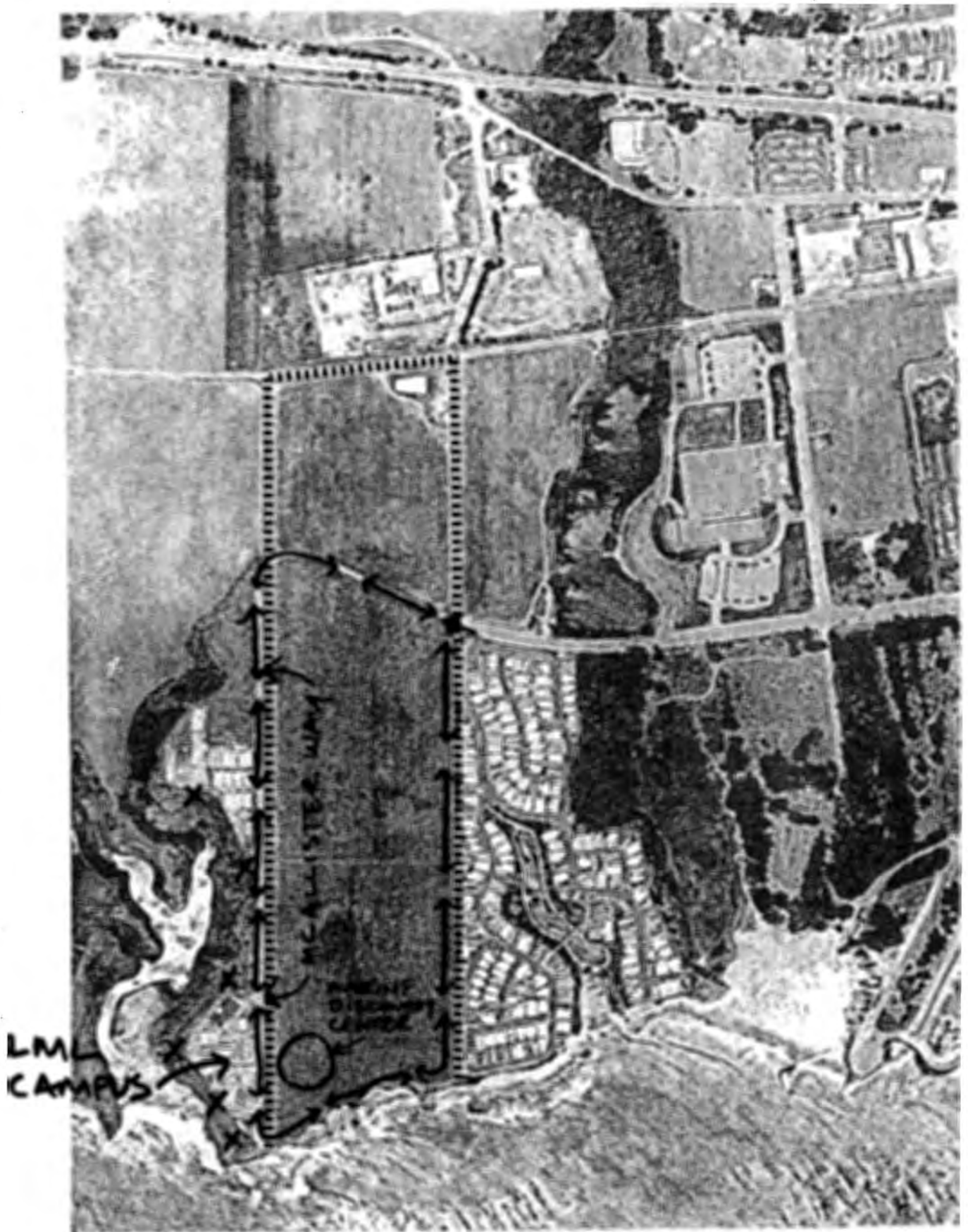
#### **A. General Project Location & Background**

The project site is located on the coastal terrace located just within the western boundary of the City of Santa Cruz in Santa Cruz County. The Applicant (the University of California) has for years owned and managed approximately 43 acres of this area located on the extreme western boundary of the City. Of this 43 acres, approximately 28 acres makes up the Younger Lagoon Reserve (a wetland system which is part of the University's Natural Reserve System) and the 15 remaining acres contain the Long Marine Laboratory (LML) campus and related facilities (approximately 7 acres), the California Department of



**EXHIBIT H**  
**(2023)**





LM  
CAMPUS

X = YOUNGER LAGOON OVERLOOKS  
 ↔ = THROUGH PUBLIC ACCESS

PUBLIC ACCESS  
 REQUIREMENTS

ADOPTED EXHIBIT H (3.83.076.A13)

(1 OF 1) EXHIBIT H (30+3)

**RECEIVED**

*Office Location:*

WILDLIFE HEALTH CENTER  
SCHOOL OF VETERINARY MEDICINE  
TB 128 - OLD DAVIS ROAD  
(530) 752-4167  
FAX: (530) 752-3318

September 29, 1999

OCT 04 1999

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

*Mailing Address:*

WILDLIFE HEALTH CENTER  
SCHOOL OF VETERINARY MEDICINE  
UNIVERSITY OF CALIFORNIA  
ONE SHIELDS AVENUE  
DAVIS, CALIFORNIA 95616

Mr. Dan Carl  
Coastal Planner  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

Dear Mr. Carl:

In January of 1994 the Coastal Commission approved permit no. 3-83-076-A5 for the building of the California Department of Fish and Game's (CDFG) Marine Wildlife Veterinary Care and Research Center (MWVCRC) on University of California Santa Cruz (UCSC) property adjacent to Long Marine Laboratory. This facility, developed under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990, is part of the Oiled Wildlife Care Network (OWCN) and serves as one of California's primary response centers for oiled marine wildlife. It has been designed specifically to care for oiled sea otters. Between spill events, the MWVCRC supports research on marine ecosystem health and causes of sea otter and marine bird mortality.

The OWCN, a collaborative program between the CDFG's Office of Spill Prevention and Response (OSPR) and the UC Davis School of Veterinary Medicine's Wildlife Health Center, consists of a cooperative system of over 20 specialized wildlife care organizations and facilities situated along the California coast. Its mission is to strive to ensure that wildlife exposed to petroleum products in the marine environment receive the best achievable treatment by providing access to permanent wildlife rehabilitation facilities and trained personnel which are maintained in a constant state of readiness for oil spill response. The OWCN Advisory Board, appointed by the OSPR Administrator, is comprised of representatives of the oil production and transportation industries, wildlife rehabilitation organizations, wildlife trustee agencies, and academia.

The University of California, Santa Cruz has contracted with OSPR to construct an oiled bird care facility adjacent to the MWVCRC. A permit to construct this facility, permit no. 3-83-0076-A12, is currently under review by the California Coastal Commission. This building will provide housing and facilities for the care of up to 150 marine birds oiled during a spill. In the winter of 1997-98, two spill events involving the care and rehabilitation of over 500 live marine birds were coordinated at the MWVCRC. Designed as a center to care for marine mammals, these events nearly exceeded the MWVCRC's capacity for best achievable treatment for these birds. It should be noted that neither of these spills were particularly large, and should a major oil spill affect Monterey Bay, the current capacity for oiled wildlife care could easily be exceeded. After the winter of 1997-98 this obvious shortfall in capacity for the care of oiled birds along California's central coast led OSPR and the OWCN Advisory Board to contract with UCSC for the development of expanded facilities for the care of oiled marine birds in the Santa Cruz area.

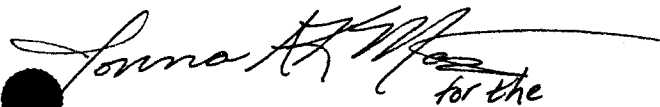
**EXHIBIT I: OWCN CORRESPONDENCE  
(10P2)**

Mr. Dan Carl  
September 29, 1999  
Page 2

The location of this proposed facility, immediately adjacent to the MWVCRC, will provide opportunity for collaborative research and the ability to share equipment. During a spill event, access and close proximity to the MWVCRC, which includes a surgery suite, clinical care rooms, washing-drying and recovery rooms and a post-mortem complex, will be of vital importance. Building adjacent to the MWVCRC will also minimize construction costs and water needs.

We have found that wildlife affected by petroleum products recover best when they receive immediate care, and access to permanent facilities equipped to provide this care is essential. In order to immediately protect coastal wildlife resources in the Monterey Bay area from the effects of oil contamination, we strongly urge the Coastal Commission to support our efforts and approve the development of these facilities in a timely fashion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jonna Mazet", with a long horizontal flourish extending to the right. Below the signature, the words "for the" are written in a smaller, simpler font.

The OWCN Advisory Board

cc. Jonna Mazet, OWCN Director  
David Jessup, MWVCRC

**EXHIBIT I**  
**(20F2)**



BUSINESS AND ADMINISTRATIVE SERVICES

SANTA CRUZ, CALIFORNIA 95064

October 12, 1999

Sara Wan, Chair  
California Coastal Commission  
c/o Central Coast Office  
725 Front St.  
Santa Cruz, CA 95060

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OCT 13 1999

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Ms. Wan and Commissioners:

We would like to update you on our activities in preparing a Coastal Long Range Development Plan for the UC Santa Cruz Marine Research Center (Terrace Point). Since our discussion with the Commission at your August 11 meeting in Los Angeles we have made substantial progress in initiating the process and ensuring participation and collaboration with the City of Santa Cruz. Here is a summary of some of the key accomplishments to date:

1. **Planning Committee.** The campus planning committee has been appointed with representation from the Marine Sciences Institute, Student Affairs (housing), Office of Research, the campus Design Advisory Board, the Natural Reserve System and others. This group will be initiating the process by establishing campus programming and other goals for the property, and setting in motion the plan preparation and review process. (Attached for your information is a copy of the appointment letter from Executive Vice Chancellor John Simpson).
2. **Work Program.** We have drafted a work program and tentative sequence of events outlining plan preparation, public outreach and consultation with the City of Santa Cruz and the Coastal Commission staff. The process we envision proceeds in a sequence of stages. It begins with the formulation of guiding principles for the development of the LRDP, followed by the drafting and formal review of the plan, the preparation and certification of environmental documents, approval by the Regents of the University of California, and ultimately the review and approval by the Coastal Commission. We expect to continue to refine and add detail to the work program as we move ahead in the process. (The most current work program outline is attached for your information).
3. **City of Santa Cruz Consultation.** At the invitation of Chancellor MRC Greenwood, Katherine Beiers, the current Mayor of Santa Cruz has agreed to join the campus planning committee. In addition, we have continued the consultative process on the staff level between University and City staff that has been underway since our purchase of the 55-acre Terrace Point property last spring.

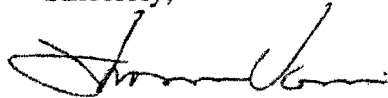
**EXHIBIT J : UCSC LRDP EFFORT  
(1 of 8)**

4. **Consultation with Coastal Staff.** We have worked closely with your staff in the preparation of the work program, and have invited them to participate fully in the work of the planning committee. While we are not asking them to make premature judgments or commitments with respect to any aspects of the plan, it is our hope to embrace their expertise to help inform the committee about Coastal Act issues and priorities. We also are seeking their guidance and leadership in working through the potential difficulties associated with the City of Santa Cruz' independent effort to prepare a Local Coastal Plan amendment for the Terrace Point property ahead of the University's process. We believe it would be beneficial for the Commission to pursue merging the City's effort into the University's LRDP process.

The first meeting of the Planning Committee is scheduled for October 28, 1999. We will be happy to give you an update and respond to any questions you may have at the November Coastal Commission meeting.

Thank you for your interest in and support of our planning effort.

Sincerely,



Tom Vani  
Planning Committee Co-Chair  
Vice Chancellor  
Business and Administrative Services



Gary Griggs  
Planning Committee Co-Chair  
Director  
Institute of Marine Sciences

EXHIBIT J  
(20F8)

September 20, 1999

Vice Chancellor Tom Vani  
 Business & Administrative Services  
 Director Gary Griggs  
 Institute of Marine Sciences  
 Associate Vice Chancellor Jim Gill  
 Research  
 Vice Chancellor Francisco Hernandez  
 Student Affairs  
 Director Charles Eadie  
 Campus and Community Planning  
 Assistant Director Steven Davenport  
 Institute of Marine Sciences  
 Vice Chancellor Ron Suduiko  
 University Advancement  
 Legal Counsel Mary Hudson  
 David Rineheart  
 UCSC Design Advisory Board

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OCT 13 1999

 CALIFORNIA  
 COASTAL COMMISSION  
 CENTRAL COAST AREA

Re: Appointment to University Long Range Planning Committee for Terrace Point

Dear Colleagues:

The purpose of this letter is to formally request your agreement to serve on the University's Long Range Planning Committee for Terrace Point. As you know, the University's purchase of the 55 acre property offers a significant opportunity to create a world class marine/coastal research center, building on the tradition of excellence established by the Institute of Marine Science and Long Marine Laboratory. The work of this committee will set in motion the formulation of a master plan for the entire property, a plan which eventually would be adopted by the Board of Regents and the California Coastal Commission in the form of a Coastal Long Range Development Plan (LRDP).

The committee will be charged with the task of helping to define programmatic objectives for meeting university academic goals, and to establish design parameters and concepts for the physical development of the site. We intend that the plan for both will result in the construction of a marine research campus of the highest quality and reputation, putting UC Santa Cruz in the elite company of institutions with world-renowned coastal research facilities.

The initial goals for the campus include planning to accommodate space for research, open space, and housing. The work of the committee will constitute the guiding phase of the larger process of formulating and adopting a coastal LRDP which will update, supercede and expand upon the Long Marine Lab Master Plan. The effort will be concentrated in these areas:

- Reviewing site conditions, past plans, existing facilities, opportunities and constraints
- Identifying principles for design of the site
- Considering and focusing programmatic/academic objectives
- Drafting a formal program statement which meets those objectives
- Approving a scope of work and request for proposals for the preparation of the Master Plan
- Testing financial feasibility to include costs for land purchase

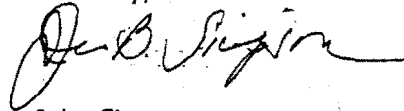
**EXHIBIT J  
 (30F8)**

This phase of the planning is to be completed by the end of the Fall Quarter. The subsequent step will be to hire a consultant to prepare the LRDP that implements these principles and program statements. (Please note that your participation in this phase does not obligate you to subsequent involvement, nor does it preclude your continued involvement in the planning process).

The co-chairs for the committee will be Dr. Gary Griggs and Vice Chancellor Tom Vani. Campus Architect Frank Zwart, Campus Planner Charles Eadie, and Steve Davenport, assistant director of the Institute will provide primary staff support for Marine Studies. Substantial staff and consultant support for the project is planned in order to maximize the effectiveness of the committee and minimize the time demands on the committee members.

Thank you in advance for agreeing to participate in this important task. If you have any questions, please do not hesitate to call Gary Griggs, Tom Vani or me.

Sincerely,



John Simpson  
Executive Vice Chancellor

cc: Academic Senate

EXHIBIT J  
(40F8)



# RECEIVED

Work Program: UC Santa Cruz Marine Research Center 13 1999

## Phase 1-Initial Scoping of Issues and Objectives

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

|                                                                                                                                                                                                                                   |                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Task 1a: Appoint Campus Planning Committee                                                                                                                                                                                        | September, 1999              |
| Task 1b: Formal consultation with City; establish City representation                                                                                                                                                             | September, 1999              |
| Task 1c: Consultation with Coastal staff                                                                                                                                                                                          | September-October, 1999      |
| Task 1d: Hire Consultant(s) for Formulation of Principles                                                                                                                                                                         | October, 1999                |
| 1e: Preliminary Review of Site/Orientation Meeting<br>Site conditions<br>Past planning efforts<br>Existing facilities<br>Opportunities<br>Constraints<br>Project Goals and Objectives<br>Coastal Act overview<br>Process/Approach | October, 1999                |
| Task 1f: Explore Concepts/Expanded Perspectives<br>Environmental Perspective<br>Housing Perspective<br>Marine Research Perspective<br>Coastal Act Policy/Issue Identification (review)<br>Priorities/Principles                   | November, 1999               |
| Task 1e: Conduct Public Open House/Scoping Session                                                                                                                                                                                | November, 1999               |
| Task 1f: Prepare and Review Draft Principles                                                                                                                                                                                      | December, 1999-January, 2000 |

**EXHIBIT J**  
**(50F8)**



## Phase 2 – Prepare Draft Long Range Development Plan

|                                                                                              |                        |
|----------------------------------------------------------------------------------------------|------------------------|
| Task 2a: Prepare Scope of Work based on Principles                                           | January, 2000          |
| Task 2b: Establish Phase 2 Advisory Committee                                                | January, 2000          |
| Task 2c: Solicit Qualified Consultants, Screen and Select Planning Team (Advisory Committee) | January-February, 2000 |
| Task 2d: Stakeholder Interviews                                                              | March, 2000            |
| Task 2e: Consultation with City                                                              | March, 2000            |
| Task 2f: Consultation with Coastal staff                                                     | March, 2000            |
| Task 2g: Prepare Draft Plan (Advisory Committee Interaction)                                 | April-May, 2000        |
| Task 2h: Circulate draft plan for review and public comment (Advisory Committee)             | June, 2000             |
| Task 2i: Public Hearing on Draft Plan                                                        | June 2000              |
| Task 2j: Review Draft Plan with City                                                         | May-June 2000          |

## Phase 3 – Prepare Final LRDP and Conduct Environmental Review

|                                                                                          |                         |
|------------------------------------------------------------------------------------------|-------------------------|
| Task 3a: Notice of Preparation for EIR and Public EIR Scoping Session                    | April, 2000             |
| Task 3b: Prepare Draft Environmental Impact Report                                       | May-August, 2000        |
| Task 3c: Revise draft plan based on initial review and Advisory Committee recommendation | July, 2000              |
| Task 3d: Release Final Draft Plan and Draft EIR                                          | September, 2000         |
| Task 3e: Consultation with City                                                          | September-October, 2000 |
| Task 3f: Public Hearing on Draft EIR                                                     | October, 2000           |
| Task 3g: Public hearing on Final Draft Plan                                              | October, 2000           |
| Task 3h: Prepare Final EIR; Refine Plan                                                  | November-December, 2000 |

**EXHIBIT J**  
**(6 OF 8)**

**Phase 4 - Formal Approval**

|                                                                                |                 |
|--------------------------------------------------------------------------------|-----------------|
| Task 4a: Public Hearing on LRDP and Final EIR by UC Regents ; Adoption of LRDP | March, 2001     |
| Task 4b: Submit application to Coastal Commission for LRDP approval            | March, 2001     |
| Task 4c: Coastal Commission Staff Review                                       | April-May, 2001 |
| Task 4d: Coastal Commission Adoption                                           | June, 2001      |

**EXHIBIT J  
(70F8)**

## UNIVERSITY OF CALIFORNIA, SANTA CRUZ

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OFFICE OF THE CHANCELLOR

296 McHenry Library, Santa Cruz, CA 95064-1078  
Phone (831) 459-2058 • FAX (831) 459-2760

October 11, 1999

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OCT 13 1999

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

The Honorable Katherine Beiers  
Mayor  
City of Santa Cruz  
809 Center St.  
Santa Cruz, CA 95060

RE: Planning Committee for UC Santa Cruz Marine Research Center

Dear Katherine:

This letter confirms and formalizes our invitation and your acceptance to participate on the Campus Planning Committee for the UC Santa Cruz Marine Research Center (Terrace Point). As we discussed at our meeting on September 30, we very much appreciate your interest and willingness to represent the City in the University's planning process, and we will rely on your insight and advice throughout the process.

We are excited about the opportunity to create a Marine Research Center of world class caliber, and working together we believe we can maximize the positive benefits of development of the property for the both the University and the City. By initiating a strong and consistent consultative process, we hope that the City and University can continue to forge new ground in campus/community relations, and constructively work through whatever substantive differences may emerge regarding the details of the plan for the property.

Thank you again for agreeing to participate. Please do not hesitate to call on me or other university staff if you have any questions or concerns.

Sincerely,

M.R.C. Greenwood  
Chancellor

Cc: John Simpson  
Tom Vani  
Ron Suduiko  
Gary Griggs  
Eileen Fogarty  
Charles Eadie

**EXHIBIT J**  
**(8 OF 8)**

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
 725 FRONT STREET, SUITE 300  
 SANTA CRUZ, CA 95060  
 PHONE: (831) 427-4863  
 FAX: (831) 427-4877



July 26, 1999

Christine Aldecoa  
 Environmental Assessment Group  
 c/o Physical Planning and Construction  
 University of California Santa Cruz  
 Office of Campus Facilities  
 Santa Cruz, CA 95064

Subject: *Proposed Negative Declaration for the Long Marine Laboratory/California Department of Fish and Game Predatory Bird Facility (SCH# 99062101)*

**CHRIS**

Dear Ms. ~~Aldecoa~~,

Thank you for the opportunity to review the above-referenced CEQA document. As you know, due to continuing staff demands developing a staff report for UCSC's proposed Center for Ocean Health project, we were unable to meet the CEQA comment period deadline of July 22, 1999. We appreciate that you were able to extend this comment period until 5 pm today. Unfortunately, however, this letter has been sent after the 5 pm deadline that you established. Nonetheless, we hope that these comments will still be included in the University's final CEQA document. In any event, regardless of the comment deadline, please accept these as comments on the above-referenced CEQA document as well as the project itself.

Because of the limited time available for developing these comments, the following comments are brief and not meant to be conclusive as to the potential impacts of the proposed project. In fact, please note that there may be further comments, clarifications, and/or informational needs after we have seen additional coastal development permit application materials.

The proposed Negative Declaration (ND) needs to clarify how the proposed non-oil spill predatory bird research is or is not a coastal-dependent/related use. It is clear that the proposed oiled-seabird facilities (i.e., additional aviaries/tanks) can be considered coastal-dependent and/or coastal-related. However, this is not clear for the non-oil spill predatory bird research offices. How is this research related to the recovering birds? If it is not, does this research require a site on, or adjacent to, the sea to be able to function at all (coastal-dependent)? Alternatively, is this research dependent on a coastal-dependent development or use (coastal-related)? The ND should clarify this point as this issue of Coastal Act land use priorities is important to any proposed development at the Long Marine Laboratory (LML)/Terrace Point site.

Although the proposed ND generally describes erosion control best management practices to be used, given the site's proximity to Younger Lagoon the project needs to include more specific measures. For example, the following could be added as a mitigation measure:

*The project shall include an Erosion Control Plan which clearly identifies all best management practices to be implemented during construction and their location. Such plan shall contain provisions for specifically identifying and protecting all nearby storm drain inlets and natural drainage swales (with sand bag barriers, filter fabric fences, straw bale filters, block and gravel filters, drop-inlet sediment traps, etc.) to prevent construction-related runoff and sediment from entering into these storm drains or natural*

**EXHIBIT K: STAFF CEQA COMMENTS**

*drainage areas which ultimately deposit runoff into Younger Lagoon or the Pacific Ocean. Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site adjacent to Younger Lagoon. No construction activity of any kind shall take place within 100 feet of wetland vegetation at Younger Lagoon. At a minimum, such plans shall also include provisions for stockpiling and covering of graded materials, temporary stormwater detention facilities, revegetation as necessary, restricting grading and earthmoving during the rainy season.*

*The Erosion Control Plan should make it clear that: (a) dry cleanup methods are preferred whenever possible and that if water cleanup is necessary, all runoff will be collected to settle out sediments prior to discharge from the site; all de-watering operations must require filtration mechanisms; (b) off-site equipment wash areas are preferred whenever possible; if equipment must be washed on-site, the use of soaps, solvents, degreasers, or steam cleaning equipment should not be allowed; in any event, this wash water should not be allowed to enter storm drains or any natural drainage; (c) concrete rinsates should be collected and they should not be allowed into storm drains or natural drainage areas; (d) good construction housekeeping should be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles and heavy equipment off-site and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather); and finally (e) all erosion and sediment controls should be in place prior to the commencement of grading and/or construction as well as at the end of each day.*

In terms of site discharge through the existing LML outfall, it is unclear how this discharge is currently regulated. When the Regional Water Quality Control Board (RWQCB) determined in 1996 that LML's discharge was not a point source within the meaning of the Clean Water Act and exempted the discharge from NPDES permitting requirements, the RWQCB did not issue a waste discharge permit or a waiver of waste discharge requirements. As such, although LML has continued to monitor this discharge, there is apparently no RWQCB waiver or waste discharge permit, nor any monitoring or reporting requirements, for this discharge. In order to assure that the discharge and the incremental component associated with the proposed Predatory Bird facility is not harmful to the marine environment consistent with current standards, the ND should include provisions for RWQCB and Monterey Bay National Marine Sanctuary sign-offs for water quality.

Some of the site drainage will be directed to bio-swales draining to Younger Lagoon at the southern portion of the site. Are these swales currently vegetated? In any event, the ND should include a mitigation measure to monitor the effectiveness of these bio-swales in order to ensure that site runoff is not increasing sedimentation into Younger Lagoon. In the event that increased sedimentation is observed, the ND should specify that the swales shall be reconstructed and vegetated and/or the runoff directed through alternative filtering mechanisms prior to discharge from the site.

In addition to Northern harrier, the LML Master Plan EIR indicates that merlin have been observed in the vicinity of the project. Merlin are a California Department of Fish and Game bird species of special concern. The direct loss or disruption of an active nest of these species would be considered a "take" under the Migratory Bird Act and a potentially significant effect under CEQA. Any potential impact to this species should be evaluated and appropriate mitigation developed (as necessary) in the ND.

**EXHIBIT K**  
**(2024)**

The project proposes a solid wood, 6-foot fence for separation from Younger Lagoon. As provided for in the LML Master Plan EIR, an earthen berm is a preferable option to a fence for lagoon separation. Such a berm provides for restoration potential on the lagoon side and better buffering value than a wooden fence. We would encourage a mitigation measure which required an earthen berm segment be constructed at this location. Such an endeavor may be part of a larger effort to increase the berming which currently ends to the south of the site (i.e., berm recently increased during construction of the Marine Discovery Center). Such a project may be part of a larger program effort to develop additional berm segments. We note that the proposed Center for Ocean Health would require excavation of approximately 3,500 to 3,800 cubic yards of soils which may be available for such an effort. The 160 cubic yards of materials which would come from the Predatory Bird facility could also be utilized.

To better understand potential impacts from the development on the adjacent Younger Lagoon system, the ND should include a cross section/elevation showing the proposed project in relation to Younger Lagoon. Such an illustration should identify several 'line of sight' lines from the opposite (western) side of the lagoon (from the base of the lagoon and the banks).

The project proposes additional willow riparian plantings but does not specify their precise location. The ND should be clear on this. Likewise, although the ND describes the use of native vegetation for landscaping, it is not clear for the site plan where such plantings may be installed. The ND should include landscaping and irrigation plans which clearly identify the type, size, extent and location of all plant materials, the proposed irrigation system and any other landscape features for the entire site.

The ND states that the proposed project would be located 200 feet from agricultural operations to the west. Adequate buffers are necessary to ensure that continued agricultural cultivation is not threatened by proximity to urban uses should standard agricultural practices (such as chemical spraying and fertilizing) or ongoing agricultural by-products (such as dust and noise from machine operations – cultivating, spraying, harvesting, et al) be seen as incompatible and/or a threat to the urban uses so established. Appropriate buffers are particularly relevant for the Terrace Point area because of the high prevailing westerly winds which typically sweep across this relatively treeless area bringing noise, dust, and odors from adjacent farming operations; these agricultural by-products tend to raise conflicts with urban uses.

The Coastal Act requires preservation of agricultural lands, establishment of stable urban-rural boundaries, and designation of compatible land uses and appropriate buffer zones for areas adjacent to agricultural lands. Lacking an LCP and/or LRDP for the site, agricultural buffer distances have not yet been fixed for the Terrace Point site. However, the Commission remains concerned about providing adequate agricultural buffers at the LML/Terrace Point site. In fact, so as not to prejudice future LCP/LRDP planning, the Commission's recent development decisions have held open the possibility of a 500 foot agricultural buffer (e.g., NMFS in 1998). At a minimum, we would suggest that the proposed development include an agricultural hold-harmless/indemnification agreement as a mitigation measure. For example, such a mitigation measure might include a recorded property restriction which states:

*Property owner acknowledges and agrees: (a) that the site is adjacent to land utilized for agricultural purposes; (b) users of the property may be subject to inconvenience, discomfort or adverse effects arising from adjacent agricultural operations including, but not limited to, dust, smoke, noise, odors, fumes, grazing, insects, application of chemical herbicides, insecticides, and fertilizers, and operation of machinery; (c) users of the property accept such inconveniences and/or discomforts from normal, necessary farm operations as an integral part of occupying property adjacent to agricultural uses; (d) to*

**EXHIBIT K**  
**(304)**

*assume the risks to the Permittee and the property that is the subject of this permit of inconveniences and/or discomforts from such agricultural use in connection with this permitted development; and (e) to indemnify and hold harmless the owners, lessees, and agricultural operators of adjacent Younger Ranch against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any issues that are related to the agricultural land use.*

In terms of water and sewer, it is unclear how wastewater would be disposed; would this be accommodated by the LML holding tank sewer system or the CDFG holding tank? In any event, it is also unclear whether the City of Santa Cruz has determined that there is adequate water supply and adequate wastewater treatment capacity to satisfy any additional incremental demands that may be generated by the proposed development. Water supply, in particular, has more recently become an important issue for the City of Santa Cruz. Given that the proposed development for the most part replaces existing development, it is unlikely that significant increased demand which cannot be reasonably accommodated would be evident. However, the ND should make this clear with a requirement for the City's sign-off that these services will be provided.

Finally, please note that the approved access management for the larger LML holding (including Younger Lagoon) specifies that two access overlooks may be developed directly south of the proposed project site. Moreover, please note that there is outstanding condition compliance issues with regards to the general closure of public access to Younger Lagoon and the beach environs authorized by the Commission in 1981 (condition compliance for CDP P-1859). When the Commission reviews the public access issue of as required by CDP P-1859, there may be additional public access concerns with the proposed development. These issues will likely be clarified through the public hearing on the proposed Ocean Health project.

Thank you for the opportunity to comment in the development stage of this project. After we have seen any plan changes, additional application materials, or revised CEQA documents, we may have additional comments to forward to you. In any event, as you move forward with your project analysis and environmental review, the issues identified above, as well as any other relevant coastal issues identified upon further review or due to project modifications, should be considered in light of the provisions of the California Coastal Act. If you should have any questions regarding this matter, please contact Dan Carl of my staff at (831) 427-4863.

Sincerely,



Dan Carl  
Coastal Planner  
Central Coast District Office

Lee Otter  
District Chief Planner  
Central Coast District Office

cc: Ken Thomas, Principal Planner, City of Santa Cruz Department of Planning and Community Development  
Mosie Boyd, State Clearinghouse (SCH# 99062101)

**EXHIBIT K**  
**(4 OF 4)**



AREA WITHIN CITY OF  
= SANTA CRUZ NOT GOV  
BY CERTIFIED LCP



= UNIVERSITY PROPERTY

0' 10' 20'

↑  
NORTH

EXHIBIT L  
(10P1)