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## CALIFORNIA COASTAL COMMISSION

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DATE: May 20, 1999

TO: Commissioners and Interested Persons

FROM: Charles Damm, Senior Deputy Director  
Gary Timm, District Manager *jk*  
Steve Hudson, Coastal Program Analyst

SUBJECT: **Proposed Major Amendment (1-98) to the University of California Santa Barbara Certified Long Range Development Plan for Public Hearing and Commission Action at the June 7, 1999, Commission Meeting in Santa Barbara.**

### STAFF NOTE

The proposed Lagoon Management Plan (LMP) was presented to the Commission as a component of Major Amendment 2-97 to UCSB Long Range Development Plan (LRDP) at three previous hearings on March 12, April 9, and June 9, 1998. The amendment was continued at both the March and April hearings. At the June 1998 hearing, UCSB LRDP Amendment 2-97 was approved by the Commission with a suggested modification added by the Commission during the hearing that the LMP be deleted from UCSB LRDP Amendment 2-97 to allow the LMP to be heard as a separate amendment application. On October 13, 1998, the University submitted several revisions dated October 6, 1998, to the proposed LMP (the originally submitted LMP has been included for reference as Exhibit 8c and the revisions submitted on October 13, 1998 have been included as Exhibit 8b). In addition, on March 18, 1999, the University submitted further revisions to the LMP included as Exhibit 8a. The proposed LMP was scheduled to be heard at the Commission hearing of April 15, 1999, in Long Beach, however, the hearing for this item was postponed at the University's request. A recent letter of concern regarding the proposed project from the Environmental Defense Center has been included as Exhibit 9.

### SYNOPSIS

The University of California at Santa Barbara is requesting an amendment to its Long Range Development Plan (LRDP) to incorporate the Lagoon Management Plan (LMP) as part of the certified LRDP. The LMP identifies specific policies for the management of the campus lagoon and surrounding area including management of public access, wetland, and environmentally sensitive habitat resources.

Preparation of the LMP was required by the Commission as a condition of the University Center expansion project and associated LRDP Amendment approval in 1992. The LMP encompasses an area of approximately 94 acres, nearly a quarter of the entire Main Campus of UCSB, and includes coastal bluffs and terraces, ocean beaches, sand dunes, the rocky Goleta Point, wetlands, and the lagoon itself. Three special-status plant species and approximately 0.80 acres of wetlands are located on the bluff top area west of the Campus Lagoon. The majority of the area where the special-status plant species are located will be designated as ESHA and included as part of the proposed Lagoon Management Area. However, the LMP, as proposed, will exclude the majority of the identified wetlands from Lagoon Management Area.

The proposed amendment would allow for the construction of the 200-unit/800-student San Rafael Housing Project immediately adjacent to identified wetlands located on the blufftop west of the Campus Lagoon without providing for any open-space buffer areas between the existing wetlands and the new development. Although not part of this amendment application, the student housing project is proposed as part of the related UCSB Notice of Impending Development (NOID) 1-98 which is also scheduled for the June Commission meeting in Santa Barbara.

The proposed amendment is **inconsistent** with the Coastal Act. The policies of the proposed Lagoon Management Plan are not adequate to ensure that: existing ESHA and wetland areas on campus are protected consistent with Sections 30230, 30231, and 30240 of the Coastal Act; future improvements to existing dirt roads will be consistent with habitat protection; bluff stabilization projects will be consistent with the protection of habitat resources and public access; the public is made aware of all parking areas available for coastal access parking; future dredging of the Campus Lagoon is consistent with Section 30233 of the Coastal Act; and that the construction of any shoreline protective projects to protect the eastern lagoon barrier will be consistent with Section 30235 of the Coastal Act and with the certified LRDP as amended by LRDP Amendment 1-97.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission, after public hearing, **deny** the amendment to the certified LRDP as submitted; then **approve, only if modified**, the amendment to the LRDP. The modifications are necessary because, as submitted, the LRDP amendment is not consistent with the Chapter 3 policies of the Coastal Act. **The motions to accomplish this recommendation are found on pages 4 and 5.** The suggested modifications are found on pages **5 through 10.**

**Additional Information:** Please contact Steve Hudson, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA. (805) 641-0142.

## STANDARD OF REVIEW

The standard of review for the proposed amendment to the certified LRDP, pursuant to Sections 30605, 30512(c), and 30514(b) of the Coastal Act, is that the proposed amendment meets the requirements of and is in conformance with the Chapter 3 policies of the Coastal Act.

## COASTAL ACT CONSISTENCY

The proposed LRDP amendment does not meet the requirements of the Coastal Act. The matters that are at issue are discussed in the following sections according to the issue raised under the LRDP proposal and the related Coastal Act analysis.

## PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LRDP. The University circulated a Notice of Preparation and a Draft Environmental Impact Report. In addition, the University held a public hearing and received written comments regarding the project from public agencies, organizations and individuals. The hearing was duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations which require that notice of availability of the draft LRDP amendment (LRDPA) be made available six (6) weeks prior to the Regents approval of the LRDP amendment and Final EIR. Notice of the subject amendment has been distributed to all known interested parties.

## PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(c) of the California Code of Regulations, the University resolution for submittal must indicate whether the LRDP will require formal adoption by the Board of Regents after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Coastal Act Sections 30512, 30513 and 30519. Because this approval is subject to suggested modifications by the Commission, the University must act to accept the adopted suggested modifications and the requirements of Section 13547, which provides for the Executive Director's determination that the University's action is legally adequate, within six months from the date of Commission action on this application before the LRDP shall be effective.

## CAMPUS DEVELOPMENT/PAST COMMISSION ACTIONS

On March 17, 1981, the University's Long Range Development Plan (LRDP) was effectively certified by the Commission. The LRDP has been subject to eight major amendments. Under LRDP Amendment 1-91, the Commission reviewed and approved the 1990 UCSB LRDP; a 15-year long range planning document, which substantially updated and revised the certified 1981 LRDP. The 1990 LRDP provides the basis for the physical and capital development of the campus to accommodate a student population in the academic year 2005/06 of 20,000 and for the new development of no more than 830,000 sq. ft. of site area on Main Campus for buildings other than parking garages and student housing. Since the certification of the 1990 LRDP by the Commission, approximately 349,709 sq. ft. of available area on campus has been developed or approved for development.

I. **ACTION ON UNIVERSITY OF CALIFORNIA, SANTA BARBARA  
LRDP AMENDMENT 1-98**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

A. **RESOLUTION I. Resolution to deny certification of the University of California, Santa Barbara Long Range Development Plan Amendment 1-98, as submitted**

**MOTION I**

I move that the Commission **certify** the University of California, Santa Barbara Long Range Development Plan Amendment 1-98, as submitted.

**STAFF RECOMMENDATION**

Staff recommends a **NO** vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

**RESOLUTION I**

The Commission hereby **denies certification** of the University of California, Santa Barbara Long Range Development Plan Amendment 1-98 and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and conform to the policies of Chapter 3 of the Coastal Act and that approval of the amendment as submitted will have significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act. There are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant adverse effects which the approval of the Long Range Development Plan amendment would have on the environment.

B. **RESOLUTION II. Resolution to approve certification of the University of California, Santa Barbara Long Range Development Plan Amendment 1-98, if modified.**

**MOTION II**

I move that the Commission **certify** the University of California, Santa Barbara Long Range Development Plan Amendment 1-98, if it is modified in conformity with the suggested modifications set forth in this staff report.

## STAFF RECOMMENDATION

Staff recommends a YES vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

## RESOLUTION II

The Commission hereby certifies the University of California, Santa Barbara Long Range Development Plan Amendment 1-98 for the reasons discussed below, on the grounds that the amended Long Range Development Plan meets the requirements of and conforms to the Chapter 3 policies of the Coastal Act if modified according to the suggested modifications stated in Section II of this report. The Long Range Development Plan amendment, if modified, will not have significant environmental effects within the meaning of the California Environmental Quality Act. The Commission further finds that if the University adopts and transmits its revisions to the amendment to the Long Range Development Plan in conformity with the suggested modifications, then the Executive Director shall so notify the Commission.

## II. SUGGESTED MODIFICATIONS

The staff recommends the Commission certify the following, with modifications as shown. Language proposed by the University of California, Santa Barbara in the subject LRDP amendment and language presently contained within the certified LRDP is shown in straight type. Language recommended by Commission staff to be ~~deleted~~ is shown in ~~line out~~. Language proposed by Commission staff to be inserted is shown underlined. Other suggested modifications to revise maps or figures are shown in italics.

### **Modification 1**

Lagoon Management Plan  
(pages 3-19, 3-20)

#### Vernal Pool Creation and Wetland Area Restoration

~~Prior to conducting a wetland delineation it was considered possible that~~ Several shallow and degraded wetlands ~~vernal pools might be~~ are present in the west bluff area of the West Lagoon Park management zone. A wetland delineation that was conducted on the adjacent San Rafael Student Housing Addition project site (Padre Associates, 1998) determined that ~~based on the absence of the topography or zonation of vegetation characteristic of vernal pools, the project site does not support vernal pools~~ 0.80 acres of wetland area is present on site.

The wetland delineation also concluded that based on the absence of hydric soils, the project site does not contain Federal jurisdiction wetlands. However, based on the presence of hydrophytic vegetation (saltgrass and alkali heath), wetlands, as defined by the California

Coastal Commission, are located at the project site. As part of the implementation of the Lagoon Management Plan, the University ~~will~~ may create at least an acre of additional suitable habitat (e.g. wetland, vernal pool) ~~in lieu of a 100-foot setback from the identified "wetlands" as part of the San Rafael Student Housing Addition project.~~ The identified wetlands are comprised of patches of vegetation containing saltgrass or alkali heath, with no other characteristics that distinguish them from surrounding non-wetlands (Padre Associates, 1998). The location of the wetland areas on the blufftop within the West Lagoon Park Management Zone are shown on Figure 1-5.

~~Two-Three~~ special-status plant species also occur there (Coulter's saltbush, Southern tarplant, and Long-leaf plantain); therefore, this unique and valuable habitat should be protected and, if possible, restored. In conjunction, with the environmental analysis conducted for the proposed San Rafael Housing Addition Project, a delineation of the exact locations of the ~~vernal pools~~ wetlands and special-status plants in the management zone was prepared and resource protection measures were identified ~~including the following.~~ Restoration and enhancement measures shall be undertaken and shall include the following:

- In conjunction with the proposed development, the University shall conduct a restoration and enhancement program for all disturbed existing wetland areas on site. Degraded upland areas surrounding existing wetlands shall also be restored or enhanced consistent with the provision of a 100 ft. open-space buffer area from new development.
- The University shall Provide controlled public access through the proposed ESHA located on the blufftop within the West Lagoon Park Management Zone. Improvements to provide public access and protect the ESHA from disruption should include (1) informational and educational signs regarding the wetland and other ESHA resources on site, (2) low-lying and visually unobtrusive fences, (3) stairs, and (4) a boardwalk, through the proposed ESHA area as shown on Figure 1-5.
- There ~~shall~~ should be no grading within the proposed ESHA area other than that necessary to provide public access and for resource protection or wetland enhancement projects.
- The ~~R~~removal of invasive exotic plants from the area.

As part of the implementation of the Lagoon Management Plan, the University ~~will~~ may create at least an acre of additional suitable habitat (e.g. wetland, vernal pool), as follows: ~~in lieu of a 100-foot setback from the identified "wetlands" as part of the San Rafael Student Housing Addition project.~~

- The vernal pool creation project should include monitoring the vernal pools for 3 years to determine the species richness, dominance, and distribution of the plants and aquatic invertebrates in each pool. Monitoring for invertebrates should occur when the pools are inundated and monitoring for plants should be conducted during spring after much of the water in the pools has evaporated. After 3 years, the monitoring data ~~would~~ shall be made available for further study and action by interested departments and research units at UCSB and to the California Coastal Commission.

## **Modification 2**

Lagoon Management Plan:  
(complete document))

Revise all figures consistent with the following:

All wetlands areas (approximately 0.80 acres), as defined by the California Coastal Commission and identified in the Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998 (identified in Exhibit 2b), shall be shown as ESHA and included as part of the Lagoon Management Area. A 100 ft. open space buffer area around all ESHA and wetland areas shall be shown and also included as part of the Lagoon Management Area.

## **Modification 3**

Long Range Development Plan:  
(Figure 27)

Update Figure 27 of the Long Range Development Plan to show all designated ESHA areas on Main Campus as consistent with Modification Two (2) and with the proposed LMP.

## **Modification 4**

Lagoon Management Plan:  
(Figure 1-5)

Revise Figure 1-5 of the Lagoon Management Plan to delete all references to wetland areas (FACW) to be graded. Delete all references to any development proposed in conjunction with the San Rafael Housing Project (with the exception of pedestrian and bicycle trail improvements) that will be located within the required 100 ft. open space buffer areas surrounding the existing wetlands identified in the Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998.

## **Modification 5**

Lagoon Management Plan:  
(Figure 2-12)

Revise Figure 2-12 to indicate that the existing emergency access roads located on Lagoon Island are not paved and shall be maintained in their current unpaved state unless additional improvements are approved by the Commission in order to protect ESHA and wetland resources.

### Modification 6

Lagoon Management Plan:  
(Figure 3-1)

Revise Figure 3-1 of the Lagoon Management Plan to delete new portion of vehicle access road and hammerhead turnaround at terminus of road on Lagoon Island and to indicate that the existing emergency access roads located on Lagoon Island and the east Lagoon barrier are not paved and shall be maintained in their current unpaved state unless additional improvements are approved by the Commission in order to protect ESHA and wetland resources. Show existing path on bluff slope between the top of the bluffs located to the west of the lagoon and the beach to be improved through the construction of a boardwalk and stairway as shown in Figure 1-5. Show fencing adequate to provide protection of the sensitive plant species and wetland areas located adjacent to the boardwalk and to redirect bicycle traffic from the eroded portions of the bluff to the universal access path located to the north.

### Modification 7

Lagoon Management Plan  
(page 3-28, Paragraph 5)

Protecting public safety in conjunction with the protection of wetland and ESHA resources is a primary concern for the management area. Parts of the management area are remote, hazardous areas such as steep slopes and bluffs are present, and some areas pose a fire danger. Maintaining access for emergency vehicles is a high management priority. All existing emergency access roads should be maintained in the lagoon area, including all vehicle entry points and paved and dirt roads shown in Figure 3-1. For any improvements that occur in the West Lagoon Park management zone, emergency vehicle access should be maintained and improved in consultation with UCSB emergency services departments. Access to the bluffs in the West Lagoon Management Zone would be provided via existing partially paved roads along the northern and western sides which would be maintained and improved for emergency vehicle use. The paved roads along the northern and western sides should also be maintained and improved for emergency vehicle use. Existing dirt roads within areas designated by the LRDP as ESHA or open-space buffer shall not be paved unless required to protect those resources. If improvements to existing roads located within ESHA and open-space buffer areas are required, then such roads shall be maintained or improved using permeable or semi-permeable road materials.

### Modification 8

Lagoon Management Plan:  
(Page 4-7, Paragraph 5)

Repair damaged areas (bluff edges and steep slopes) using revegetation structural techniques. The use of any structural techniques to stabilize bluff edges and steep slopes will require further review by the California Coastal Commission in the form of LRDP amendment. References: ES-2.1, and PU-3.5.



**Modification 9**

Lagoon Management Plan:  
(Figure 2-13)

Revise Figure 2-13 (Existing Coastal Access) of the Lagoon Management Plan to show all parking lots available for public coastal access on Main Campus including Lot 24.

**Modification 10**

Lagoon Management Plan:  
(Page 3-8, Paragraph 5)

**Lagoon Capacity**

Over the long term, sediments entering the lagoon could reduce lagoon capacity and depth, decreasing both circulation and water quality. Dredging could increase water depths, thus reducing water temperatures and increasing capacity. Dredging could also increase circulation if a small channel were dredged to enhance flows to the northwestern and western portions of the lagoon. Dredging would be very expensive, however, and adequate studies should be conducted before dredging begins to evaluate sediment quality and disposal requirements. If suitable, dredged material should be utilized for beach replenishment or lagoon habitat restoration projects. If the dredged material is determined to be not suitable for beach replenishment or lagoon habitat restoration projects, then such material shall be disposed of in an appropriate manner.

**Modification 11**

Lagoon Management Plan  
(complete document)

Delete all of the following: (1) all references to the use or construction of a revetment to protect the eastern lagoon barrier and (2) all references to the construction of any improvements to the eastern lagoon barrier that are dependent upon the construction of a rock revetment (including, but not limited to, stairways and ramp improvements, grading of the lagoon barrier, pavement of the lagoon barrier access road, or the construction of a turnaround).

Figure 1-3 shall be revised consistent with this modification.

**Modification 12**

Lagoon Management Plan:  
(Page 3-17, Paragraph 7)

UCSB ~~should~~ shall coordinate with the campus fire marshal to determine the effectiveness of mowing firebreaks and to determine whether such mowing may be discontinued altogether within areas designated as open space or buffer within the Lagoon Management Area. ~~Such mowing shall only be allowed as necessary for public safety or altogether discontinuing~~

~~the practice of mowing firebreaks on Lagoon Island.~~ If mowing for fire protection is required within buffer or open space areas, then such mowing shall be carried out in a manner that minimizes adverse effects to the habitat quality of the buffer or open space areas. **No mowing or removal of native vegetation shall be allowed within any designated ESHA or wetland area of the Lagoon Management Area.**

*Management Actions VH-1.3 and PU-3.4 shall be revised consistent with this modification.*

### **III. FINDINGS FOR THE APPROVAL OF THE LONG RANGE DEVELOPMENT PLAN IF MODIFIED AS SUGGESTED**

The following findings support the Commission's denial of the LRDP amendment as submitted, and approval of the LRDP amendment if modified as indicated in Section II (*Suggested Modifications*) above. The Commission hereby finds and declares as follows:

#### **A. Amendment Description and Background**

The University of California at Santa Barbara is requesting an amendment to its Long Range Development Plan (LRDP) to incorporate the Lagoon Management Plan (LMP) as part of the certified LRDP. The LMP identifies specific policies for the management of the campus lagoon and surrounding area including management of public access, wetland and environmentally sensitive habitat resources, and ensures that activities occurring outside the lagoon area do not create adverse impacts within the lagoon area.

The LMP encompasses an area of approximately 94 acres, nearly a quarter of the entire Main Campus of UCSB, and includes coastal bluffs, ocean beaches, sand dunes, the rocky Goleta Point, wetlands, and the lagoon itself. The lagoon has a surface area of approximately 31 acres and a surface elevation of approximately 6 ft. above mean sea level. The Campus Lagoon and much of its surrounding area has been designated as ESHA in the LRDP. The proposed LMP will provide for the designation of approximately 100,000 sq. ft. of additional area as ESHA.

The University has submitted a Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998 which indicates that approximately 0.80 acres of wetlands and populations of three special-status plant species are located on the bluff top area west of the Campus Lagoon: Coulter's Saltbush, Southern Tarplant, and Long-leaf Plantain. The majority of the area where the special-status plant species are located will be designated as ESHA and included as part of the proposed Lagoon Management Area. However, the LMP, as proposed, will exclude the majority of the 0.80 acres of identified wetlands from the Lagoon Management Area.

Preparation of the LMP was required by the Commission as a condition of the University Center expansion project and associated LRDP Amendment approval in 1992. The proposed LMP was presented to the Commission as a component of Major Amendment 2-97 to the UCSB Long Range Development Plan (LRDP) at three previous hearings on March 12, April 9, and June 9, 1998. The amendment was continued at both the March and April hearings. At the June 1998 hearing, UCSB LRDP Amendment 2-97 was approved by the Commission with a suggested modification added by the Commission during the hearing that the LMP be deleted from UCSB LRDP Amendment 2-97 to allow the LMP to be heard as a separate amendment application. Since that time, the University has submitted several significant revisions to the proposed LMP. On October 13, 1998, the University submitted revisions dated October 6, 1998, to the proposed LMP (the originally submitted LMP has been included for reference as Exhibit 8c and the revisions submitted on October 13, 1998, have been included as Exhibit 8b). In addition, on March 18, 1999, the University submitted further revisions to the LMP included as Exhibit 8a. The LRDP, as previously certified, allows for the construction of the 200-unit/800-student San Rafael Housing Project proposed as part of the related NOID 1-98. However, the proposed revisions to the LMP would allow for the construction of the San Rafael Housing Project immediately adjacent to identified wetlands located on the blufftop west of the Campus Lagoon without the 100 ft. open-space buffer required for protection of the ESHA and wetland areas on site and as required by the certified LRDP. Although not part of this amendment application, the related NOID 1-98 for the construction of the student housing project is also scheduled for the June Commission meeting in Santa Barbara with a special condition regarding the submittal of revised plans to eliminate all proposed development within 100 ft. of all ESHA and wetland areas on the project site, with the exception of pedestrian/bicycle paths in such areas.

Commission and University staff have discussed one potential alternative to the related housing project; however, the University has not submitted a revised amendment description, notice of impending development, or revised plans. In addition, Commission staff notes that the one potential alternative to the originally proposed project that was discussed with University staff, based on the limited information available to staff, is also not consistent with the Coastal Act or the certified UCSB LRDP. The alternative project discussed by the University would involve the deletion of two structures and a volleyball court to provide for a 100 ft. natural buffer area from the wetlands located on the southern portion of the subject site. However, this alternative would not provide for a 100 ft. buffer between new development and the existing wetlands on the eastern portion of the subject site. The University has indicated that the distance of the proposed housing structures from the existing wetlands on the eastern portion of the subject site, as proposed, will vary in distance from 60 ft. to 90 ft. The University has also indicated that the delineated wetlands on the eastern portion of the subject site are degraded in nature and smaller in size than the wetlands located on the southern portion of subject site and that, therefore, a smaller buffer would be satisfactory. However, Commission staff notes that this alternative, for the reasons discussed below, would still not be consistent with the Coastal Act or the certified LRDP.

As mentioned above, the University has not submitted a revised amendment description or notice of impending development for the alternative discussed above. However, with respect to the potential alternative discussed, Commission staff notes that protection of campus wetlands is not dependent upon either the size or the condition of the existing wetlands. In addition, staff also notes that the 60 ft. to 90 ft. distance between the existing wetlands and the proposed housing structures on the eastern side of the subject site, as calculated by the University, only represents the distance of the proposed structures from the wetland areas and does not provide for a buffer of the same size from any grading necessary to construct the proposed development. Grading plans adequate to determine the actual size of the buffer area in relation to grading for the potential alternative have not been submitted. Therefore, staff notes that the potential alternative suggested by University staff to provide a 100 ft. buffer for the southern portion of the housing project site while proceeding with development as originally proposed on the eastern side of the project site (with reduced buffer areas) is not consistent with the Coastal Act for the same reasons that the originally proposed amendment to delete the required buffer areas for the related housing project is also not consistent with the Coastal Act as discussed in detail in the following report.

## **B. Environmentally Sensitive Habitat Area**

Section 30230 of the Coastal Act states:

*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 of the Coastal Act states that:

*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:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such area.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.*

Sections 30230 and 30231 of the Coastal Act require that the biological productivity and the quality of coastal waters and wetlands be maintained and, where feasible, restored through among other means, minimizing adverse effects of waste water discharge and entrainment, controlling runoff, substantial interference with surface water flows, and maintaining natural buffer areas. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas must be protected against disruption of habitat values. Furthermore, the Coastal Act requires that development adjacent to an ESHA be sited and designed to prevent impacts that would degrade the value of the habitat.

The LMP includes several policies to protect the environmental resources of the Lagoon Management Area. The LMP provides for the removal of invasive and exotic plant species, protection of special-status plant species, protection of coastal dunes, and the gradual replacement of eucalyptus trees with native species. In addition, the LMP will provide for the designation of approximately 100,000 sq. ft. of area located immediately west of the Campus Lagoon (previously designated as "open-space" by the LRDP) as ESHA in order to provide protection for several species of special-status plants located in the Lagoon Management Area.

The University has submitted a Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998 which indicates that three special-status plant species are located on the bluff top area west of the Campus Lagoon: Coulter's Saltbush, Southern Tarplant, and Long-leaf Plantain. Special-status plant species are either listed as endangered or threatened under the Federal or California Endangered Species Acts, or rare under the California Native Plant Protection Act, or considered to be rare by the scientific community. The majority of the populations for the special-status plants would be located in the area to be included in the Lagoon Management Area and designated as ESHA.

The Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998 also indicates that approximately 0.80 acres of wetlands are also located on top of the bluffs immediately west of the Campus Lagoon (Exhibit 2b). However, the University is proposing to exclude the majority of the 0.80 acres of identified wetlands from the proposed Lagoon Management Area (Exhibit 2a). The Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998 states:

*The results of the wetland delineation indicate that approximately 0.17 acres of State wetlands occur in the direct impact area, and another 0.63 acres occur immediately to the south and southeast. These wetlands are comprised of patches of vegetation containing saltgrass or alkali heath, with no other characteristics that distinguish them from surrounding non-wetlands. Wetlands found on the project site do not exhibit the*

***topography or zonation of vegetation characteristic of vernal pools. Therefore, these wetlands can be characterized as vernal or seasonal wetlands, but not vernal pools.***

...

***Impacts to wetlands and special-status plant species associated with implementation of the proposed project include direct and indirect impacts. Direct impacts are the loss of wetlands and special-status plants due to earth disturbance associated with grading and trenching. Indirect impacts are the degradation of wetlands and plant habitat associated with hydrologic impacts and human disturbance impacts.***

In certifying the LRDP, the Commission found that the basis for determining the existence of wetlands on campus is whether the area in question qualifies as a wetland under the regulations of the California Coastal Commission. The LRDP states that, in addition to Devereux Slough, Storke Campus Wetland, and the Campus Lagoon, the Campus also includes certain areas "that qualify as wetlands under Section 404 of the Clean Water Act and/or the Regulations of the California Coastal Commission" such as the wetlands located on the subject site. The Commission's definition of wetlands includes any area where any one or more of the following indicators are present: wetland plant species, wetland hydrology, or hydric soils. Title 14, Section 13577 of the California Code of Regulations states in part that:

***Wetlands are lands where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels...***

The 0.80 acres of wetlands located on the project site do constitute "wetlands" as defined by the Commission. The Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998 found that the 0.80 acres of wetlands on the project site are characterized by the presence of wetland plant species and, therefore, are considered wetlands as defined by the Commission. The Commission notes that all coastal wetlands are extremely valuable, even if degraded, because of the dramatic loss in wetlands throughout the state, and the unique habitats that wetlands provide. In urban areas, the remaining wetlands can still support important plant and/or animal species. Though many of these wetlands are disturbed by human activities, they can still be a significant resource. Because of their transient nature, it is often argued that seasonal wetlands, such as those located on the bluff top west of the Campus Lagoon, are more limited in function, and, therefore, of lower value than perennial wetlands. While the transient hydrology of seasonal wetlands may reduce the time period of a function, the performances of that function and its overall value are not necessarily diminished relative to perennial wetlands. Additionally, seasonal wetlands can, during certain times of year, provide greater value for certain functions (e.g.; ground water recharge, floodwater storage, habitat for endangered species, or feeding and resting spots for migratory birds), relative to nearby perennial wetlands. Such wetlands, including the 0.80 acres of wetlands located on the project site, also have important educational and scientific value.

Although a small portion of the wetlands, and many of the areas containing special-status plant species, will be located within the new area to be designated as ESHA and included as part of the proposed Lagoon Management Area, the Commission notes that the majority of the 0.80 acres of identified wetlands adjacent to the Campus Lagoon will be excluded. Although not part of this amendment application, the construction of the 200-unit/800-student San Rafael Housing Project is proposed as part of the related UCSB Notice of Impending Development (NOID) 1-98 which is also scheduled for the June Commission meeting in Santa Barbara. The LMP, as proposed, would allow for the construction of the new development proposed by NOID 1-98 without providing for any open-space buffer areas between the 0.80 acres of existing wetlands and the new development. To mitigate for the adverse effects to the habitat and wetland resources on site that would result from such development, the University proposes to create approximately one acre of replacement wetland habitat within the currently designated ESHA on Lagoon Island. The proposed LMP, as revised by the University on March 18, 1999, states:

***As part of the implementation of the Lagoon Management Plan, the University will create at least an acre of suitable habitat (e.g. wetland, vernal pool) in lieu of a 100-foot setback from the identified "wetlands" as part of the San Rafael Student Housing Addition project.***

However, Section 3024C of the Coastal Act, requires that existing environmentally sensitive habitat areas, such as wetland areas, shall be protected against any significant disruption of habitat values and that development in areas adjacent to ESHA and wetland areas shall be sited and designed to prevent adverse effects which would significantly degrade such areas and shall be compatible with the continuance of such habitat areas. Applications for proposed development that have come before the Commission have typically provided for a 100 ft. open-space buffer between new development and ESHA and wetland areas, and when not proposed by the applicant, such buffer areas have been required by the Commission to protect those resources. Buffer areas are undeveloped lands surrounding resource areas, such as wetlands, to be protected. These areas act to protect the wetland or ESHA resource from the direct effects of nearby disturbance (both acute and chronic), and provide the necessary habitat for organisms that spend only a portion of their life in the wetland such as amphibians, reptiles, birds, and mammals. The Commission notes that development proposed in conjunction with the related NOID 1-98 for the construction of student housing, if constructed immediately adjacent to the ESHA and wetland areas on site without any open-space buffer (as provided for by the proposed LMP), will result in adverse effects to sensitive habitat resources including: contaminated and increased runoff, increased erosion, and displacement of habitat. In addition, the daily presence of the 800 students to be housed by the proposed development will also result in several adverse effects to the habitat resources on site including: trampling of vegetation, increased erosion from volunteer trails, and disturbance to wildlife. The Commission further notes that the provision of a 100 ft. open-space buffer between the proposed development and the existing significant habitat resources on site will serve

to minimize both the direct and indirect adverse effects to ESHA and wetland areas located adjacent to the proposed development.

In addition, consistent with Sections 30230, 30231, and 30240 of the Coastal Act, which are included in the certified LRDP, Policy 30231.2(I) of the LRDP provides for the protection of wetlands on campus not otherwise identified (such as the wetlands located on the proposed project site). LRDP Policy 30231.2 states, in part, that:

*Projects shall be designed to minimize soil erosion and, where possible to direct surface runoff away from coastal waters and wetlands, according to the following policies:*

...

- (I) *New development adjacent to the required 100-foot building setback surrounding the upland limit of the wetland shall not result in significant adverse impacts due to additional sediment, nutrients, pollutants, and other disturbants (1980 LRDP policy).*

In addition, Policy 30231.3 of the certified 1990 LRDP specifically requires that a specific area surrounding any wetland on campus shall be reserved as an undevelopable buffer. Policy 30231.3 states that:

*Drainage and runoff shall not adversely affect the Campus wetlands (1980 LRDP policy, as amended).*

- a. *The near slopes along the edge of wetlands shall remain an undisturbed buffer area (1980 LRDP policy, as amended).*

Therefore, the Commission notes that University's proposed amendment to allow new development to be located immediately adjacent to Campus wetlands without the provision of an adequate open-space buffer area is not consistent with the Coastal Act or the policies of the certified LRDP. The Commission further notes that at the time of the 1990 LRDP amendment, it appears that the 0.80 acres of wetlands identified in the Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998 were not known or discovered such as to have been included with other mapped wetland areas on campus. The LRDP, did not intend to exclude from the definition of wetland any wetland that was not identified as such in the LRDP, but was intended to include all areas that meet the Commission's definition of "wetland." Therefore, Modification Two (2) has been suggested to ensure that all wetlands that have been identified in the Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998 are properly designated as ESHA by the LRDP and included in the LMP management area. Modification Three (3) has been suggested to ensure that Figure 27 (Environmentally Sensitive Habitats) of the LRDP is updated consistent with the proposed Lagoon Management Plan and with Modification Two (2). In addition, Modification One (1) has been suggested to ensure that new development, including the construction of the new student housing project proposed as part of NOID 1-98 will be consistent with the 100 ft. buffer required by past Commission action and by other policies of the Coastal Act



and the LRDP and that the University shall restore or enhance the existing degraded wetlands identified by the Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998.

The Commission further notes that Figure 1-5 of the proposed LMP indicates that areas of wetland will be graded. Although the University had originally intended to grade approximately 0.17 acres of wetland areas in conjunction with the San Rafael Housing project, the University has since revised its application to delete the placement of any direct fill in wetland areas. Therefore, Modification Four (4) requires that Figure 1-5 of the proposed LMP is revised to delete all references to wetland areas to be graded and that all other references to development proposed in conjunction with the San Rafael Housing Project located within the 100 ft. open-space buffer surrounding existing wetlands are deleted, with the exception of pedestrian and bicycle trail improvements which will serve to protect sensitive habitat areas.

Commission and University staff have discussed one potential alternative to the related housing project; however, the University has not submitted a revised amendment description, notice of impending development, or revised plans. In addition, Commission staff notes that the one potential alternative to the originally proposed project that was discussed with University staff, based on the limited information available to staff, is also not consistent with the Coastal Act or the certified UCSB LRDP. The alternative project discussed by the University would involve the deletion of two structures and a volleyball court to provide for a 100 ft. natural buffer area from the wetlands located on the southern portion of the subject site. However, this alternative would not provide for a 100 ft. buffer between new development and the existing wetlands on the eastern portion of the subject site. The University has indicated that the distance of the proposed housing structures from the existing wetlands on the eastern portion of the subject site, as proposed, will vary in distance from 60 ft. to 90 ft. The University has also indicated that the delineated wetlands on the eastern portion of the subject site are degraded in nature and smaller in size than the wetlands located on the southern portion of subject site and that, therefore, a smaller buffer would be satisfactory. However, Commission staff notes that this alternative, for the reasons discussed below, would still not be consistent with the Coastal Act or the certified LRDP.

As mentioned above, the University has not submitted a revised amendment description or notice of impending development for the alternative discussed above. However, with respect to the potential alternative discussed, Commission staff notes that protection of campus wetlands is not dependent upon either the size or the condition of the existing wetlands. In addition, staff also notes that the 60 ft. to 90 ft. distance between the existing wetlands and the proposed housing structures on the eastern side of the subject site, as calculated by the University, only represents the distance of the proposed structures from the wetland areas and does not provide for a buffer of the same size from any grading necessary to construct the proposed

development. Grading plans adequate to determine the actual size of the buffer area in relation to grading for the potential alternative have not been submitted. Therefore, staff notes that the potential alternative suggested by University staff to provide a 100 ft. buffer for the southern portion of the housing project site while proceeding with development as originally proposed on the eastern side of the project site (with reduced buffer areas) is not consistent with the Coastal Act for the same reasons that the originally proposed amendment to delete the required buffer areas for the related housing project is also not consistent with the Coastal Act as discussed in detail above.

In addition, the Commission notes that the proposed Lagoon Management Plan would provide for the mowing and removal of native vegetation within the ESHA and wetland areas of the Lagoon Management Area. However, the Lagoon Management Plan also indicates that the presence of the 100-200 ft. wide campus lagoon provides an effective firebreak. The Lagoon Management Plan states:

*Currently, several firebreaks are maintained regularly on top of the mesa at Lagoon Island. Ten-foot wide strips are mowed each spring before fire danger becomes high in the dry season. Mowing the firebreaks continually disturbs the native vegetation which encourages non-native species to grow. Because of low threats to humans and structures from fires on Lagoon Island, continually disturbing the native vegetation is probably unwarranted. Furthermore, the firebreaks are probably not particularly effective in controlling the spread of a fire on Lagoon Island. The lagoon itself provides a good firebreak between Lagoon Island and the campus buildings with their concentrations of people.*

Policy 30231.3 of the certified UCSB LRDP requires that the near slopes surrounding wetlands remain undisturbed buffer area. Further, Section 30240 of the Coastal Act requires that ESHA shall be protected against any significant disruption of habitat values. The Commission finds that mowing and removal of native vegetation within ESHA and wetland areas is not consistent with the protection of the habitat values of those areas. In addition, the Commission also notes that the designated open space buffer area located between the ESHA and wetland areas within the Lagoon Management Area and the developed portions of the campus also serves to provide additional protection from fire hazard. Therefore, Modification Twelve (12) has been suggested to ensure that UCSB shall coordinate with the campus fire marshal to determine whether mowing within the open space or buffer areas within the Lagoon Management Area may be discontinued altogether, and to ensure that if mowing of these areas is required to protect public safety, then such mowing would be carried out in a manner that minimizes adverse effects to the habitat quality of the buffer or open space areas. Modification Twelve (12) has also been suggested to ensure that no mowing or removal of native vegetation shall be allowed within any designated ESHA or wetland area of the Lagoon Management Area.

Further, Figure 3-1 of the proposed LMP indicates that the existing dirt emergency vehicle road will be extended approximately 200 ft. from the currently existing

turnaround located in the central portion of the eastern end of Lagoon Island to the edge of the south facing bluff where a new hammerhead turnaround will be constructed (Exhibit 5). The Commission notes that the proposed extension of the road to the bluff edge is not required for emergency vehicle access to Lagoon Island. The Commission further notes that Lagoon Island has been previously designated as ESHA by the certified LRDP and is designated as ESHA in the LMP. Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas shall be protected from disruption to their habitat value and that only new development dependent upon those habitat resources may be allowed in such areas. The Commission notes that the extension of the existing road is not dependent upon the ESHA resources and that, therefore, the construction of new roads or expansion/extension of existing roads within areas designated as ESHA is not consistent with Section 30240 of the Coastal Act. In addition, the University has not submitted any information regarding adverse effects to the habitat value of the site that would result from the construction of new roads in the designated ESHA. Therefore, Modification Six (6) has been suggested to ensure that Figure 3-1 of the LMP is revised to delete the reference to a new portion of the vehicle access road and a new hammerhead turnaround at the terminus of the road on Lagoon Island.

In addition, the Commission notes that the construction of non-permeable surfaces, such as asphalt roads, often intensifies storm runoff in a destructive manner, thereby contributing to an increased potential for erosion and increased sedimentation of coastal waters and wetland areas. Figure 3-1 and 2-12 of the proposed LMP indicate that the existing unpaved emergency vehicle access roads located on the east lagoon barrier and on Lagoon Island either are paved or will be paved in the future (Exhibits 5 & 6). Therefore, Modifications Five (5) and Six (6) have also been suggested in order to ensure that Figures 3-1 and 2-12 are revised to clarify that the existing roads located in the areas designated as ESHA and open-space buffer by the LRDP (Lagoon Island and the east Lagoon Barrier) are not paved and shall be maintained in their current unpaved state unless additional improvements are required to protect ESHA and wetland resources. In addition, in order minimize adverse effects to wetland and ESHA resources from increased erosion and stormwater runoff, Modification Seven (7) has been suggested to ensure that existing service and emergency vehicle dirt roads located in areas designated by the LRDP as ESHA or open-space buffer should not be paved unless required to protect those resources and that if such improvements are necessary, then such roads shall be improved using permeable or semi-permeable road materials.

Therefore, for the reasons stated above, the Commission finds that the proposed amendment to the LRDP, as modified, is consistent with the Chapter 3 policies of the Coastal Act.

### C. Public Access

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities along the coast. The Coastal Act has several policies which address the issues of public access and recreation along the coast. Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Likewise, Section 30212 of the Coastal Act requires that adequate public access to the sea be provided to allow use of dry sand and rocky coastal beaches. In addition, Section 30213 requires that lower cost visitor and recreational opportunities be protected, encouraged and, where feasible provided. Finally, Section 30220 of the Coastal Act requires coastal areas suited for coastal recreational activities, that cannot be provided at inland water areas, be protected.

Coastal Act Section 30210 states:

*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.*

Coastal Act Section 30211 states:

*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.*

Coastal Act Section 30212 states (in part):

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

Coastal Act Section 30213 states (in part):

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

Coastal Act Section 30220 states:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

The LRDP identifies a commitment and specific policies to provide and maintain public access and educational opportunities within the Lagoon Management Area while providing for management and restoration of its natural resources. Consistent with sections of the Coastal Act regarding public access, the UCSB Long Range

Development Plan provides for maximum public coastal access on campus. Public pedestrian access is available to and along the entire 2 ½ miles of coastline contiguous to the campus. The parking facilities on campus constitute the majority of publicly-available beach parking in the Goleta area. Most of the approximately 6,520 parking spaces on campus may be used by the general public for a nominal charge. In addition, there is no charge for parking on campus during evenings, weekends, or holidays. Campus parking facilities provide overflow parking for the County of Santa Barbara operated Goleta Beach Park located adjacent to the campus. Several parking lots on campus, including Lot 23 and Lot 24, adjacent to the proposed Lagoon Management Area, have been specifically identified in the LRDP to accommodate public coastal access parking.

In addition, pedestrian trails, available for public use, are located throughout the proposed Lagoon Management Area along the scenic coastal bluffs and to and along the beach. Access improvements proposed in the LMP include the placement of informational signs and interpretative exhibits to educate the public regarding the special resources of the lagoon area. Policy 30240(a).9 of the certified LRDP provides that bicycle access to the lagoon island shall be prohibited in order to minimize blufftop erosion. Consistent with Policy 30240(a).9, the LMP includes additional policies which allow for the construction of barriers at entry points, as used in other locations on campus, which discourage the use of bicycles to Lagoon Island in order to avoid adverse effects to the coastal bluffs from increased erosion while allowing for access by wheelchairs and pedestrians. The LMP proposes to discourage the use of "volunteer trails," or informal trails, through the use of physical barriers and proposes to implement revegetation techniques to allow for restoration of degraded areas. All primary and essential access trails within the lagoon management area will be maintained consistent with Figure 3-1 (Exhibit 5). The Commission notes that the trail configuration shown in Figure 3-1 of the LMP will serve to provide adequate public access within the lagoon area consistent with resource protection. In addition, the LMP will provide for the use of low-lying fences of no more than 48 inches in height to be placed along the edges of the high coastal bluffs within the management area to not only promote public safety, but also to minimize erosion of the bluff face resulting from public use of the trail system along the bluff top. The LMP provides specific policies which state that all barriers and fences shall be designed to carefully blend with their surroundings and the visual character of the lagoon area through the use of appropriate color and materials while being of small scale and low profile. The University does not propose to use any barbed wire fencing within the Lagoon Management Area.

Further, Figure 2-12 of the proposed LMP shows a stairway located on the bluff face at Goleta Point leading from the top of the bluff to the beach below (Exhibit 6). However, the Commission notes that no stairway, path, or any other form of pedestrian access from the top of the bluff to the beach below is currently located on the steep bluff face at Goleta Point and no reference to the future construction of stairs at Goleta Point is contained in the text or in any other figure of the proposed LMP. The Commission notes that the construction of the identified future stairs, in addition to any other new development referenced in the LMP, will require future review by the Commission in the

form of a notice of impending development to ensure geologic and structural stability and that adverse effects to the habitat value of the site are minimized.

In addition, the Commission notes that Figure 3-1 of the proposed LMP does not show either the existing bluff top pedestrian path leading from the top of the bluff to the beach immediately west of the Campus Lagoon or the construction of a boardwalk and stairway proposed as part of the related NOID 1-98 for the construction of the San Rafael housing project and as shown in Figure 1-5 of the proposed LMP. If the proposed boardwalk and stairs are not constructed, the Commission notes that pedestrian use of the existing trail will continue to result in increased bluff erosion. The Commission notes that the construction of the proposed boardwalk and stairway will serve to minimize adverse effects to the ESHA and wetland areas in the Lagoon Management Area such as bluff erosion and increased sedimentation that result from pedestrian use of the existing bluff face path. Therefore, Modification Six (6) has been suggested to ensure that Figure 3-1 of the LMP is revised to show the existing path located on the bluff slope between the top of the bluffs west of the lagoon and the beach to be improved through the construction of a boardwalk and stairway as consistent with Figure 1-5 of the LMP. In addition, Modification Six (6) has also been suggested to ensure that on that portion of the project site where the proposed pedestrian boardwalk will be constructed, low-lying and visually unobtrusive fencing and signs shall be used to redirect bicycle traffic away from the eroded portion of the bluff to the universal access path located approximately 240 ft. to the north of the boardwalk which provides access from the blufftop to the beach below. Thus, the Commission notes that the construction of the above trail improvements will serve to enhance public access to the beach and provide for lower cost recreational facilities while also providing for greater protection of the ESHA and wetland resources on site as consistent with the applicable LRDP policies.

The Commission notes that the certified LRDP requires the University to accommodate parking for public coastal access on campus. Policy 30210.9 of the LRDP provides that coastal access parking be provided in Parking Lots 1, 5, 6, 10, 23, and 24. In addition, as part of the related NOID 1-98, the University proposes to expand Lot 24 and designate 14 parking spaces for public coastal access parking. However, Figure 2-13 (Existing Coastal Access) of the proposed LMP does not indicate that Lot 24 is available for public coastal access. The Commission notes that Lot 24 is located in close proximity to both the bluff top trail system and to an existing beach access point. Policy 30210.9 of the LRDP identifies Lot 24 as available for public coastal access. Therefore, Modification Nine (9) has been suggested to ensure that Figure 2-13 of the LMP is revised to more accurately show all parking lots available for coastal access on Main Campus (including Lot 24) as consistent with the certified LRDP.

Therefore, the Commission finds that the proposed amendment to the LRDP, as modified, is consistent with the Chapter 3 policies of the Coastal Act.

## D. Marine Resources

Coastal Act Section 30233 states in part:

- (a) *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
- ...
- (6) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (7) *Restoration purposes.*
- (8) *Nature study, aquaculture, or similar resource dependent activities.*
- (b) *Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*
- (c) *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...*
- (d) *Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

Coastal Act Section 30235 states:

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

Coastal Act Section 30253 states:

*New development shall:*

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

***(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

The proposed amendment to the Long Range Development Plan would allow for dredging of the Campus Lagoon in order to maintain the lagoon as an open body of water. Over the long term, sedimentation of the lagoon will continue to reduce capacity and depth resulting in decreased circulation and water quality ultimately creating an upland marsh or grassland habitat area. In order to maintain the lagoon in its present form as an open body of water, periodic dredging activities may be necessary. Section 30233 of the Coastal Act allows for dredging activities to be conducted in wetland areas for restoration and nature study purposes. The Campus Lagoon and the surrounding area has been previously designated as environmentally sensitive habitat area and as an educational resource. Dredging of the Campus Lagoon is consistent with the Coastal Act provided that there is no feasible less environmentally damaging alternative, adverse environmental effects are minimized, and that suitable excavated material is used for beach replenishment. However, no analysis has been submitted by the University regarding the suitability of the material that will be dredged from the lagoon or of potential beach areas suitable for replenishment. Therefore, Modification Ten (10) has been suggested to ensure that all excavated materials from the dredging of the Lagoon that are suitable for beach replenishment or habitat restoration shall be used for such purposes. The Commission notes that any future dredging of the Campus Lagoon, in addition to any other new development referenced in the LMP, will require future review by the Commission in the form of a notice of impending development to ensure that adverse effects to the habitat value of the site are minimized and that dredged material is used for beach replenishment or habitat restoration if suitable for such purposes.

Section 30235 of the Coastal Act allows for the construction of cliff retaining walls only when required to protect existing development, coastal-dependent uses, or public beaches from erosion and when designed to mitigate adverse effects. In addition, Section 30253 of the Coastal Act requires that new development may only be allowed if it will not in any way require the construction of protection devices that would substantially alter natural landforms along bluffs and cliffs. The Commission notes that retaining walls or other structural improvements which are located on coastal bluffs result in adverse effects to shoreline sand supply and public access along beach areas through the retention of beach sand material which would naturally be released to the littoral system. The LMP, as proposed, would allow for a combination of techniques that may be used to minimize erosion of the bluff edges and steep slopes within the lagoon area such as revegetation, fences, barriers, informational signs, public education and awareness programs. The LMP also proposes to allow for the repair of damaged areas using revegetation and structural techniques. However, the LMP does not provide any specific information regarding the adverse effects to either the habitat value of the bluff slope or to beach sand supply (both areas are designated as ESHA by the LRDP). The Commission notes that although revegetation for slope stability is



consistent with Sections 30235 and 30253 of the Coastal Act, any structural improvements on a bluff face such as retaining walls, caissons, and other structural stabilization techniques would require further review by the Coastal Commission on a project specific basis to determine consistency with the Coastal Act. Therefore, Modification Eight (8) has been suggested to ensure that any future structural improvements on bluff slopes within the lagoon area will be reviewed by the Commission in the form of an amendment to the Long Range Development Plan.

The construction of a rock revetment to protect the eastern lagoon barrier is not formally included as part of proposed LRDP Amendment 1-98 to certify the Lagoon Management Plan. However, the Commission notes that the LMP, as originally submitted, included numerous references to the construction of a rock revetment and related development to be located along the eastern lagoon barrier. Although, on October 13, 1998, the University submitted several revisions dated October 6, 1998, to the Lagoon Management Plan which deleted several of the references to the construction of a rock revetment and related development, including all Figures which referenced the revetment with the exception of Figure 1-3. However, the Commission notes that the revised LMP still contains some references to the construction of a rock revetment.

The construction of a rock revetment along the eastern lagoon barrier has been the subject of past Commission action. UCSB LRDP Amendment 2-97, which included the construction of a rock revetment and various improvements to the eastern lagoon barrier, including the placement of fill, pavement of the barrier road, and the construction of a vehicle turnaround, was previously approved by the Commission on June 9, 1998, with the suggested modification that the proposed revetment, and all related improvements to the eastern lagoon barrier, be deleted from LRDP Amendment 2-97. The Commission found in its previous action on UCSB LRDP Amendment 2-97 (findings herein incorporated by reference) that alternative forms of shoreline protection that could achieve basic protection of the lagoon barrier and seawater renewal system with fewer adverse impacts had not been adequately addressed in the Environmental Impact Report or other information submitted by the University. The UCSB LRDP states that the Campus Lagoon should be prevented from naturally breaching in order to maintain its Environmentally Sensitive Habitat Area (ESHA), instructional and research value. However, although the referenced rock revetment would serve to protect the existing educational and scientific opportunities provided by the Campus Lagoon, it would also result in adverse impacts to the habitat, recreational, and public access values of the beach area which has also been certified as ESHA in the certified UCSB LRDP. As such, the use of a rock revetment, as referenced in the proposed Lagoon Management Plan, is not consistent with the policies of the LRDP or past Commission action. Further, alternative forms of shoreline protection such as dune nourishment and beach replenishment, may not only be feasible but would also serve to enhance the habitat, educational, and scientific value of the entire Lagoon Management Area. Therefore, the Commission can not find that the rock revetment, referenced in the proposed Lagoon Management Plan, is consistent with Sections 30235 and 30253 of the Coastal Act, or with past Commission Action regarding the use of a revetment to protect the

eastern lagoon barrier. The Commission notes that the University has submitted revisions to the LMP with the intention of deleting any reference to the construction of the revetment previously proposed in conjunction with LRDP Amendment 2-97. Therefore, to ensure that the remaining references to the construction of the revetment and related development, including but not limited to Figure 1-3, are deleted from the proposed amendment, Modification Eleven (11) has been suggested. Modification Six (6), as previously discussed, has been suggested to clarify that the lagoon barrier road is not paved and to more accurately depict all service roads within the Lagoon Management area many of which are also unimproved.

Therefore, the Commission finds that the proposed amendment to the LRDP, as modified, is consistent with the Chapter 3 policies of the Coastal Act.

### **E. California Environmental Quality Act**

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Long Range Development Plans for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LRDPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the LRDP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(1) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LRDP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

The environmental analysis for the Campus Lagoon Management Plan is tiered from the University of California, Santa Barbara, Long Range Development Plan (LRDP) 1990 Environmental Impact Report (EIR). The 1990 LRDP EIR is a Program EIR, pursuant to Section 15168 of the California Environmental Quality Act (CEQA) Guidelines. The 1990 LRDP is a long-range plan that guides development by UCSB necessary for the University to meet its broad mission of instruction, research, and public service for the period 1990-2005/2006.

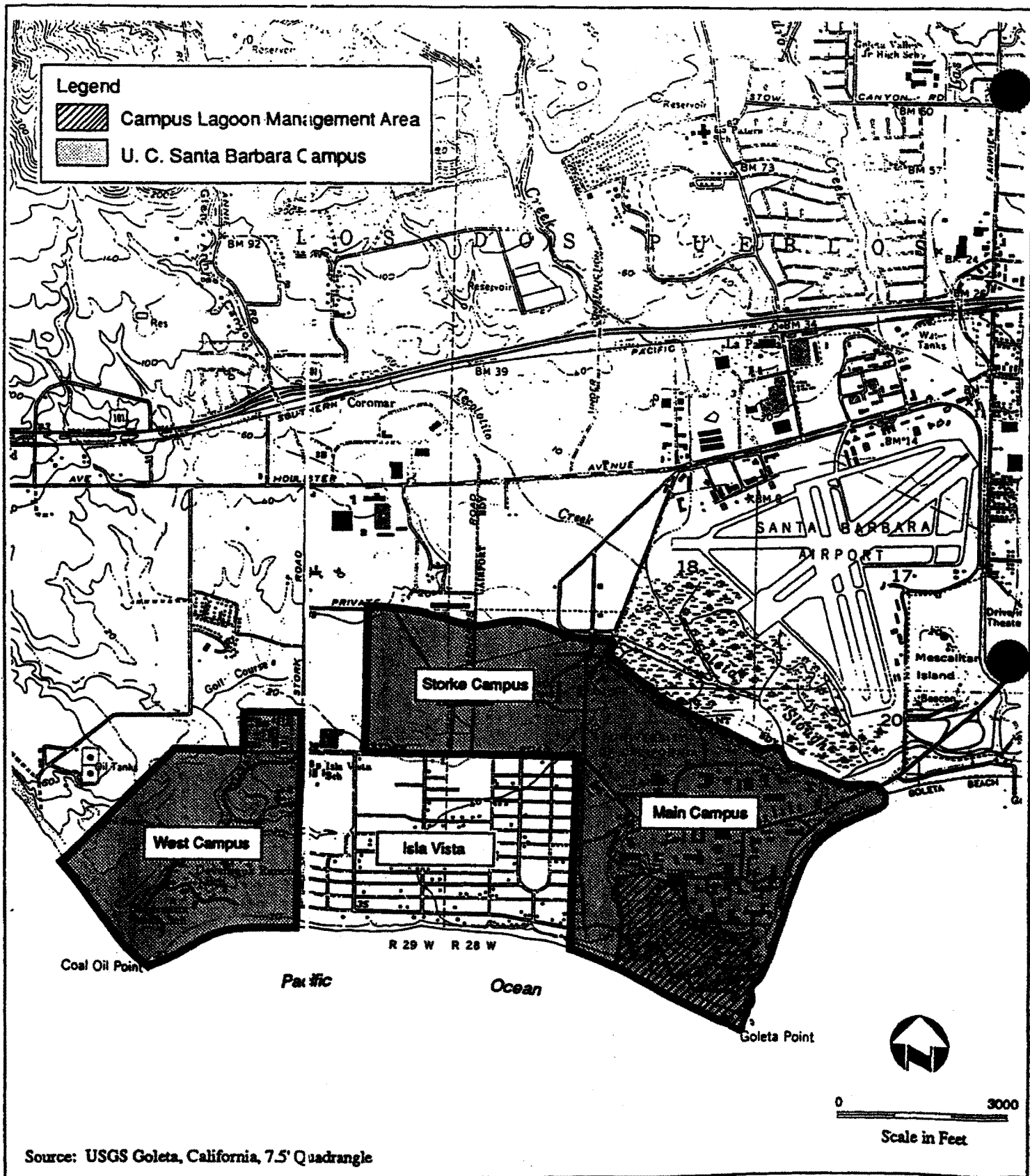
The CEQA concept of "tiering" refers to the coverage of general environmental matters in broad program level EIRs, with subsequent focused environmental documents for individual projects that implement the program. In accordance with CEQA Sections 15152 and 15168(C), this project is tiered to the 1990 LRDP EIR (SCH# 87022516) which is incorporated into the Initial Study by reference and which is available for review during normal operating hours at the UCSB Office of Budget and Planning at 1325 Cheadle Hall and at the California Coastal Commission's Ventura office.

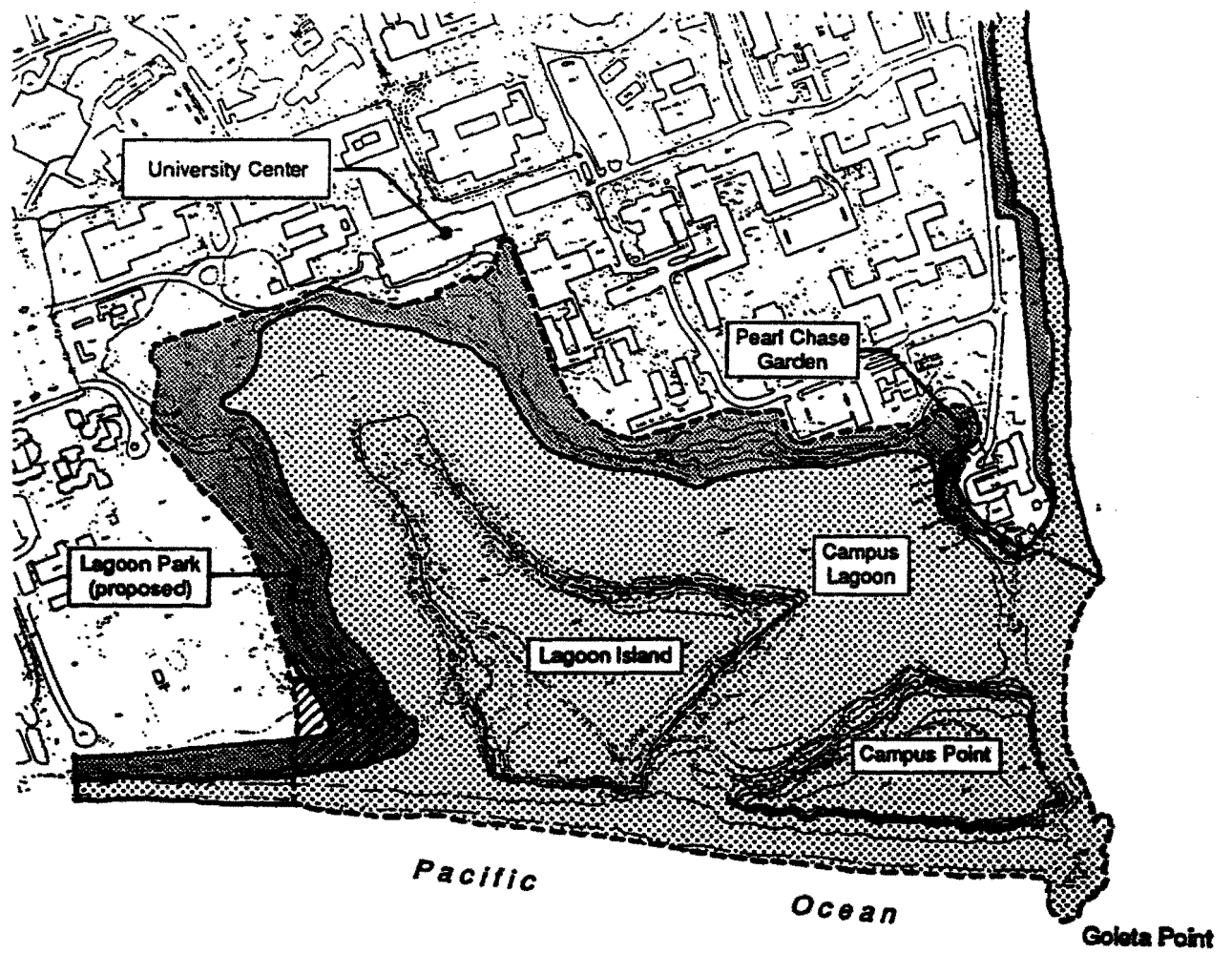
For the reasons discussed in this report, the LRDP amendment, as submitted is inconsistent with the Chapter 3 policies of the Coastal Act and that there are feasible

alternatives or mitigation measures available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has modified the proposed LRDPA to include such feasible measures as will reduce environmental impacts of new development. As discussed in the preceding section, the Commission's suggested modifications bring the proposed LRDP amendment into conformity with the Coastal Act. Therefore, the Commission finds that the LRDP amendment, as modified, is consistent with CEQA and the Chapter 3 policies of the Coastal Act.





**SMH-VNT**

File: smh/ucsb/amendments/lrdp1-98





**Legend**

-  Boundary of the Campus Lagoon Management Area
-  Environmentally Sensitive Habitat Area (ESHA) <sup>1</sup>
-  Areas Adjacent to ESHA and Open Space <sup>1</sup>
-  Area Containing Special-Status Plant Species Proposed to be Included as ESHA <sup>2</sup>

<sup>1</sup> Source: 1990 Long Range Development Plan as amended (UCSB 1990)  
<sup>2</sup> Source: Ferren 1994

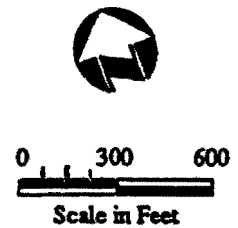


Figure 1-4.

EXHIBIT 2a
UCSB LRDP 1-98
Proposed ESHA Map

Pacific Ocean

Wetlands

Wetlands

Wetlands

Wetlands

New ESHA Boundary Proposed  
Per ESDP Amendment 1-QR

Campus Lagoon

Existing ESHA Boundary

New Housing Proposed  
By NOID 1-98

Tar Plants to be Removed

EXHIBIT 2b

UCSB LRDP A 1-98

Proposed New ESHA Detail Map

Legend

Scale: 1" = 100'

North Arrow

UCSB Project No. 10000

Map Title: UCSB LRDP A 1-98

Map Date: 10/19/98

Map Scale: 1" = 100'

Map Author: [unclear]

Map Checker: [unclear]

Map Designer: [unclear]

Map Engineer: [unclear]

Map Operator: [unclear]

Map Programmer: [unclear]

Map Printer: [unclear]

Map Distributor: [unclear]

Map User: [unclear]

Map Reviewer: [unclear]

Map Approver: [unclear]

Map Date: 10/19/98

Map Scale: 1" = 100'

Map Author: [unclear]

Map Checker: [unclear]

Map Designer: [unclear]

Map Engineer: [unclear]

Map Operator: [unclear]

Map Programmer: [unclear]

Map Printer: [unclear]

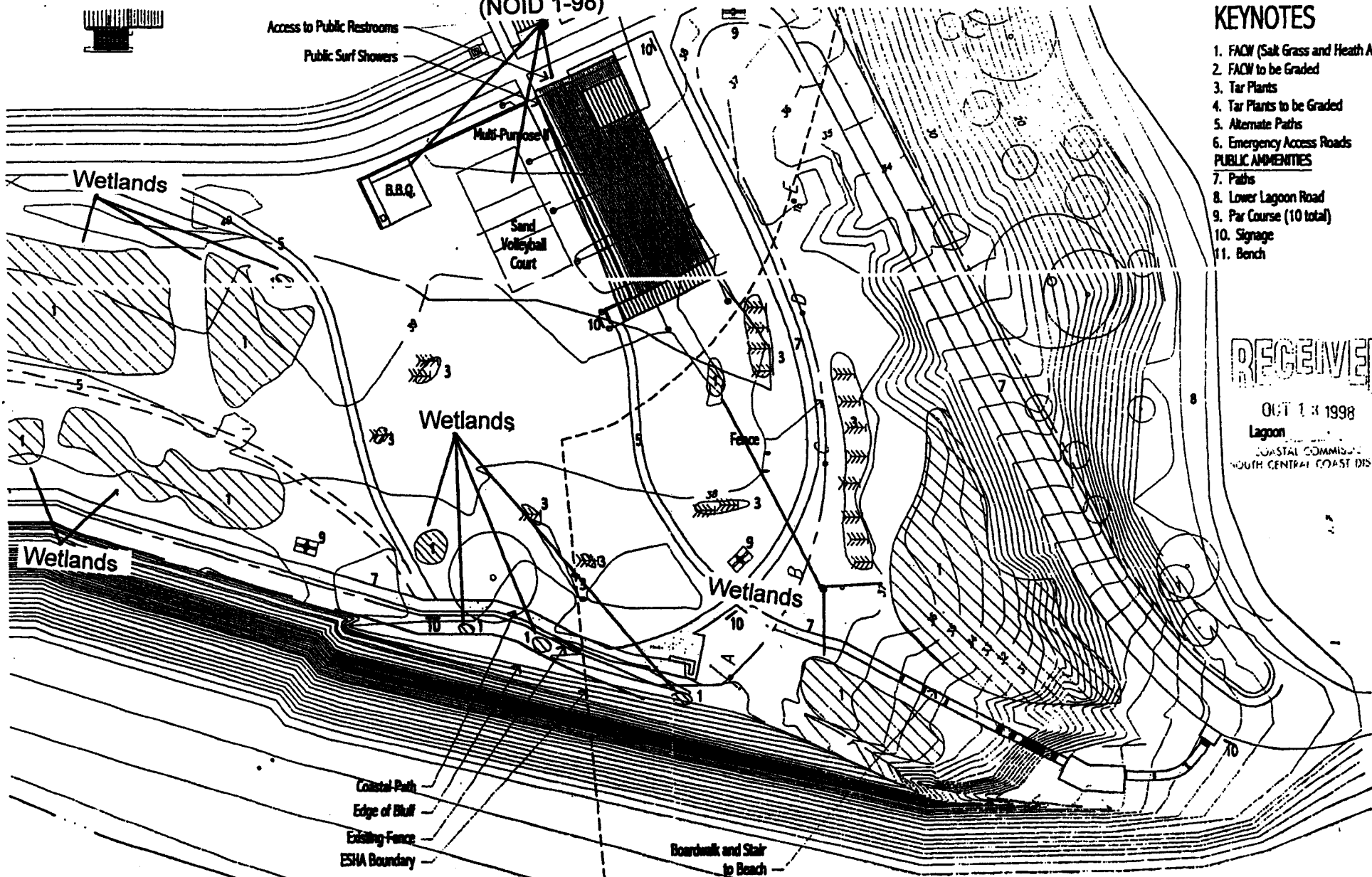
Map Distributor: [unclear]

Map User: [unclear]

Map Reviewer: [unclear]

Map Approver: [unclear]

**Proposed Development  
(NOID 1-98)**



**KEYNOTES**

1. FACW (Salt Grass and Heath Alkali)
  2. FACW to be Graded
  3. Tar Plants
  4. Tar Plants to be Graded
  5. Alternate Paths
  6. Emergency Access Roads
- PUBLIC AMMENITIES**
7. Paths
  8. Lower Lagoon Road
  9. Par Course (10 total)
  10. Signage
  11. Bench

**RECEIVED**

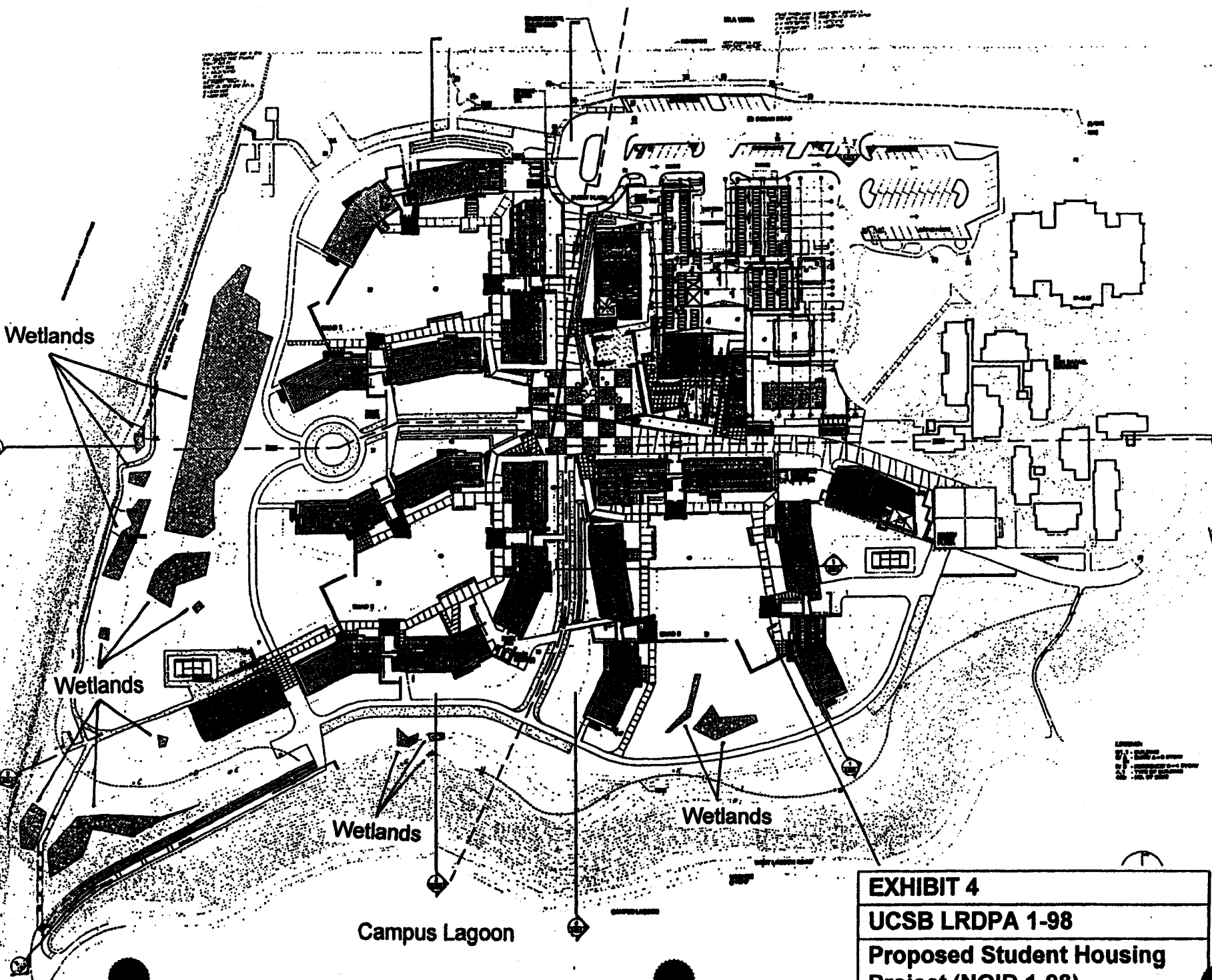
OCT 13 1998  
Lagoon  
COASTAL COMMUNITY DISTRICT  
SOUTH CENTRAL COAST DISTRICT

DesignARC / Moore Ruble Yudell

Enlarged Partial Site Plan - East Bluff

<b>EXHIBIT 3</b>
<b>UCSB LRDP 1-98</b>
<b>Wetlands/Special Status</b>
<b>Plant Species Map</b>

Figure 1-5  
1"=40'-0"



MOORE PUBLIC YACHT CLUB	
2000	
2001	
2002	
2003	
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2005	
2006	
2007	
2008	
2009	
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2015	
2016	
2017	
2018	
2019	
2020	

San Rafael  
Student Housing  
Addition  
University of California,  
Santa Barbara  
UCSB Project No. 98-0001


**SITE PLAN**

11-98

**S A11**










**EXHIBIT 4**  
**UCSB LRDP 1-98**  
**Proposed Student Housing**  
**Project (NOID 1-98)**



Figure 3-1.

**Campus Lagoon Management  
Actions Summary Plan**

**Legend:**

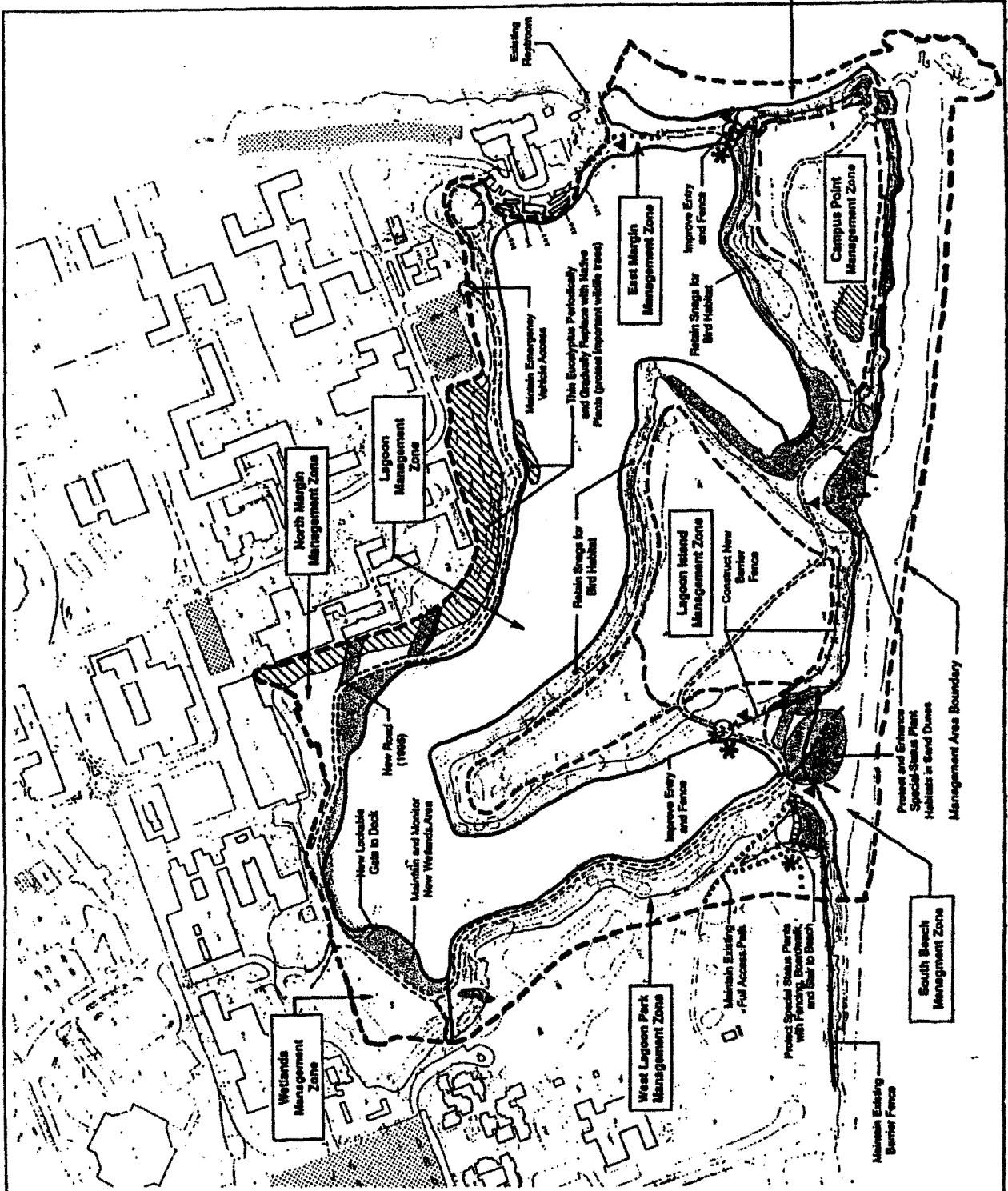
-  Paved Emergency Access Road to Maintain
-  Essential Path to Maintain or Improve
-  Full Access Path to Maintain or Improve
-  Eroded Areas to Protect and Allow to Revegetate
-  Public Parking for Coastal Access
-  Low Barrier Fence
-  Stairs to Improve or Construct
-  Information Sign
-  Interpretive Exhibit

Source: Landscape Master Plan, Part III,  
U. C. Santa Barbara, 1992.

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1998

SANTA BARBARA COUNTY DISTRICT



**EXHIBIT 5**

**UCSB LRDP A 1-98**

**Summary Map**

Figure 2-12.

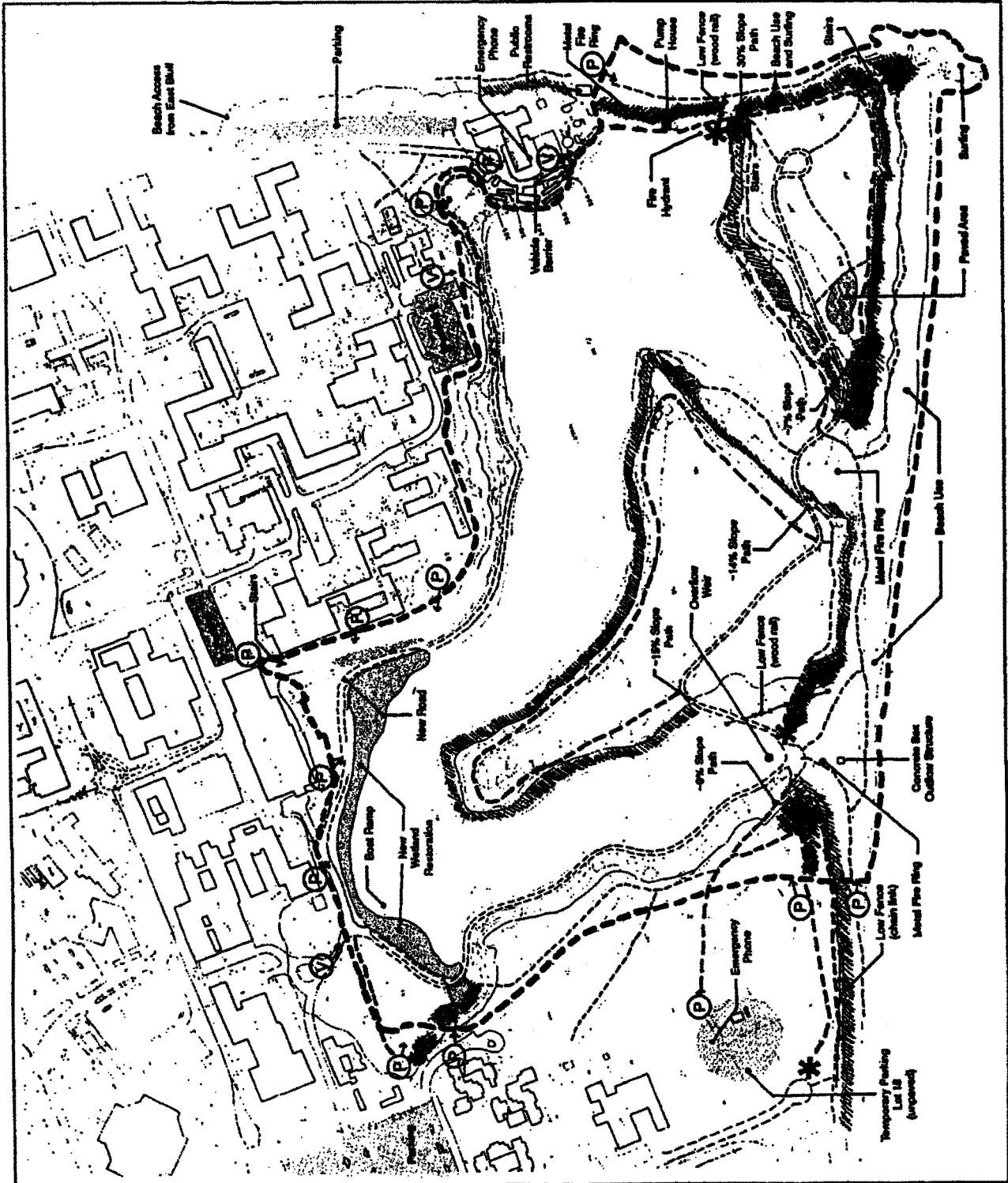
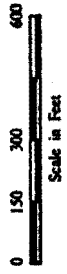
### Existing Public Use Features

Legend:

- [---] Management Area Boundary
- [---] Paved or Partially Paved Road
- [---] Primary Pedestrian Path
- [---] Secondary/Informal Pedestrian Path
- [V] Vehicle Entry to Management Area
- [P] Pedestrian Entry to Management Area
- [---] Eroded Slope or Area
- [---] Hazardous Steep Slope or Cliff
- [\*] Coastal Access Information Sign

- [---] Management Area Boundary
- [---] Paved or Partially Paved Road
- [---] Primary Pedestrian Path
- [---] Secondary/Informal Pedestrian Path
- [V] Vehicle Entry to Management Area
- [P] Pedestrian Entry to Management Area
- [---] Eroded Slope or Area
- [---] Hazardous Steep Slope or Cliff
- [\*] Coastal Access Information Sign

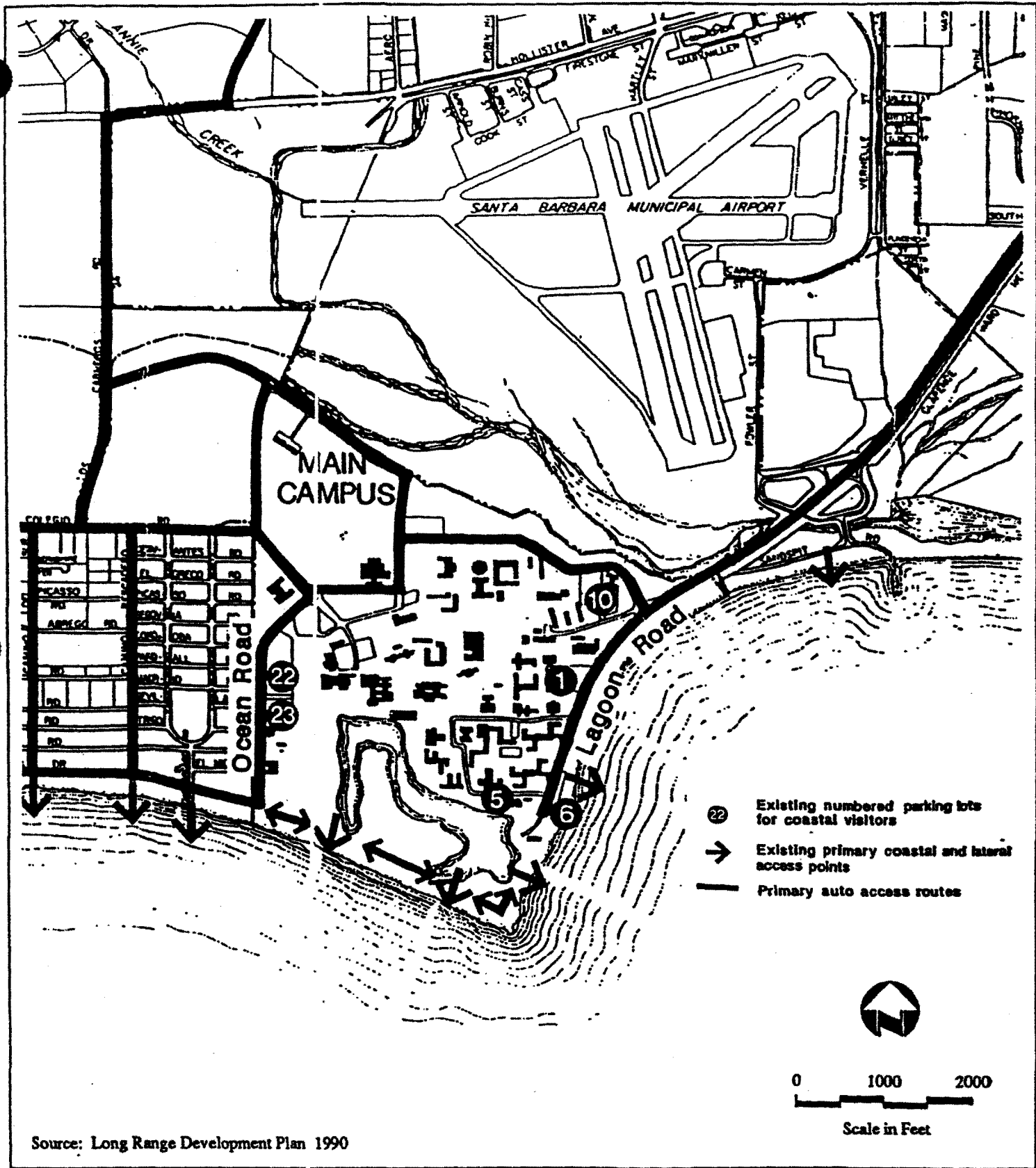
Source: Jones & Stokes Associates, 1994



### EXHIBIT 6

### UCSB LRDPA 1-98

### Existing Public Use Features





## **EXHIBITS 8a, 8b, & 8c**

Exhibits 8a, 8b, & 8c (Lagoon Management Plan and Revisions) were not reproduced for this report due to the length of the above documents. To obtain a copy of these exhibits please contact the following:

**Additional Information:** Please contact **Steven Hudson**, California Coastal Commission, South Central Coast Area, 89 So. California St., Second Floor, Ventura, CA. (805) 641-0142.



# **EXHIBIT 9**

Letter From the Environmental  
Defense Center dated  
April 9, 1999







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APR 12 1999

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

April 9, 1999

Sara Wan, Chair  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

**Proposed Major Amendment (1-98) to the University of California at Santa Barbara Certified Long Range Development Plan, and Notice of Impending Development 1-98, Pursuant to the University of California at Santa Barbara Certified Long Range Development Plan; San Rafael Project**

Dear Chairwoman Wan and Honorable Commissioners:

The Environmental Defense Center (EDC) is a non-profit environmental law firm. We represent the Santa Barbara Chapter of the Surfrider Foundation regarding the proposed development of the San Rafael Dormitory Project, an 800-bed student housing project proposed to be located on the undeveloped coastal bluff nestled between the UCSB Campus Lagoon and the town of Isla Vista. The goal of our client in this case is to ensure that all areas meeting the definition of HSHAs, including the wetlands present at the project site and in and near the Lagoon Management Area are protected, restored, and afforded sufficient buffering consistent with the Coastal Act and Coastal Commission Policy.

We have reviewed the staff report for the proposed NOID for the San Rafael Project and the associated Major LRDP Amendment and Lagoon Management Plan, and have previously reviewed and commented on the Draft Negative Declaration for the San Rafael project. EDC and Surfrider understand the requirements of the Coastal Act, and, having visited the site, we are very familiar with the natural resources that the project, as proposed, would threaten. Therefore, we wholeheartedly concur with your staff's well-researched position and proposed modifications and Special Conditions that 100-foot restored buffers are required around each wetland present on this site.

**Process and Precedent**

The EDC and our client, Surfrider Foundation's Santa Barbara Chapter, have met with UCSB officials to discuss this project on more than one occasion. At each meeting, we have stressed the importance of avoiding the wetlands and the habitat for the three protected plant species present on site, and have underscored the need to properly buffer these areas from development which would degrade them. Unfortunately, despite our willingness to work with UCSB and to help them develop a project that is consistent with the Coastal Act and LRDP, they have not notified us of important meetings. For instance, when the Negative Declaration was to be approved by the UC Regents, they made no attempt to notify us about the Regents' hearing, despite our requests that they keep us informed about the process. When questioned



about this afterwards their representatives stated that they were not required to notify us, and that the Regents' hearing was not public. Similarly, despite our client's and EDC's expressed interest in this project, UCSB did not inform us that the item would be before your Commission in April of this year. Fortunately, last week your staff mailed the public notices and staff reports to our office.

Part of the reason that UCSB has apparently tried to keep us out of the loop, we believe, may be because they recognize that this LRDP Amendment will set a precedent for the larger and potentially much more environmentally damaging project slated for the North Campus of UCSB. As approved last January by the UC Regents, that project (which we are also heavily involved in) would eliminate wetlands and critical habitat for rare and sensitive species including white-tailed kites and burrowing owls, the latter of which was documented there last month for the first time in fifteen years. If the San Rafael project is allowed to be developed within 100 feet of wetlands and protected botanical resources, then this would set a very dangerous precedent that could cause even greater biological impacts at the North Campus location. Therefore, we request that the Commission consider the larger implications of this NOID and LRDP Amendment and support your staff's recommended Special Conditions and proposed modifications.

#### Development in Wetlands Buffer

UCSB is proposing development that will be within 100-feet of, and adjacent to identified wetlands on the coastal bluff near the Campus Lagoon. As you know, these wetlands have been identified by professional biologists working for UCSB (Padre and Associates, 1998). While the project has been modified to keep development just outside of the wetlands proper, development is still proposed immediately adjacent to these wetlands, and would substantially degrade them. Thus, the following excerpt from EDC's August 21, 1998 comment letter on the draft negative declaration is still relevant to the proposed project and LRDP Amendment.

#### **WETLANDS AND ESHA PROTECTION**

According to the July 1998 Initial Study, the proposed project site supports and is adjacent to numerous wetlands, none of which are designated ESHA on the ND's land use designations map (Figure 3) [or in the LRDP]. Among these are the restored freshwater emergent marsh near the northeast corner of the site, "possible vernal pool that may be located in the southeast portion of the site" (Initial Study, page 5.), the lagoon, and areas where "there are scattered occurrences of wetland plant species on the bluff (alkali heath, loosestrife, saltgrass)." (June 3, 1998 Biological Resources Assessment by John Storrer) Based on the pertinent Cowardin System for delineating wetlands, habitats are considered wetlands if they meet one of three criteria: they have wetland plant species, they have wetland soils, or they exhibit standing water for a continuous, specified period of time each year.

In this case, all the areas described above meet at least one of the three criteria, and are therefore wetlands pursuant to the Coastal Commission's definition (PRC Section 30107.5). All wetlands [being sensitive, rare and especially valuable due to their role and special nature in ecosystems, and being easily disturbed and degraded by human activities and development] are considered environmentally sensitive habitat areas (ESHAs) under the Coastal Act. These areas are afforded very strong protection under the Coastal Act. Therefore, the University's LRDP must be updated as part of this process, or as part of a separate concurrent process, to delineate and subsequently preserve these onsite and adjacent wetland habitats as ESHAs and to delineate their associated buffers (LRDP Policy 30231.2(l)). The UCSB Main Campus Land Use Designations Map, Figure 3 of the Draft ND, should be modified to designate the geographical extent and domain of each wetland described above as ESHA. John Storrer's July 19, 1998 letter to Steve Rodriguez concerning the biological resources of the area included a recommendation to designate the south east corner of the site as ESHA. In addition to this area, all areas containing wetlands as defined using the Cowardin System must be delineated as ESHA and protected as such consistent with the Coastal Act's mandates.

Since it fails to geographically delineate the identified patches of wetland vegetation and the "possible vernal pools," this draft Negative Declaration is flawed and legally inadequate. The baseline conditions have not been properly established. According to the University's biological consultant in his July 19, 1998 letter to Steve Rodriguez, "a formal wetland delineation was not included within my scope of work." The University has thus failed to have the onsite and potentially affected wetlands mapped as part of this CEQA process. This is a major oversight by the University affecting the viability of this CEQA document. Furthermore, there is no discussion of the setback/buffer around each of these wetlands (only a discussion of the setback around the lagoon is provided.) so it is impossible for the public, responsible agencies and the Regents to ascertain if the setback from all wetlands complies with the Coastal Act and LRDP (i.e. that there is a minimum 100-foot setback between new development and each of the wetlands.) Additionally, without the mapped ESHAs and a detailed discussion of this issue, it is impossible to determine if these wetlands will be avoided as required under the Coastal Act, although it appears that removal of wetlands is proposed - in violation of the Coastal Act - along the bluff and near the southeast corner of the site.

Subsequent to the submittal of EDC's letter regarding the draft ND, UCSB did map each wetland, but asserted that they were not ESHAs and determined that development within the wetlands could be mitigated by enhancement or creation of wetlands offsite. EDC, on behalf of Surfrider, informed UCSB that while CEQA could allow for wetland

Sara Wan, Chair  
California Coastal Commission  
April 9, 1999  
Page 4

destruction in some cases with adequate mitigation and where no feasible alternatives existed, that to comply with the Coastal Act, wetlands must be avoided and provided adequate buffers of 100-foot minimum. The Coastal Commission's Procedural Guidance Document for the Review of Wetland Projects in California's Coastal Zone, 6-15-94, states that "In Southern California, the CCC has typically required 100 foot buffers for fresh- and salt-water wetlands..." UCSB, as a leading institution of higher learning, and having a Habitat Restoration Club, related curriculum and a reputation for environmental stewardship, should be held to this standard at a minimum. Unfortunately, while UCSB has now decided to move the development to avoid direct filling of wetlands, it has not agreed to buffer those wetlands consistent with the Coastal Act's requirements (Section 30240(b)) and the Coastal Commission's standards.

The University reported to the EDC that, since the wetlands were not mapped as ESHAs in the LRDP, that they were not subject to protection as ESHA, EDC's response to this was contained in our 8-21-98 letter regarding the draft ND:

Even though the wetlands areas are not currently mapped as ESHA's, they are afforded protection under the Coastal Act. According to an April 3, 1981 Coastal Commission Staff Report regarding the proposed Hearst Development in San Luis Obispo County, "for Coastal Act planning purposes the maps are for planning purposes only," and continues, "if such a resource occurs and is not mapped, it in no way negates the existence of said resource." This is important because there are ESHAs on the University's project site [and on the North Campus] that are protected by the Coastal Act. Simply because they are not all mapped accurately does not mean they would not be protected by the Coastal Commission.

#### Proposed Modifications to LRDP Amendment

The Commission staff's recommended modifications to the proposed LRDP Amendment which incorporates the Lagoon Management Plan, and the proposed Special Conditions for the NOID for the San Rafael Dorms address the concerns that EDC and Surfrider have raised to the University throughout this process, and render both the LRDP Amendment and the proposed development consistent with the Coastal Act.

The staff's suggested modifications to the proposed LRDP Amendment are critically important to achieving consistency with the Coastal Act. Specifically, Modification #1 would ensure that the LRDP recognizes the wetlands present on site and requires the protection and restoration of these wetlands and 100-foot buffers around them. While one hundred feet is the absolute minimum that can be considered and is not a very large

distance, if shielded from disturbance and restored, this buffer should adequately protect the wetlands.

Modifications #2 and #3 are also needed, as noted by staff, to revise all figures in the LMP and LRDP to depict the subject wetlands and their buffers, to delineate them as ESHA, and to appropriately include them in the Lagoon Management Area. Similarly, Modification #4 is necessary to clean up LMP Figure 1-5 so that it no longer depicts wetland areas to be graded.

Modifications #5, #6, and #11 reiterate a decision made by the Commission last year that the Lagoon Barrier not be fitted with revetment, and that the road atop it and other roads in the Lagoon Management Area not be paved unless done for the protection of the ESHA resources present.

EDC and Surfrider also support the other Modifications that address public access, potential dredging of the Lagoon, and the use of revegetation as opposed to structural techniques to stabilize bluff edges and steep slopes. The staff report notes, if structural work on these bluffs and slopes are proposed in the future, then UCSB should have to come back for an LRDP amendment.

#### Findings for Approval of the LRDP Amendment

As proposed by UCSB, the Commission could not make the findings for approval of the LRDP Amendment. However, if modified according to staff's recommendations, then the findings could be made. Specifically, by not affording a 100-foot buffer around the wetlands, the LRDP Amendment proposed by UCSB would not comply with Coastal Act Sections 30240, 30231, and 30230. By including the wetlands in the LMP, by designating them as ESHA, by providing for a 100-foot buffer that will be restored with appropriate native plant communities, and by affording protection to the sensitive plants onsite, the modified LRDP Amendment would be consistent with these provisions of the Act. These modifications and the Special Conditions recommended by Commission staff would ensure that the San Rafael would not occur within the critically important wetlands' buffers and would avoid the majority of the rare plant species while requiring revegetation with those plant species nearby.

Furthermore, to approve the LRDP and the NOID, the Commission must find that no less damaging feasible alternatives are available. Based on the staff's analysis and EDC's review of the draft ND for the San Rafael project and the current proposal, it is clear that a less damaging alternative design is feasible. The proposed modifications to the LRDP Amendment and the Special Conditions proposed by staff for the NOID would cause the development project to result in less environmental damage and are feasible. They will not alter the project significantly, and are, in fact, the changes that EDC and Surfrider had proposed during the CEQA process.

Sara Wan, Chair  
California Coastal Commission  
April 9, 1999  
Page 6

Therefore, we concur with staff that the proposed LRDP Amendment, as submitted, was inconsistent with the applicable provisions of the Coastal Act and did not represent the least environmentally damaging alternative. As modified by staff, the LRDPA would comply with the Coastal Act and can be approved by the Commission. Similarly, with the staff-proposed Special Conditions, the San Rafael Project will comply with the Coastal Act. These proposed changes are feasible, are the minimum necessary to achieve compliance with the Act, and therefore should not be compromised. Weakening of the proposed modifications or Special Conditions, such as by reducing the buffer to less than the minimum 100-foot distance typically employed by the Commission and necessary to protect wetlands and other ESHAs, would render this project and the LRDPA inconsistent with the Act and in conflict with the goals of our client, the Surfrider Foundation's Santa Barbara Chapter.

#### Conclusion

The EDC and Surfrider concur with Coastal Commission staff that Special Conditions are required to render the proposed San Rafael Dormitory Project consistent with the Coastal Act, and that the proposed modifications to the LRDP Amendment are necessary to achieve consistency with the Act. Without these changes, development would occur within 100-feet of wetlands, that, by their very nature, are ESHAs. These habitats must be delineated as ESHAs, enhanced, and afforded a minimum 100-foot buffer - that itself must be restored - to ensure compliance with the applicable provisions of the Coastal Act. Additional modifications to the LRDPA are also needed to ensure that the management of the Lagoon Area is consistent with the Coastal Act. If all of the proposed modifications and Special Conditions for this package are included, then the Commission would be in a position to make the findings that the LRDPA and the San Rafael Project would represent the least environmentally damaging alternative, and would comply with the Coastal Act.

Thank you for your attention to our comments regarding this precedent setting issue.

Sincerely,



Brian Trautwein,  
Environmental Analyst

cc: Surfrider Foundation, Santa Barbara Chapter  
Steve Hudson, Coastal Commission