

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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**DATE:** May 20, 1999

**TO:** Commissioners and Interested Persons

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

**RE:** Notice of Impending Development 1-98, Pursuant to the University of California Santa Barbara Certified Long Range Development Plan (LRDP) for Public Hearing and Commission Action at the meeting of June 7, 1999 in Santa Barbara.

### SUMMARY AND STAFF RECOMMENDATION

The impending development consists of the construction of a new 188,000 gross sq. ft., 3 and 4-story, 200-unit, 800-bed student housing complex not to exceed 45 ft. in height. The project also includes the removal of an existing temporary 546-space gravel parking lot, the construction of 19,000 gross sq. ft. of new support facilities (a Resource and Technology Center and two multi-purpose buildings), coastal access trail improvements, 26,050 cu. yds. of grading (8,190 cu. yds. of cut and 17,860 cu. yds. of fill), landscaping, the addition of 6,500 gross sq. ft. of area and renovation of the existing Carrillo Dining Commons buildings, the expansion of Lot 24 from an existing 22-space parking lot to an 81-space parking lot, the conversion of an existing temporary 313 space gravel surface parking lot (Lot 38) to a permanent 479 space paved parking lot, and the construction of approximately one acre of wetland habitat on Lagoon Island.

The impending development will be located immediately adjacent to approximately 0.80 acres of wetlands which are located on the project site. The impending development will also result in the removal of a significant portion of the populations of three different special-status plant species which are located on site: Coulter's Saltbush, Southern Tarplant and Long-leaf Plantain.

This notice was received in the South Central Coast Office on September 30, 1998, and was filed on March 15, 1999. The notice was originally scheduled to be heard at the Commission hearing on April 15, 1999, in Long Beach, however, the hearing for this item was postponed at the University's request. Staff is recommending that the Commission **approve** the impending development with six special conditions as listed on pages 2-5 which are necessary to bring the development into conformance with the certified University of California, Santa Barbara Long Range Development Plan (LRDP)

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

## I. Procedure

Section 30606 of the Coastal Act and Article 14, Sections 13547 through 13550 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified LRDP. Section 13549(b) requires the Executive Director or his designee to review the notice of impending development (or development announcement) within ten days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified LRDP. The notice is deemed filed when all necessary supporting information has been received.

Within thirty days of filing the notice of impending development, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified LRDP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified LRDP and whether conditions are required to bring the development into conformance with the LRDP. No construction shall commence until after the Commission votes to render the proposed development consistent with the certified LRDP.

## II. Staff Recommendation: Motion and Resolution

Staff recommends that the Commission adopt the following motion and resolution. A YES vote by a majority of the Commissioners present is necessary to pass the motion.

**Motion:** *I move that the Commission determine that the development described in the Notice of Impending Development 1-98, as conditioned, is consistent with the Certified University of California Santa Barbara LRDP.*

**Resolution:** *The Commission determines that the proposed Impending Development 1-98, as conditioned, is consistent with the Certified University of California Santa Barbara LRDP for the reasons discussed in the findings herein.*

## III. Special Conditions

### 1. Revised Plans

Prior to the commencement of development, the University shall submit, for the review and approval of the Executive Director, revised project plans, prepared by a qualified civil engineer, which eliminate all proposed development located within 100 ft. of all wetland and ESHA resources on site (as identified in Exhibit 3) with the exception of pedestrian and bicycle trail improvements. Pedestrian and bicycle trail improvements

located within the 100 ft. buffer areas shall be designed to minimize adverse effects to wetland areas and shall be located as far from wetland areas as possible.

**2. Habitat Restoration, Wetland Enhancement, and Monitoring Program**

Prior to the commencement of development, the University shall submit, for the review and approval of the Executive Director, a Habitat Restoration, Wetland Enhancement, and Monitoring Program prepared by a qualified biologist or environmental resource specialist, for the 3:1 replacement of any specimens of Southern Tarplant, Long-leaf Plantain, Coulter's Saltbush or any other sensitive plant species removed in conjunction with the proposed development and for the enhancement of the approximately 0.80 acres of wetland areas identified in the Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998 (as identified in Exhibit 3). The program shall also provide for the restoration of all buffer areas required by Special Condition One (1) with native plants compatible with the surrounding ESHA and wetland areas. The program shall include, but not be limited to, the following:

**a. Technical Specifications**

The program shall include detailed documentation of existing site conditions and specify restoration and enhancement goals and specific performance standards to judge the success of the restoration and enhancement effort. The program shall also include a detailed description of the process, materials, and methods to be used to meet the approved goals and performance standards and specify the preferable time of year to carry out restoration activities and describe the supplemental watering requirements that will be necessary. The program shall also provide for the establishment and maintenance of adequate buffer areas of no less than 100 ft. surrounding all ESHA and wetland areas on site. A restoration and enhancement planting plan shall also be included that provides for the removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, and plant locations.

If grading is necessary to enhance the function of the wetland areas, an engineered grading plan shall be included. The program shall provide for controlled public access through or around all ESHA and wetland areas located on the project site and on the blufftop west of the Campus Lagoon. Improvements to provide public access and protect the ESHA and wetland areas from disruption should include informational and educational signs regarding the wetland and other ESHA resources on site, low-lying and visually unobtrusive fences (no barbed wire shall be allowed), stairs, and a boardwalk as shown on Exhibit 3. Fencing shall be 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 portion of the bluff to the universal access path located to the north. All lighting on the project site shall consist of low-intensity, reduced profile light fixture designed to minimize illumination and glare to the ESHA and

wetland areas on or adjacent to the site and from other public areas off site as consistent with habitat protection and safety requirements.

**b. Monitoring Program**

A monitoring program shall be implemented to monitor the project for compliance with the specified guidelines and performance standards. The University shall submit, upon completion of the restoration and enhancement planting, and on an annual basis beginning from the date that the restoration and enhancement planting is completed, a written report prepared by a biologist or environmental resource specialist indicating the success or failure of the restoration project. This report shall include further recommendations and requirements for additional restoration and enhancement activities in order for the project to meet the specified criteria and performance standards. These reports shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the progress of recovery and enhancement at each of the sites.

At the end of a five year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the restoration and enhancement project has in part, or in whole, been unsuccessful, based on the approved performance standards, the University shall be required to submit a revised or supplemental program to compensate for those portions of the original program which were not successful. The revised, or supplemental restoration and enhancement program shall be processed as a new Notice of Impending Development.

**3. Implementation of the Habitat Restoration and Wetland Enhancement Plans**

The University shall commence to implement the Habitat Restoration and Wetland Enhancement Program required by Special Condition Two (2) within 90 days after construction of the proposed development has been completed. The Executive Director may grant additional time for good cause.

**4. Construction Monitoring**

Prior to construction, the applicant shall retain the services of an independent qualified biologist or environmental resource specialist with appropriate qualifications acceptable to the Executive Director. The biologist or environmental resource specialist shall be present on site during all grading and construction of trail improvements on site. Protective fencing shall be used around all ESHA and wetland areas which may be disturbed during construction activities. The consultant shall immediately notify the Executive Director if unpermitted activities occur or if habitat is removed or impacted beyond the scope of the work allowed by UCSB Notice of Impending Development 1-98. This monitor shall have the authority to require the University to cease work should any breach in condition compliance occur, or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to any ESHA or wetland resources on site

beyond the scope of work allowed for by this Notice of Impending Development, the University shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts at a 3:1 replacement ratio. The revised, or supplemental, restoration program shall be processed as a new Notice of Impending Development.

**5. Public Coastal Access Parking Program**

Prior to the commencement of development, the University shall submit, for the review and approval of the Executive Director; (1) a revised visitor campus map (distributed to campus visitors) that indicates the availability of coastal access parking in Lot 23 and the new Lot 24 and (2) a revised parking plan which provides for 28 coastal access parking spaces (14 coastal access parking spaces in the new 79-space parking lot and 14 coastal access parking spaces in Lot 23). Within 30 days after the completion of construction activity, the University shall conspicuously post signs at each of the 28 designated public coastal access parking spaces which clearly state that the parking spaces are reserved for public coastal access parking only. If parking meters are used in conjunction with the designated public coastal access parking spaces, then such meters shall allow for a maximum parking time of at least four hours at a rate equivalent to that charged by other parking meters located on campus, but in no instance shall the total parking fee charged for the 4-hour maximum use time exceed 4/5 of the fee charged for a one-day campus parking permit. Prior to the commencement of development, the University shall submit, for the review and approval of the Executive Director, the wording to be used for all signage.

**6. Archaeological Resources**

Prior to construction, the University shall retain the services of an independent qualified archaeologist(s) and appropriate Native American consultant(s) with appropriate qualifications acceptable to the Executive Director. The independent qualified archaeologist(s) and appropriate Native American consultant(s) shall be present on-site during all grading, excavation and site preparation that involve earth moving operations. The number of monitors shall be adequate to observe the earth moving activities of each piece of active earth moving equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by the archaeologist(s) with the purpose of locating, recording and collecting any archaeological materials. In the event that any significant archaeological resources are discovered during operations, grading work in this area shall be halted and an appropriate data recovery strategy shall be developed, subject to review and approval of the Executive Director, by the applicant's archaeologist and the Native American consultant consistent with CEQA guidelines.

#### **IV. Findings and Declarations**

The Commission finds and declares as follows:

##### **A. Campus Development**

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. The proposed development is for student housing and will not be applied toward the 830,000 sq. ft. limit of site area on Main Campus available for development.

##### **B. Description of Impending Development and Background**

The impending development consists of the construction of a new 188,000 gross sq. ft., 3 and 4-story, 200-unit, 800-bed student housing complex not to exceed 45 ft. in height. The project also includes the removal of an existing temporary 546-space gravel parking lot, the construction of 19,000 gross sq. ft. of new support facilities (a Resource and Technology Center and two multi-purpose buildings), coastal access trail improvements, 26,050 cu. yds. of grading (8,190 cu. yds. of cut and 17,860 cu. yds. of fill), landscaping, the addition of 6,500 gross sq. ft. and renovation of the existing Carrillo Dining Commons buildings, the expansion of Lot 24 from an existing 22-space parking lot to an 81-space parking lot, the conversion of an existing temporary 313 space gravel surface parking lot (Lot 38) to a permanent 479 space paved parking lot, and the construction of approximately one acre of wetland habitat on Lagoon Island.

The primary project site is located on the west side of Main Campus on the bluff top immediately west of the Campus Lagoon and north of the beach (Exhibit 2). The project site is designated by the certified UCSB LRDP as a potential building location for student housing (limited to no more than 200 units). The proposed development is consistent with all building height and capacity restrictions required by the LRDP. The University has submitted a Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998 which indicates that 0.80 acres of wetlands are located on the southern and eastern portions of the project site. In addition, the report submitted by the University also indicates that three special-status plant species are also located on site: Coulter's Saltbush, southern Tarplant and

long-leaf plantain. An existing blufftop trail which descends to the beach is located along the southern portion of the project site and is available for public access.

The project site has been the subject of past Commission action. Notice of Impending Development (NOID) 3-94 was approved by the Commission in 1994 for the construction of a temporary 546-space gravel parking lot on a portion of the project site to provide for additional parking during the construction of the new parking structure on campus. Noid 3-94 was issued with special conditions requiring revised plans designating 30 parking spaces for on-campus visitor and beach access parking, a revised campus map (distributed to campus visitors) designating Lot 24 (an existing permanent parking lot located immediately north of the project site) as visitor parking site (designated by the use of Code "C" or "V" on the map), the improvement of the bluff top pathways to the lagoon and beach consistent with Figure 26 (Coastal Access Improvements) of the LRDP. Special Condition Three (3) of NOID 3-94 also required that the temporary parking lot be removed and the site restored by December 1998. The University has not yet removed the temporary parking lot or restored the site to its previous condition in anticipation of the construction of the San Rafael Student Housing project proposed as part of NOID 1-98. In addition, the University has not yet revised the campus map distributed to visitors to designate the 22-space Lot 24 as available for visitor parking as required by Special Condition One (1) of NOID 3-94.

The proposed notice of impending development was originally 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. Commission and University staff have since discussed one potential alternative to the originally proposed project; however, the University has not formally submitted a revised Notice of Impending Development or any revised plans. In addition, Commission staff notes that the one 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 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 certified LRDP.

As mentioned above, the University has not submitted a revised 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 and the provision of a 100 ft natural buffer area from new development, required by the certified UCSB LRDP, 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 themselves 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 alternative suggested by University staff to provide a 100 ft. buffer for the southern portion of the 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 LRDP for the same reasons that the originally proposed project is not consistent with the LRDP and which are discussed in detail in the following report.

### **C. Environmentally Sensitive Habitat Area**

Coastal Act Section 30230, which has been included in the certified LRDP, states that marine resources shall be maintained, enhanced and where feasible restored and that special protection shall be given to areas and species of special biological significance. Section 30231 of the Coastal Act, which has also been included in the certified LRDP, states, in part, that the quality of coastal waters, streams, and wetlands shall be maintained and where feasible restored. Section 30233 of the Coastal Act, included in the certified LRDP, states, in part, that the diking, filling, or dredging of wetland areas shall not be allowed with the exception of development for incidental public services, restoration purposes, and nature study or aquaculture. Further, Section 30240 of the Coastal Act, which has been included in the certified LRDP, states that environmentally sensitive habitat areas (ESHAs) shall be protected and that only uses dependent upon such resources shall be allowed in such areas. Section 30240 also requires that development in areas adjacent to ESHA shall be sited and designed to prevent impacts which would significantly degrade such areas.

In addition, the LRDP contains several policies which require the protection of ESHA and wetland areas. For instance, Policy 30231.1 requires that identified Campus wetlands and coastal waters be protected from increased sedimentation or contamination from new development. Policy 30231.2 requires that new development be designed to minimize soil erosion and to direct runoff away from coastal waters and wetlands. Subpart (f) of Policy 30231.2 of the LRDP also requires that development adjacent to the 100 ft. buffer surrounding campus wetlands shall not result in adverse effects to campus wetlands. Further, Policy 30231.3 of the LRDP requires that the area surrounding campus wetlands shall be reserved as open-space buffer.



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 are located on the project site (Exhibit 3). The report 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.*

The University has asserted that wetlands on campus not specifically named in the LRDP are not protected under any policy of the LRDP. However, the Commission notes that the above referenced policies of the certified LRDP, including Policies 30231.2(I) and 30231.3 of the LRDP provide, by their terms, for the protection of all wetlands on campus (including those areas that meet the Commission's definition of wetland that are not otherwise specifically named in the LRDP) and do not limit those protections to specifically named wetlands. Further, although many of the policies in the LRDP relate specifically to previously identified wetlands, the Commission also notes that at the time of the 1990 LRDP amendment, the wetlands located on the proposed project site (the 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. However, the LRDP states 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. Thus, the LRDP's wetland protections cover an area broader than the limited areas where wetlands were mapped. 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. 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 LRDP recognizes that, in addition to Campus Lagoon, Storke Wetlands, and Devereux Slough, there are 14 other small wetlands that meet the requirements of the Commission's definition of a wetland on campus (page 215, paragraph 1). It is

apparent from the LRDP's policies that the LRDP does not 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." 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 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, although lacking in hydrology and hydric soils characteristics, are characterized by the presence of wetland plant species and, therefore, are considered wetlands as defined by the Commission. The Commission notes that, as consistent with Sections 30230, 30231, and 30233 of the Coastal Act which have been included in the certified LRDP, Policy 30231.2(*l*) of the LRDP provides broadly for general protection of wetlands on campus not otherwise specified, such as the wetlands located on the proposed project site (this can be contrasted with the first paragraph of Policy 30231.1 which refers to that policy's purpose of protecting "identified Campus wetlands and coastal waters"- emphasis added). 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:*

- \*\*\*
- (*l*) *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).*

University staff have indicated that they do not believe that Policy 30231.2(*l*) applies to wetlands on campus that are not specifically identified in the LRDP. However, the Commission notes that the first paragraph of Policy 30231.2 refers generally to the policy's purpose of directing runoff away from "coastal waters and wetlands" without specifying any wetland in particular. Further, Subpart (*l*) also does not specify that only named wetlands are subject to the policy, unlike Subparts (c), (d), (i), and (j), which do so specify. In addition the certified LRDP indicates that a 100 ft. setback from both environmentally sensitive wetlands and native vegetation on campus is required to protect water quality and habitat value (page 196, last paragraph). The Commission further notes that Policy 30231.3 of the certified 1990 LRDP specifically requires that the area surrounding any wetland on campus shall be reserved as an undevelopable buffer. Policy 30231.3, like Policy 30231.2(*l*), applies to all wetlands on campus and does not refer to any specific wetland. The Commission notes that in those instances where an LRDP policy is intended to apply only to a specified named wetland, the specific wetland is clearly stated in the text of the policy. For instance, Policy 30240(b).7 of the LRDP requires that new buildings be "set back a minimum of 100 feet from the edge of the Campus Lagoon" and Policy 30240(b).9 specifically states that "new buildings shall be set back a minimum of 100 feet from the seasonal limits of the

Storke Wetlands." However, in contrast, Policy 30231.3 of the LRDP does not refer only to specific named wetlands but serves to provide broad protection for all wetlands on campus. Policy 30231.3 of the LRDP 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).*

All coastal wetlands are extremely valuable, even if degraded, because of the dramatic loss in wetlands throughout the state and the unique habitats 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 also have important educational and scientific value.

The University originally proposed as part of the proposed impending development to fill 0.17 acres of the wetlands located on site and to construct a replacement wetland on Lagoon Island which is already designated as ESHA by the LRDP. Commission staff noted that the proposed filling of wetlands was not consistent with Section 30233 of the Coastal Act, which has been included as part of the certified LRDP, or with LRDP Policies 30231.2(1) and 30231.3. Further, the creation of replacement wetlands on Lagoon Island (an area already designated by the LRDP as ESHA) as mitigation for the removal of the existing wetlands in a different location, would result in a net loss of ESHA on campus. After several meetings with Commission staff, the University has revised their originally proposed project to avoid any direct placement of fill in the existing wetland areas on site. However, the project, as now proposed, still does not provide for any buffer area between the existing wetlands located on site and new development as required by several policies of the LRDP, including Policies 30231.2(1) and 30231.2. To mitigate for the lack of a buffer area for the existing wetlands located on the project site, the University proposes to create approximately one acre of replacement wetland habitat within the currently designated ESHA on Lagoon Island.

However, Section 30240 of the Coastal Act, which has been included in the certified LRDP, 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 significant habitat areas shall be sited and designed

to prevent adverse effects which would degrade such areas. The Commission notes that unless adequate buffer areas are provided for, new development will result in adverse effects from contaminated and increased runoff, increased erosion, displacement of habitat, and disturbance to wildlife dependent upon such resources. 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. In addition, as previously discussed, Policy 30231.3 of the LRDP requires that the area surrounding wetlands shall be preserved as open space buffer and Policy 30231.2(1) of the LRDP requires that "new development adjacent to the required 100-foot building setback surrounding the upland limit of the wetland shall not result in significant adverse impacts" to the wetland. Therefore, the Commission notes that NOID 1-98, as proposed to locate new development immediately adjacent to existing wetlands without adequate open-space buffer areas, is not consistent with the certified LRDP. In addition, the Commission further notes that the impending development is also not consistent with the Coastal Act or past Commission action.

In addition, the Wetland and Special-Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998 indicates that three special-status plant species are located on the project site: 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. Padre Associates noted in their report that Long-leaf Plantain is a spring annual and that, therefore, no specimens were detected at the subject site at the time of the August 1998 survey. However, the report by Padre Associates also indicates that the presence of Long-leaf Plantain on the subject site has been confirmed by Wayne Ferren of the UCSB Museum of Systematics and Ecology and that such specimens were concentrated on the eastern portion of the project site along the existing trail on the top of the bluff between the proposed housing project and the lagoon. The survey by Padre Associates did not find any specimens of Coulter's Saltbush on the project site although the report indicates that the presence of Coulter's Saltbush immediately adjacent to the project site has also been confirmed by Wayne Ferren. The report by Padre Associates, therefore, found that no specimens of Coulter's Saltbush will be directly impacted by the proposed project. However, the report does indicate that approximately 480 individuals (30%) of the 1,600 individuals of Southern Tarplant and the majority of the long-leaf plantain located on the project site will be removed as part of the proposed project (Exhibit 3). The wetland and Special-

Status Plant Species Impact Assessment Report by Padre Associates, Inc. dated August 1998 states:

*Based on informal surveys, it appears that the majority of long-leaf plantain occurs in the impact area and would be lost. It is possible that the population found on the project site would be extirpated. Since this population of long-leaf plantain is the last in south Santa Barbara County, extirpation would be considered a significant impact because the project would substantially diminish habitat for this plant (Supplement G(t) of the CEQA Guidelines).*

Therefore, based on the information submitted by the University, the Commission concludes that special-status plant species are located on and/or adjacent to the proposed project site and that the proposed development will result in adverse effects to these resources. Although not part of this application, the University is also proposing as part of the related UCSB LRDP Amendment 1-98 to designate the south east corner of the project site where the majority of the tarplants are located as part of the proposed "Lagoon Management Plan Area" and as ESHA. The Lagoon Management Plan will provide for a 100-200 ft. open space buffer for the majority of the ESHA within the plan area with the exception of the area between the proposed student housing project proposed as part of this NOID and the new proposed ESHA area where no open space buffer area is proposed. The Commission notes that proposed development, if constructed immediately adjacent to the ESHA and wetland areas on site without any open-space buffer, 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.

Commission and University staff have discussed one potential alternative to the proposed project; however, the University has not submitted a revised Notice of Impending Development or revised plans. In addition, Commission staff notes that the one 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 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 certified LRDP.

As mentioned above, the University has not submitted a revised 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 and the provision of a 100 ft natural buffer area from new development, required by the certified UCSB LRDP, 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 themselves 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 alternative suggested by University staff to provide a 100 ft. buffer for the southern portion of the 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 LRDP for the same reasons that the originally proposed project is not consistent with the LRDP and which are discussed in detail in the following report.

Therefore, in order to ensure that adverse effects to the ESHA resources on site are minimized and that the impending development will be consistent with the certified LRDP, Special Condition One (1) requires the University to submit revised plans which eliminate all proposed development (grading, structures, automobile roads, and non-native landscaping) located within 100 ft. of all wetland and ESHA resources on site with the exception of pedestrian and bicycle trail improvements designed to minimize adverse effects to sensitive habitat and wetland areas. Special Condition One (1) further requires that pedestrian and bicycle trail improvements located within the 100 ft. buffer areas shall be designed to minimize adverse effects to ESHA and wetland areas and shall be located as far from such areas as possible. In addition, in order to mitigate for adverse effects to the habitat value of the project site, Special Condition Two (2) requires the University to submit a Habitat Restoration, Wetland Enhancement, and Monitoring Program prepared by a qualified biologist or environmental resource specialist, for the 3:1 replacement of any specimens of Southern Tarplant, Long-leaf Plantain, or Coulter's Saltbush, in addition to any other sensitive plant species, removed in conjunction with the proposed development and for the enhancement of the approximately 0.80 acres of wetland areas.

The Commission notes that increased erosion on site would subsequently result in a potential increase in the sedimentation of the wetland areas on site and the Campus

Lagoon located downslope. The Commission finds that the minimization of site erosion will minimize the project's potential individual and cumulative contribution to sedimentation of coastal waters. Erosion can best be minimized by ensuring that all disturbed areas of the site are landscaped with native plants, compatible with the surrounding environment. The University has submitted a landscaping plan as part of the original Notice of Impending Development. However, the landscape plan submitted by the University is not consistent with the 100 ft. buffer around the ESHA and wetland areas on site required by Special Condition One (1). The Commission notes that portions of the area which would be located within the 100 ft. open-space buffer from ESHA and wetland areas have been subject to previous disturbance from the construction of the temporary parking lot and/or paths or roads which will be relocated as part of the proposed project. In addition, Special Condition Three (3) of NOID 3-96 for the construction of the temporary parking lot required the University to restore the area to its pre-development condition no later than December 1998. Therefore, Special Condition Two (2) also requires that the Habitat Restoration and Wetland Enhancement Program previously discussed shall also provide that the buffer areas, as required by Special Condition One (1), shall be planted and maintained with native plant species compatible with the surrounding ESHA and wetland areas on site. Special Condition Three (3) has been required to ensure that the Habitat Restoration and Wetland Enhancement Program required by Special Condition Two (2) will be implemented in a timely manner. Special Condition Four (4) has been required to ensure that an independent qualified biologist or environmental resource specialist shall be present on site during any grading and construction activity for the proposed pedestrian and bicycle paths if located within an area designated as ESHA or within the 100 ft. wetland and ESHA buffer area. Special Condition Four (4) further requires that protective fencing shall be used around all ESHA and wetland areas which may be disturbed during construction activities.

In addition, the Initial Study/Negative Declaration for the impending development dated September 1998 indicates that the proposed project will include the installation of exterior security lighting within the parking area adjacent to Ocean Road and throughout the project site adjacent to structures and walkways. Wildlife within the open space areas on site, including ESHA and wetland areas, are sensitive to light intrusion. LRDP Policy 30240(b).8 requires that all lighting for new student housing on main campus shall be oriented to minimize light and glare to the lagoon and bluff areas. In addition, LRDP EIR Mitigation Measure 4.6-10 requires that all new lighting on campus shall be kept at a minimum level which strikes a balance between safety and habitat protection. Therefore, as consistent with the LRDP, Special Condition Two (2), also requires the University, in conjunction with the required Habitat Restoration and Wetland Enhancement Program, to ensure that all lighting installed on the project site shall consist of low-intensity, reduced profile light fixture designed to minimize illumination and glare to the ESHA and wetland areas on or adjacent to the site and from other public areas off site as consistent with habitat protection and safety requirements.

The impending development also includes the conversion of an existing temporary 313 space gravel surface parking lot (Lot 38) to a permanent 479 space paved parking lot located east of Harder Stadium and south of the East Storke Wetland (Exhibit 5). The proposed permanent parking lot will be located more than 200 ft from Storke Wetland and will provide for an adequate open space buffer between new development and campus wetlands. In addition, the University has submitted a stormwater runoff and drainage system plan which will provide not only for the construction of a biofiltration grassed swale along the northern perimeter of the parking lot, but will also include the installation of a Fossil Filter-Water Quality Inlet at both of the two stormdrains that drain the parking lot. The University has submitted a Storm Water Quality Study dated October 1998 which indicates that the proposed filtering devices will significantly reduce the level of pollutants, including oil and sediment, that would potentially be discharged to Storke wetlands. The Commission notes that the use of both of the above mentioned filtering devices (Fossil Filter storm drains in combination with the biofiltration grassed swale) will serve to minimize any adverse effects to the adjacent wetlands resulting from either contamination or increased sedimentation.

The University has also submitted engineered drainage plans and calculations prepared by Penfield and Smith Engineers for the student housing project site which will incorporate biofiltration grassed swales and stormwater drain filters. The drainage system will include a series of vegetated swales, drainage inlets located throughout the project site and within vegetated swales, and underground pipes that would convey the majority of the collected water to a new 24-inch pipe that would outlet into the Campus Lagoon. The Campus Lagoon is one of the lowest points on campus and serves to collect stormwater runoff from the majority of Main Campus. The new 24-inch pipe will replace an existing damaged 12-inch pipe that currently directs runoff from the majority of the project site to the Lagoon. The existing 12-inch pipe is not adequate to accommodate either the existing storm water runoff on site or the additional storm water runoff that would result from the proposed project. The University has noted that the existing inadequate drainage pipe has resulted in erosion of the slope above the Campus Lagoon. Installation of the proposed replacement pipe will serve to reduce erosion on site and decrease sedimentation of campus wetlands.

In addition, all proposed catch basins or drainage inlets will be equipped with gravel filters. Runoff will pass through both the biofilter vegetated swales and the gravel filters prior to draining to the Campus Lagoon or the Pacific Ocean. The Biological Resources Assessment Report by Storrer Environmental Services dated June 3, 1998, indicates storm water runoff, in addition to the existing 12 inch pipe that drains to the Campus Lagoon, has resulted in the formation of an emergent wetland area near the edge of the lagoon. The emergent wetland area measures roughly 5,300 sq. ft. The report further indicates that the freshwater/brackish wetland vegetation (the lagoon itself is a saltwater body) is sustained by surface and subsurface drainage, and/or overflow from a dissipater box that receives runoff from the existing drainage pipe. In order to minimize disturbance to the emergent wetland area, the existing 12-inch pipe will be capped and abandoned in place. The new larger drainage pipe will continue to outlet in



the same general area. The drainage plans and calculations prepared by Penfield and Smith Engineers indicate that approximately 0.77 cubic feet/second (cfs) of stormwater runoff during a 25-year storm event is currently directed towards the emergent wetland area. The proposed drainage plan will serve to increase the amount of runoff directed to the emergent wetland to 1.13 cfs during a similar storm event. Although a reduction in the amount of freshwater runoff would result in adverse effects to the emergent wetland, the small increase in runoff will not result in any adverse effects to the habitat value of the wetland and will ensure that the emergent freshwater/brackish wetland area will continue to be sustained.

The Commission, therefore, finds that the notice of impending development, as conditioned, is consistent with the applicable LRDP policies with regards to environmentally sensitive habitat areas.

#### **D. Public Access**

Coastal Act Section 30213, which has been included in the certified LRDP, states that lower cost recreational facilities shall be protected, encouraged, and where feasible, provided. Section 30210 of the Coastal Act, which has also been included in the certified LRDP, states, in part, that development shall not interfere with the public's right to access the sea. The LRDP also contains policies that require the University to accommodate coastal visitor parking. In addition, LRDP policy 30210.9 states that the University must conspicuously post public access signs which note the direction of the beach access within parking lots 1, 5, 6, 10, 23 and 24.

Consistent with Section 30210 of the Coastal Act, the LRDP 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. An existing pedestrian trail is located along the blufftop in the southern portion of the subject site which provides access to the beach below. 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 effective 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, on and adjacent to the project site, have been specifically identified in the LRDP to accommodate public coastal access parking. In addition, Figure 26 (Coastal Access Improvements) of the certified LRDP specifies that the proposed project site, in addition to student housing, shall include improvements for coastal access parking.

The impending development includes the construction of a new 800-student housing complex. The project also includes the removal of an existing temporary 546-space gravel parking lot, the construction of coastal access trail improvements, the expansion

of Lot 24 from an existing 22-space parking lot to an 81-space parking lot, and the conversion of an existing temporary 313 space gravel surface parking lot (Lot 38) to a permanent 479 space paved parking lot. The University was required as a condition of NOID 3-94 to remove the 546-space temporary parking lot by December 1998. Therefore, the proposed project will not result in the loss of any existing approved parking spaces on campus. The Commission notes that the conversion of the previously approved temporary lot (Lot 38) located west of Harder Stadium to a larger permanent parking lot and the expansion of Lot 24 located on the project site will result in the addition of 560 new permanent parking spaces on campus. The Initial Study/Negative Declaration for NOID 1-98 dated September 1998 indicates that a maximum of 400 of the 800 students that would reside in the proposed housing development would be issued permits for parking. To provide dormitory students residing in the proposed housing project with easier access to Lot 38 (located off-site), the University is proposing to expand the existing bicycle trail network (Exhibit 6). The Commission notes that bicycle access to distant parking areas is consistent with the other parking areas currently provided for other dormitory residents on campus. In addition, to facilitate the transportation of students to Lot 38, the University also proposes to provide electric shuttle service from the proposed student housing facility to Lot 38. Therefore, the Commission notes that the proposed project will not result in any cumulative adverse effects to parking on campus.

However, as mentioned above, the LRDP contains several policies that require the University to provide for coastal access parking on campus. Figure 26 (Coastal Access Improvements) of the LRDP specifically requires the Campus to accommodate public parking on the project site in addition to student housing. In addition, LRDP policy 30210.9 requires the University to conspicuously post public access signs which note the direction of the nearest beach access point in Lot 23 adjacent to the project site.

Consistent with Policy 30210.9 of the LRDP the University is proposing to designate 28 parking spaces (14 parking spaces in the new expanded Lot 24 on the project site and 14 spaces in the existing Lot 23 located adjacent to the project site) for coastal access parking. The University proposes to install parking meters to regulate use of the proposed coastal access parking spaces. To ensure that beach users are able to use the parking spaces that are specifically designated for the provision of coastal access, Special Condition Five (5) requires the University to submit a revised visitor campus map (distributed to campus visitors) that indicates the availability of coastal access parking in Lot 23 and the new Lot 24. Special Condition Five (5) also requires that any parking meters used in conjunction with the above mentioned parking spaces shall allow for a maximum parking time of at least four hours at a rate equivalent to that charged for other parking meters located on campus, but in no instance shall the total parking fee charged for the 4-hour use time exceed 4/5 of the fee charged for a one-day campus parking permit. The Commission notes that Special Condition Five (5) will maintain the current ratio between parking fees charged for metered stalls and permit parking fees on campus and ensure that existing low-cost visitor-serving recreational opportunities are preserved. Current parking fees on campus are the same whether

visitors purchase a parking permit or use a metered stall: a daily parking permit costs \$5.00, a 3-hour permit costs \$3.00, and a 30 minute permit costs 50 cents (4-hours of metered parking = \$4.00 or 4/5 of the fee charged for a one-day campus parking permit). Further, in order to minimize competition with campus faculty and students for parking spaces, Special Condition Six (6) also requires the University to post signs at each parking space in Lots 23 and 24 that are specifically designated for the provision of coastal access which clearly state that the parking spaces are reserved for public coastal access parking only.

In addition, the proposed development also includes the construction of several pedestrian and bicycle trail improvements on site including the construction of an exercise par course for passive recreational use. Policy 30210.14 of the LRDP requires that coastal access for the physically challenged shall be provided in Lagoon Park (the southern and eastern portions of the project site). The Commission notes that the impending development will include trail improvement that provide for wheelchair access from the parking areas and the blufftop to the beach. The majority of the existing and proposed trail system on site is located within areas in or immediately adjacent to wetland or ESHA resources. Policy 30221.15 of the LRDP requires that the University shall maintain and improve bicycle and pedestrian accessways to the beach as necessary to protect sensitive habitat areas and public safety. Trail improvements will include the construction of a boardwalk and stairway in the south east portion of the project site where an existing trail from blufftop to the beach below has resulted in increased bluff erosion. The Commission notes that the proposed trail improvements will also serve to protect the ESHA and wetland resources on site by managing and directing pedestrian and/or bicycle access in areas where use of the existing trail network has resulted in trampling of sensitive plant species and increased site erosion. Special Condition Two (2) has been required 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 pedestrian and bicycle 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.

Therefore, the Commission finds that the notice of impending development, as conditioned, is consistent with the applicable LRDP policies with regards to public access.

#### **E. Geologic Stability**

The LRDP contains several policies to ensure that new development minimize risks to life and property and assure structural stability and integrity consistent with Section

30253 of the Coastal Act which has been included in the certified LRDP. Policy 30253.12 requires that surface and sub-surface drainage pipes shall be designed to minimize bluff erosion and to prohibit the installation of new drainage devices over bluff faces if drainage can be directed landward of the bluff face. In addition, Policy 30253.1 of the LRDP requires that new buildings shall not be located on or near any faults. Further, Policy 30253.2 of the LRDP requires that subsurface and geotechnical studies be conducted to ensure structural and geologic stability.

As required by Policy 30253.2 of the LRDP, the University has submitted a Geologic Hazard and Fault Report by CFS Engineering Geology, Inc. dated 10/31/97 which indicates that the proposed project is feasible from a geologic standpoint and that no faults are located beneath the site. The Geotechnical Investigation Addendum Letter by Law/Crandall, Inc. dated 2/9/99 states that:

***The site is considered geologically suitable for the proposed site development...there is no evidence of potentially active or active faults underlying the site...It is our opinion that the soils as encountered in the previous explorations are not susceptible to liquefaction. In addition, we understand the project will be setback from the sea cliff and lagoon, therefore, it is our opinion that the soils within the level portion of the site are not susceptible to landsliding.***

In past actions regarding new development, the Commission has found that minimization of site erosion will add to the stability of the site. The applicant has submitted engineered drainage plans and a Drainage Calculation Report by Penfield and Smith Engineers dated February 1999 which indicates that although total stormwater runoff on site will increase by 2.25 cfs. (from 43.73 cfs. prior to development to 45.98 cfs. after development) runoff directed over the bluff top to the ocean and through the existing bluff face storm drain will actually decrease. Approximately 2.61 cfs. of additional runoff will be directed in a non-erosive manner to the Campus Lagoon. Thus, as previously discussed in detail (Section IV,B), the Commission notes that the proposed drainage system will be adequate to ensure that stormwater runoff will not result in site erosion.

Therefore, the Commission finds that the notice of impending development, as proposed, is consistent with the applicable policies of the LRDP with regards to geologic stability and new development.

## **F. Visual resources**

The LRDP contains several policies to ensure that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance consistent with Section 30251 of the Coastal Act which has been included in the certified LRDP. For instance, Policy 30251.3 requires that student housing on the southern exposure of Main Campus shall not be constructed within 150 ft. of the coastal bluff. Policy 30251.4 requires that bluff top structures be set back from the bluff edge a sufficient distance so that new development will not adversely affect views from the

beach. Policy 30251.5 requires that new structures on campus shall be consistent with the scale and character of surrounding development and that clustered developments and innovative designs are encouraged. In addition, Policy 30251.6 restricts new buildings to certain height limits specified in the LRDP.

The project site is characterized as a large open bluff top area consisting of grassland and wetlands on the southern and eastern portions of the project site and partially developed on the northwest portion of the site with a large gravel surface parking lot. Construction of the proposed project will result in the loss of the open visual character of the project site. However, the University has submitted a landscape plan to minimize and soften any adverse effects that result from the proposed development. The Commission notes that the proposed landscaping will provide for adequate vertical elements to minimize adverse effects to public views consistent with other landscaping on campus. Further, the proposed development is consistent with all building height restrictions required by the LRDP and will be consistent with the scale, color, and character of other structures located on Main Campus. In addition, all structures will be located more than 150 ft. from the coastal bluff edge and will not be visible from the beach below. The University proposes to replace the existing chain link fence located between the existing pedestrian path and the bluff edge with a chain link fence 42 inches in height. The University has indicated that less intrusive types of fencing such as split rail, post and cable, or a chain link fence of less height, would not provide for adequate safety requirements on site. The Commission notes that the proposed 42 inch high fence is only slightly higher than the existing fence (approximately 36 inches) and that such fencing will not result in any new adverse effects to public views from the bluff top trail or from the beach below.

Therefore, the Commission finds that the notice of impending development, as proposed, is consistent with the applicable policies of the LRDP with regards to visual resources.

### **G. Archaeological Resources**

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived would be permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. As a result, the remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological sites, if studied collectively, may provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of the sites which remain intact.

The LRDP contains several policies to ensure that adverse effects to archaeological and paleontological resources from new development are reasonably mitigated consistent with Section 30244 of the Coastal Act which has been included in the certified LRDP. For instance, Policy 30244.4 of the LRDP requires that during any grading activities that may result in ground disturbance of archaeological sites, a non-University of California affiliated archaeologist and a Native American representative shall be present. Policy 30244.5 requires that should any archaeological or paleontological resources be found on site during construction, all activity which could damage such resources shall be suspended until appropriate mitigation measures have been implemented.

The LRDP indicates that 10 significant archaeological sites have been previously identified on campus. The Initial Study/Negative Declaration for the impending development dated September 1998 indicates that the closest known archaeological site (Sba-563) is located approximately 500 ft. east of the project site. A visual ground surface survey by Wilcoxon Archaeological Consultants did not detect the presence of any archaeological resources on the project site other than one obsidian flake near the southern portion of the site. Prior to the Wilcoxon Survey, no other archaeological surveys have been conducted on the project site. However, the University has also indicated that since the natural ground surface of the project site in the area where the 546-space temporary parking lot is obscured by aggregate material that was used to construct the parking lot, an adequate visual survey of that portion of the project site's surface was not feasible. The University has also indicated that the proposed project will also have the potential to adversely affect previously undetected archaeological resources on other areas of the site besides the location of the temporary parking lot. The Initial Study/Negative Declaration states:

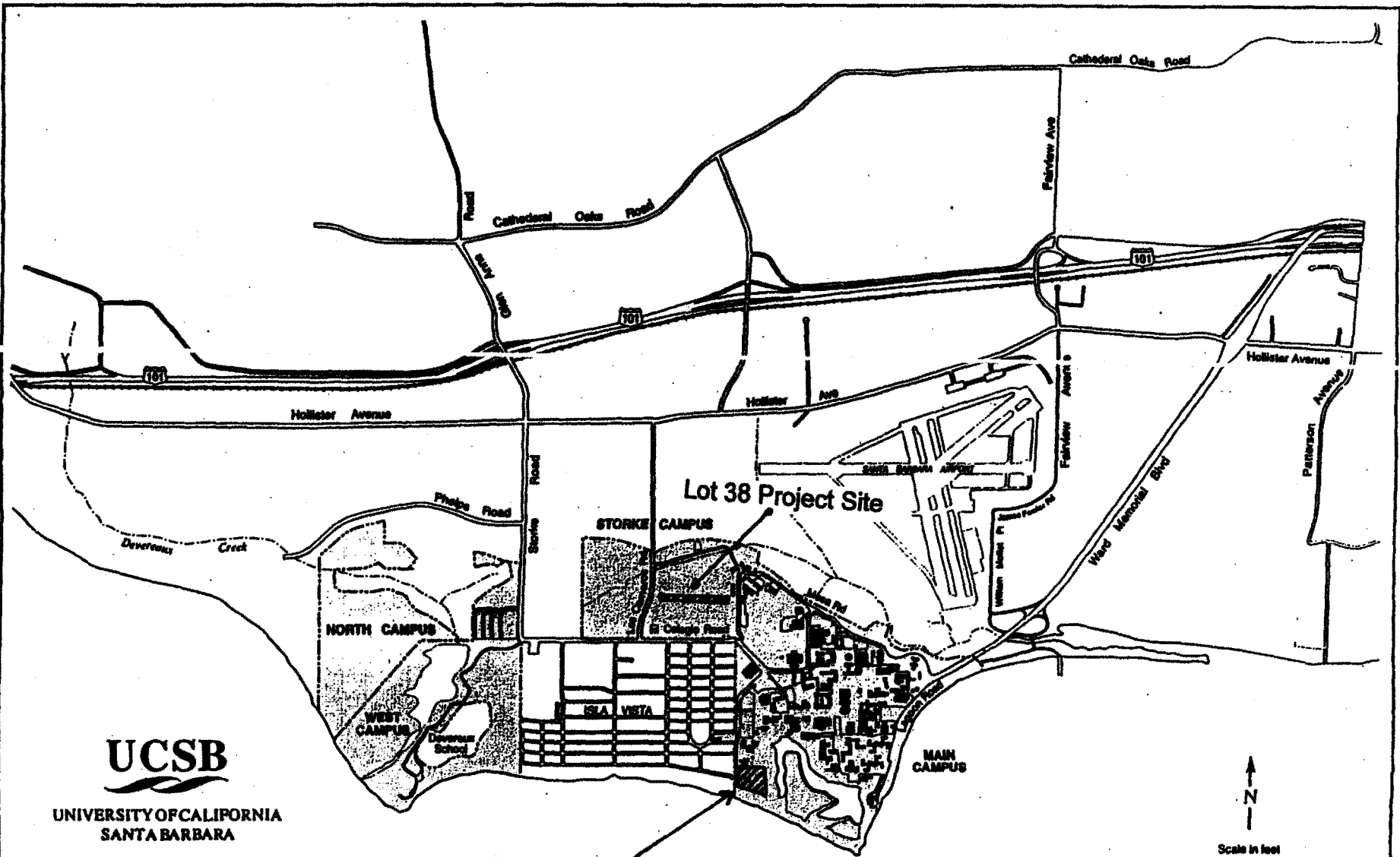
*Therefore, it has not been determined if project-related construction activity within the Parking Lot 18 would or would not have the potential to result in significant impacts to cultural resources that may be located below the ground surface. As a result, the proposed project is considered to have the potential to result in significant impacts to previously undetected archaeological resources that may be located in the Parking Lot 18 portion of the project site...Ground disturbing activities that would result from the proposed project would also have the potential to adversely affect previously undetected archaeological resources in other areas of the project site.*

In the Initial Study/Negative Declaration, The University has identified two potential alternative mitigation measures to minimize any adverse effects to archaeological resources on site. The University proposes to either have an archaeologist examine the surface of the temporary parking lot after the base material has been removed and prior to construction activity, or, as an alternative to the above mentioned mitigation measure, the University would conduct limited testing of the area where the temporary parking lot is located using a backhoe to excavate a series of trenches prior to construction to determine the extent or absence of resources on site.

However, the policies of the LRDP require that an independent archaeologist and Native American representative must be present during any construction activity which has the potential to result in adverse effects to archaeological resources. The Commission notes that mitigation measures proposed by the University are not consistent with LRDP since they do not provide for the required monitoring of construction activity by both an independent archaeologist and Native American representative. Therefore, to ensure that potential adverse effects to archaeological resources are adequately mitigated during the construction of the proposed development, consistent with the policies contained in the certified LRDP, Special Condition Six (6) requires that the applicant have a qualified independent archaeologist(s) and appropriate Native American consultant(s) present on-site during all grading, excavation and site preparation in order to monitor all earth moving operations. In addition, if any significant archaeological resources are discovered during construction, work shall be stopped and an appropriate data recovery strategy shall be developed by the University's archaeologist and the Native American consultant consistent with California Environmental Quality Act (CEQA) guidelines.

Therefore, the Commission finds that the notice of impending development, as conditioned, is consistent with the applicable policies of the LRDP with regards to archaeological resources

**SMH-VNT**  
File: smh.ucsb/ncid1-98



**UCSB**

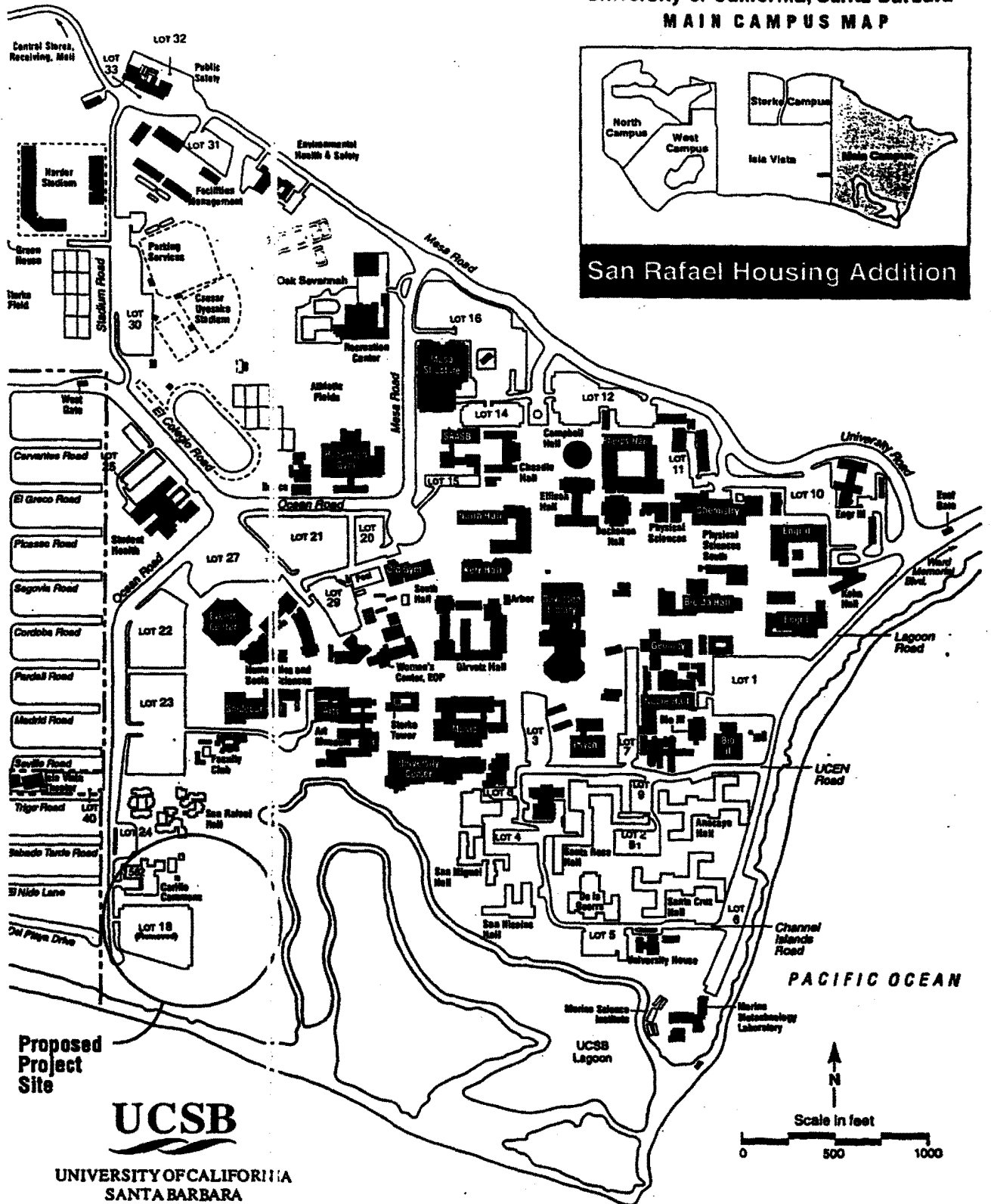
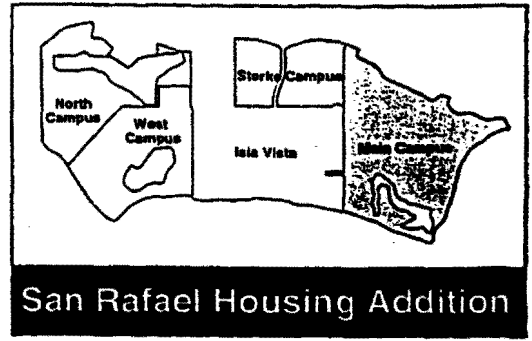
UNIVERSITY OF CALIFORNIA  
SANTA BARBARA

University of California, Santa Barbara  
San Rafael  
Housing Addition

**EXHIBIT 1**  
**UCSB NOID 1-98**  
**Regional Map**



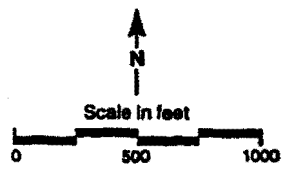
University of California, Santa Barbara  
**MAIN CAMPUS MAP**



Proposed  
 Project  
 Site



UNIVERSITY OF CALIFORNIA  
 SANTA BARBARA

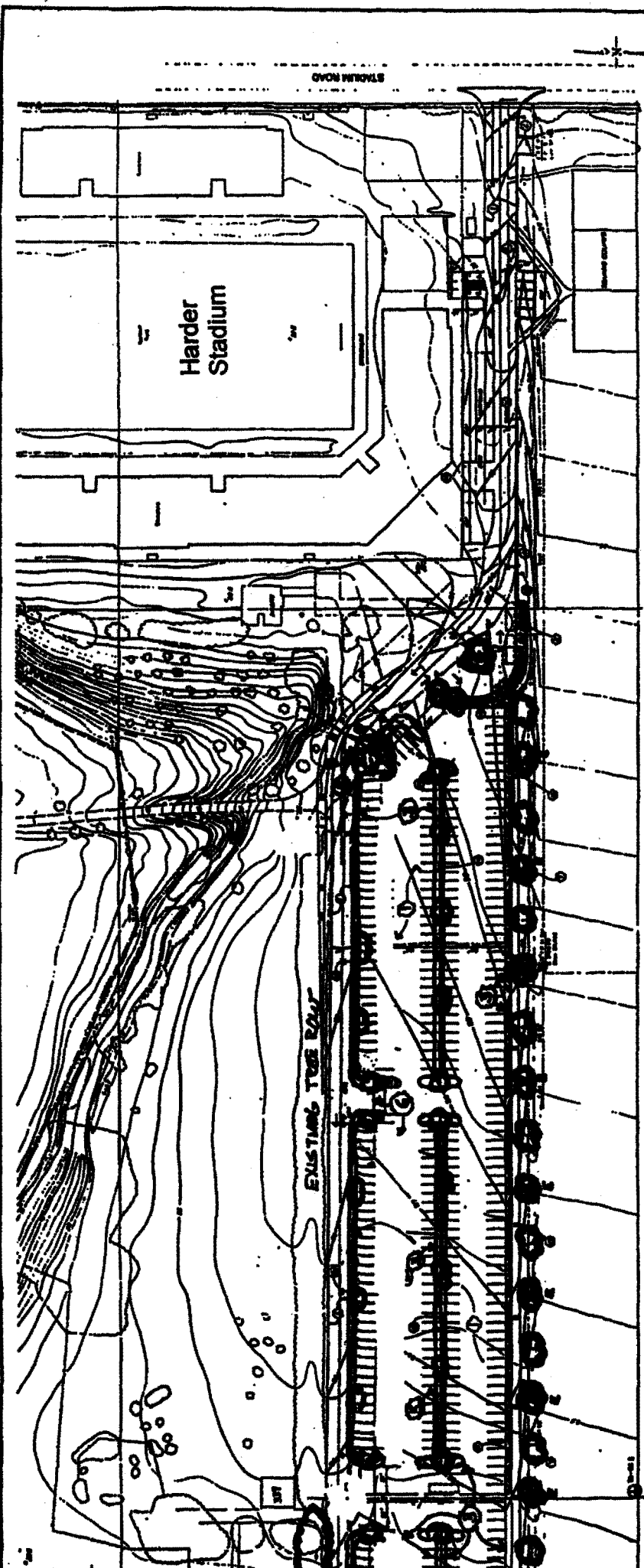


University of California, Santa Barbara  
**San Rafael  
 Housing Addition**

**EXHIBIT 2**  
**UCSB NOID 1-98**  
**Project Location Map**

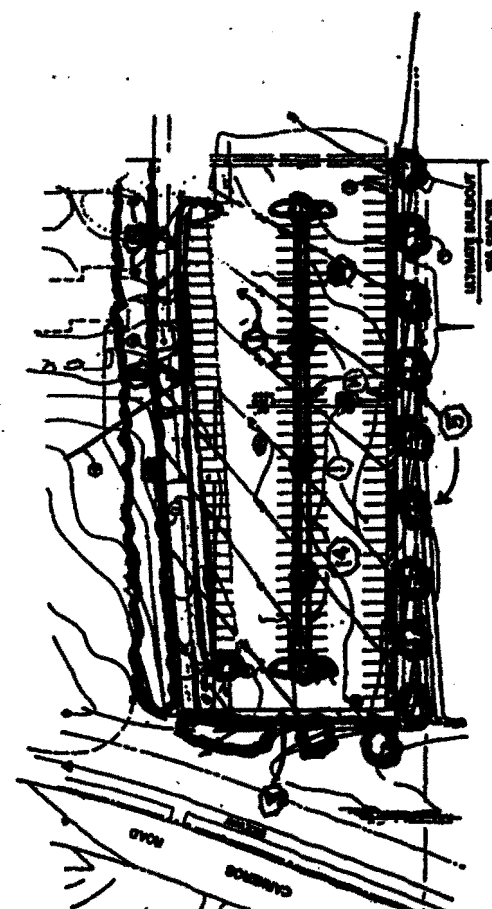






SCALE 1" = 40'

FIGURE 29



**EXISTING LANDSCAPE ELEMENTS**

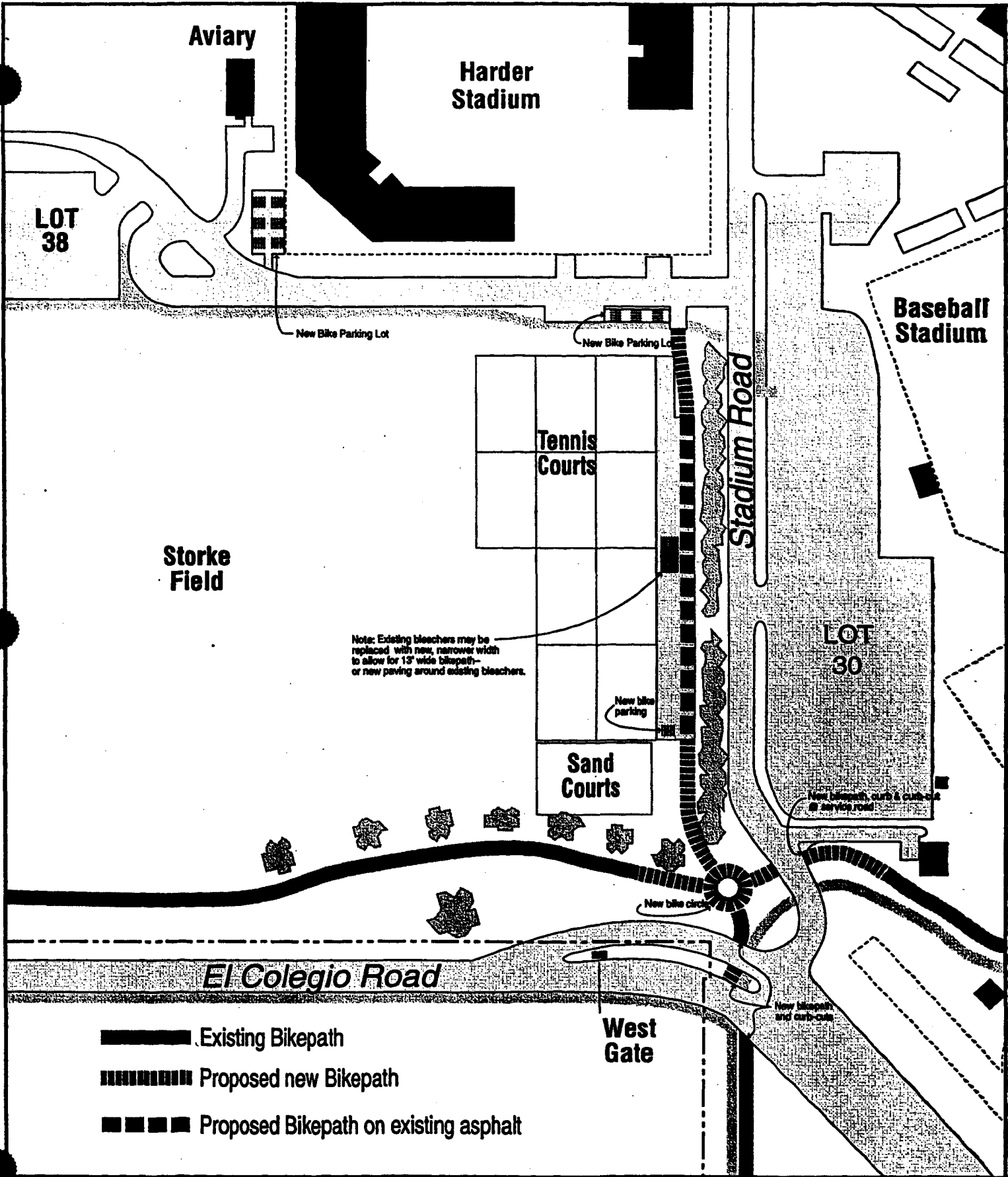
- 1 Vehicle Traffic A.C. Paving
- 2 Pedestrian A.C. Paving
- 3 Concrete Curb/Curb and Center
- 4 A.C. Piles
- 5 Landscape Area
- 6 AC Access/Drainage Areas
- 7 General Drainage/Infiltrator Grate
- 8 Drainage Inlet/Catch Basin w/ Pallet Filter
- 9 Existing Drainage Inlet w/ Pallet Filter
- 10 Existing Storm Drain Culvert
- 11 Existing Storm Drain Culvert
- 12 Existing Retained Water Valve
- 13 Existing Storm Drain Culvert
- 14 Light Standard
- 15 Existing Light Standard
- 16 Existing Light Standard

Note: Landscaping Areas To Consist of Trees Similar To Existing and Quantity to Be Determined.

**EXHIBIT 5**

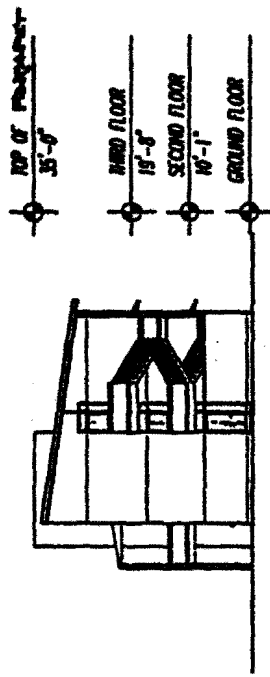
**UCSB NOID 1-98**

**Parking Lot 38 Site**

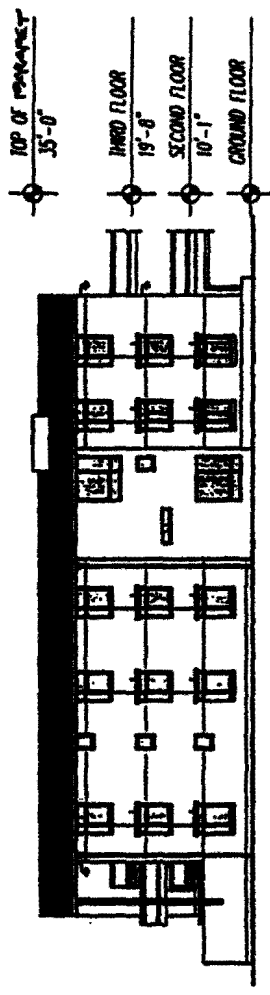


**EXHIBIT 6**  
**UCSB NOID 1-98**  
**Bicycle Path Improvements**

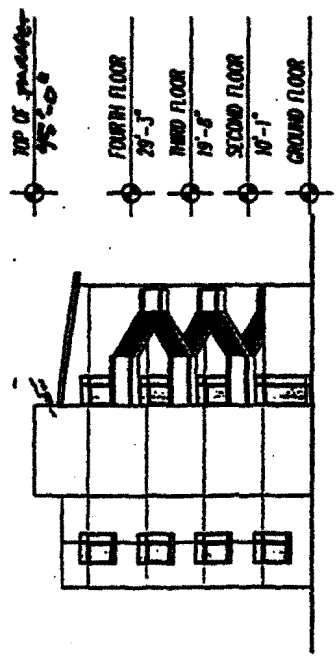
**Stadium Road Bikepath**  
 Office of Budget and Planning, September 1998  
 Not to Scale  
 Figure 30



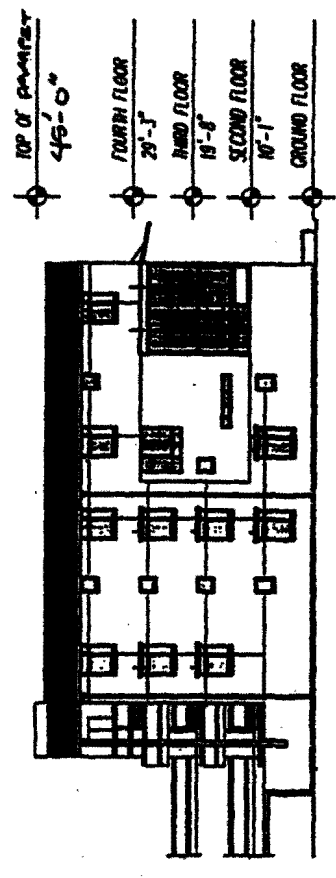
A.1 - NORTH ELEVATION  
1/32" = 1'-0"



A.1 - WEST ELEVATION  
1/32" = 1'-0"



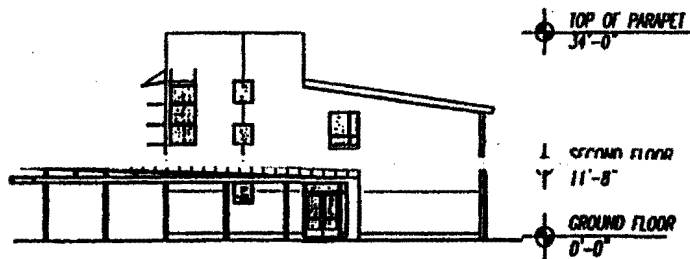
B.3 - NORTH ELEVATION  
1/32" = 1'-0"



B.3 - WEST ELEVATION  
1/32" = 1'-0"

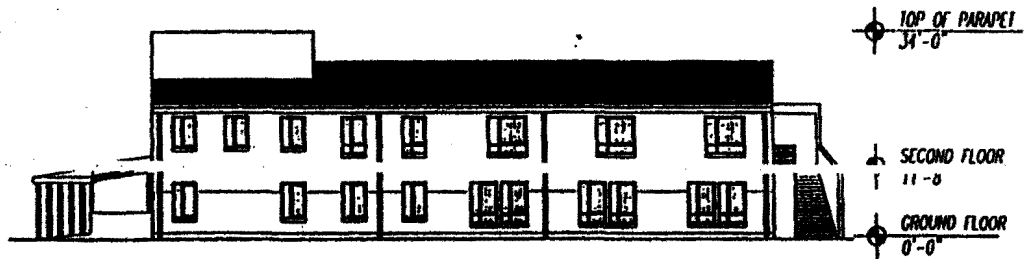
Figure 8  
Typical Building Elevation  
Housing Unit

University of California, Santa Barbara  
San Rafael  
Housing Addition



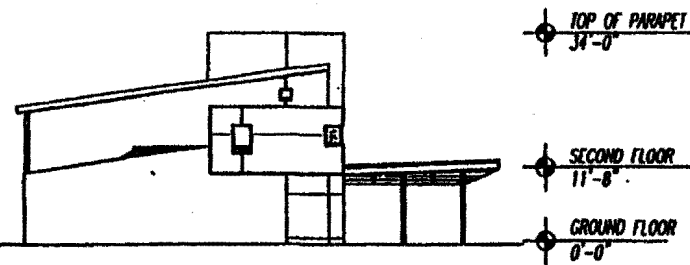
**RESOURCE AND TECHNOLOGY - EAST ELEVATION**

1/32" = 1'-0"



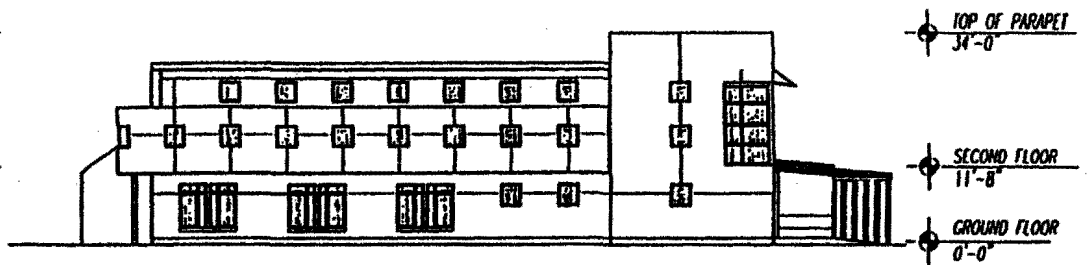
**RESOURCE AND TECHNOLOGY - NORTH ELEVATION**

1/32" = 1'-0"



**RESOURCE AND TECHNOLOGY - WEST ELEVATION**

1/32" = 1'-0"



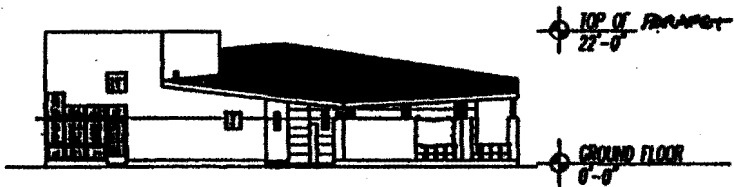
**RESOURCE AND TECHNOLOGY - SOUTH ELEVATION**

1/32" = 1'-0"

*University of California, Santa Barbara*  
**San Rafael**  
**Housing Addition**

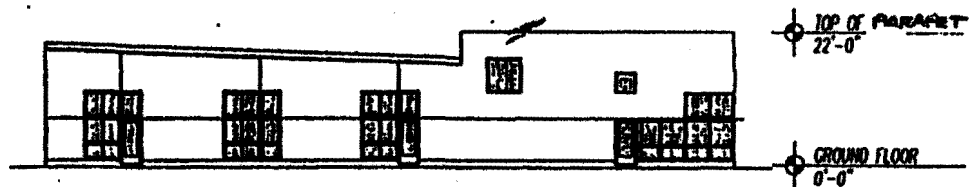
**Figure 9**  
**Typical Building Elevation**  
**Resource and Technology Center**

<b>EXHIBIT 7b</b>
<b>UCSB NOID 1-98</b>
<b>Support Facilities Elevations</b>



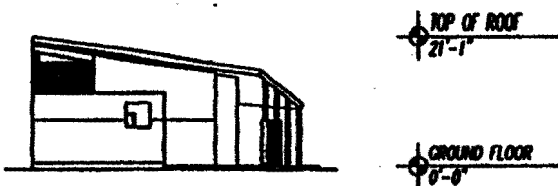
**MULTI-PURPOSE I - NORTH ELEVATION**

1/32" = 1'-0"



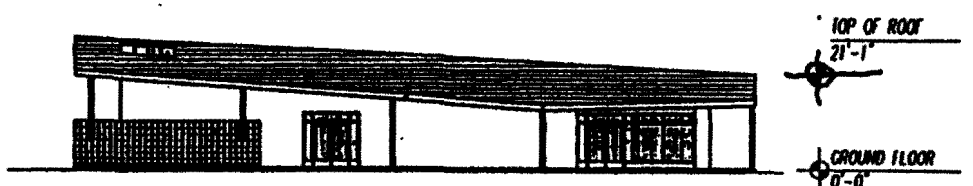
**MULTI-PURPOSE I - WEST ELEVATION**

1/32" = 1'-0"



**MULTI-PURPOSE II - NORTH ELEVATION**

1/32" = 1'-0"



**MULTI-PURPOSE II - WEST ELEVATION**

1/32" = 1'-0"

University of California, Santa Barbara  
 San Rafael  
 Housing Addition

<b>EXHIBIT 7c</b>
<b>UCSB NOID 1-98</b>
<b>Support Facilities Elevations</b>

Figure 10  
 Typical Building Elevation  
 Multipurpose Center



*W* 9/22/98  
cc: CAT  
CCH

September 17, 1998

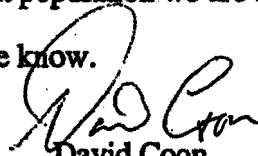
Jack Wolever  
Design and Construction

***Re: San Rafael Fencing***

Jack,

The San Rafael site has been carefully evaluated by Environmental Health and Safety, in conjunction with University counsel, and the Office of Budget and Planning. Counsel's advice on fencing the area was clear and very explicit. We cannot reduce the standard of protection from that currently present, particularly since we are adding an additional 800 residential occupants to that location. Thus, a "no fence", split rail, or post and cable installation are not viable options from a legal and health and safety standpoint. Since the existing fence is to be replaced, it is our requirement that it be replaced with fencing that meets the guardrail height standard of 42 inches. This is only slightly higher than exists now, and is defensible on the grounds that it is an accepted standard and may provide slightly more protection for the increased resident population we are bringing to the area.

If you or others have any questions, please let me know.

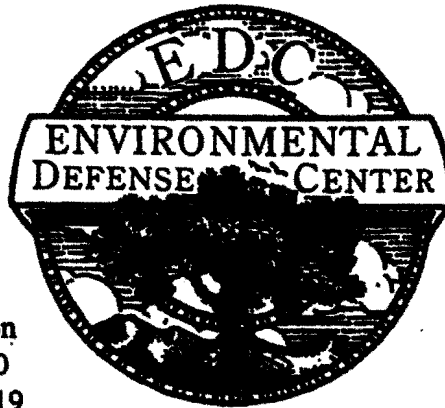
  
David Coon  
Director

**EXHIBIT 8**

**UCSB NOID 1-98**

**Letter from UCSB**

**Environmental Health & Safety**



RECEIVED

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 ESHAs, 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

EXHIBIT 9

UCSB NOID 1-98

Letter from Environmental  
Defense Center

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 51,) 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 30.07.5). 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 LRD P 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(I)). 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 Surferider, informed UCSB that while CEQA could allow for wetland

Sara Wan, Chair  
California Coastal Commission  
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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

10/1



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.

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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 LRDP 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 LRDP 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 LRDP 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 LRDP 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