

CALIFORNIA COASTAL COMMISSION

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Filed: 7/21/99
49th day: 9/8/99
180th day: 1/17/2000
Staff: D.Carl
Staff report: 7/28/99
Hearing date: 8/11/99

PERMIT AMENDMENT

Application number3-83-076-A13, UCSC-Long Marine Laboratory Center for Ocean Health

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

Project location.....UCSC Long Marine Laboratory campus (100 Shaffer Road) in the Terrace Point area of the City of Santa Cruz adjacent to Younger Lagoon (at the western Santa Cruz City limits) in the middle portion of Santa Cruz County (APN 003-321-03).

Project description.....Remove several smaller Long Marine Laboratory structures (8 temporary office trailers, one building and two sheds: approximately 8,000 square feet) and replace with a 23,000 square foot laboratory and administration building and a 2,300 square foot shop building; reconfigure and pave 31 space parking area; landscaping, fencing and drainage improvements.

File documents.....Coastal development permit files P-1859 and 3-83-76 and subsequent amendments (for UCSC Long Marine Laboratory); coastal development permit file 3-97-050 and subsequent amendments (for the Marine Discovery Center); consistency determination CD-50-98 (for the National Marine Fisheries Service Research Laboratory); Long Marine Laboratory Master Plan FEIR (1993), July 1997 FEIR Addendum (Marine Discovery Center), and July 1999 FEIR Addendum (Ocean Health Building); *Preliminary Wetland Delineation, Santa Cruz Coastal Marine Research Center at Terrace Point*, John Gilchrist & Associates, May 1997; Santa Cruz Coastal Marine Research Center at Terrace Point FEIR (August 1998).

Staff recommendation ...Approval with Conditions

Summary: The Applicant proposes to replace several temporary trailers with a main administrative and laboratory building and a separate shop building as a program enhancement for the University of California's Long Marine Laboratory campus located on the coastal terrace on the western Santa Cruz City limits. This area, known locally as Terrace Point, is also home to Long Marine Lab Marine Discovery Center, the California Department of Fish and Game's oiled wildlife facility, and the National Marine Fisheries Service research facility (under construction).

The Terrace Point site has been the center of ongoing development planning and public controversy for



California Coastal Commission
August 11, 1999 Meeting in Los Angeles

Staff: D.Carl Approved by:
3-83-076-A13 (Ocean Health) Staff Report for August 1999 Hearing.doc (7/28/99)

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.

The proposed project raises issues regarding appropriate scale and intensity of development, maintaining public access, setbacks from agriculture, and potential impacts to wetland and marine resources. Staff is recommending that the Commission approve the project subject to 9 special conditions designed to ensure Coastal Act conformance.

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

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

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1. Staff Recommendation on Coastal Development Permit

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

Motion: *I move that the Commission approve Coastal Development Permit Amendment Number 3-83-076-A13 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 previously approved Long Marine Laboratory permits (Coastal Development Permits P-1859, 3-83-076, and 3-97-050) and subsequent amendments (Coastal Development Permit Amendments 3-83-076-A1 through 3-83-076-A12, 3-97-050-A1) remain in effect.

2. **CEQA Mitigation Measures.** Unless specifically altered by this amendment, all mitigation measures cited in the Long Marine Laboratory Master Plan Final Environmental Impact Report Addendum for the Ocean Health Building (dated June 28, 1999 and adopted by the Regents of the University of California on July 16, 1999) shall be implemented.
3. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit final plans to the Executive Director for review and approval. The final plans shall provide for development in two phases:

Phase 1 development shall consist of: removal of 8 temporary office trailers, the "long shed" building and the two boat yard sheds); grading and site preparation activities; foundations and slab floors for the main laboratory and administration building (12,000 square foot footprint); all underground and below floor utilities; and the 2,300 square foot, 17.5 foot tall shop building.

Phase 2 development shall consist of: construction of the 2-story, 36-foot tall, 23,000 gross square foot laboratory and administration building; construction of the paved 31 space parking lot and looped access road; and site landscaping.

The final plans shall include:

- (a) Site plans and Elevations substantially in conformance with the plans submitted to the Commission titled *Center for Ocean Health* dated May 1999 except that such plans shall not include any fencing. Fencing details shall be submitted with the Interim Public Access Plan required by Special Condition 7. No fencing shall be installed prior to Executive Director review and approval of the Interim Public Access Plan fencing detail. In no event shall such plans provide for blockage of public access along McAllister Way through to the coastal bluff thence eastward along the bluff (seaward of the Marine Discovery Center) to the eastern extent of the Permittee's property at the De Anza Mobile Estates.
- (b) Erosion Control Plans which clearly identify all best management practices to be implemented during construction and their location. Such plans shall contain provisions for specifically identifying and protecting all nearby storm drain inlets and natural drainage swales (with sand bag barriers, filter fabric fences, straw bale filters, block and gravel filters, drop-inlet sediment traps, etc.) to prevent construction-related runoff and sediment from entering into these storm drains or natural drainage areas which ultimately deposit runoff into Younger Lagoon, the Pacific Ocean, or Wetland Site 1. Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site adjacent to Younger Lagoon and Wetland Site 1. No construction activity of any kind shall take place within 100 feet of Wetland Site 1 or Younger Lagoon. At a



minimum, such plans shall also include provisions for stockpiling and covering of graded materials, temporary stormwater detention facilities, revegetation as necessary, restricting grading and earthmoving during the rainy season.

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

(c) Landscape and irrigation plans which clearly identify the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features for the entire site as shown on the plans submitted to the Commission titled *Center for Ocean Health* dated May 1999. The plant materials shall be drought and salt-water resistant, non-invasive species native to the Santa Cruz coastal terrace and/or Younger Lagoon area. PRIOR TO OCCUPANCY OF THE APPROVED PROJECT, all site landscaping shall be installed consistent with the approved landscape and irrigation plan.

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

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

4. **Agricultural Hold Harmless and Indemnity Agreement.** By acceptance of this permit, the Permittee acknowledges and agrees: (a) that the site is adjacent to land utilized for agricultural purposes; (b) users of the property may be subject to inconvenience, discomfort or adverse effects



arising from adjacent agricultural operations including, but not limited to, dust, smoke, noise, odors, fumes, grazing, insects, application of chemical herbicides, insecticides, and fertilizers, and operation of machinery; (c) users of the property accept such inconveniences and/or discomforts from normal, necessary farm operations as an integral part of occupying property adjacent to agricultural uses; (d) to assume the risks to the Permittee and the property that is the subject of this permit of inconveniences and/or discomforts from such agricultural use in connection with this permitted development; and (e) to indemnify and hold harmless the owners, lessees, and agricultural operators of adjacent Younger Ranch against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any issues that are related to the agricultural land use and its impact to users of the property.

PRIOR TO THE COMMENCEMENT OF PHASE 2 CONSTRUCTION, the Permittee shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the Permittee's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

5. **Berm Vegetation Plan.** PRIOR TO THE COMMENCEMENT OF PHASE 2 CONSTRUCTION, the Permittee shall submit a berm vegetation plan to the Executive Director for review and approval. This plan shall include provisions for vegetating the existing berm (located west of the Approved Project) utilizing drought and salt-water resistant, non-invasive species native to the Santa Cruz coastal terrace and/or Younger Lagoon area. The plan shall provide for the eradication of non-natives and shall clearly identify the type, size, extent and location of all plant materials, as well as any temporary drip irrigation system needed (if any) to establish the plantings. A schedule for plant installation shall be provided. All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the berm vegetation plan. The plans shall be submitted with evidence of review and approval by the Younger Lagoon Reserve Coordinator.

PRIOR TO OCCUPANCY OF THE APPROVED PROJECT, the berm shall be vegetated consistent with the approved berm vegetation plan.

6. **RWQCB and MBNMS Approval.** PRIOR TO THE COMMENCEMENT OF PHASE 2 CONSTRUCTION, the permittee shall submit to the Executive Director for review and approval (1) a waste discharge permit or a waiver of waste discharge requirements or other evidence of the review and approval by the Regional Water Quality Control Board of the Long Marine Laboratory discharge; and (2) evidence of the review and approval by the Monterey Bay National Marine Sanctuary of the Long Marine Laboratory discharge. All Regional Water Quality Control Board and Monterey Bay National Marine Sanctuary monitoring requirements and/or programs shall be submitted to the Executive Director at the same time they are submitted to the Regional Water



Quality Control Board or the Monterey Bay National Marine Sanctuary.

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

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

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

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

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



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

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

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

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

3. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. General Project Location & Background

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



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 previously used for experimental farming). The property was annexed to the City in the early 1980's.

More recently, the Applicant has acquired the majority of property lying between the 15 acre Long Marine Laboratory holding and the De Anza Mobile Home Estates located to the east (not counting 2.5 acres of National Marine Fisheries Service lands). This approximate 55 acre parcel, known locally as Terrace Point, had been the subject of recent planning efforts by ATC Realty Sixteen, Inc., a wholly-owned subsidiary of Wells Fargo Bank, for many years. Terrace Point, an area primarily made up of fallow agricultural fields now home to 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.

The Terrace Point site has been the center of ongoing development planning and public controversy for many years. Terrace Point development proposals have raised issues regarding the appropriate type and intensity of development, and the loss of open space lands and agricultural potential. Likewise, there have been public concerns that, in addition to direct impacts from proposed development, 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 LML/Terrace Point vicinity, agricultural land extends to the west beyond Younger Lagoon along the coast, and to the north to the Southern Pacific Railroad tracks and beyond to Highway 1. The Raytek industrial facility is located directly north of the Terrace Point property across the railroad tracks. South of the Terrace Point site lies Monterey Bay and the Pacific Ocean. To the east are the De Anza Mobile Estates (residential) and Natural Bridges State Park.

See Exhibit A for project location.

B. Previously Approved Project & Related Commission Actions

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



beach environs was generally closed off to the public in 1981 to allow for wetland research and study in a controlled setting.

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

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

In 1997, the Commission authorized a private water line extension to serve the LML site through amendment 3-83-076-A11. The line was constructed to public water line specifications and connected to the municipal system at Delaware Avenue. The Commission noted that the then landowner (Wells Fargo/ATC realty) had no legal right to use of the water, did not pay for the improvements, did 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 this privately-owned site. Accordingly, the Commission found that the private water line extension would not prejudice preparation of the LCP for the Area of Deferred Certification.

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



and Shaffer Road. Use of this sewer line was, and is, limited to existing permitted development at the LML site.

In a related 1998 action, the Commission concurred with the consistency determination of the National Marine Fisheries Service (NMFS) for the development of a fisheries research laboratory on a 2.5 acre parcel of land directly east of LML property and McAllister Way on the Terrace Point parcel (CD-50-98). The NMFS facility (currently under construction) involves a 53,400 square foot, 2-story, 36 foot high laboratory building, with 53 parking spaces, site landscaping, and utilities, and a seawater intake station on the adjacent LML site. Although clearly interrelated, the NMFS facility is not part of the LML campus.

The Commission's most recent action with regard to the Terrace Point/LML site was at their July 1999 meeting in San Rafael when the Commission authorized a slight modification to the 1997-authorized sewer line (3-97-050-A1). This modification allows the University to connect the LML sewer system to the system to be constructed by NMFS instead of constructing a second redundant sewer line connection to the municipal system at Delaware Avenue and Shaffer Road.

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

C. Proposed Amendment

The proposed project would take place on the south terrace of the overall LML campus site just north and west of the Marine Discovery Center. This area is completely developed, nearly level, and is home to the main cluster of LML operations just inland from the coastal bluff; the site is flanked on its western side by a 12-foot high earthen berm which provides physical and visual separation from the adjacent Younger Lagoon Reserve.

The Applicant proposes to remove several existing one-story structures at this location (occupying approximately 8,000 square feet) and replace these with: a consolidated 23,000 square foot, 36 foot high, two-story laboratory and administration building (called the Center for Ocean Health at Long Marine Laboratory); a 2,300 square foot, 17.5 foot high, one-story shop building set into the berm separating the LML site from the Younger Lagoon Reserve; and a paved looped service road, 3,000 square foot service yard, and 31 space paved parking area. All structures would be finished with vertical board and batten wood siding to match the existing LML buildings. Gross square footage proposed totals approximately 25,300 square feet.

The structures proposed for removal include eight office trailers comprising the majority of LML dry lab and office support (approximately 5,500 square feet), one 1,920 square foot aquarium/visitor center building, and two smaller sheds (360 and 288 square feet respectively). Gross square footage proposed for removal totals over approximately 8,000 square feet. Approximately 3,500 to 3,800 cubic yards of excavation would be required for site preparation.



The Applicant has indicated that the intent of the project is to replace aging, deteriorating and inefficient temporary facilities (i.e., the trailers and sheds) with high quality lab, office, and support space in close proximity to the seawater laboratories and the LML cluster of buildings and facilities. The Applicant has indicated that the proposed Center for Ocean Health would likewise alleviate existing space deficiencies at the LML site and help to accommodate program growth for the study of marine sciences.

See Exhibit B for site plans, elevations, and architectural renderings of the proposed project. See Exhibit C for the Applicant's detailed project description and justification.

While not a part of the project currently before the Commission, it should be noted that the Applicant has conceptual plans for an expansion of the Ocean Health building. Such an expansion would take place directly to the west of the proposed Ocean Health building (in the area between the Ocean Health building and the proposed shop building). Conceptual plans indicate that such an expansion would be of a similar mass and scale as is being proposed currently with the Ocean Health building (approximately 16-20,000 additional square feet of building space); see page 2 of Exhibit B.

In the larger picture, LML is attempting to provide additional research, office, and support facilities adjacent to ongoing seawater experiments and research. There are currently no faculty with permanent space at the LML campus. In fact, faculty from the University have their offices and classrooms on the main University campus. By providing additional space, marine institute faculty and researchers from the main campus would be able to move to the LML site, where they can better monitor research as well as conduct courses utilizing wet classroom space. In this way, the Applicant hopes to provide a more stimulating and integrated research environment based on facilitating enhanced interaction among scientists at the LML site. This interaction would be increased by the presence of CDFG and NMFS researchers as well.

The coastal development permit application includes the July 1999 Addendum to the 1993 LML Master Plan EIR. This addendum cites a number of mitigation measures that are incorporated into the project design. As such, these mitigation measures so cited are also a part of the project description. In order to explicitly ensure compliance with these mitigation measures, this approval is conditioned for compliance with all such measures cited in the 1999 addendum (see Special Condition 2).

D. Standard of Review

The proposed development would take place on University of California property within the City of Santa Cruz. As discussed above, the adjacent Terrace Point property (to the east) is an area of deferred certification. The City annexed the LML property (including Younger Lagoon) into the City after the Terrace Point was left uncertified. However, like the Terrace Point property, there is no LCP for the LML site. Likewise, the University does not have a certified LRDP for either the LML or Terrace Point sites. In addition, University development is not subject to local government review. Accordingly, the standard of review for the proposed development, and for all proposed development at Terrace Point/LML, is the Coastal Act.



E. Issues Discussion

1. Land Use Priorities

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

Section 30001.5. The Legislature further finds and declares that the basic goals of the state for the coastal zone are to: ... (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast. (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Coastal Act Sections 30222 and 30222.5 state:

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

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

Coastal Act Section 30255 also provides:

Section 30255. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

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

Section 30101. "Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Section 30101.3. "Coastal-related development" means any use that is dependent on a coastal-dependent development or use.

The proposed Center for Ocean Health would provide improved lab, support, and administrative facilities for continued marine research, teaching, and public education at the existing LML campus. The proposed development does not include extension of the LML seawater utility to the proposed laboratory spaces and can thus best be described as coastal-related because it is dependent upon, and supportive of, the seawater-based lab facilities housed directly adjacent. By providing alternative dry lab (i.e., non-



seawater) space, the proposed structure would help to relieve current overcrowding in the wet (i.e., seawater required) coastal-dependent lab space immediately adjacent which is currently crowded with both wet and dry lab research. In addition, because of its proximity to the LML seawater utility, possible future wet-lab connections are facilitated allowing the Applicant more flexibility in meeting future marine research needs at this location.

The proposed development is a coastal-related development housing marine educational facilities, which has a priority for shoreline siting under the Coastal Act. Accordingly, the Commission finds that the proposed development is a high priority coastal use that is consistent with the land use priorities of Coastal Act Sections 30001.5, 30222, 30222.5 and 30255. Such a land use is likewise consistent with the Commission's direction for the overall Terrace Point site as described most recently in the findings authorizing the NMFS facilities (CD-50-98):

The Commission finds that the [NMFS] project is consistent with the land use priorities discussed in Sections 30222, 30222.5 and 30255 of the Coastal Act. In making this finding, as explained in the last two sections of this report [CD-50-98], the Commission wishes to also clearly articulate that it would not be appropriate, absent completion of the LCP, to authorize any non-priority development at Terrace Point.

Furthermore, the proposed facility's close proximity to the Marine Discovery Center, the NMFS Research facility, and the CDFG oiled wildlife facility will also provide for increased accessibility and interaction among researchers and marine management institutions. Ultimately, the marine research undertaken at this location will help the Commission, and other local, state, and federal (as well as non-governmental) resource management agencies and organizations to better understand and protect marine and other coastal resources.

2. Agricultural Buffers

Coastal Act Section 30241 provides:

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

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

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

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



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

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

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

The project site was converted many years ago from agricultural use to marine laboratory use pursuant to CDPs P-1859 (in 1976) and 3-83-076 (in 1983) establishing and improving the LML campus. Accordingly, the subject development does not raise Coastal Act issues with regards to direct conversion of agricultural lands. The agricultural issues raised by the proposed amendment relate to the appropriate buffer between development on the urban fringe of the City at LML and the existing agricultural lands to the west and north of the site on the far side of Younger Lagoon (i.e., Younger Ranch).

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

Commission findings on the Westside Lands Area of Deferred Certification identified the eastern boundary, not the western boundary, of Terrace Point as the urban-rural boundary. At that time, LML was identified as an intentionally isolated resource dependent facility. The LML campus (now 23 years old) and the related CDFG and NMFS facilities have since become, by location and co-use of seawater facilities, an enclave of coastal dependent marine research facilities separated from the residential and industrial uses of the urbanized areas of Santa Cruz to the east. Appropriate siting for these specialized and public-serving coastal-dependent uses are rare, and the Terrace Point site provides an important opportunity to pursue other integrated coastal-dependent research facilities.

Agricultural operations exist to the west of the subject site directly along the City of Santa Cruz city limit line. These row crop agricultural operations have, for many years, produced primarily brussel sprouts. Brussel sprouts are a one crop per year growing operation with an approximate 8 month growing cycle. Dust generating activities (for field preparation) usually occur a few times per year with fertilizer application taking place over the course of the growing season and pesticide application taking place every few weeks. Such operations have coexisted with LML operations for over twenty years and approximately 5 years with the CDFG operation. The existing minimum buffer distance between the LML campus and Younger Ranch to the west is approximately 400 feet. The buffer distance for CDFG



is approximately 150 feet. Both LML and CDFG are separated to varying degrees from agricultural uses by Younger Lagoon itself. The LML campus is also buffered with a 12 foot berm along the western side of the site which acts as a wind barrier. See Exhibit D.

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

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

Also recently (the latter part of 1998), during the planning process that was underway for the Terrace Point property by the previous landowner (Wells Fargo/ATC Realty), staff of the City of Santa Cruz was recommending that a agricultural buffer zone ranging from 200 to 300 feet be established for the Terrace Point site. Although the City of Santa Cruz staff recommendation for the then-proposed residential uses would have provided a 500 foot buffer distance from agricultural uses, coastal-dependent buildings would have been set back 300 feet, while outdoor parking and storage for coastal-dependent uses would have been set back 200 feet. The status of this City staff recommendation is uncertain given the Applicant's acquisition of the Terrace Point property.

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



See Exhibit E for the survey results.

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

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

LML (1976 – 1997)	400 feet
CDFG (1994 & 1996)	150 feet
NMFS (1998)	700 feet
Raytek (1981)	20 feet

LCP Requirements

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

* Above-ground structures; see also Exhibit D

The proposed development would maintain the existing 400 foot agricultural buffer distance between Younger Ranch agriculture to the west and the LML campus. The project would not move development appreciably closer to productive agricultural operations. Although prevailing winds sweep west to east (from Younger Ranch farming operations towards the LML/Terrace Point site), LML has coexisted with agricultural operations for 23 years with the same buffer. The Applicant has indicated that they have had no problems with the adjacent agricultural operations and that no complaints have ever been registered (Steve Davenport, personal communication). As previously indicated, the subject site is also defined on its western edge by a 12 foot berm which provides a wind lift of sorts for additional buffering. The subject development provides a clearly defined buffer area between itself and upcoast agriculture in the form of Younger Lagoon Reserve and there is little reason to believe that new conflicts will occur between the coastal-dependent LML use and continued farming as a result of the proposed Ocean Health project.

Even with the existing buffer, however, some LML employees, visitors, and other users may find



agricultural operations (e.g., spraying, odors, noise, etc.) a nuisance. In order to absolutely minimize the potential for future conflict that could potentially jeopardize continued agricultural production to the west, this approval is conditioned for a recorded hold-harmless agreement (see Special Condition 4).

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

3. Marine Resources and Sensitive Habitat

Coastal Act Sections 30230 and 30231 provide:

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

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Section 30240 states:

Section 30240(a). Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Section 30240(b). Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed project is located on the coastal terrace directly above and adjacent to Younger Lagoon, a 28 acre wetland system which includes a fresh and saltwater marsh, a barrier sandbar, a backdune pickleweed flat, steep bluffs with dense coastal scrub, a pocket beach, dune lagoon slope and a dense willow thicket. Younger Lagoon is a University of California Natural Reserve that is a part of the



University of California Reserve System. Younger Lagoon is directly west of the subject site on the other side of the 12 foot tall earthen berm separating the LML campus from the Reserve. The Reserve serves as a wildlife refuge and provides for research and teaching in the field sciences. More than 200 species of bird have been identified at the Reserve. See Exhibit F.

The project is also southwest of the seasonal pond on the Terrace Point property (across McAllister Way) delineated as Wetland Site 1. As stated in the 1997 wetland delineation (by John Gilchrist & Associates), "[t]he waterfowl species associated with Younger Lagoon, a U.C. Natural Reserve, also use the pond periodically and include species such as migratory ducks, egrets, great blue herons, black-bellied plovers and killdeer. This wetland site is deemed to be of high value due to significant wildlife use for forage and roosting, and the proximity of the pond to Younger Lagoon." Both the U.S. Army Corps of Engineers and CDFG accepted the wetland delineation in late 1997.

Seaward of the project site approximately 400 feet, is the blufftop edge and the rocky intertidal benches below the LML campus. The Younger Lagoon beach and environs is directly west of this intertidal area. The LML seawater system pumps ocean water from a seacave at this location; seawater is also discharged in the same general vicinity through an outfall pipe in the intertidal zone located approximately 2 feet below mean sea level. This rocky shore biotic community is typical of many of the rocky shores in northern Santa Cruz County with a variable cover of barnacles, marine algae, mussels, and other typical species of marine plants and animals. The Monterey Bay National Marine Sanctuary (MBNMS) is offshore.

The Younger Lagoon Reserve and adjacent coastal bluffs/intertidal areas support numerous species of birds, mammals, reptiles, and insects. Waterbirds and shorebirds forage and nest along the Lagoon shoreline, as well as the bluff, rocky shoreline, and beach habitats below the LML campus. The connection between the Lagoon to the Monterey Bay, and its management as a nature reserve with limited human disturbance, contributes to an overall high wildlife and habitat value in the immediate project area. Both Younger Lagoon and Wetland Site 1 are environmentally sensitive habitats under Coastal Act Section 30240.

3a. Water Quality

The project site is almost entirely developed with structures and impervious or semi-pervious surfaces. Runoff from the gently seaward sloped site is currently collected, along with seawater from outdoor marine mammal tanks, conveyed to a sediment settling tank, and ultimately discharged to an ocean outfall at the base of the bluff seaward of the site. Because of the presence of the earthen berm along the western perimeter of the site, surface runoff not otherwise collected does not generally discharge into Younger Lagoon, although some percolation is likely in the pervious portions of the site.

The proposed project would increase the amount of impervious surface at the site due to the construction of roofs, a paved parking lot, an access road, and other hard improvements. All runoff from road and parking lot areas would be collected and passed through an engineered filtration system (STC 1800 Stormceptor vault) designed to settle storm flows and remove sediment, oils, and other contaminants.



All runoff from building roofs, landscaped areas, and other portions of the site would be collected and settled in the existing settling tank. Filtered runoff from the Stormceptor vault and from the existing settling tank would be discharged into the ocean via the LML seawater return line.

The LML seawater discharge was regulated in the past through a National Pollutant Discharge Elimination System (NPDES) permit as a point source. However, in 1996, the Regional Water Quality Control Board (RWQCB) determined that LML's discharge was not a point source within the meaning of the Clean Water Act and exempted the discharge from NPDES permitting requirements. At the time, the RWQCB did not issue a waste discharge permit or a waiver of waste discharge requirements. Though no longer required by a NPDES permit, the Applicant has continued to monitor the outfall pursuant to the NPDES monitoring requirements and the discharge remains within NPDES water quality standards (Steve Davenport, personal communication).

The Applicant has committed to long-term maintenance of the overall contaminant removal system, including provisions for biannual inspections, sediment removal, and water quality monitoring at the seawater return discharge pipe. However, lacking ongoing review and approval of the Applicant's water quality monitoring reports by RWQCB and MBNMS, it is unclear that water quality will be maintained in the Sanctuary pursuant to current regulations. To ensure that this is the case, this approval is conditioned for RWQCB and MBNMS sign-off for the LML discharge line (see Special Condition 6).

In addition to these post-construction best management practices (BMPs), the Applicant has generally committed to implement erosion control BMPs (straw bale filters, silt fences, gravel drive-off pads, etc.) during the course of construction. However, little specificity has been provided. Grading and construction could result in increased erosion and contribution of sedimentation into Younger Lagoon and Wetland Site 1 if not properly controlled. The proposed development includes the excavation of the building foundations, subdrains and pads. The grading spoils (approximately 3,500 cubic yards) would be removed off site. In order to assure adequate implementation of proper construction erosion control measures (e.g., stockpiling and covering of graded materials, silt mesh fence at the perimeter of the construction site adjacent to wetlands, provisions of temporary stormwater detention facilities, revegetation as necessary, restricting grading and earthmoving during the rainy season, etc.), this approval is conditioned for the submittal of final erosion control plans which detail more precisely the preventative construction measures to be taken (see Special Condition 3).

The Applicant has not yet submitted landscape plans for the project. Accordingly, this approval is conditioned for the submittal of final landscape plans covering all disturbed areas of the site (see Special Condition 3).

3b. Wetland Buffers

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



birds, and mammals. By minimizing disturbance to a wetland from adjacent development, buffers contribute to the health and vitality of functioning wetland systems such as Younger Lagoon.

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

In this case, the structures existing on the subject site are located approximately 90 feet from the Younger Lagoon Reserve boundary, and approximately 140 feet from the edge of wetland vegetation within the Reserve. The reserve is further buffered at this location by a 50 foot wide, 12 foot tall berm which extends along the western boundary of the site and which provides additional separation between the LML campus and the Reserve. Wetland site 1 is located approximately 275 feet to the northeast of existing structures on the site.

The proposed structures would essentially maintain the existing Lagoon buffer with the closest point of separation (at the proposed shop building) located approximately 85 feet from the Younger Lagoon Reserve boundary, and approximately 130 feet from the edge of wetland vegetation within the Reserve. The main Ocean Health building would be approximately 140 feet from the Younger Lagoon Reserve boundary, and approximately 190 feet from the edge of wetland vegetation. Interior lighting for the proposed project would be directed away from lagoon-facing windows, and night/security lighting would be low-height and downward directed, incorporating the use of shields to deflect light away from the Reserve. Wetland Site 1 would be located over 100 feet from the proposed parking area and approximately 300 feet from the main Ocean Health building. See Exhibit F.

The proposed structures would increase building heights from one-story to two, with proposed heights of 36 feet for the Ocean Health building and 17.5 feet for the shop building. The general level of activity and noise at ground level for the site would be expected to be similar to what exists today. However, with the increased building heights, there is the corresponding potential for increased light and noise disturbance directed from the working spaces in these buildings towards the lagoon. It is important to ensure that wildlife in the Reserve is not adversely affected by the increased elevation of activities at the site.

In the case of the shop building, this structure would be set slightly within the berm with its roofline extending above the top of the berm. Although there are skylights set in the roof on its eastern slope, there are no windows or skylights along the western portion of the building. For wildlife present within the Reserve, the shop roof would be an inanimate part of the berm itself. As vegetation takes hold on these slopes, it is likely that the roof would not be seen at all. See Exhibit G.

In the case of the proposed main Ocean Health structure, some additional windows (and corresponding



light and noise sources) would be located along the western side of the structure. However, these windows would not generally be visible from the Lagoon environs. In fact, most of the structure would be hidden from wildlife in the Lagoon by the berm. Cross-sections provided by the Applicant display this relationship (see Exhibit G). Again, as vegetation increases on the berm, this screening would only increase.

Because of the presence of the adjacent berm and the 130 foot wetland vegetation buffer area, any impacts from the proposed development on adjacent Younger Lagoon wetland habitat would be negligible. Likewise, the 300 foot buffer from buildings and the over 100 foot buffer from the parking area to Wetland Site 1 allows adequate separation to protect this wetland resource. The Applicant has included a Wetland Site 1 and Lagoon-sensitive lighting scheme to further minimize potential conflicts. Any potential impacts can be further mitigated by ensuring that the Applicant follows through on the CEQA mitigations associated with the project requiring berm revegetation with plant species compatible with the adjacent vegetation communities and eradication of exotics (for example, poison hemlock currently growing on the berm). Accordingly, this approval is conditioned for a berm revegetation planting plan for the site (see Special Condition 5).

The Commission further notes that the existence of the 12 foot tall earthen berm on the western perimeter of the LML campus is a valuable buffering tool for protecting sensitive lagoon resources. In CDP 3-97-050 for the Marine Discovery Center, the Commission authorized a 600 foot berm extension just to the north of the subject site in recognition of the beneficial resource impact to be realized from the existence of such a vegetated buffering device. Such benefits include not only the buffering ability, but the ability to increase Lagoon vegetation on the extended slope face provided on the Lagoon side of such berms. In that case, approximately 4,500 cubic yards of soils excavated for Discovery Center site preparation were utilized for the 6 to 10 foot high earthen berm section.

In this case, the Applicant proposes to dispose of the 3,500 to 3,800 cubic yards of excavated material off-site (possibly on the neighboring Younger Ranch). These spoils could more appropriately be utilized on-site to extend the existing berm north towards the CDFG facility. Such an endeavor would be consistent with FEIR mitigation measure 13A incorporated by reference into the July 1999 FEIR Addendum for the Ocean Health project. Such additional berming would help to separate Younger Lagoon from existing McAllister Way traffic as well as upper terrace activity associated with the CDFG facility and other upper terrace development (currently abandoned greenhouses). Utilizing Marine Discovery Center calculations, approximately 500 feet of additional berming would be possible with the proposed Ocean Health excavation. Accordingly, this approval is conditioned for submittal and implementation of a berm construction and vegetation plan to extend the existing Younger Lagoon berm.

3c. Environmentally Sensitive Habitat

The existing site is disturbed and does not support any environmentally sensitive habitat. However, some sensitive species can be found in the Younger Lagoon Reserve, the Younger beach area, and on adjacent Terrace Point property to the east. According to the project CEQA documents, species that have



been observed on or nearby the site include California red-legged frog, California brown pelican, northern harrier, merlin, Peregrine falcon, snowy plover, and black swift. Of these special status species, only the merlin and northern harrier have been identified in the same general project vicinity on the adjacent Terrace Point parcel. As stated in the 1999 CEQA Addendum for the Ocean Health project:

The only special-status wildlife species with the potential to occur on the adjacent site which could be affected by the proposed project are the northern harrier and the merlin, both California Department of Fish and Game bird species of special concern. The direct loss or disruption of an active nest of these species would be considered a "take" under the Migratory Bird Act and a potentially significant effect under CEQA. Merlins are migratory winter visitors to the site, but are not thought to breed in the project vicinity. Northern harriers, however, may nest in the vicinity of the project site. The Final EIR includes a mitigation measure for impacts to this species which would be implemented by the project. A preconstruction survey would be conducted for nesting harriers between March and July (the harrier nesting season) if any construction activities would be initiated during that period. Any occupied nests found would be protected by a buffer zone, whose size would be established in consultation with the California Department of Fish and Game (Mitigation Measure 16B). Current project plans call for construction to commence outside the northern harrier breeding season.

Adjacent environmentally sensitive wetland habitats (Younger Lagoon and Wetland Site 1) are discussed above.

As conditioned, the Commission finds that the proposed project would maintain marine resource water quality; would not adversely impact adjacent wetland habitats; and would not impact other environmentally sensitive habitat areas; and, as such, is consistent with Coastal Act Sections 30230, 30231, and 30240.

4. Visual Resources

Coastal Act Section 30251 states:

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

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



from Highway 1, is the low profile De Anza Mobile Home Park. This site provides both a visual and land use transition between urban uses and the undeveloped north coast. The LML/Terrace Point property is in a highly scenic location, being visible from Highway 1 and located at the entryway to the City for southbound travelers from rural Santa Cruz County. Views entering Santa Cruz on Highway 1 from the north include the open fields of Terrace Point, and in the distance the CDFG Oiled Wildlife Facility, the Long Marine Laboratory water towers, and now the Marine Discovery Center. The site is also visible from the hills of Wilder Ranch State Park and from the bluff at Natural Bridges Beach State Park.

In terms of public views from Highway 1, the top portion of the proposed Ocean Health structure would be visible, as is the Marine Discovery Center now, over the earthen berm on the western edge of the site. However, this distant public view from the Highway would not be altered appreciably as the site is below Highway 1 in elevation and the structure would not intrude upon the horizon (i.e., the ocean would be visible above the building). Moreover, view corridors between the Discovery Center and the Ocean Health Building would be provided.

In terms of public views from Natural Bridges State Park, the roofline of the proposed Ocean Health building would be visible over the top of De Anza mobile homes and just next to the existing Marine Discovery Center as viewed from the free blufftop public parking area seaward of the main Park entrance. The Discovery Center figures very prominently in this Natural Bridges view as a generally imposing structure on the coastal bluff. This distant public view would likewise not change appreciably with the addition of the roofline of the proposed Ocean Health structure as existing structures (De Anza mobile homes, Marine Discovery Center) extend across the entire landmass visible from this location.

In terms of local views and the visual character of the immediate site, the proposed buildings have been designed to harmonize with the rural barnlike structures at Long Marine Lab, including the Marine Discovery Center and the CDFG Oiled Wildlife Facility (board and batten wood siding, slate shingles, building masses broken into smaller sub-elements). The project would serve to consolidate the numerous existing trailers strewn about the site (which would mostly be removed), and the some of the more haphazard existing equipment storage, into improved covered facilities. Likewise, ad hoc parking and pedestrian areas would be improved. The site will be landscaped. Aesthetically, such improvements would generally enhance visual attributes of the LML site itself.

However, the proposed structures would undeniably alter the setting and the overall scenic aspects of the coastal bluff area at this location. The Ocean Health building would be 36 feet in height. For comparison, the LML seawater tanks, arguably LML's most prominent visual feature, are 35 feet tall. The two existing permanent LML buildings (the Younger Building and the Research Building), are both less than 20 feet tall. At 36 feet tall with a 12,000 square foot footprint (23,000 gross square feet), the proposed Ocean Health building would introduce a very large mass into the general project vicinity. This building would approximately double the existing gross square footage of the main assemblage of research facilities at the LML campus (excluding the Discovery Center). For comparison, this building would be larger in scale than the recently permitted Marine Discovery Center approved at 24 feet tall (28



feet at the rooftop gables) with a 16,700 square foot footprint and 19,000 gross square feet of building space. Staff observation has been that the Marine Discovery Center (currently nearing completion) appears quite large in scale as viewed next to the existing LML campus buildings. See Exhibit B for project elevations and architectural renderings.

While not a part of the project currently before the Commission, the Applicant has conceptual plans for a future expansion of the Ocean Health building (at the same general mass and scale) which would add approximately 16-20,000 additional square feet of building space (see Page 2 of Exhibit B).

As viewed from Terrace Point and the north, the main LML campus site is already developed with several buildings, tanks, and other structures. However, with the exception of the Marine Discovery Center, these structures are generally an unimposing sight which evoke a sense of a scattered research outpost along the coastal bluff. With the addition of the Ocean Health building (even more so if it is eventually doubled in size), overall site dynamics will change. The effect would be a very densely occupied corner of the overall Terrace Point area. The Marine Discovery Center building authorized by the Commission in 1997 was clearly the first step towards this increased densification. Again, see Exhibit B

Such a densely developed corner of the overall Terrace Point site might not be problematic were the overall site left largely undeveloped. In such a case, LML development would be seen as a developed node on a larger, generally undeveloped, open space area. However, lacking an LCP/LRDP for the site, this cannot be guaranteed with any degree of certainty.

It may be feasible for the Applicant to slightly modify the proposed project to alleviate some of the Commission's concerns. The project height could be lowered (e.g., through some below grade construction, lower ceilings, reduced ceiling level mechanical space, moving second floor ceiling mechanical space into roof element, reduced roof pitch, etc.). The project massing could be altered (e.g., to spread the two stories over the site as a one story building, to add further architectural relief to the long, tall side walls, etc.). The overall scale could be reduced (i.e., a lower square footage). However, any such modifications that reduce project size will also correspondingly reduce coastal related marine research abilities.

Moreover, the Applicant has already worked and reworked the architectural and structural details several times to pursue the smallest possible massing while still accommodating LML program goals. Floor heights have been minimized, structural elements have been placed in the roof eave, minimum uniform building code room heights have been utilized for multiple offices, et cetera. During the course of these architectural deliberations, various design concepts were manifested which have resulted in the proposal before the Commission. The Applicant clearly wants to continue to evoke the sense of a remote coastal research station with utilitarian buildings, exposed infrastructure (e.g., seawater tanks), linear forms stretching toward the ocean, and native coastal landscaping. The Applicant is also trying to unify the LML campus with similar board and batten barnlike design. The Applicant likewise is trying to foster interaction among scientists criss-crossing between the research areas as well as the Marine Discovery



Center's educational facilities. On the whole, absent major modification or major reduction in usable space, actions that would severely compromise the LML mission at this location, the proposed project has been minimized to "quiet" the general sense of mass and scale for the structures.

The existing LML facility has not grown appreciably since the expansion authorized in 1983. In the ensuing 16 years, the Monterey Bay area has become a national center for marine research activities, and a national sanctuary. No less than 18 major marine science facilities are operating in the Monterey Bay area; the vast majority of these in Monterey, and to a lesser degree in Moss Landing to the south. These marine science facilities have a combined annual budget of \$120 million and more than 1,600 staff. At the Terrace Point site, the LML campus and the related CDFG and NMFS facilities have themselves become, by location and co-use of seawater facilities, an enclave of coastal dependent marine research facilities separated from the residential and industrial uses of the urbanized areas of Santa Cruz to the east. Appropriate siting for these specialized and public serving coastal dependent uses are rare, and the Terrace Point site provides an important opportunity to pursue other integrated coastal-dependent research facilities. See also Exhibit C for the Applicant's detailed project description.

Accordingly, although the local site vicinity would be altered by the new building, such a building, and the marine research educational mission it serves, represents a Coastal Act priority use. The proposed building would be similar in size and mass to the Marine Discovery Center and would serve to consolidate and expand LML marine research activities. On balance, the Commission finds that the proposed building is compatible with the existing LML development and will not adversely impact the public viewshed at this location. Because landscape plans have yet to be submitted, and because the Applicant has submitted several plan sheets at different times in the application process, this approval is conditioned for the submittal of final plans for Executive Director sign-off to clarify the record (see Special Condition 3).

However, the Commission also finds that with the completed construction of the proposed Ocean Health Building, along with the Marine Discovery Center (nearing completion), the NMFS facility (under construction), the CDFG facility and the remainder of the developed LML campus site, a significant cumulative visual impact from building scale and site coverage may well occur. Note that the NMFS facility authorized by the Commission in 1998 and currently under construction will be a 36 feet tall, 2 story, 53,400 square foot building mass at the center of the Terrace Point site. With the exception of these facilities, the surrounding Terrace Point area is primarily open space, and nearby structures to the east are of low heights (i.e., the De Anza Mobile Home Park with structures 12 feet in height or less). A continued development pattern of the intensity and height of the existing and proposed facilities across the Terrace Point parcel would substantially transform the visual character of the Westside Lands, particularly its open coastal bluff setting and natural resource areas.

In other words, notwithstanding its visual compatibility as a complementary project adjacent to existing similar uses, the proposed Ocean Health building and the resulting density of the LML node, will affect the visual character of the overall Terrace Point area. If the Center for Ocean Health is approved as envisioned, these impacts can only be accounted for through future planning efforts for Terrace Point.



The Commission observes, therefore, that future development proposals for Terrace Point will need to be evaluated within the context of the entire site, including the partial commitment to development on the western fringe of Terrace Point that the LML campus represents.

With the completion of the Ocean Health Building, the LML campus on the southern terrace of the LML parcel should be viewed as a tight cluster of grouped uses appropriate to maintaining the campus perimeter. Such a facility should be viewed as a developed node on the otherwise undeveloped coastal meadow. The Commission considers the density, scale and mass of this primary LML campus development as unique to this specific site within the overall Terrace Point area, and does not view this permitted development as indicative of the general scale of development appropriate for the vacant Terrace Point lands. Moreover, by allowing such a mass, scale, and density of development at the LML campus site, the Commission expects that large undeveloped open space areas which separate developed areas of the property will be observed should other development be contemplated for the overall vacant Terrace Point parcel.

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

In any event, given the high priority coastal-related use proposed and the fact that the proposed development will not significantly alter scenic public views because of its physical relationship to existing development on the LML site, the Commission can find that, as conditioned, this partial commitment to development on Terrace Point is, therefore, consistent with Section 30251 of the Coastal Act.

5. Public Access and Recreation

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

30210: In carrying out the requirement of Section 4 of Article X of the California Constitution,



maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

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

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

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) adequate access exists nearby, or,*
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

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

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

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

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

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



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

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

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

More importantly, pursuant to the conditions of approval for the closure, the issue of public access to the beach and lagoon was to come back to the Commission for review 5 years after the closure was approved (i.e., in 1986). Although the Commission has reviewed several LML projects over the years, this particular requirement has not been fulfilled. Accordingly, this approval is conditioned to require such a review of the overall management plan for the beach and lagoon system, and whether continued blocked public access is appropriate (see Special Condition 8).

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



The approved 1987 management plan kept the Younger Lagoon and beach area off limits to public access. Public access was to be provided through docent led tours and through several lagoon overlooks. The coastal trail was to follow to "the fullest extent possible around the perimeter of the wetland" and along the eastern edge of McAllister from north to south to the coastal bluff. At the bluff, a blufftop trail (old farm road) provided lateral access east towards Santa Cruz across Terrace Point. Fencing along McAllister Way defining this public access separation was authorized by the Commission through CDP P-1859 and modified slightly pursuant to CDP amendment 3-83-076-A8 in 1996.

The proposed project would move the public access perimeter slightly to the west through the placement of the building and several sections of chain link and wood fences. This perimeter would help to define the LML campus core so that security for research activities could be better provided. Two parts of this perimeter fencing are problematic. The first problem is that it is not clear from the submitted plans how access to the overlook at the small break in the berm (located at the northwest portion of the subject site) would be provided. The fencing clarification recently submitted by the Applicant shows this overlook fenced off. Such a blockage appears to be at odds with the goals and long-term objectives of the 1987 adopted management plan and the access policies of the Coastal Act.

The second problem concerns defining an overall perimeter that includes the main LML campus and the nearing completion Marine Discovery Center to the east. The recently submitted fencing clarification shows that the Applicant intends to install fencing extending across McAllister Way from the main LML buildings to the Discovery Center. Such fencing would block off vertical access between the two buildings. Moreover, the fencing clarification also shows a fence which would extend from the eastern side of the Discovery Center to the coastal bluff. Effectively barring lateral public access in front of the building. See Page 2 of Exhibit B for the Applicant's proposed perimeter fencing scheme.

This issue of perimeter fencing and the Discovery Center (approved by the Commission in 1997) also continues to be a point of contention in condition compliance discussions between the Applicant and Commission staff. Although the Discovery Center application materials did not include a fence extending from the eastern side of the Discovery Center to the coastal bluff, and the Commission did not specifically discuss or authorize such a fence in the staff report or the public hearing, the Applicant has, nonetheless, submitted plans for the Marine Discovery Center which show this same perimeter fencing scheme.

When the Applicant came in with the Marine Discovery Center application, the adopted management plan provided for through public access along the eastern edge of McAllister Way through to the bluff edge and then east along the blufftop (seaward of the current Discovery Center). The Commission specifically found in CDP 3-97-050 that:

An elevated wood boardwalk will provide public access across the bluff but protect the bluff vegetation to be restored by the applicant.

The Commission finds that perimeter fencing identified in both the fencing detail provided by the Applicant for this application, and in the fencing detail provided by the Applicant for condition



compliance on the Discovery Center, blocking off lateral blufftop access was not approved through CDP 3-97-050. It is particularly important to maintain vertical and lateral public access along McAllister and across the bluff in front of the Discovery Center, as defined by the 1987 adopted access management plan, given the public access prohibition immediately adjacent to the west, and the many years unencumbered of public use of this "loop" trail. Accordingly, this approval does not authorize any fencing which would block access along McAllister Way to the blufftop, and does not authorize any fencing which would block public access on the eastern side of the Marine Discovery Center.

In order to ensure adequate public access, this approval is conditioned for: (1) the submittal of final plans which provide for through public access down McAllister Way to the bluff and along the bluff in front of the Discovery Center to the De Anza Mobile Estates (see Special Condition 3); and (2) an interim public access plan for the LML/Terrace Point site which provides for access along McAllister and along the coastal bluff (see Exhibit H and Special Condition 7). As stated above, this approval is also conditioned for Commission review of the overall management plan for the lagoon and beach area, including overlooks (see Special Condition 8). The interim public access plan would be in effect until modified by the Commission's review of the lagoon/beach closure or the Commission's certification of a formal public access plan through a LCP and/or LRDP process.

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

6. Public Services

Coastal Act Section 30250(a) states:

Section 30250(a). New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Coastal Act Section 30252 states:

Section 30252. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public



transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Coastal Act Section 30254 states:

***Section 30254.** New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

6a. Utilities

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

Since the original LML approval, several urban services have been extended to the site. The LML site is currently served and/or has been previously authorized by the Commission to install the following utilities: water, sanitary sewer, electricity, phone, and natural gas. These utilities are private utilities designed to serve the needs of permitted development at the LML campus. The Commission previously approved the following improvements on the site: private access road extending from the intersection of Delaware and Shaffer (pursuant to CDP P-1859), electric and phone utilities (pursuant to CDP P-1859), private water line (pursuant to CDP amendment 3-83-076-A11), private sewer system (permitted for the LML campus pursuant to CDP 3-97-050), and natural gas (pursuant to CD-50-98 and CDP amendment 3-97-050-A1). The Applicant is not requesting any additional utilities for the proposed development.

The Commission has been careful to insure that permitted utility infrastructure for LML would not be growth inducing and would not frustrate any future LCP/LRDP planning efforts for the LML site and Terrace Point. Towards this end, the Commission has been careful to limit public services to those necessary to serve the coastal-dependent facilities authorized. Specifically, special conditions have been imposed which do not allow for non-LML users to utilize these facilities. These conditions on the use of



utilities remain in effect. In terms of the water line, Commission-imposed conditions in CDP amendment 3-83-076-A11 included Special Condition 1:

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

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

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

The previously approved project (LML/Marine Discovery Center/CDFG facility) and the proposed amendment represent a type of land use which, in the event of limited public works capacities, is a high priority for service. The existing assemblage of LML structures proposed for replacement are served by the existing permitted infrastructure. There are approximately 66 users in this area now, and the proposed Ocean Health building's projected occupancy is 70 users. In general, the Ocean Health building would be providing improved space for existing permitted uses, and users, on the LML site which are already permitted to use the sewer and water utilities pursuant to CDPs 3-97-050 and 3-83-076-A11. The Applicant is not requesting any additional utilities for the proposed development and the City of Santa Cruz has determined that there is adequate water supply and adequate wastewater treatment capacity to satisfy any additional incremental demands that may be generated by the proposed development.

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

6b. Traffic and Parking

Access to the LML site is provided by a private road (on a non-exclusive easement) which extends from the Delaware Avenue-Shaffer Road intersection to McAllister Way; McAllister is a private 20-foot wide



oil and gravel road which runs along the eastern edge of the Long Marine Laboratory site. A security gate with keyed access at Shaffer Road restricts public access to LML after hours. Delaware Avenue is a 2-lane collector street which runs parallel to Mission Street (Highway 1); several streets provide connections between Mission Street and Delaware Avenue. The Applicant is not proposing any street improvements.

According to the FEIR Addendum adopted by the University in July 1999 for this project:

The proposed project would generate approximately 71 additional vehicle trips per day, approximately 4 percent of the total that would be generated with buildout under the Master Plan. Of these new trips, approximately 11 would take place during the PM peak hour.

The Final EIR reported that Long Marine Laboratory traffic increases at Master Plan buildout would not cause any intersections operating at acceptable levels of service to drop to unacceptable levels. The 1993 Final EIR did report that buildout under the Master Plan would contribute additional traffic to Mission Street, including the Mission Street/Almar intersection, which was then operating at unacceptable levels of service. The Mission Street widening project was then scheduled for completion in 1997. That project would have reduced the short-term significant adverse impact on the affected intersection to a less-than-significant level, and it was identified as a mitigation measure in the Final EIR.

The Mission Street widening has not yet been completed (although the project is reportedly back on track and is now scheduled for completion by fall 2001). That means that the proposed project, like other Long Marine Laboratory projects, could potentially contribute to a short-term adverse traffic impact, as reported in the Final EIR. It should be noted, however, that the affected intersection (and other Mission Street intersections) are presently operating at acceptable levels of service. The addition of 11 peak hour trips to Mission Street would not be likely to result in a significant adverse traffic impact.

The Project implements applicable traffic mitigation measures from the Master Plan EIR, including the provision of 20 bicycle parking spaces in an outdoor rack to be located near the Ocean Health building (Mitigation Measure 26A), the provision of showers (Mitigation Measure 26C) and the expansion of transportation demand measures, including shuttle service to the campus (Mitigation Measure 26C). The proposed project would also provide 31 parking spaces to replace approximately 40 existing ad hoc parking spaces. The project would also provide 20 bicycle parking spaces in an outdoor rack to be located near the Ocean Health building (Mitigation Measure 26A).

According to the LML Master Plan FEIR, peak hour level of service (LOS) on the 3-lane section of the Mission Street/Highway 1 corridor west of Bay operate at level of service F (representing the worst type of congested conditions); where more than 3 lanes are provided, LOS is better than F. According to the 1999 FEIR Addendum, all of the Mission Street/Highway 1 intersections are operating at acceptable levels of service (as defined in the FEIR, LOS D or better). Clearly the Mission Street/Highway 1



corridor is a very congested roadway. This corridor provides a main arterial for traffic from northern Santa Cruz County and the west side of the City of Santa Cruz through to the Santa Cruz downtown area. However, it is not anticipated that the small number of additional trips attributable to the project would make the matter significantly worse. The Delaware Avenue intersections near to the subject site currently operate at acceptable levels and will continue to do so with the small number of additional trips that would be generated by the project.

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

In terms of parking supply, it is not clear that the proposed 31 automobile parking spaces will be sufficient to accommodate all users of the site. In fact, according to the 1999 FEIR addendum, this is a reduction in parking spaces currently provided at the site. While not the standard of review in this case, the City's LCP would require approximately 71 parking spaces for the proposed Ocean Health facility; an additional 40 spaces. Even should the Applicant meet its goal of 1.5 persons per vehicle, only 47 site users would be able to utilize automobile parking; 23 users would need to bike, bus, walk, et cetera.

It is acknowledged that the Applicant would provide ample bicycle parking and shuttle service to the main campus. It is further acknowledged that the close proximity of the proposed new parking lot to the existing parking area located north of the Marine Discovery Center will accommodate overflow use both directions; high Marine Discovery Center visitor use on weekends can overflow into the Ocean Health parking lot, high research and business use during the week (when public visitation is low) can overflow into the Marine Discovery Center parking lot. It is further acknowledged that traffic and parking patterns are likely different for a teaching research facility than a typical research and development facility.

Nonetheless, the Commission needs assurance that future parking demand issues will not create undue pressure to pave over more space than is absolutely necessary to accommodate existing permitted uses at the LML site. Clearly the Applicant is attempting to minimize such space given over to parking with the current Application. The stated FEIR goal in providing a minimum of parking is to "serve to encourage the provision of alternative transportation modes." The Commission does not want to penalize this approach – and does not want to pave over any more space than is absolutely necessary to serve the project.

The Applicant has agreed conceptually to monitor parking demand and implement transportation demand management measures through implementation of FEIR mitigation measure 26C. In order to assure that this mitigation measure is adequately implemented consistent with Coastal Act parking requirements, this approval is conditioned for submission of the FEIR-required annual parking demand monitoring reports. Should additional parking be required to serve LML development, increased use of off-site parking and shuttle services would be required (see Special Condition 9).

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



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

7. Archaeological Resources

Section 30244 of the Coastal Act states:

Section 30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

A survey of the site was conducted by Biosystems Analysis, Inc. in December 1992. The field survey noted a number of Monterey chert pebbles, all of which appeared to be of natural origin, but did not identify any indication of archaeological or paleontological resources. This survey was augmented with a records search and a review of previous archaeological surveys, which likewise did not identify any reports of archaeological sites within or adjacent to the site. However, there is a small possibility that project grading and excavation could disturb resources not heretofore identified. The Applicant has proposed mitigation to halt work within 150 feet of any archaeological resources discovered and to implement mitigation measures consistent with the recommendations of a qualified archaeologist. Therefore, the Commission finds that the proposed development is consistent with Coastal Act Section 30244.

8. LCP/LRDP Planning Process

The City of Santa Cruz Westside Lands (including Terrace Point) remains an Area of Deferred Certification. 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. 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 (both the LML and Terrace Point properties). 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. In any event, such an LRDP 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.

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:

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 LML, by the Applicant and the CDFG for the oiled wildlife rescue facility, and by NMFS for their research 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 LCP 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 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.

The proposed development acts to replace previously permitted LML development with improved structures. No new public services or utilities are proposed for the project.

For the reasons discussed in this report, the Commission finds that, as conditioned: the proposed development would not prejudice Commission action on future decisions regarding development of the LML/Terrace Point lands; and is consistent with Coastal Act Section 30604 which requires that development not prejudice local governments ability to prepare a local coastal program that conforms to the Coastal Act.

9. California Environmental Quality Act (CEQA)

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

The University adopted an addendum to the previously certified LML Master Plan FEIR for this project. The relationship of the addendum to the original FEIR is discussed in the Addendum adopted by the University in July 1999:

On November 19, 1993, The Regents approved the Long Marine Laboratory Master Plan. In conjunction with their approval of the Master Plan, The Regents made Findings, adopted a Statement of Overriding Considerations, and certified a Final Environmental Impact Report



("Final EIR") in accordance with the California Environmental Quality Act ("CEQA"). The University had prepared a Notice of Preparation ("NOP") for the EIR on October 19, 1992; the NOP was circulated to responsible agencies and to interested groups and individuals for a 30-day period. The Draft EIR was published on July 13, 1993 and was circulated for a 45-day public review period which concluded on August 27, 1993. A total of 16 letters were received from state, local, and regional agencies and members of the public. In addition, members of the public were invited by formal public notice to submit oral comments on the proposed Master Plan EIR at a public hearing for that purpose held on July 29, 1993.

The first Addendum to the Master Plan EIR was prepared for the Marine Discovery Center, the first building constructed under the Master Plan. A Notice of Determination in connection with that Addendum was filed with the State Clearinghouse on July 17, 1997.

The second Addendum to the Master Plan EIR was prepared on July 1, 1999 for the construction of the Center for Ocean Health.

The purpose of the Addendum is threefold: (1) to evaluate whether the Project could result in any project-specific environmental effects that were not examined in the Master Plan EIR; and (2) to serve as an addendum to the Master Plan EIR that makes minor technical changes and additions to the Master Plan EIR in order to analyze the project-specific environmental effects of the Project; and (3) to account for a change in circumstances since certification of the Master Plan EIR that would not require major revisions to the Master Plan EIR. The Addendum also briefly discusses additional alternatives to the Project.

The Addendum analyzes and summarizes the potential Project impacts in relation to the environmental analysis in the Master Plan EIR in the following environmental topic areas: Geology and Soils; Hydrology and Water Quality; Marine Resources; Biotic Resources; Cultural Resources; Visual Quality; Population, Employment, and Housing; Traffic and Circulation; Air Quality; Noise; Public Services and Utilities; Hazardous Materials; and Land Use. It also identifies Master Plan EIR mitigation measures relevant to the Project that must be implemented as part of the Project. All mitigation measures in the Master Plan EIR relevant to the Project, as identified in the Addendum, as well as all Project components described in the Addendum, are included in the Approval and are made conditions of the Project.

CEQA and the University of California Procedures for Implementation of CEQA do not require circulation or public hearings in connection with preparation or adoption of an Addendum. No public hearing was conducted for the Addendum.

The Addendum generally summarizes and makes minor modifications to the information set forth in these three documents (Long Marine Laboratory Master Plan, Master Plan EIR, and Addendum #1), and fully supports approval of the Project...

[T]he analysis in the Addendum indicates that the Project, with the implementation of relevant



Master Plan EIR mitigation measures, will incrementally contribute to impacts previously identified in the Master Plan EIR, but will not result in any new significant impacts, increase the severity of significant impacts previously identified in the Master Plan EIR, or cause any environmental effects not previously examined in the Master Plan EIR. All significant impacts to which the Project would contribute have been addressed in the Addendum, in the Master Plan EIR, and in the Findings and Statement of Overriding Considerations adopted by The Regents in connection with its approval of the Master Plan. No additional mitigation measures are feasible to substantially lessen the short-term significant and unavoidable impacts previously identified in the Master Plan EIR.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The issues previously identified in the LML Master Plan FEIR and Addendums (1 & 2), as well as others that have become apparent through the course of application review, have been discussed in this staff report and appropriate mitigations have been developed to supplement and clarify the University's adopted CEQA mitigations. 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.



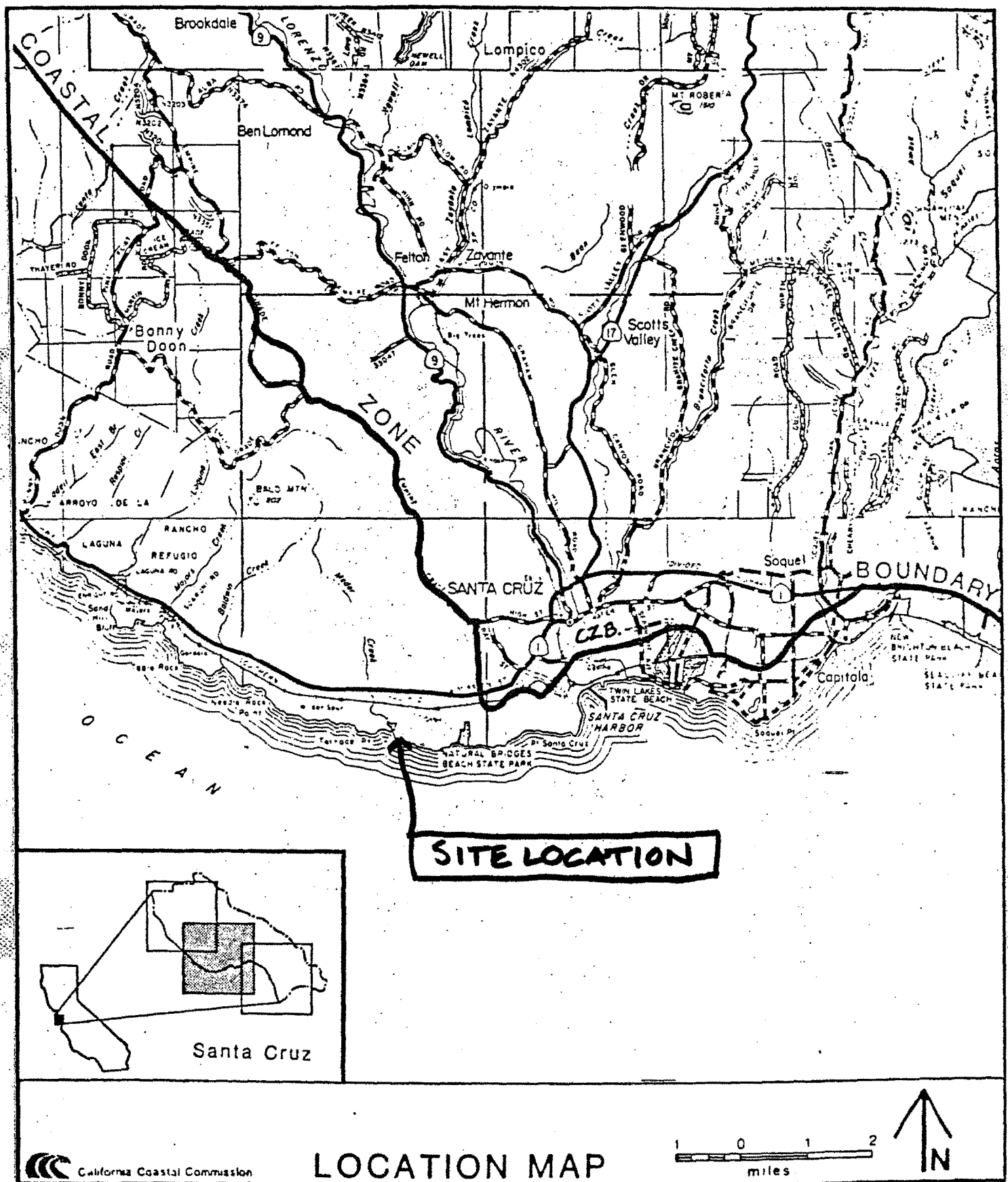


EXHIBIT A
(1 OF 4)

SITE LOCATION

APPROXIMATE COASTAL ZONE

BOUNDARY

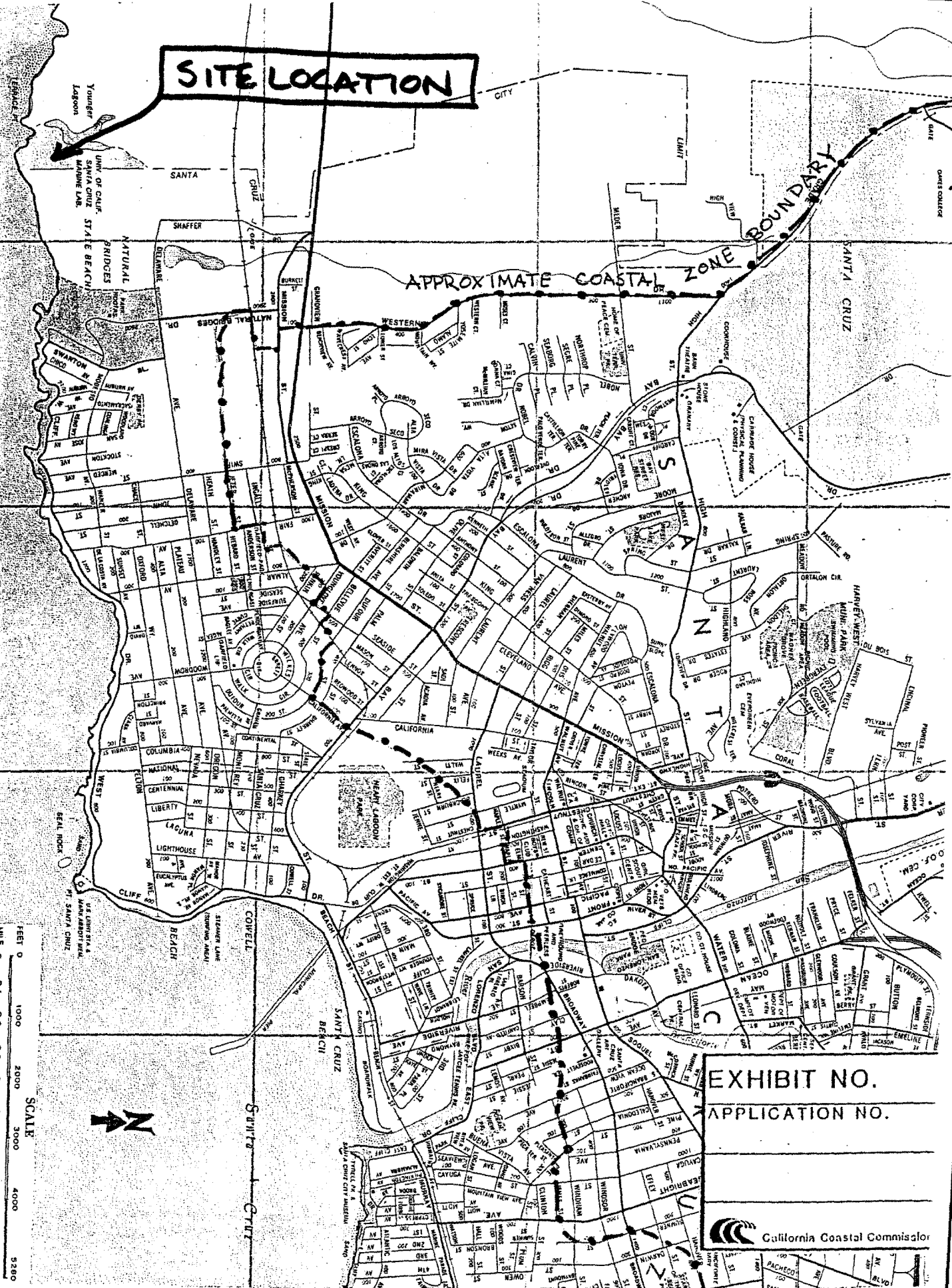
EXHIBIT NO.
APPLICATION NO.

California Coastal Commission

EXHIBIT A
(20F4)

SCALE

FEET 0 1000 2000 3000 4000 5280
MILE 0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 1.0
METERS 0 200 400 600 800 1000 METERS
ONE KILOMETER = 1/2 MILE



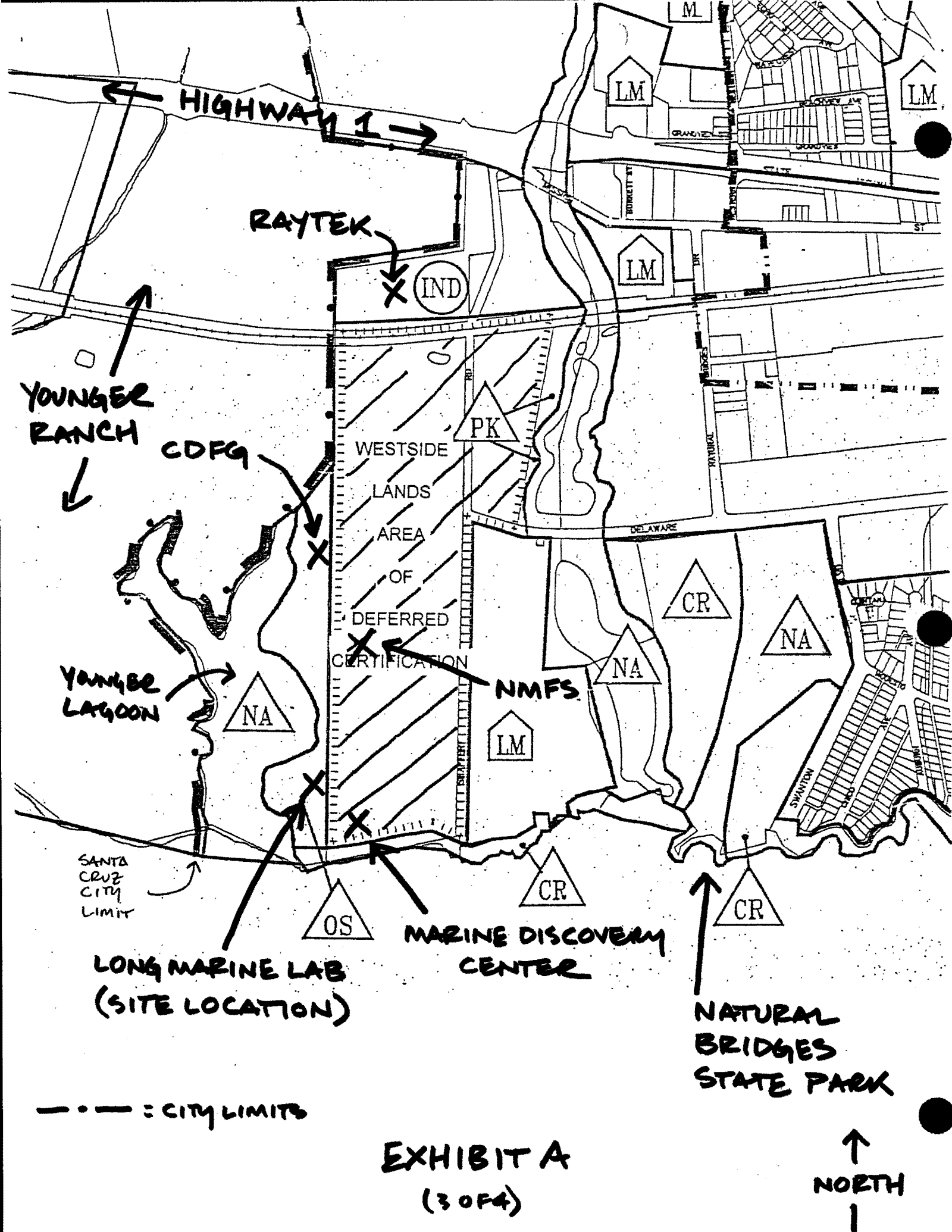


EXHIBIT A
(3 OF 4)

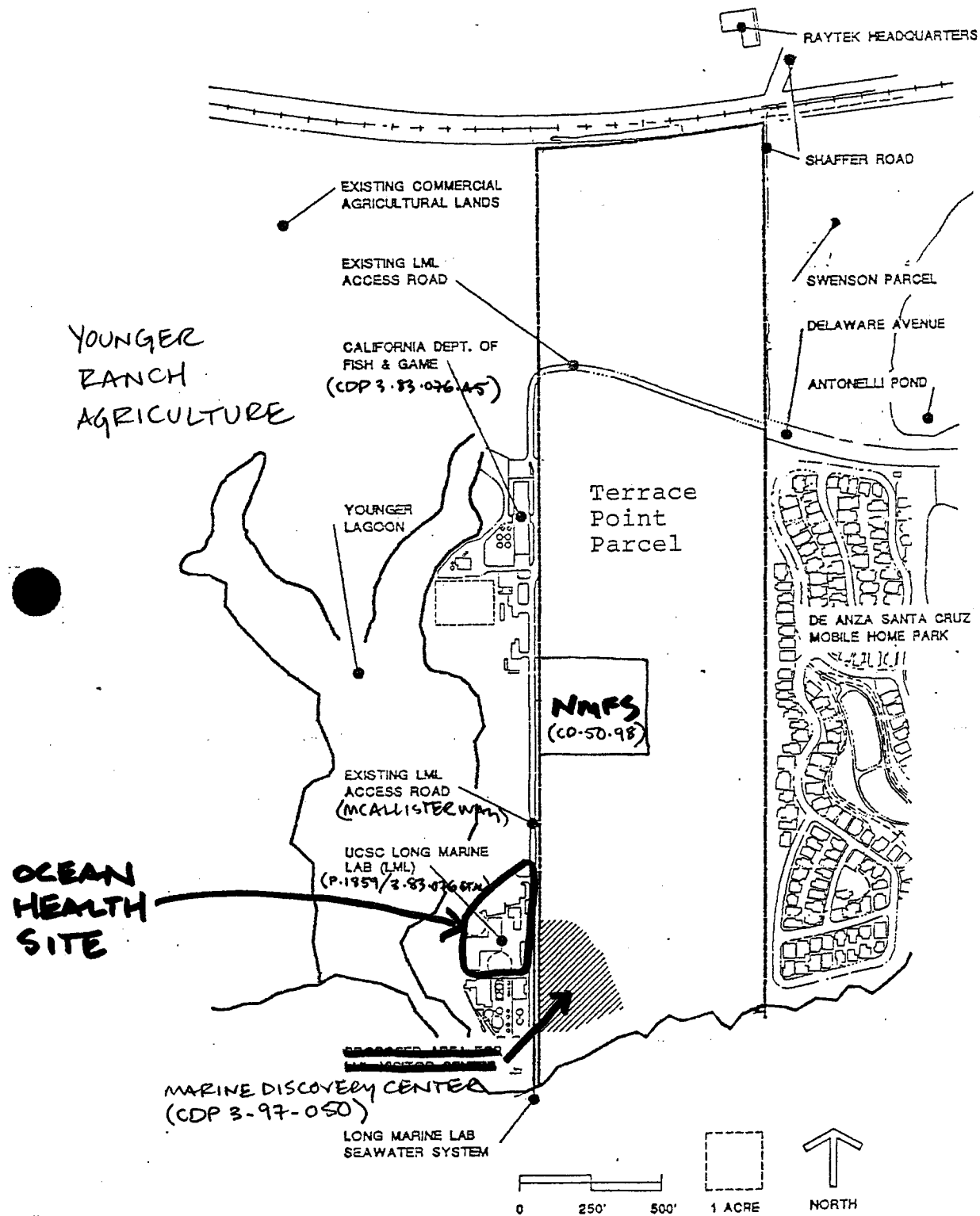


EXHIBIT A
(4 OF 4)

RECEIVED

JUL 13 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

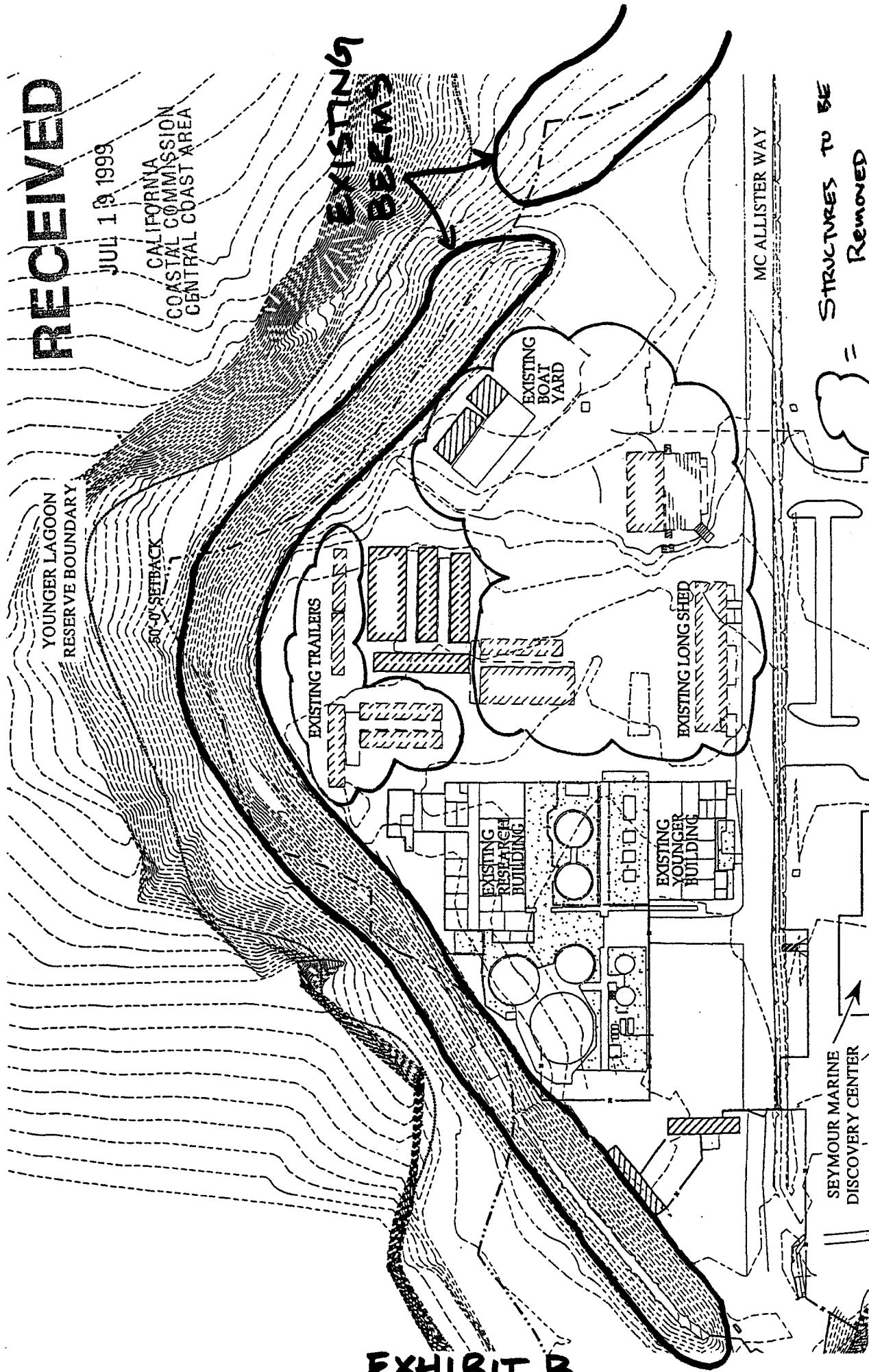


EXHIBIT B
(1059)

CENTER FOR OCEAN HEALTH SITE

Existing Project Site

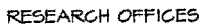
(Source: SRG Partnership, Inc., 1999)

Figure 2

(b)(2)



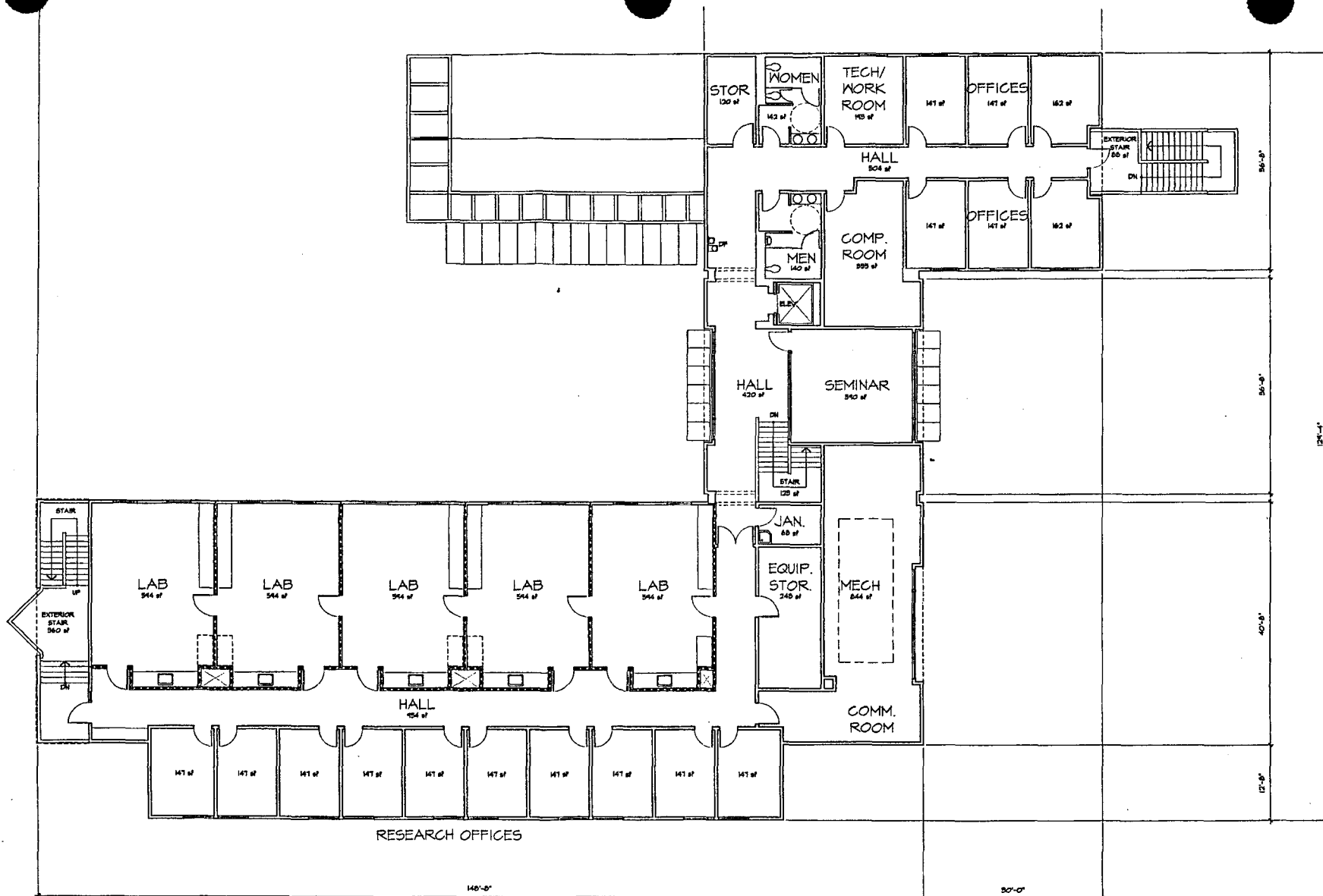
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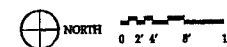
FIRST LEVEL FLOOR PLAN



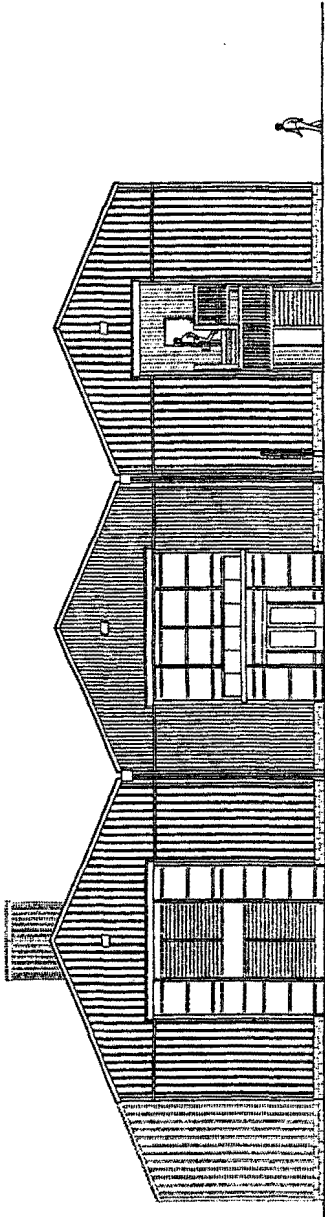
EXHIBIT B
(4059)



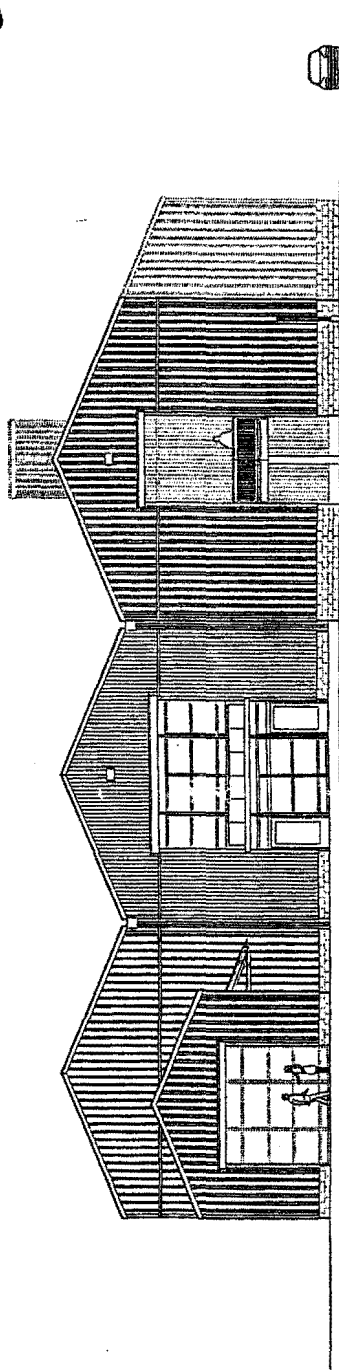
**OCEAN HEALTH BUILDING
SECOND LEVEL FLOOR PLAN**



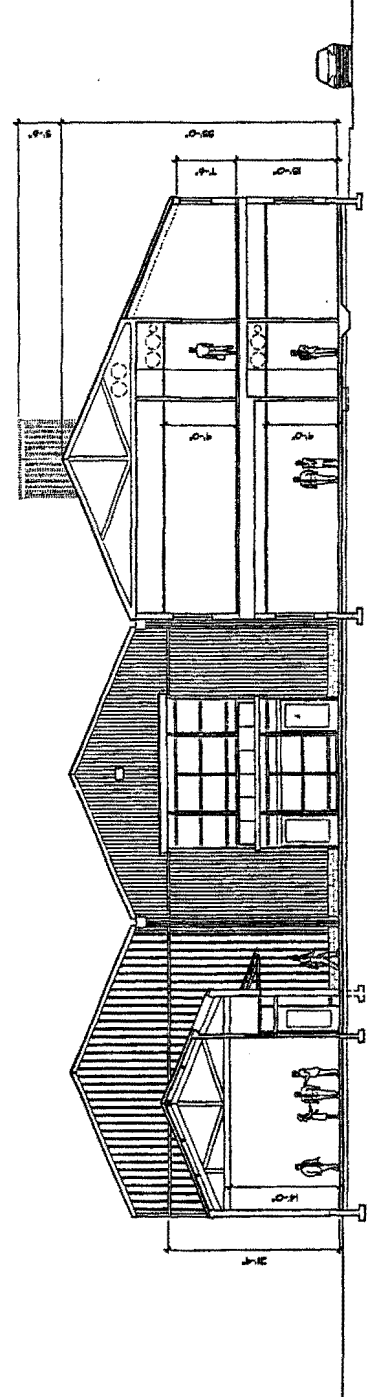
OCEAN HEATH ELEVATIONS



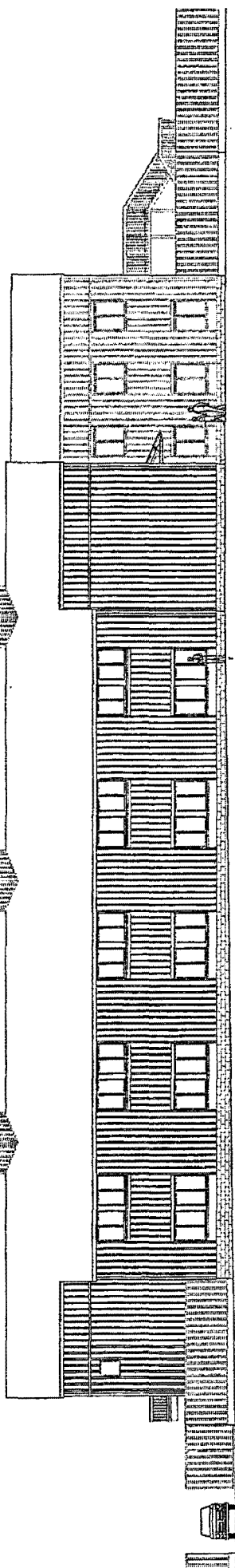
NORTH ELEVATION



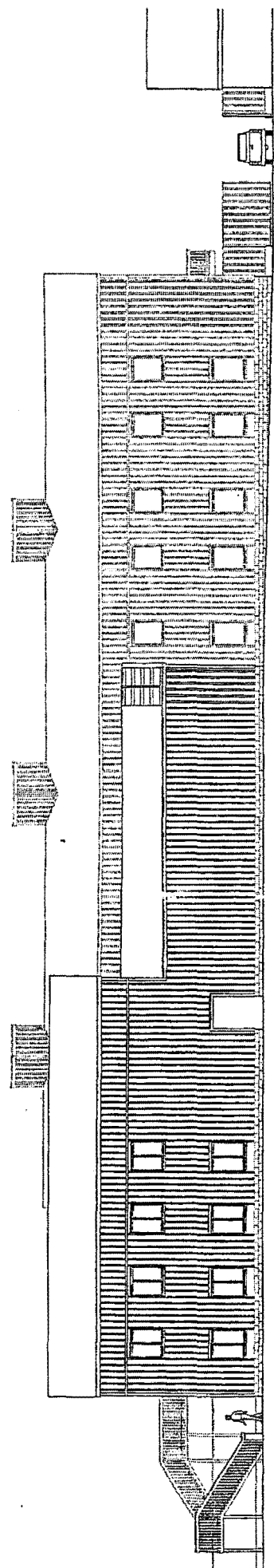
SOUTH ELEVATION



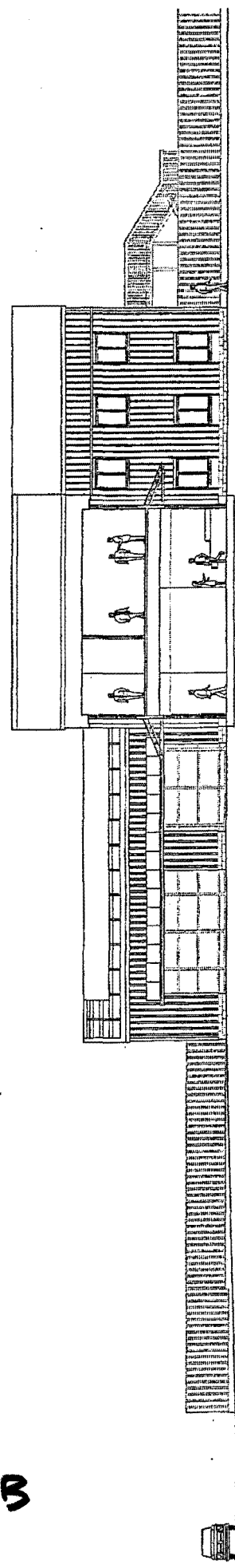
SECTION LOOKING NORTH



EAST ELEVATION

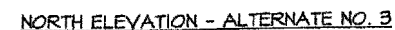
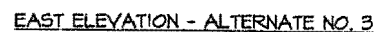
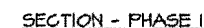
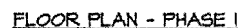


WEST ELEVATION



EAST ELEVATION ABSENT EAST WING
OCEAN HEALTH ELEVATIONS

EXHIBIT B
(6089)



PROPOSED SHOP BUILDING FLOOR PLAN & ELEVATIONS

EXHIBIT B
(7059)

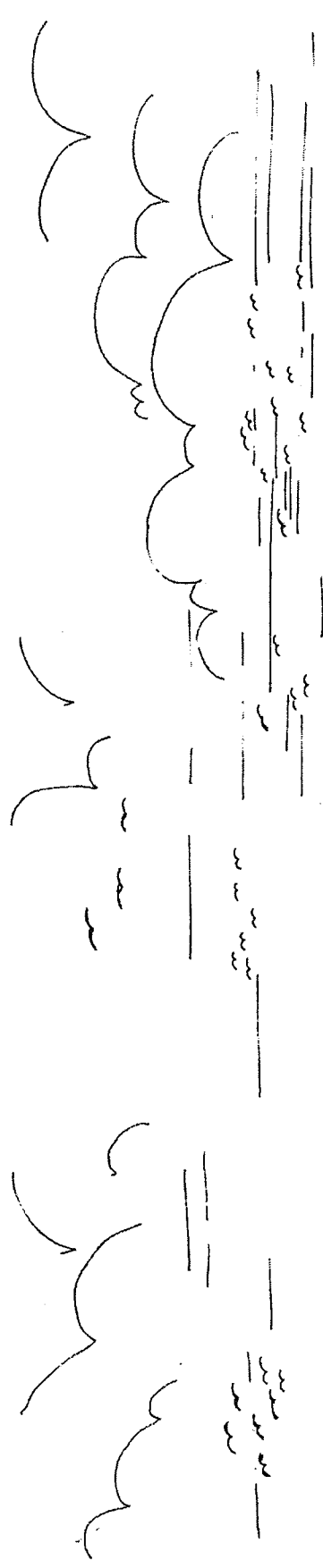
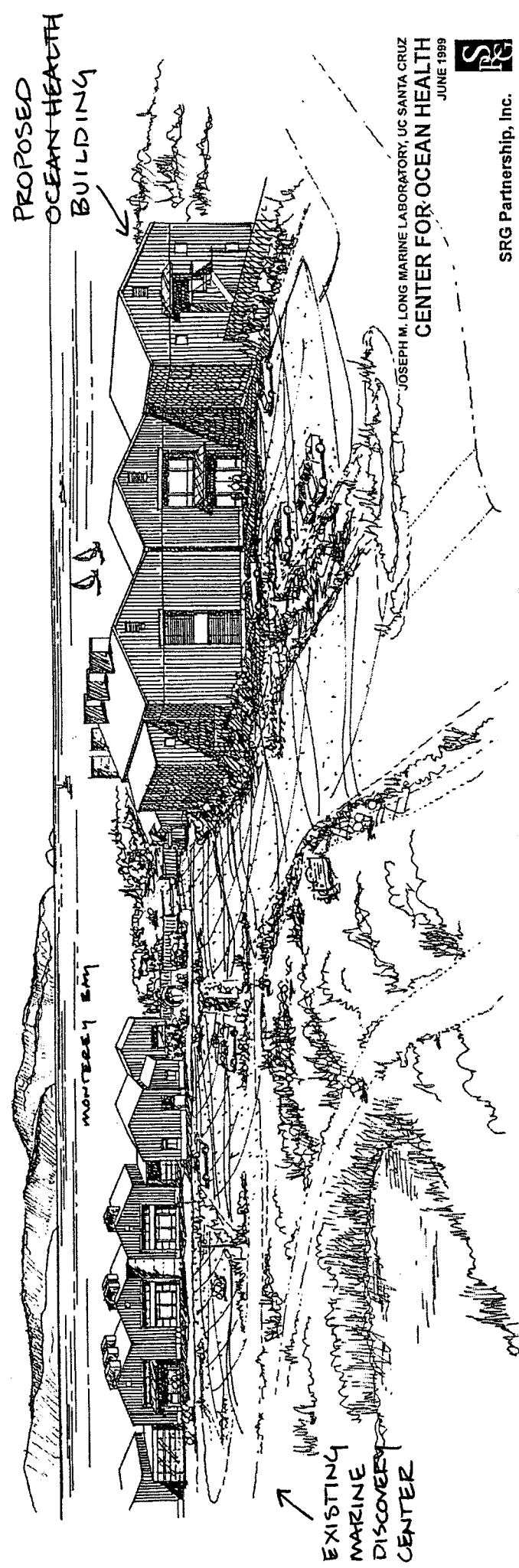


EXHIBIT B
(8 OF 9)



PROPOSED
OCEAN HEALTH
BUILDING

MONTEREY BAY

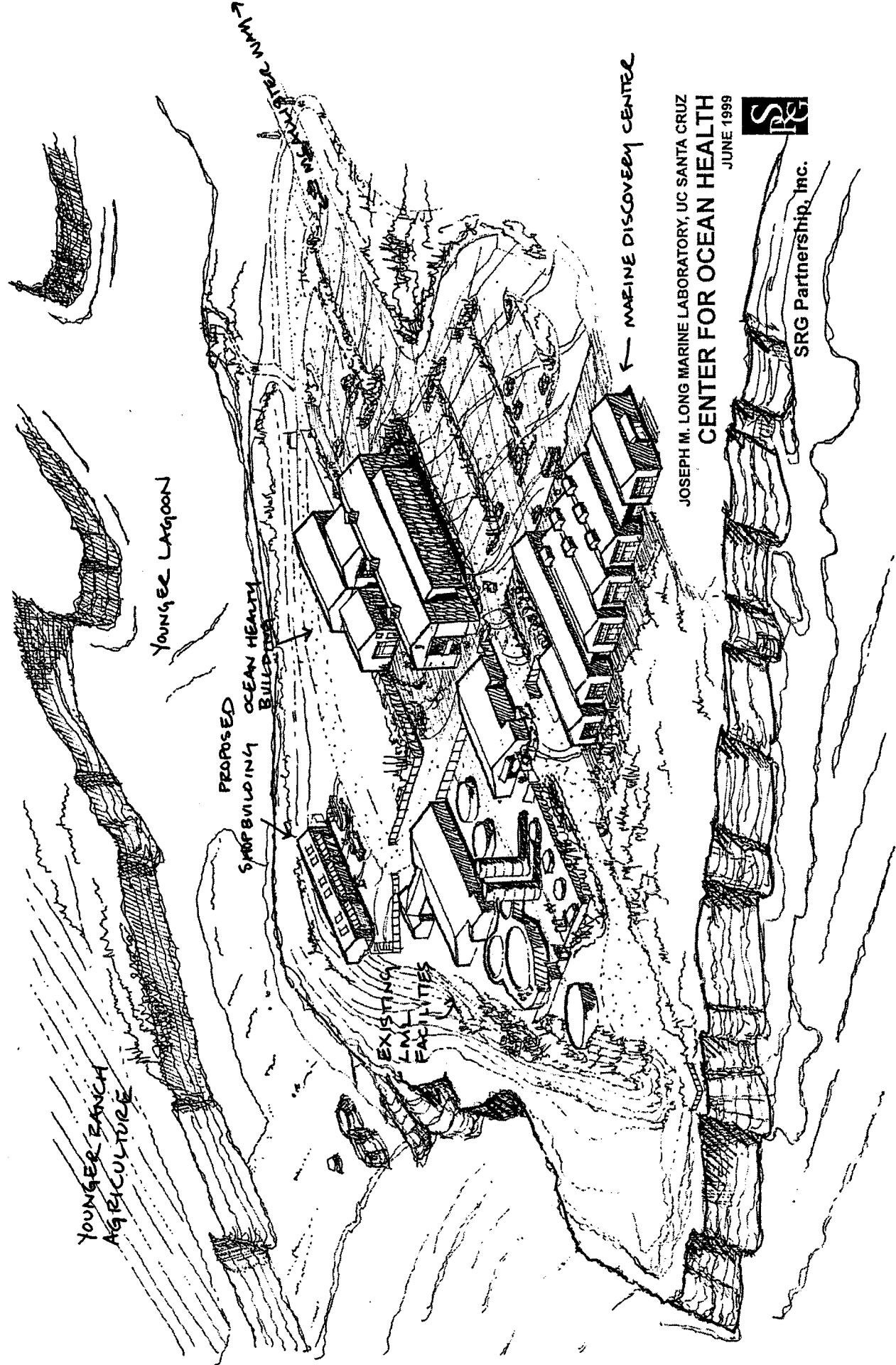
EXISTING
MARINE
DISCOVERY
CENTER

MCANISTER
WAY

JOSEPH M. LONG MARINE LABORATORY, UC SANTA CRUZ
CENTER FOR OCEAN HEALTH
JUNE 1989



SRG Partnership, Inc.



JOSEPH M. LONG MARINE LABORATORY, UC SANTA CRUZ
CENTER FOR OCEAN HEALTH
JUNE 1999



SRG Partnership, Inc.

EXHIBIT B
(90F9)

CENTER FOR OCEAN HEALTH**PROJECT DESCRIPTION**

The primary project element is the construction of a new 2-story, 23,000 gsf building for the Center for Ocean Health at Long Marine Laboratory. The building would provide space for administration offices, research laboratories, research offices, and support space. Administration offices would be provided for Long Marine Laboratory administrative and research support staff. The building would also provide space for approximately 10 assigned laboratories fitted with benches, storage cabinets, sinks, and power and data connections, two to 4 of these labs would be equipped with a fume hood, along with 2 common lab equipment rooms. Approximately 26 research offices would be provided for faculty, principal investigators, post-doctoral and graduate students, and visiting researchers. Planned support space includes a conference room (sized to accommodate as many as 50 people), a seminar room and library (sized to accommodate as many as 12 people), and a computer lab.

The Ocean Health building is being planned to conform to the design guidelines in the Long Marine Laboratory Master Plan (e.g., to fit the natural setting, to harmonize with the barnlike structures at Long Marine Laboratory and other sites on the coast, and to "break-up" larger building masses into smaller sub-elements. The proposed building would be a wood-frame structure built over a spread footing, slab-on-grade foundation tied together with grade beams. Recommendations of the soils report would be implemented to address the shallow groundwater table on the site. The maximum roof ridge height would be 36 feet. The exterior of the building would be finished with vertical board and batten siding to match existing Long Marine Laboratory buildings.

The Ocean Health building would replace 7 office trailers, all of which would be removed from the site. In addition, the 1,920 square foot Long Shed and two small sheds of 360 and 288 square feet will be demolished and removed; these sheds would be replaced with a new shop building on the western edge of the site.

The new 2,300 gsf shop building (with a 3,000 square foot paved service yard) would replace the Long Shed, along with the dive locker and the boat service sheds and yard. The new one story shop building would be approximately 24 feet by 96 feet in size, with a height of no more than 17.5 feet above grade. It would also be a wood-frame, wood-sided structure with a shed roof, built on a slab-on-grade foundation. The north west and southwest corners of the west wall of the building would be set approximately 10 feet and 15 feet, respectively, into the existing berm, to maximize available site area.

The project also includes the construction of a 31-space parking lot north of the proposed building, adjacent to McAllister Way. The lot would be paved with asphaltic concrete or alternative hard paving. The project would also provide a looped service road paved with compacted gravel, a 3,000 square foot asphaltic concrete service yard, a stabilized crushed stone courtyard, and bicycle parking facilities. All of these improvements would replace similar ad-hoc facilities on the site.

The site would be graded to allow for the installation of building foundations, perimeter subdrains, and the pads for paved lots and service yards. It is expected that between 3,500 and 3,800 cubic yards of excavated material would be removed from the site and disposed of off-site by the contractor.

EXHIBIT C
(1057)

The Ocean Health building would require the following utilities: municipal water, sanitary sewer, natural gas, electrical energy, and telecommunications lines. An 8-inch water line is situated in McAllister Way, extending to the Marine Discovery Center. (This line is 10 inches in diameter and extends from Delaware to McAllister Way, to the southern edge of the NOAA facility.) The proposed project would be provided with water service via short extensions from this line. The site is also served by an existing 21,000 volt primary Pacific Gas and Electric Company (PG&E) electrical service line; the project would install a 1,000 amp service at the Ocean Health building.

The project will also be connected to a new 3- to 4-inch private sewer main and a new PG&E natural gas line, both scheduled to be installed in McAllister Way. (The provision of natural gas and sewer service to Long Marine Laboratory services was addressed in the Master Plan and EIR; these lines are being installed under a California Coastal Commission permit separate from this project.)

Stormwater drainage improvements would be installed as part of the project. Runoff from the entire 2.3-acre site would be captured in gutters, down-spouts, and pipes and directed to the existing stormwater trench system. Runoff from 1.3 acres of the site subject to urban contamination would flow to a "STC 1800 Stormceptor" vault, designed to settle storm flows and remove sediment, oils, and other contaminants. (This system has been designed to treat runoff from the 10-year storm event.) Outflow from the Stormceptor would be discharged to the ocean through the existing Long Marine Laboratory seawater return line. Runoff from building roofs and other "clean" portions of the site would be discharged directly to the seawater return line.

Landscape plans for the project have not yet been completed, but relevant requirements of the Long Marine Laboratory EIR would be implemented. Plantings would consist of non-invasive, native species which would be derived from local propagation materials to the greatest extent feasible.

If approved, the project would be constructed between September 1999 and December 2000.

PROJECT OBJECTIVES

Four of the general objectives of the 1993 LML Master Plan are furthered by the development of the Center for Ocean Health building:

- To provide adequate facilities to permit the Institute of Marine Sciences to become a fully-developed research and teaching unit, and to attract and support research projects and other activities for the public good.
- To remedy existing deficiencies in space for research, teaching and public service.
- To accommodate program growth in the areas of marine vertebrate studies, marine invertebrate biology, marine aquatic and wildlife toxicology, marine geology and geophysics, and public education.

To facilitate the campus' ability to recruit highly-qualified faculty, researchers, and students in the marine sciences.

In addition to these general objectives, specific objectives for this building include:

- To provide quality laboratory, office, and support services in immediate proximity to existing facilities such as seawater laboratories, seawater pools for marine fauna, teaching facilities, and shop/service facilities.
- To replace aging, deteriorating, and inefficient temporary facilities which include converted buildings, temporary sheds, and office trailers with energy efficient, people- and environmentally- friendly permanent facilities.
- To accommodate growth in the pursuit of study of the health of ocean ecosystems with an initial primary focus on marine vertebrate studies and coastal ecology.
- To relieve space deficits in the existing seawater laboratory buildings by providing alternative space for non-seawater required uses so that "wet" uses can expand in the existing buildings.

TIMING CONSIDERATIONS

Two basic forces are at work which separately and together create the need for a rapid start (and completion) of this project: 1) The state of advanced deterioration of the existing temporary facilities which would be replaced by the project, and; 2) Economics, including the escalation costs over time and the added cost and disturbance to compact soil and install building foundations during winter, spring or early summer.

1) The existing assemblage of temporary office trailers, converted and temporary sheds is on the whole in terrible condition. All of the office trailers, which comprise the vast majority of dry lab and office support space of Long Marine Lab, have been on site for longer than 10 years, and some for nearly 20. All but one unit came to LML second hand. In this harsh salty, windy environment, these trailers are in an advanced state of deterioration, in spite of regular maintenance. We simply cannot afford to defer replacement of these temporary facilities with permanent and much more energy and space efficient buildings.

2) Our area is currently experiencing one of the sharpest upturns in history of construction cost escalation thought to be due in large part to the building boom in the Silicon Valley. The Ocean Health project, spearheaded by the UCSC Foundation, is funded privately, the lead gift coming from the Packard Foundation, the rest from other foundation and private (non-state) support. The project is on a strictly fixed budget. Translated simply: as time goes by, the amount of project our fixed budget can purchase shrinks.

Secondly, due to the soil conditions on site and a seasonally perched water table, soil compaction and building foundation construction is much more difficult, disruptive to research operations, and expensive if done outside the late summer/early fall season. Existing soil conditions allow simple spread footing construction if implemented at the end of the dry season, thereby resulting in substantial cost savings. Foundation construction after the wet season begins (approximately October 15th) requires more complex methods including pilings or major soil over-excavation and import; both of which are much more expensive and considerably more disruptive to ongoing research activities.

EXHIBIT C
(3 of 7)

Our objective is to begin the site work for this project in September this year (1999) in order to complete the major soil compaction and foundation work before the end of October.

SITING JUSTIFICATION

The proposed site for the Center for Ocean Health is consistent with siting for this building in the 1993 LML Master Plan and EIR: It will cover an existing developed site which eliminates the potential impacts of developing a new site. Utility connections, including electricity, telecommunications, water, sewer, seawater (the potential for future use in the proposed building), and storm water handling, would require minimal extension or alteration to accommodate the new building, thereby minimizing potential impacts and expense. Further, the close proximity of the proposed new parking lot to the existing parking located north of the Seymour Marine Discovery Center will accommodate overflow use both directions, therefore minimizing the amount of new parking necessary, i.e. high visitor use on weekends can overflow into the Ocean Health lot, high research and business use during the week when public visitation is low can overflow into the Discovery Center lot.

Further, and of utmost importance to the programmed use of the building, this site maintains intact a tight grouping of related buildings and facilities on the site. This accommodates the easy movement of researchers and students among these facilities--most individual researchers at LML will be assigned and use space in several locations in addition to requiring ready access to the administrative and support centers for the facilities.

Consistent with these concepts is the siting of the replacement of the existing three shop/service buildings into one building west of the Ocean Health building: This building would also be on the previously developed part of the LML site while remaining in close proximity to the other buildings and facilities (therefore people) it serves.

The facilities, existing and proposed, which have proven important to remain tightly grouped for efficient productivity at LML include:

- Younger Research Building (wet labs, marine mammal lab support)
- Research Support Building (wet labs, marine mammal support facilities)
- Center for Ocean Health Building (labs, offices, meeting space, administrative, and support)
- Teaching Lab (in the Seymour Marine Discovery Center, for university classes in marine biology)
- Seymour Marine Discovery Center (larger meeting/scientific seminars, lectures, public interpretation)
- Marine mammal and large specimen holding pools
- Shops for constructing and maintaining research apparatus and for maintaining physical plant
- Shops, service, and storage areas for SCUBA diving, small boat, and field work support

EXHIBIT C
(4 OF 7)
4

PROPOSAL TO ESTABLISH THE CENTER FOR OCEAN HEALTH

A Research and Policy Center within the Institute of Marine Sciences
at the University of California, Santa Cruz

EXECUTIVE SUMMARY

This proposal requests \$15 million from the David and Lucile Packard Foundation to establish the Center for Ocean Health within the Institute of Marine Sciences (IMS) at the University of California, Santa Cruz (UCSC). The Center, to be housed in a new facility at UCSC's Joseph M. Long Marine Laboratory (LML), will create a model structure for the integration of interdisciplinary marine science research, environmental policy, and public education, all focusing on the health of the world's oceans.

The Center will serve as the capstone of UCSC's commitment to marine and environmental sciences research, building on the campus's substantial financial investments and on the many research partnerships that UCSC has developed with institutions around Monterey Bay. The Center will become a highly respected "think tank" that brings together scientists and policy makers and plays a key role in the creation of public policy at the state and national levels. According to our research into oceanographic programs nationwide, there are currently no programs that bring ocean health research, policy, and education together in the ways proposed by this Center.

Human activity has resulted in significant modifications of the earth's ecological systems, in particular those of the oceans. Water quality decline, species loss, habitat destruction, loss of biodiversity, fisheries collapse, and global climate change are a few examples of the significant problems we now face. Unfortunately, the processes of marine research, environmental policy formulation, and public education are often not well interconnected, resulting in inadequate, ineffective, or outdated policy.

IMS and LML are nationally respected for interdisciplinary, cutting-edge research in environmental toxicology, marine mammal biology, nearshore ecological processes, and marine biogeochemistry. IMS, with 35 marine science faculty and nearly 40 postgraduate researchers, compares favorably with the nation's top oceanographic institutions. In the recently completed five-year external review of IMS, the Review Committee stated:

Indeed, we believe that, with some effort over a relatively short period, IMS will be positioned to become an Institute ranking nationally in the "top 10" in the area of marine sciences.

Considering the size of IMS relative to the very large oceanographic institutions with which it is being compared, this is high praise indeed.

As the only Ph.D.-granting research university in the Monterey Bay region, UCSC has been instrumental in attracting state, federal, and private partners to the region. More than 18 research and educational institutions are now located around Monterey Bay, with annual budgets totaling \$120 million and more than 1,600 staff. Two of these agencies are building facilities at the LML site, investing nearly \$21 million. The attached document, *Major Marine Sciences Facilities in the Monterey Bay Region*, provides information about the institutions around the bay and a map of their locations.

EXHIBIT C
(5 OF 7)

In addition, LML is in the process of constructing a new privately funded public education center, with \$5.3 million (the base cost to construct and equip the center) already committed to the project. When current construction is completed, this growing LML research and education complex will occupy more than 100,000 square feet of facilities and employ an estimated 75 research and support staff. In short, we already have the nucleus of a national center that can effectively address a wide range of ocean health issues.

IMS researchers have been leaders in forming collaborative working relationships with other institutions around Monterey Bay and are actively involved in integrating their research into policy at the state and national levels. For a more detailed picture of the activities and stature of IMS research, please refer to pages 12-23 of this proposal and to the *Institute of Marine Sciences Annual Report—1996-97*, included as an attachment.

The Monterey Bay National Marine Sanctuary provides outstanding physical and biological resources, and LML provides many excellent research facilities, including a capacity for marine mammal study that is unique in the nation. Unfortunately, office and flexible laboratory space at LML (much of which is housed in temporary buildings) are no longer adequate for the expanding scope and scale of IMS research. This lack of facilities threatens the potential and long-term excellence of UCSC's marine science research programs.

The proposed Center for Ocean Health building at LML will provide the flexible, nearshore research space that IMS and LML need to bring their marine sciences research programs to the next level of excellence. The requested Ocean Health Endowment will provide the stable and ongoing base of funding needed to attract a director of national stature and to build permanent and effective Center programs.

The Center will be administered by a nationally recruited director (who will also hold a UCSC faculty appointment) with the assistance of an advisory council of nationally and internationally respected marine scientists. The Center director will report to UCSC's director of the Institute of Marine Sciences. Each year the director and advisory council will select a focal topic (or topics) for Center programs. In addition, a regional board made up of leaders from the marine science institutions around Monterey Bay will assist the director in reviewing proposed research, selecting graduate and postdoctoral researchers, and organizing the quarterly regional seminars.

This proposal requests funds for:

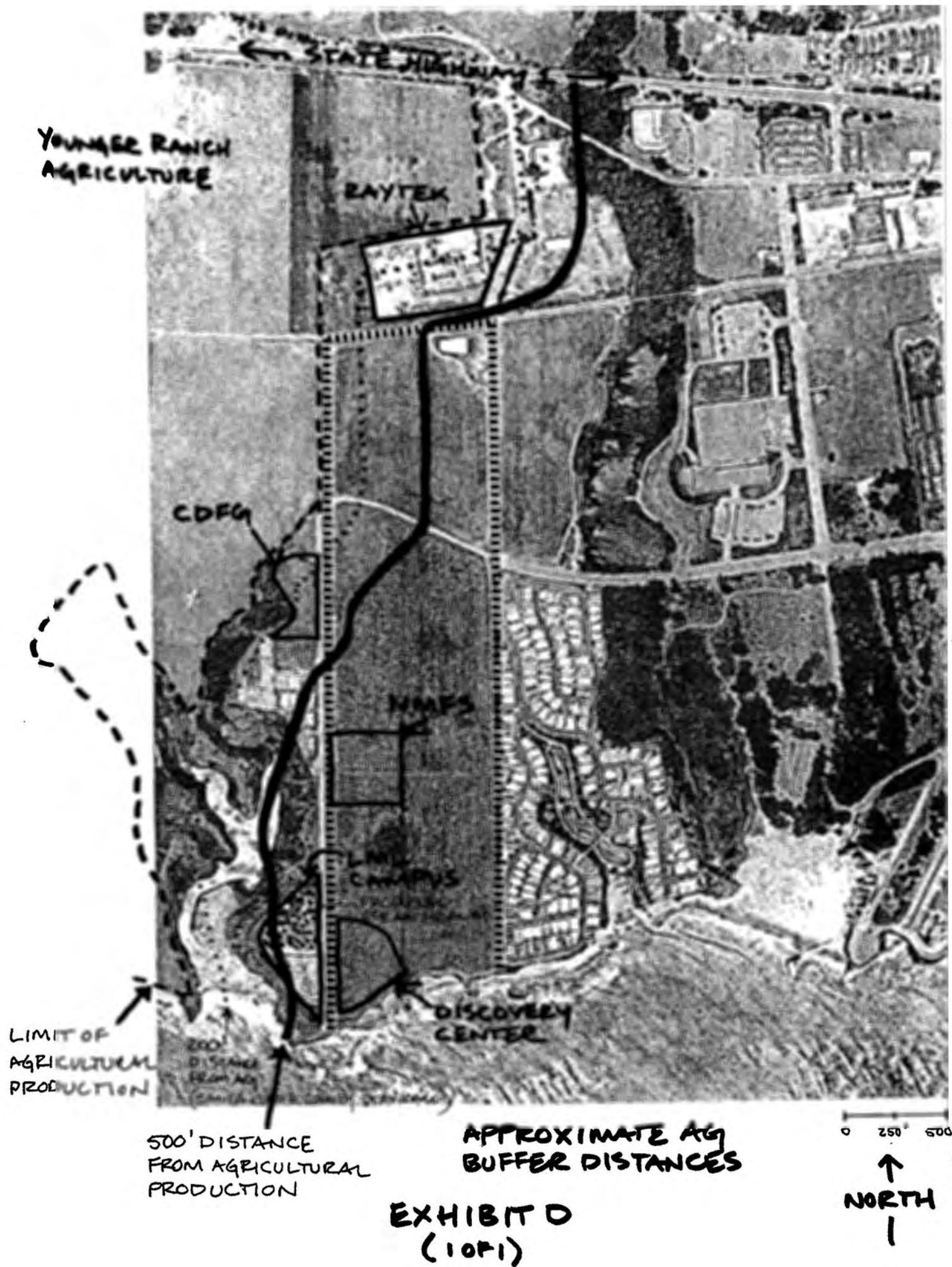
- **Construction of a 20,000-square-foot Center for Ocean Health facility—\$7 million.** The facility will include:
 - Offices and laboratories for faculty, researchers, and graduate students;
 - A 50-seat conference facility; and
 - Center and LML administrative offices.
- **The Ocean Health Endowment—\$8 million** to fund Center programs in perpetuity. This operational funding (initially \$360,000) will support the following program elements:
 - **Administrative support funds** for a Center director (33% time) and an administrative assistant/editor (50% time);
 - **Research seed funds** to start new initiatives or projects;
 - **Scientific staff support** for graduate and postgraduate researchers;

EXHIBIT C
(6 OF 7)

- **The Annual Ocean Health Summit Conference** will serve as an international forum for Center research. The summit will bring together top researchers, representatives of governmental and nongovernmental environmental organizations, elected officials and their staffs, and the media. An annual publication will summarize summit proceedings;
- **Quarterly Ocean Health Seminars.** These primarily regional seminars will serve to link Monterey Bay research and educational institutions; and
- **The Visiting Government Fellows Program.** Visiting fellows on short-term "sabbaticals" from key federal and state agencies will work with Center researchers, providing a closer link with public policy. Scientific staff from agencies such as the National Oceanic and Atmospheric Administration (NOAA); the National Marine Fisheries Service (NMFS); the National Institutes of Health (NIH); the Environmental Protection Agency (EPA); and the U.S. Geological Survey (USGS) and its Biological Resources Division (BRD) will work with Center researchers for up to two months. IMS researchers already have working relationships with many of these agencies. For example, researchers from NMFS and the USGS's Marine and Coastal Programs and Biological Resources Divisions are currently working at UCSC under cooperative agreements with their agencies, and a number of other research collaborations are also in place.

UCSC's Institute of Marine Sciences (IMS) and the Joseph M. Long Marine Laboratory exemplify the campus's long-standing commitment to marine science research and education. IMS and LML have been leaders in the development of the Monterey Bay region into a national, if not global, center for marine and environmental research and education. In continuation of that leadership role, UCSC has made fund-raising for the establishment of the Center for Ocean Health a top campus priority.

EXHIBIT C
(7 OF 7)





1415 20th STREET
SACRAMENTO, CALIFORNIA 95814

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

MEMORANDUM

DATE: July 14, 1998
TO: Ken Thomas/Juliana Rebagliati, City of Santa Cruz
FROM: Derek DiManno, Mintier & Associates
SUBJECT: Terrace Point - Agricultural Buffer Survey

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

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

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

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

EXHIBIT E
(1 of 6)

policy or an ordinance that requires a setback.

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

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

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

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

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

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

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

EXHIBIT E
(20FG)

ROW/VEGETABLE CROP BUFFER SURVEY

June 17, 1998
(Revised July 14, 1998)

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

EXHIBIT E
(20PC)

ROW/VEGETABLE CROP BUFFER SURVEY

June 17, 1998

(Revised July 14, 1998)

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

EXHIBIT E
(4056)

ROW/VEGETABLE CROP BUFFER SURVEY

June 17, 1998
(Revised July 14, 1998)

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

EXHIBIT E
(5 of 6)

ROW/VEGETABLE CROP BUFFER SURVEY

June 17, 1998

(Revised July 14, 1998)

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

EXHIBITE (100000)

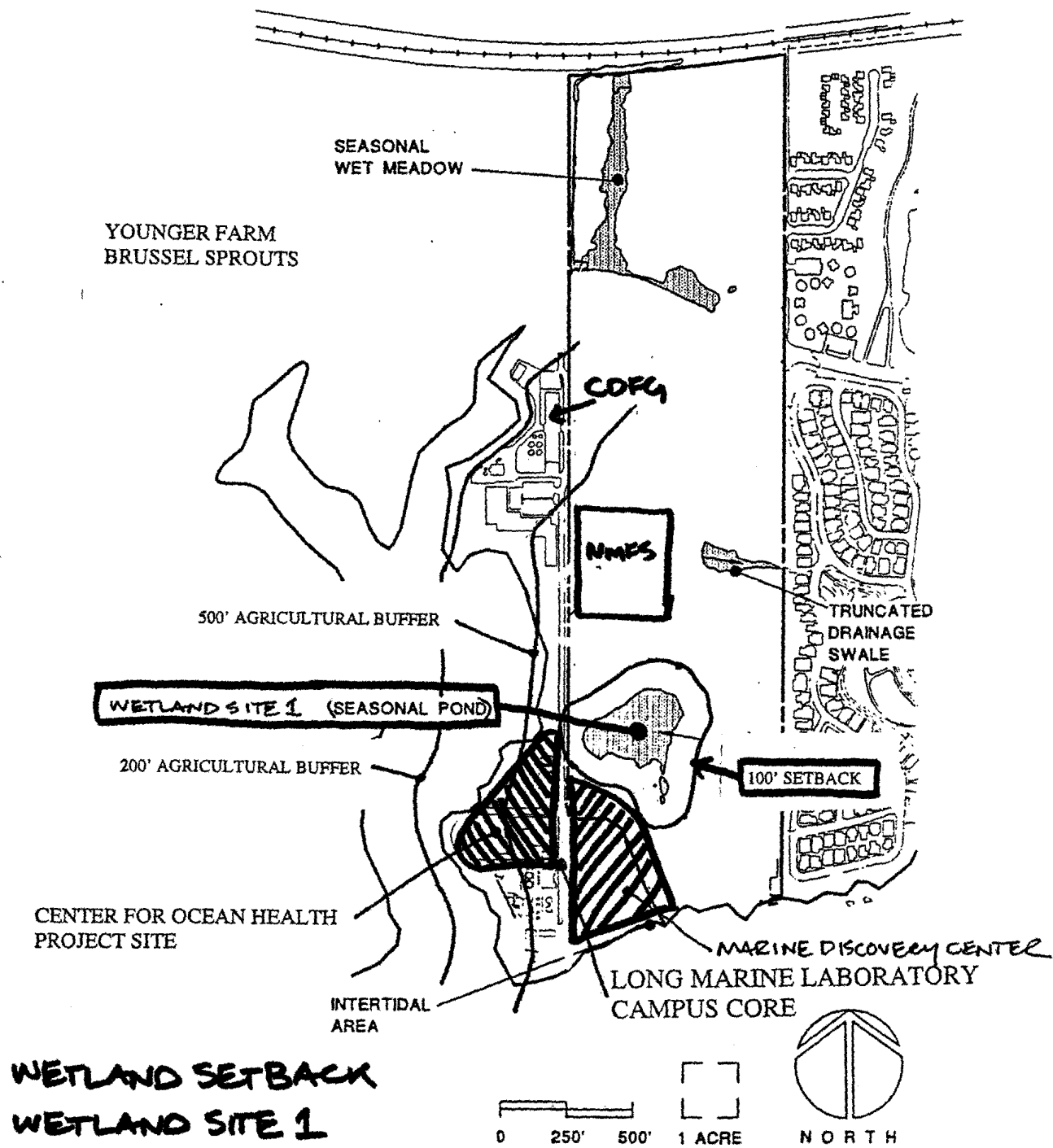
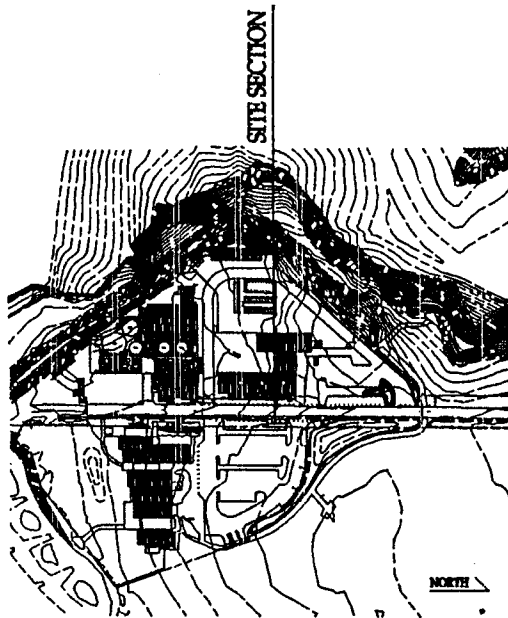
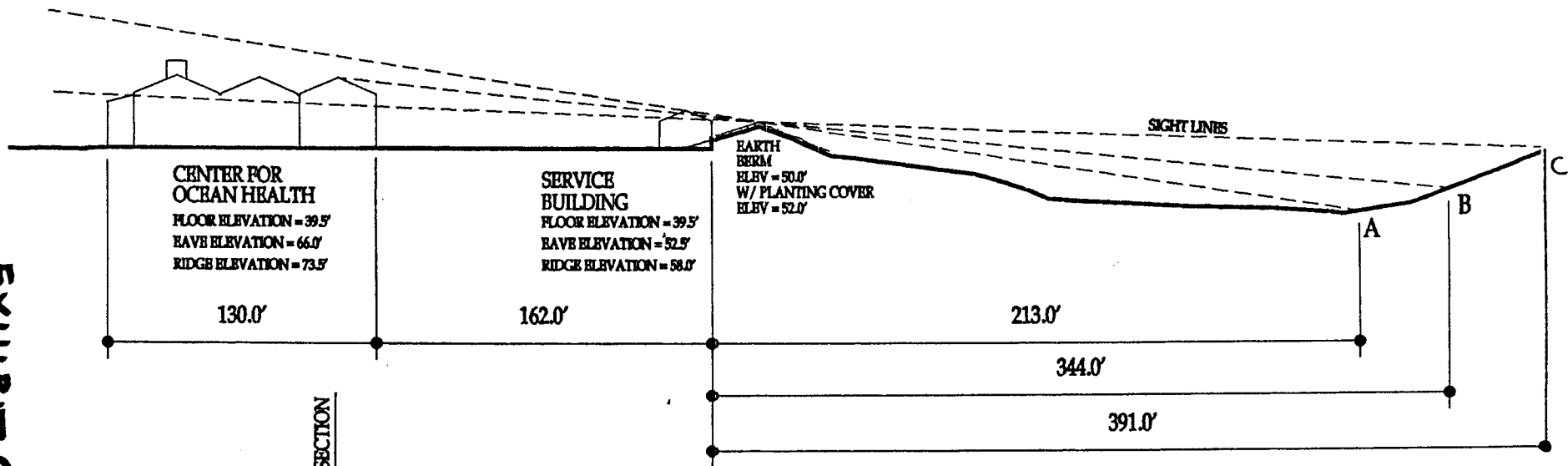


EXHIBIT F
(20F2)

EXHIBIT 9
(10 of 11)



- A RIDGE OF SERVICES BUILDING VISIBLE
ELEVATION = 9.0'
- B RIDGE OF CENTER FOR OCEAN HEALTH VISIBLE
ELEVATION = 19.0'
- C TOP OF WINDOW OF CENTER FOR OCEAN HEALTH VISIBLE
ELEVATION = 38.0'

YOUNGER LAGOON CROSS SECTION

SITE SECTION

JOSEPH M. LONG MARINE LABORATORY, UC SANTA CRUZ
CENTER FOR OCEAN HEALTH
JULY 19, 1999 SRG Partnership, Inc.





X = YOUNGER LAGOON OVERLOOKS
↔ = THROUGH PUBLIC ACCESS

PUBLIC ACCESS
REQUIREMENTS

EXHIBIT H
(1 OF 1)

SACRAMENTO OFFICE
STATE CAPITOL, ROOM 3076
SACRAMENTO, CA 95814
(916) 445-5843
FAX: (916) 445-8081

DISTRICT OFFICE
701 OCEAN STREET
SANTA CRUZ, CA 95060
(831) 454-3108
FAX: (831) 425-5124

DISTRICT OFFICE
7 JOHN STREET
SALINAS, CA 93901
(831) 753-6386
FAX: (831) 753-6385

California State Senate

SENATOR
BRUCE MCPHERSON
FIFTEENTH SENATORIAL DISTRICT



STANDING COMMITTEES
OF THE SENATE

EDUCATION, VICE CHAIR
APPROPRIATIONS
CRIMINAL PROCEDURE
ENVIRONMENTAL QUALITY
REVENUE & TAXATION

RECEIVED

JUL 26 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

July 23, 1999

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

Re: UCSC Center for Ocean Health at Long Marine Laboratory

Dear Coastal Commissioners:

I am writing this letter to express my strong support for the above referenced project.

I have been a longstanding supporter of the Monterey Bay National Marine Sanctuary and the marine research and education that is being conducted by some 18 agency/institution programs around the Monterey Bay. The Center for Ocean Health will be an important addition to the University of California at Santa Cruz' marine research capabilities and will replace most of the "temporary" trailers that have been the core of Long Marine Laboratory for 20 years. The new facility will provide much needed laboratory, office, meeting and seminar space for existing and emerging programs in marine mammal and coastal biology research. Among other projects, the Center will be the home of the Packard Foundation funded "Partnerships in Interdisciplinary Science in the Coastal Ocean," a 5-year effort that will focus on long term ecological processes and change along 1500 miles of the coast of California and Oregon.

There can be no doubt but that UCSC has and will continue to play a key role in the Monterey Bay's development as a major center for marine research and education. The Center for Ocean Health will improve our capabilities to learn more about the ocean so that wise decisions can be made. The project is important to the Marine Sanctuary and the State of California, and I would urge you to give it your positive consideration. Thank you for your attention to my request.

Sincerely,

A handwritten signature in cursive script that reads "Bruce McPherson".

BRUCE MCPHERSON
State Senator

BM/mw

EXHIBIT I
(1051)

UNIVERSITY OF CALIFORNIA, SANTA CRUZ

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



RECEIVED

JUL 22 1999

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

SANTA CRUZ, CALIFORNIA 95064 CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

19 July, 1999

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

Dear Mr. Carl:

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

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

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

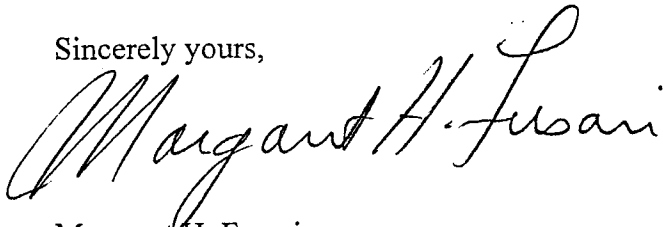
In addition and after significant consultation with the project developers I feel that both of these projects have been carefully designed to avoid impacts to YLR. The Ocean Health building will be set behind a ten foot high berm that protects YLR from impacts, including light and sound and visual disturbances.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

EXHIBIT J
(10F2)

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

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

Sincerely yours,

A handwritten signature in cursive script, reading "Margaret H. Fusari". The signature is written in dark ink and is positioned above the printed name.

Margaret H. Fusari

cc: Steve Davenport, LML

EXHIBIT J
(20F2)

DEPARTMENT OF FISH AND GAME

Marine Wildlife Veterinary Care and Research Center
1451 Shaffer Road
Santa Cruz, CA 95060
Telephone (831) 469-1719
Fax (831) 469-1723


RECEIVED

JUL 26 1999

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

July 20, 1999

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

Dear Mr. Carl:

The California Department of Fish and Game (CDFG)-Office of Oil Spill Prevention and Response (OSPR) has invested nearly \$6 million in the construction and development of the Marine Wildlife Veterinary Care and Research Center, (MWVCRC) which serves as the States primary oil spill center when significant numbers of wildlife are impacted. Between oil spills this facility and its staff conduct research on marine ecosystem health issues including the causes of sea otter and marine bird mortality. This was made possible by the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990.

This facility is located adjacent to Long Marine Laboratory (LML) on property owned by the University of California, Santa Cruz. It was enabled by Coastal Commission Permit # 3-83-76-A5 adopted by the Coastal Commission on January 12, 1994.

Like LML the MWVCRC holds domestic waste water in underground tanks for periodic pump out and removal by truck. Connection to sewer service will make the operation of our facility more efficient and cost effective. It would also allow conversion of an existing underground waste water tank to receive oiled waste water, thus increasing our capacity during a potential catastrophic oil spill event.

Under current conditions we must have waste water hauled off every week when only a skeleton staff is working here. During oil spills, when the staff increases by ten fold or more, we have to have waste water hauled as often as three times a day. The hookup of this facility to sewer would thus decrease our contribution to large truck traffic along Delaware Ave. to our site and the noise, exhaust and dust they create.

As the director of the MWVCRC I can see many advantages to completing utility connections. Thus, I fully support the extension and connection of the CDFG-MWVCRC to the private sewer line of LML under Permit Amendment Application #3-97-50-42-A2, Sewer Connection for CDFG now under the Commissions consideration. This activity has long been envisioned and will improve, not diminish, coastal environmental quality.

Further, the development of the Center for Ocean Health at the adjacent LML site, with its potential for synergistic research on marine ecosystem health issues would bring many

EXHIBIT K
(3 of 2)

Mr. Dan Carl
July 20, 1999
Page 2

benefits to the people of the State as well as our immediate marine research community. For those reasons I support the approval of Permit # 3-83-76-A13 also before the Commission.

If you have any questions I can be reached at the above letter head address and telephone numbers.

Sincerely,



David A. Jessup
Senior Wildlife Veterinarian

cc: Ken Mayer
Al Petrovich
Gary Griggs
Steve Davenport

EXHIBIT K
(20F2)

COPY

RECEIVED

22 July 1999

JUL 26 1999

Chairperson and Members
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Younger Ranch Followup to Presentation

Dear Sara and members,

Helen and I felt misfortune at the Coastal Commission meeting on July 14th. We sat with Commissioners from 10 a.m. until after 9:00 p.m. Our few minutes to ask you to add an important condition to the UCSC request occurred after some members had left, some were pre-occupied, and some were exhausted and starving.

Your question to the Executive Director was WHY NOT? Peter Douglas did not answer your question in fifteen minutes of responses and lawyers speak about his own interpretations of the words he added to past records at the end of discussions. But he did further exhaust the members. Finally, Mr. Kruer announced it was an issue of growth management and he was voting for staff. Discussion then collapsed.

* * * * *

When Helen and I left the May 12, 1998 and March 9, 1999 Commission meetings, no ordinary layperson could doubt the Commissioners supported the 500 foot buffer. We reserved judgment about the Executive Director. Chairperson Areias gave Peter time for a final defense of the staff position in 1998. Peter only pleaded that much staff work and co-ordination had gone into the staff recommendation. From then till now, your staff has no answer to the WHY NOT question except to say that the procedures are not complete.

Did you not all hear Peter Douglas propose spending more Commission money (on UCSC proposals?) to ensure the buffer was re-visited? At 10 P.M., after the meeting, Mrs. Grove made us feel that future UCSC requests were outside history and all would receive a fresh review.

You all perhaps were too tired to appreciate that Peter's proposal was quiet insubordination. His proposal implied the Commissioners didn't have the right to make a decision on facts he did not control. There is a higher power in the staff.

For over a year, there has been no answer to the question: WHY NOT protect the Younger Ranch? Why not support, as policy, the buffer mitigations the Commissioners approved? Why fail to guide the City of Santa Cruz and the University?

EXHIBIT L
(1 of 7)

The Santa Cruz staff's failure to promulgate and support the Commissioners' 1998 decision has already caused the following injuries to the open space purposes of the Coastal Act:

1. The City Planning Director produced a City-designed plan which includes *a residential zoned parcel for about 21 homes within a 500 foot buffer*. She told Planning Commissioners and Councilpersons there was general Coastal Commission staff support for her plan.
2. A new industrial Raytek building, 300 feet away from the Ranch was approved through a City LCP. There was apparently no assertion of the Commission's buffer decision by either City or Commission staff.
3. A Granite Construction Industrial site has attracted Kaufman Broad developers. It is about 200 feet downwind from the Younger Ranch on Highway 1. Kaufman-Broad now have fully committed their enormous resources to rezoning and construction of about 60 homes. How could they be so confident?
4. UCSC's Chancellor rebuffed Younger Ranch overtures which would have added 3 acres to Coastal Conservation reserves, with no loss of agricultural land. We observed no UCSC concern that a 500 foot buffer will be applied to them. So the world's wealthiest Public University system tells us it lacks resources to enhance the Coastal Act's objectives.

In the meantime, wider and wider swaths of farmland are taken from existing agricultural use. Only two or three months ago, the Santa Barbara County Agricultural Commissioner ordered farmers not to spray *within 500 feet of any occupied building*. He also told farmers not to farm the same way within *one mile* of schools.

* * * * *

At the close of our last evening with you, Steve Davenport of UCSC expressed confidence that the Commission did not mean to apply a 500 foot buffer to the University. Ken Thomas, the Associate Director of Santa Cruz planning expressed the same view on March 9, when Wells Fargo owned the property. In spite of Commissioner support, the City continued to put homes inside 500 feet. At the close of the July 14 meeting, Mrs. Grove convinced us that she too felt the 500 foot buffer never was intended by Commissioners for public agencies and UCSC.

Helen and I now have been ensnared for nearly seven years in an utterly twisted process of inconclusive reviews. We have been denied Coastal Commission protections we won in public hearings. Now, we and the farmers who have tenanted our land for decades must plan ahead. Helen has withdrawn from a family partnership of 30 years because of the lack of protection from government professional staffs. It makes us very sad.

EXHIBIT L
(20F7)
2

Farming should continue as long as possible. Brussels sprouts is the only crop which has been commercially successful. It is the business our farmers know. We will not abandon nearly seventy years of relations with one of our farm families.

The farmers realize they are unprotected. They have requested a clause which allows them to break the lease if urban pressure removes land from Brussels sprouts farming.

* * * * *

There is nothing in the record from your staff except subtle, effective resistance to the mitigations we find essential. They are: a 500 foot, people free agricultural buffer; a condition of NOTICE, running with the land which includes hold harmless protection, and a reliable entity which provides maintenance and management for the buffer.

The Santa Cruz Coastal Commission letter to the City relating to the Kaufman Broad proposal is a decisive rejection of our needs. There is no place for our needs in your staff's knowledge. Agriculture isn't invoked in procedural thinking about urban edge issues. There is insufficient protection for open space under agricultural use.

We fully expect all UCSC requests to receive a quibble and a curtsy from the Santa Cruz Executive Director. We expect you to hear of terrible costly consequences to the world's richest University system if you do not approve their plans as presented. We expect the plans to invade the 500 foot agricultural buffer. We expect Santa Cruz staff to continue to endorse 27 foot high, one story buildings; and tall two story buildings which would not be endorsed for others. These violations of the intent of the Coastal Act will all be done with the justification of a staff technical review. We expect that review will ignore or qualify the decisions the Commissioners gave to support for the Younger Ranch in 1998 and 1999.

* * * * *

If Commissioners are abandoning the 500 foot buffer decision; and want to allow the University to develop the LML and Terrace Point property without this *minimum* buffer, please give us a clear message.

If you wish to preserve open space, stay with your decision and demand its promulgation as Commission policy. You will be supporting primary Coastal Act priorities and preserving agricultural uses of open space. If you give priority to UCSC uses, there is no reason for us to continue trying to save the beautiful farmland. Terrace Point farmland is identical to ours. We have done our share protecting farmland from the three monster advocates of Terrace Point development: the Wells Fargo Bank, UCSC and the City of Santa Cruz.

UCSC's Terrace Point partner, Wells Fargo, carried the ball first, and exhausted us.

EXHIBIT L
(3067)₃

The last six years have been the most aggravated in our lives, *trying to protect open space under the Coastal Act*. It has been a struggle against the procedures of planners, EIR consultants and Coastal Commission staff. I do not think it fair of the Commissioners to wish that Helen and I work through a new series of developer schemes, one by one. Our history of informing and working with present Commissioners will be wiped out in this scenario. You have listened and shown concern. In another round, our efforts for an up-to-date and imaginative policy will fall away, and out of the history of the Commission.

Please continue to place your own independent decision making authority ahead of the quasi-legal control of the Executive Director. Understand the problems of agriculture he does not. Give us the protections that are beyond his willingness to grow and change his organization's priorities back to fundamentals. Give us the urban edge policies we need. We cannot continue to farm without these protections.

Very truly yours,

Bob and Helen Goode

Bob and Helen Goode
The Younger Ranch
Santa Cruz, California

cc: Peter Douglas, Executive Director

Attachments: Exhibit I: Comparison of Needed Terms and Commission Staff Terms
Exhibit II: Active Santa Cruz Projects Intruding Within a 500 Foot Buffer

EXHIBIT L
(4 OF 7)

COMPARISON OF NEEDED TERMS OF REFERENCE AND
COASTAL COMMISSION STAFF TERMS OF REFERENCE
FOR A HOUSING PROJECT NEAR THE RANCH

The threat to continued viability of Younger Ranch is caused by three things that are underappreciated by EIR professionals, City planners, and Coastal Commission hired employees. As elements of analyzing urban edge issues, these things, so important to the Younger Ranch, are missing from their knowledge, and AVOIDED in their analytical processes.

1. UNIQUE 24 to 30 mph high winds. unpredictably carrying dust detritus and pesticides off Younger Ranch in a way sure to be observed by modern urban citizens.
2. A sea change in explosive public fears of agricultural activities including dust itself.
3. An increasingly litigious culture in which citizens demand action from regulatory enforcers and turn to lawyers before thinking of neighborly solutions.

**YR suggested Terms of Reference
for Kaufman-Broad Residential
Project, designed to properly Protect
Agriculture and Ensure the Public
Interest in Health
(June 8 letter YR to Tami Grove)**

**CC Response in the Terms of Reference
suggested to the City for application
to the Kaufman-Broad proposals,
with no mention of 500 foot Commission
buffer decision for Terrace Point.
(July 1 letter from Lee Otter to City)**

Emphasize study of afternoon wind
speeds when children come home
from school

No comment, suggestion ignored

Confirm Younger Ranch analysis
of dust particle dispersion.

No comment, suggestion ignored

Assess future urban edge conflicts
by survey of attitudes to buffering
of several taxpayer supported
environmental activist groups.

No comment, suggestion ignored

Use dust level flow from Ranch
as Base For Adding to Dust
Level volume from project

No comment, suggestion ignored

Add NOTICE, MEDIATION and
HOLD HARMLESS protection
against frivolous harrassment.

No comment, suggestion ignored

**EXHIBIT L
(5077)**

Aim any comparative survey work toward predicting the future, (i.e. data from policies less than three years old) and don't survey an unselective group.

Report on a Balanced Assessment of consequences on potential agricultural job losses if YR is driven out.

Talk with farmers next door and nearby about potential for causing the conversion and/or loss of agricultural lands.

Suggest analyzing buffers previously applied by City and /or Coastal Commission (including the egregious Raytek new building exception?); and "relevant" examples applied elsewhere.

No comment, but an inserted copy of Section 30241.5 describing study of general gross agricultural revenue and operational expenses, which the City refused to do for at YR request for Terrace Point

Preparers need to contact adjacent agricultural stakeholders to better understand implications of proposed development for continuation of current operations.

EXHIBIT L
(60F7)

ACTIVE SANTA CRUZ PROJECTS INTRUDING
WITHIN A 500 FOOT AGRICULTURAL BUFFER

July 1999

Approximate Eastern edge
500 foot buffer

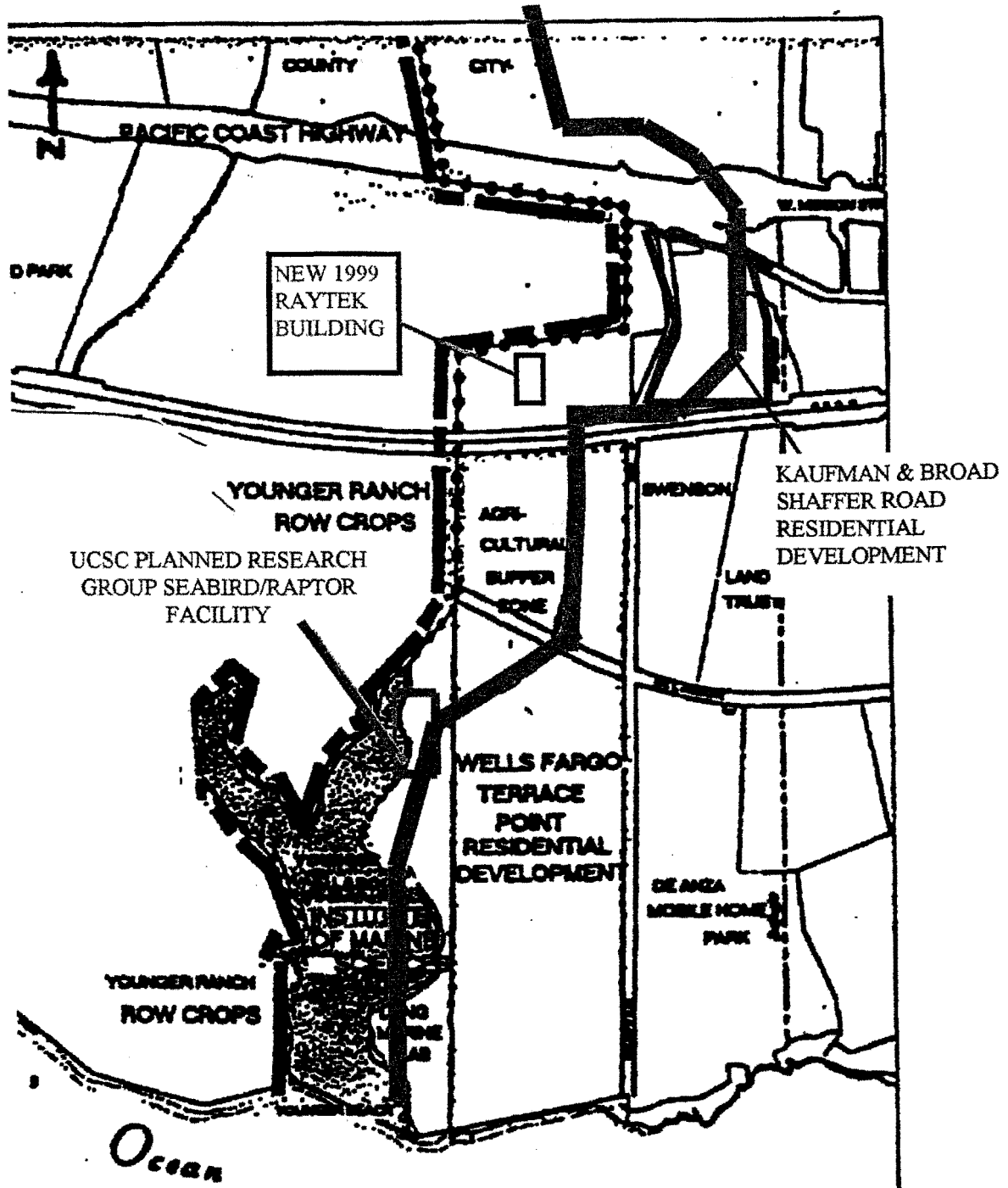


EXHIBIT L
(7 OF 7)