

CALIFORNIA COASTAL COMMISSION

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W14a

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Staff: D. Carl
Staff report: 6/23/99
Hearing date: 7/14/99

PERMIT AMENDMENT

Application number3-97-050-A1, UCSC-Long Marine Laboratory/Marine Discovery Center
Utility Improvements

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

Project location.....UCSC Long Marine Laboratory and Marine Discovery Center at 100 Schaffer Road on the western Santa Cruz City limits in the middle portion of Santa Cruz County.

Project descriptionAmend previously approved coastal development permit (for the construction of the Marine Discovery Center) to revise the sewer line (decrease length from 3,100 feet of forced sewer main to 1,000 feet of forced main and 770 feet of gravity main, increase line size from 3" to 4" in diameter for the forced main sewer line) to connect to sewer pump station at the National Marine Fisheries Service facility (instead of extending sewer line to Delaware Avenue), and extend natural gas lines from National Marine Fisheries Service facility approximately 1,200 feet along McAllister Way to Long Marine Laboratory.

File documents.....Coastal development permit file 3-97-050 (for the Marine Discovery Center); coastal development permit file 3-83-76 and subsequent amendments (for UCSC Long Marine Laboratory); consistency determination CD-50-98 (for the National Marine Fisheries Service facility).

Staff recommendation ...Approval with Conditions

Summary: The Applicant proposes to modify the approved utility infrastructure (CDP 3-97-050) serving the UCSC Long Marine Laboratory and Marine Discovery Center site to better coordinate with the utility infrastructure authorized for the National Marine Fisheries Service facility (CD-50-98). The modifications would allow the Applicant to replace existing propane tank service with more efficient natural gas, and would avoid redundant sewer lines and increase sewer line operating efficiency by tapping into the NMFS sewer system located between Long Marine Laboratory and the City's sewer main connection on Delaware Avenue.

This item was initially scheduled as an immaterial amendment for the June Commission meeting in Santa Barbara, but Commission staff subsequently determined that it was important to have a public



California Coastal Commission
July 14, 1999 Meeting in San Rafael

Staff: D. Carl Approved by:

3-97-050-A1(UCSC-LML Infrastructure) Staff Report for 7-14-99 Hearing.doc (6/23/99)

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hearing on the matter in light of the Applicant's recent acquisition of the larger Terrace Point parcel located immediately adjacent to the Long Marine Lab site. Terrace Point, an area primarily made up of fallow agricultural fields now home to coastal meadows and wetlands, separates Long Marine Laboratory from City services and has historically delineated the urban/rural boundary on the City of Santa Cruz's west side.

The Terrace Point site has been the center of ongoing development planning, and ongoing public controversy, for many years. Terrace Point development proposals have raised issues regarding the appropriate type and intensity of development, and the loss of open space lands and agricultural potential. Likewise, there have been public concerns that, in addition to direct impacts from proposed development, Long Marine Laboratory development may effect the pattern and intensity of development on the Terrace Point property and prejudice the Coastal Commission's future decisions there. Although the Commission has certified the majority of the City of Santa Cruz Local Coastal Program (LCP), Terrace Point remains an Area of Deferred Certification. Furthermore, the Commission has not certified a Long Range Development Plan (LRDP) for any of the University's holdings at Terrace Point.

Lacking this LCP/LRDP planning context, the Commission's previous authorizations for Long Marine Lab development and expansion (including the Marine Discovery Center) have included extensive conditions designed to assure that infrastructure improvements serving these facilities would not prejudice planning for the greater Long Marine Lab/Terrace Point area. More recently, in 1998, NMFS likewise modified their project for the Commission's consistency determination to insure that future planning efforts would not be frustrated at the site by the NMFS facility and its utility infrastructure needs. The Marine Discovery Center approval (CDP 3-97-050, August 13, 1997) strictly limited the sewer system to serve only the existing permitted development on the Long Marine Laboratory site. The intent of this condition was, and is, to insure that the sewer utilities approved for the site are limited to accommodate only the current existing site needs and not any future development that may eventually be pursued for the Long Marine Lab/Terrace Point property.

The proposed utility modifications are designed to more efficiently serve permitted coastal dependent development at the Long Marine Laboratory/Marine Discovery Center site. The intent of the proposed modifications is to eliminate duplicative systems and provide the most cost-effective and energy efficient utility system possible. Over the long run, it is expected that public funds will be saved as a result of the lessor operating costs associated with the infrastructure improvements. The modifications are not designed to provide excess capacity that would be growth inducing for the Terrace Point/Long Marine Lab site. Neither the site to be served nor the number of users at the site have changed since the original Marine Discovery Center authorization, and the limitation on the use of the sewer line remains in effect.

The proposed utility modifications have been sized, designed, and conditioned to be used only by existing permitted coastal dependent development at the Long Marine Laboratory/Marine Discovery Center site. As such, approval of the proposed utility improvements will not be growth inducing, will not prejudice Commission action on future decisions regarding development of the Long Marine



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Lab/Terrace Point lands, will not prejudice any potential City action on a LCP for the westside lands, and will not prejudice any potential LRDP planning efforts by the University.

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1. Staff Recommendation on Coastal Development Permit

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. Staff recommends a **YES** vote on the following motion:

Motion: *I move that the Commission approve Coastal Development Permit Amendment Number 3-97-050-A1 subject to the conditions below and that the Commission adopt the following resolution:*

Approval with Conditions. *The Commission hereby grants a permit for the proposed development, as modified by the conditions below, on the grounds that the modified development is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976 (Coastal Act), will not prejudice the ability of the City of Santa Cruz to prepare a local coastal program conforming to Chapter 3 of the Coastal Act, will not prejudice the ability of the University of California to prepare a long range development plan conforming to Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and recreation policies of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California*



Environmental Quality Act (CEQA).

A yes vote would result in approval of the project as modified by the conditions below. The motion passes only by affirmative vote of a majority of the Commissioners present.

2. Conditions of Approval

A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Previous Conditions.** Unless specifically altered by this amendment, all previous conditions of approval attached to the previous approved permit (Coastal Development Permit 3-97-050) remain in effect (see Exhibit C for these previously adopted conditions).
2. **Approved Project.** As shown on the approved plans for the project, this coastal development permit



amendment authorizes only: the extension of natural gas utilities along McAllister Way from the National Marine Fisheries Service facility to Long Marine Lab; and the installation of approximately 1,015 linear feet of 4 inch diameter force sewer line from the Long Marine Laboratory sewer pump station to a point on McAllister Way adjacent to the National Marine Fisheries Service facility. Any other development, including any future connection to the sewer line authorized by this permit, will require a separate Coastal Commission-approved coastal development permit or a separate Coastal Commission-approved amendment to Coastal Development Permit 3-97-050.

3. **NMFS Consent.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director for review evidence of National Marine Fisheries Service consent for connecting the Long Marine Laboratory sewer pump station to the National Marine Fisheries Service sewer system by 4 inch diameter force sewer main line to allow for joint use of the National Marine Fisheries Service sewer lines extending to the City of Santa Cruz connection at Delaware Avenue and Schaffer Road.

3. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location & Background

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

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



of Deferred Certification today (see page 3 of Exhibit A).

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

In the general vicinity, agricultural land extends to the west beyond Younger Lagoon along the coast, and to the north to the Southern Pacific Railroad tracks and beyond to Highway 1. The Raytek industrial facility is located directly north of the Terrace Point property across the railroad tracks. South of the Terrace Point site lies Monterey Bay and the Pacific Ocean. To the east are the De Anza Mobile Estates and Natural Bridges State Park.

See Exhibits A and B for project location.

B. Previously Approved Project

On August 13, 1997 the Commission approved the Long Marine Lab Marine Discovery Center (CDP 3-97-050) on the coastal bluff immediately to the east to the Long Marine Lab campus. The Marine Discovery Center facilities are nearing completion as of the date of this staff report. This previous approval allowed for some development on the original Long Marine Laboratory site and immediately adjacent on 2.69 acres of then Wells Fargo/ATC Realty property which were acquired by the Applicant. The Marine Discovery Center includes an Education and Visitor Center and a Teaching Laboratory. The purpose of the Center is to provide space for University and public education facilities. The Center also provides running seawater for the study of live marine plants and animals. In general, the Marine Discovery Center facilitates public education in marine research and marine environmental conservation, provides public access to research programs and supports the conservation and appreciation of the adjacent Younger Lagoon Reserve. More specifically this previously approved development included:

- Lot line adjustment to incorporate 2.69 acres of Wells Fargo bluff front land into the Long Marine Laboratory parcel of the University of California.
- Marine Discovery Center building: approximately 19,000 gross square feet; 16,700 square feet building coverage; 30,000 paving coverage (including 53 parking spaces); 40,385 square feet landscaped area; and 29,986 square feet unimproved area. A fifty three space parking lot. Thirty additional parking spaces located on the adjacent Long Marine Laboratory site along McAllister Way;
- Excavation of 4,500 cubic yards of soil from the parking area of the main project to be used to extend the berm (resultant berm to be 40 feet wide, 6 to 10 feet high, and 600 feet long) along Younger Lagoon on the west of the Long Marine Laboratory site.



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- Conversion of 10,000 gallon concrete septic vault to a sewage pump station connected to the City's wastewater system through a 3 inch diameter force sewer main running 3,100 feet to the City's wastewater system connection point at the intersection of Delaware Avenue and Schaffer Road.
- Coastal access boardwalk.

C. Proposed Amendment

The Applicant proposes three revisions to the previously approved project. The first is to revise the configuration of the approved sewer line to connect to the sewer system authorized by the Commission (CD 50-98, May 12, 1998) for the National Marine Fisheries Service (NMFS) facility located about 300 yards to the north of the Marine Discovery Center. The NMFS sewer system involves an on-site sewer pump station which connects to approximately 350 feet of 4 inch diameter force sewer line, subsequently connected to approximately 1,300 feet of 8 inch diameter gravity sewer line, which ultimately connects to the City's sewer system at the intersection of Delaware Avenue and Schaffer Road. Instead of independently installing a 3,100 foot forced main sewer line all the way to the City's system (at Delaware and Schaffer) as approved in the original Discovery Center permit, the Applicant proposes to install approximately 1,000 feet of forced main line to pump sewage from the permitted sewage pump station at Long Marine Lab to the pump station to be constructed at NMFS. From there, partially by pump and partially by gravity flow, the sewage would be deposited into the City's system. The proposal currently before the Commission would end the sewer line at the NMFS property line on McAllister Way; the connection from McAllister Way to the NMFS pump station is not a part of this amendment request and would be coordinated by NMFS.

The second part of the amendment request is to increase the force sewer main line size diameter from 3 inches to 4 inches. According to the Applicant's consulting civil engineer, a 4 inch line would operate better and would have fewer maintenance problems than would a 3 inch line connected to the previously approved pump station.

The third part of the amendment request is to extend a natural gas line from its terminus in McAllister Way adjacent to the NMFS facility to the Long Marine Laboratory site. Such an extension would allow for the Marine Discovery Center and the Long Marine Lab to replace the existing propane tank service with more cost-efficient natural gas setup. The natural gas utility was authorized for the NMFS project.

See Exhibit B for the proposed location of these utilities and the NMFS sewer line.

D. Related Commission Action

Development at Long Marine Lab and Terrace Point has raised major planning issues for the Commission and the City for a number of years. The Commission has carefully reviewed coastal development permits on Terrace Point and adjacent lands to assure that development occurring prior to completion of a LCP and/or a LRDP does not frustrate planning efforts or prejudice preparation of such plans, as required by Section 30604(a) of the Coastal Act. Section 30604(a) states:



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

Therefore, in reviewing development proposals by the Applicant for the expansion of Long Marine Laboratory, and by the Applicant and the California Department of Fish and Game (CDFG) for the oiled wildlife rescue facility, the Commission imposed extensive conditions designed to assure that the infrastructure improvements serving these facilities would not prejudice planning for the Terrace Point property. In permit amendment 3-83-76-A5, for CDFG's Oiled Wildlife Rehabilitation Center, the Commission's approval relied on the existing road to the site, water wells, and wastewater being trucked from the facility.

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

In reviewing the previously approved CDP for the Marine Discovery Center, the Commission authorized limited sewer and water extension across Terrace Point and to the Marine Lab. Specifically, the Commission found:

The proposed development will use an existing 10,000 gallon septic tank as a sewage pump station and convey the discharge through a 3 inch diameter force main 3100 feet to a connection point with the City sewer system. The force main will cross Terrace Point properties via the easement agreed to for the water line extension. The system will be privately owned and operated by the University to serve Long Marine Laboratory facilities. Use by any other entity would be precluded by Condition #1 attached to this permit, sizing of the pipe, lack of access by others to the LML holding tank, and engineering difficulties of tapping into a force main. As conditioned, the extension is consistent with Section 30254 of the Coastal Act which requires



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that public works facilities shall be designed to accommodate uses permitted consistent with the Coastal Act and with Section 30604 which requires that development not prejudice the ability of the local government to prepare a local coastal program that conforms to the Coastal Act.

Commission-imposed conditions in CDP 3-97-050 included special conditions 3 and 4:

3. Prior to issuance of the coastal development permit, the permittee shall submit to the Executive Director for review the final Agreement between ATC (Wells Fargo) and the Regents of the University of California to assure that no aspect of the Agreement will prevent an unprejudiced evaluation by the Commission of future Local Coastal Program submittals for the Westside Lands Area of Deferred Certifications.

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

E. Proposed Amendment Issues Discussion

The site is located on the perimeter of Santa Cruz City, and though within the City limits, no public services (i.e., water, sewer, roads) reach the site. The Terrace Point property itself separates the UCSC Long Marine Laboratory site from City services and has historically delineated the urban/rural boundary. The Long Marine Laboratory facility was found by the Commission (in CDPs P-1859 and 3-83-76) to be a coastal dependent use, which needed to be located in a remote, semi-rural area. Because urban services were not being extended to the facility, it was found that it would not adversely affect adjacent agricultural uses and would maintain the urban-rural boundary.

The subject site is in an area of deferred certification for which there is no certified LCP or LRDP. The Applicant has recently acquired the majority of the Terrace Point property. Although the Applicant has indicated that a LRDP will be prepared for the larger site (which now includes the former Long Marine Lab area as well as Terrace Point), such an effort is currently in its infancy and offers no guidance on the proposed amendment currently before the Commission. In fact, this area on the outskirts of the City remains largely undeveloped and the subject of continuing controversy as to future development scenarios. Accordingly, as has been typical of Terrace Point area development proposals over the years, the proposed permit amendment raises issues with regards to public works service needs and capacities.

Coastal Act Section 30250(a) states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent



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of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Coastal Act Section 30254 states:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

The previously approved project (Marine Discovery Center/Long Marine Lab) is a type of land use which, in the event of limited public works capacities, is a high priority for service. Rather than overall capacity issues, however, the public works issues raised by the proposed amendment are more the location and size of public works serving the site. The proposed amendment, then, raises issues concerning whether public services to the facility would be growth-inducing, or would frustrate future planning efforts, based on either the proposed public works sizes and/or locations. In this case, however, the proposed modifications are minor in nature and would serve only to provide more efficient services to existing permitted development on the UCSC Long Marine Lab/Marine Discovery Center site.

By connecting to the NMFS sewer system, the proposed realignment of sewer utilities for the Marine Discovery Center avoids a second redundant sewer line across Terrace Point properties. Furthermore, the proposed configuration would allow the Applicant to utilize a more efficient gravity line for a portion of the site. The proposed connection to the NMFS sewer system and its joint use by the Applicant and NMFS was acknowledged by the Commission in the 1998 consistency determination for the NMFS fisheries laboratory facility. As stated in CD-50-98:

Wastewater would connect to the city's 8-inch sewer line at the corner of Delaware Avenue and Shaffer Road. To tie into this gravity feed line, NMFS would also install a sewage pump station and a 4-inch force main to pump sewage from the NMFS site into the 8-inch line connecting to the city system. NMFS and UCSC intend to cooperate and jointly use this system, providing necessary city approvals and agreements are agreed to.

By installing a 4 inch diameter force sewer line as opposed to a 3 inch diameter line, the consulting civil engineer has indicated that the sewer pumps would operate better and there would be less clogging than with the 3 inch line. In essence, the sewer pumps would work at a lesser efficiency (higher net head, lower output, higher energy use, higher maintenance) with the 3 inch line compared to a 4 inch line. For comparison, the NMFS sewer line authorized by the Commission in 1998 included approximately 350



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feet of 4 inch force main line and 1,300 feet of 8 inch gravity line. The proposed modification would serve to increase the line size to match that of the NMFS system to which the line would connect.

In terms of the extension of natural gas to the site, natural gas utility lines are going to be extended onto McAllister Way to serve the NMFS facilities pursuant to CD-50-98. Extending these utilities an additional 1,200 feet to serve permitted development at the Long Marine Lab site would allow the Applicant replace their current propane energy supply system with a more efficient natural gas system. This modification would allow the Applicant to remove the existing propane tanks, eliminate the delivery truck traffic necessary to serve the propane tanks, and allow for a more cost effective energy source for Long Marine Lab. The natural gas utilities would be replacing utilities already present for the site (i.e., propane).

The Commission's previous authorization of the Marine Discovery Center strictly limited the sewer system to serve only the existing permitted development on the Long Marine Laboratory site. Neither the site to be served nor the number of users at the site have changed since this previous authorization. This previous condition of approval still applies (CDP 3-97-050 Special Condition 4; see Exhibit C); note Special Condition 1 of this approval. The intent of this condition was, and is, to insure that the sewer utilities approved for the site are limited to accommodate only the current existing site needs and not any future development that may eventually be pursued for the Long Marine Lab/Terrace Point property. To make this point clear, this approval is conditioned to require an separate amendment to the base permit (CDP 3-97-050) to authorize any other connection into the sewer line authorized by this amendment (i.e., 3-97-050-A1); see Special Condition 2 of this approval.

The proposed utility modifications are designed to more efficiently serve permitted coastal dependent development at the Long Marine Laboratory/Marine Discovery Center site. It is not designed to provide excess capacity that would be growth inducing for the Terrace Point/Long Marine Lab site. The intent is to eliminate duplicative systems and provide the most cost-effective and energy efficient utility system possible. This is consistent with Coastal Act Section 30253(4) requiring development to "minimize energy consumption." Over the long run, it is expected that public funds will be saved as a result of the lessor operating costs associated with the infrastructure improvements.

The proposed infrastructure modifications would not prejudice future planning options for the larger Terrace Point/Long Marine Lab site. The sewer and gas lines would be trenched under the exiting access road (McAllister Way). Pursuant to CD-50-98, the NMFS sewer lines must be relocated should future planning efforts for the larger site conclude with a plan indicating that such relocation is necessary.

Finally, the Applicant has not provided any assurance that NMFS has approved the proposed utility modifications and the connection into their system. Accordingly, this approval is conditioned for NMFS sign-off prior to construction. See Special Condition 3 of this approval.

Therefore, as conditioned, the Commission finds the proposed development is consistent with Section 30254 which requires that public works facilities be designed and limited to accommodate uses permitted consistent with the Coastal Act, and with Section 30604 which requires that development not



prejudice local governments ability to prepare a local coastal program that conforms to the Coastal Act. The Commission finds that approval of the proposed utility improvements will not be growth inducing and will not prejudice Commission action on future decisions regarding development of the Long Marine Lab/Terrace Point lands.

F. LRDP/LCP

The City of Santa Cruz Westside Lands (including Terrace Point) remains an Area of Deferred Certification. Coastal Act Section 30605 allows the University to submit Long Range Development Plans as an alternative to project-to-project review by the Coastal Commission. To date, the University has chosen not to prepare an LRDP for the LML site. Now, with the acquisition of the larger Terrace Point property by the University, the Applicant has indicated that a LRDP planning process will be the next step for the overall property. It is not clear at this time how such a LRDP process might dovetail with the City's previous LCP planning process for the site since this previous planning process involved a different landowner.

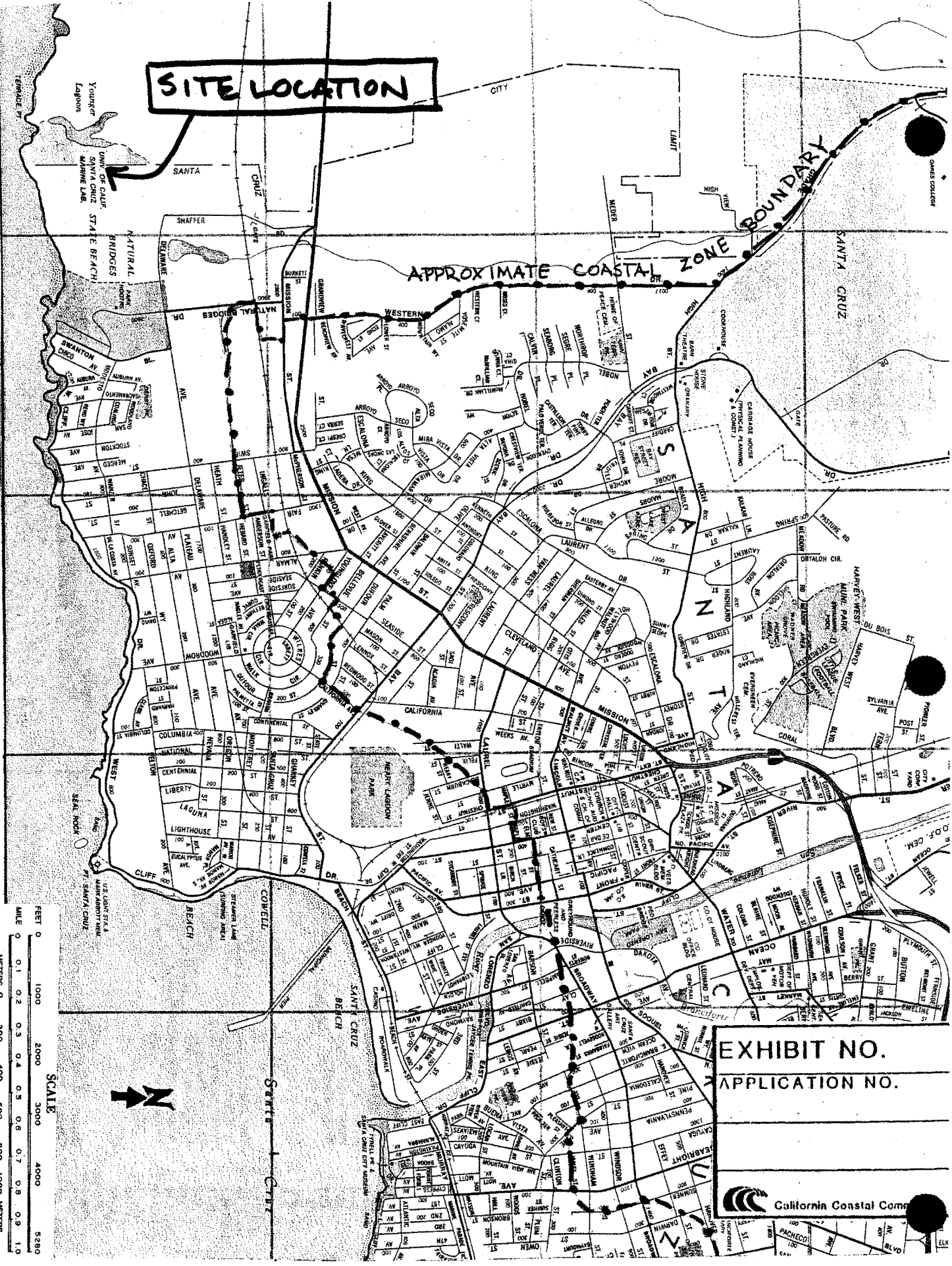
Until the Commission has certified the Westside Land Areas of Deferred Certification (by LCP amendment and/or LRDP), development proposals on the Long Marine Lab/Terrace Point site must be evaluated for their potential to prejudice City decisions on planning for that area, consistent with Section 30604 of Coastal Act.

As conditioned, the Commission finds the proposed project will not prejudice any potential City action on a LCP for the westside lands, and will not prejudice any potential LRDP planning efforts by the University, because the infrastructure has been sized and conditioned to be used only by existing permitted coastal dependent development at the Long Marine Laboratory/Marine Discovery Center site.

G. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). **As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.**





SITE LOCATION

APPROXIMATE COASTAL ZONE BOUNDARY

EXHIBIT NO.
APPLICATION NO.

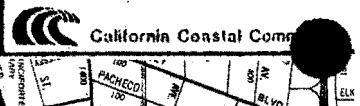


EXHIBIT A
(20F3)

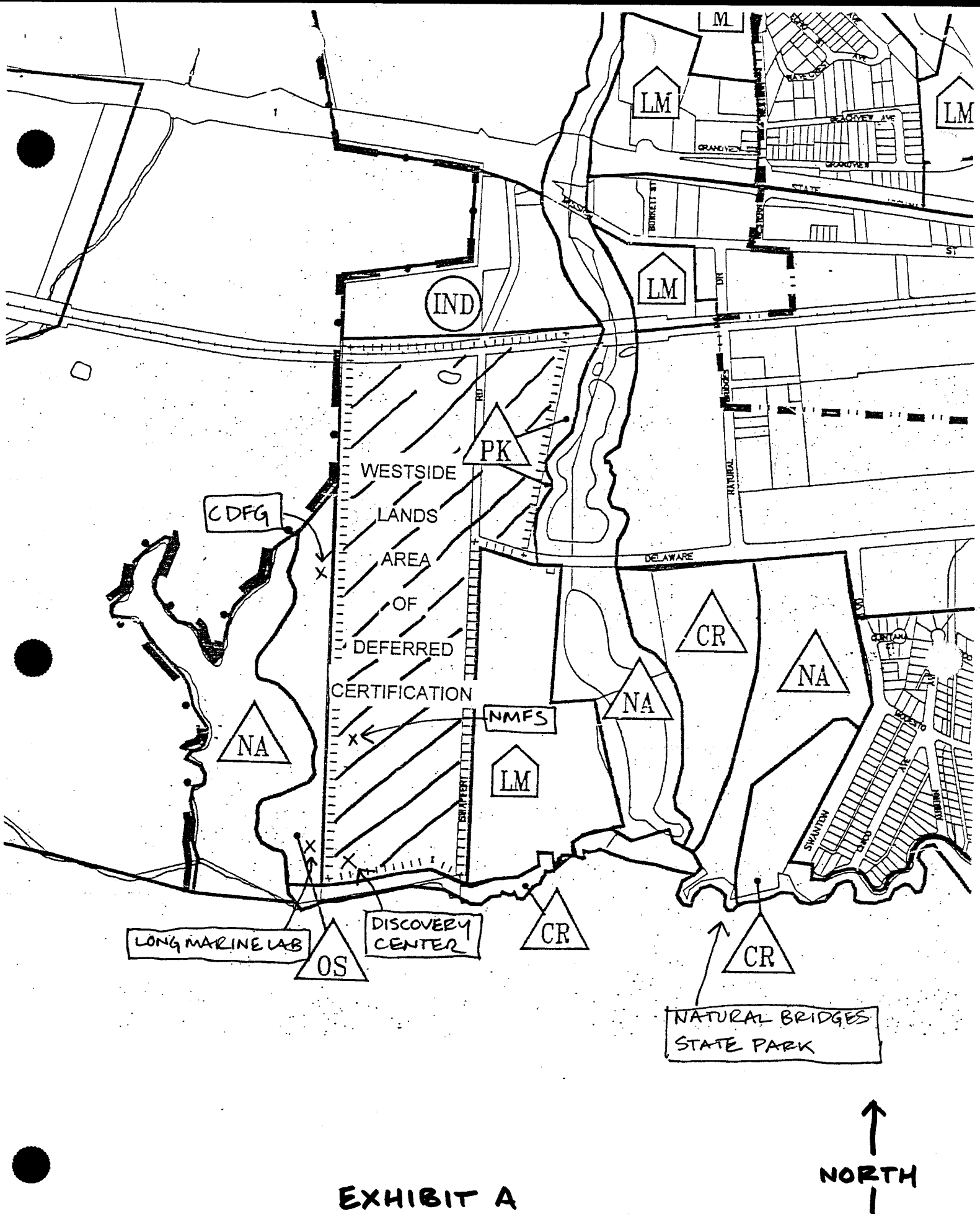
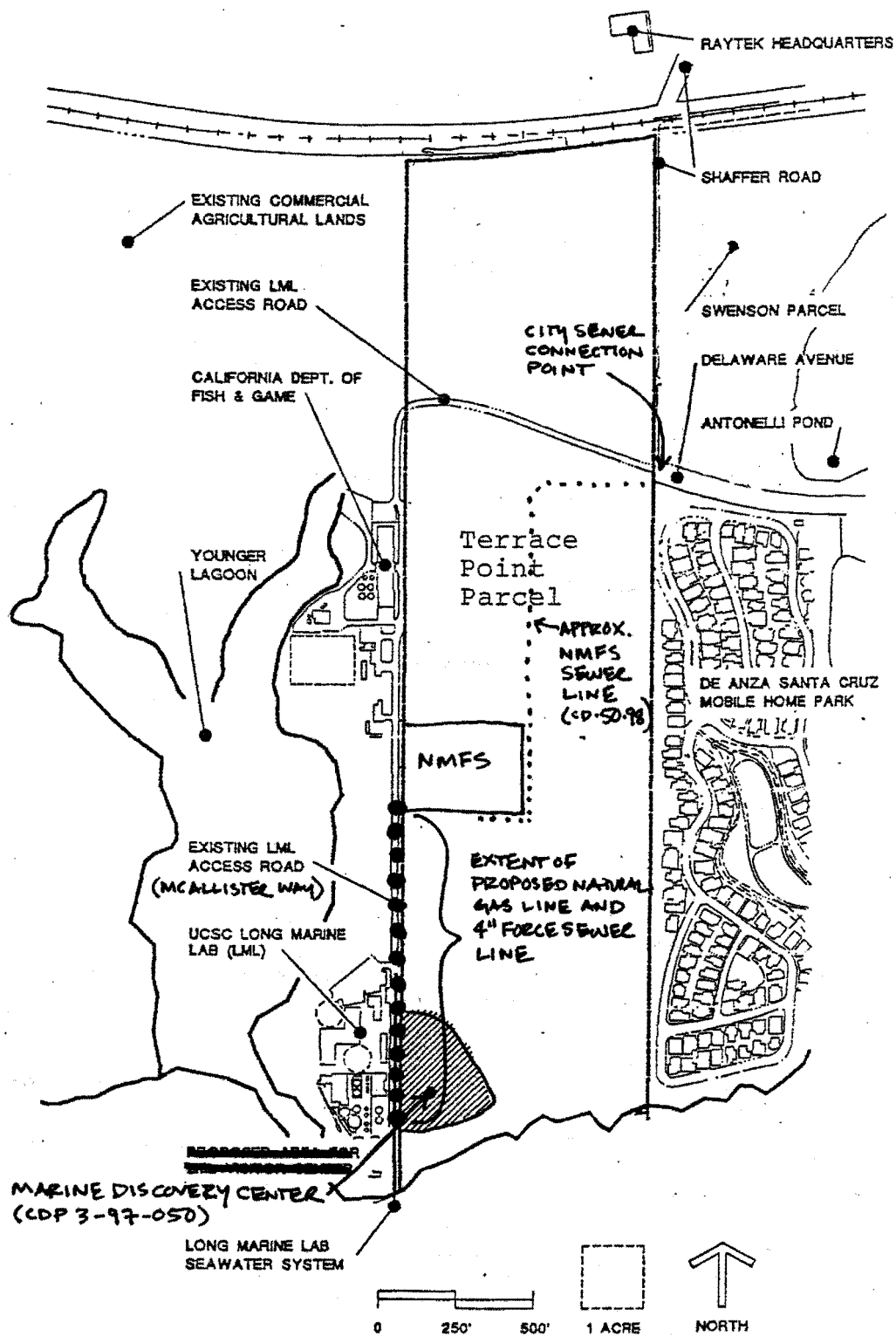


EXHIBIT A
(3 OF 3)



**EXHIBIT B - PROPOSED INFRASTRUCTURE
(10P1) LOCATION**

shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS.

1. FINAL PLANS.

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

**EXHIBIT C - CDP 3-97-050 ADOPTED
(10/92) CONDITIONS OF APPROVAL**

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

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

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

The Final Plans shall also include an access management plan for review and approval by the Executive Director.

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

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

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

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

EXHIBIT C
(20F2)

7 June 1999

RECEIVED

JUN 07 1999

Members of the California Coastal Commission
Mrs. Sara J. Wan, Chairperson
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Attention: Peter Douglas Executive Director

Re: Approval of Permit 3-97-050-A1, UCSC Sewer Extension, Terrace Point.

We, the Younger Ranch owners, were not at the Santa Cruz address to which the Notice was sent between May 22 and June 3. We could not visit the Central Coast Office until June 4, at 4:45 P.M. The sewer line looked innocuous enough, but with further thought, we respectfully request that:

1. This letter request be effected, even though received past the June 3rd closing date.
2. Final Commission approval be rescinded and revisited with a schedule for a later review when the University's plans for purchase of Terrace Point are settled.

Our experience is that seemingly innocuous sewer and water infrastructure approvals for the University are a part of a two stage approval process ending with buildings being developed. Approvals from Commission staff seem to predispose approvals of University buildings.

The purpose of the sewer line extension must be for intensive development of the northern area of the Long Marine Lab site. The Executive Director's approval does not tell us.

From 1976 when UCSC took the gift of the site from the Youngers, we have felt obliged by the intentions of the gift to support the build-out of the land for academic, marine research buildings (which we thought by the 1976 agreement were to be limited to about 15 feet in height). There was no other location for the University to build.

It is no longer possible for us to support such development within 500 feet of our boundary.

Now that the University will have 55 more acres to build upon, there is no need for a build-out of the northern LML site. Our loyalty now goes to our farmers whose livelihood is being threatened by the next stage.

Please rescind or suspend the approval of this sewer extension until later.

EXHIBIT D - CORRESPONDENCE
(10F2)

NEXT STAGE.

A build-out proposal will follow this proposed extension, or the extension will be a part of the build out proposal.

We respectfully request the Commissioners to expect Central Coast Commission staff to confer with us when the application from UCSC is received.

We are discouraged by recent experience in which Younger Ranch owners have lacked sufficient time to respond with well thought out, written letters to the Commissioners. Most recently, we only had time enough to organize thoughts on the drive from Santa Cruz to Monterey.

Coastal Commission staff have continued to position themselves as the representatives of agriculture's values and needs. The staff review system does not appear to think about incorporating representations from affected neighbors like us.

In our opinion, your staff have not been equipped to stand in for the Younger Ranch before the Commissioners. We ask for the respect which allows us the time and the background information to represent ourselves, within the Commission's Rules, to our satisfaction.

The Commissioners consistently dramatize their support for continuation of agriculture. Commissioner support can only be given substance if staff gives Younger Ranch adequate time to prepare letters and presentations when its agricultural interests are affected.

Very truly yours,

Bob and Helen Goode

Bob and Helen Goode
Younger Ranch
Santa Cruz, California

cc: Tami Grove Executive Director Central Coast Area
Dan Carl, Central Coast Area

EXHIBIT D
(2052)