

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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VENTURA, CA 93001
(805) 585-1800

**RECORD PACKET COPY**

DATE: July 21, 2005

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
Gary Timm, South Central Coast District Manager
Steve Hudson, Supervisor, Planning and Regulation *SA*
Shana Gray, Coastal Program Analyst

RE: **Notice of Impending Development 2-05 (East Bluff Fence)**, Pursuant to the University of California Santa Barbara Certified Long Range Development Plan (LRDP) for Public Hearing and Commission Action at the meeting of August 10, 2005 in Costa Mesa.

SUMMARY AND STAFF RECOMMENDATION

The impending development consists of the request for after-the-fact approval of an as-built 2,000 linear foot, 3½ ft. high chainlink fence along the top of the east campus bluff on the Main Campus, University of California at Santa Barbara. The stated intent of the fence is to respond to erosion and undercutting of the of the east campus bluffs by preventing pedestrian and bicycle access to the bluff edge and minimize potential falling hazards to pedestrians and bicyclists.

The required items necessary to provide a complete notice of impending development were received in the South Central Coast Office on June 9, 2005, and the notice was deemed filed on June 17, 2005.

Staff is recommending that the Commission determine that the impending development **is consistent** with the certified University of California at Santa Barbara Long Range Development Plan (LRDP) with one special condition regarding revised plans for fence design. The motion and resolution are on **page 2**.

I. PROCEDURE

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

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

II. STAFF RECOMMENDATION: MOTION AND RESOLUTION

MOTION: *I move that the Commission determine that the development described in the Notice of Impending Development 2-05, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development 2-05, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DETERMINE DEVELOPMENT IS CONSISTENT WITH LRDP:

The Commission hereby determines that the development described in the Notice of Impending Development 2-05, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

1. Fence Design Alternatives

- A. Within 60 days of Commission action on NOID 2-05, the University shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans. The revised final project plans and project description shall reflect the following:
1. The fence shall be a post and cable fence, a split rail fence, or other similar, visually open design consistent with the provision of public safety subject to the review and approval of the Executive Director. Alternative designs may be allowed if the Executive Director determines that such designs are consistent with the intent of this condition and serve to minimize adverse effects to public views.
- B. The fence shall be constructed in compliance with the revised project plans approved by the Executive Director.

IV. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. BACKGROUND AND PROJECT DESCRIPTION

The impending development consists of the request for after-the-fact approval of an as-built 2,000 linear foot, 3½ ft. high chainlink fence along the top of the east campus bluff on the Main Campus, University of California at Santa Barbara (Exhibit 1). Additionally, the University proposes to post signage on the fence which states "Warning, Bluff is Undercut by Erosion, Keep Behind the Fence." The stated intent of the fence is to prevent access to the eroding bluff edge and prevent pedestrians and bicyclists using the existing bluff top trail to the edge and falling as a result of failure of the eroded and undercut bluff edge. The project is located along Lagoon Road from the East Entrance to UCen Road (Exhibit 2).

The project site area is primarily level along the top of the bluff and characterized by ruderal, non-native vegetation, including exotic grasses, pampas grass, and iceplant. Formal trails along the east campus bluff have not been constructed but pedestrians and bicycles have developed several "beaten" trails over time along the bluff edge and in the undeveloped area between the bluff edge and Lagoon Road from repeated use. The purpose of the project is to provide a safety barrier for pedestrians and bicyclists restricting access to an informal path along the edge of the coastal bluff. Public access would continue along two other informal paths roughly parallel to the one that will be restricted.

The proposed fence was installed by the University in January 2005. Under the present NOID, the University is requesting after-the-fact approval for installation of the fencing.

The posts were installed using a post-hole digger and set in concrete. Approximately 600 feet of the most eastern end of the fence was installed in rock. Holes dug in the rock were drilled and the posts set in concrete. The east campus bluff face is designated as environmentally sensitive habitat area in the certified LRDP. The fencing is located within the 100-foot buffer, however, the project has been designed to avoid impacts to the bluff face.

B. LRDP CONSISTENCY

The LRDP contains policies regarding the protection of coastal resources including guidelines for new campus development, public access, recreation, land resources, the marine environment, coastal waters, and sensitive habitat areas. In addition to the specific campus policies, the LRDP incorporates all of the Chapter 3 policies of the Coastal Act. With the exception of impacts to visual resources (see discussion below), there are no individual or cumulative adverse impacts on coastal resources associated with this project. An existing unimproved dirt trail is located on the bluff top on site. Although construction of the proposed fence blocks portions of the existing bluff top trail which the University considered unsafe for continued use, no adverse impacts to public access have resulted as pedestrian access is easily available landward of the new fence. In addition, though the fencing is located within 100-feet of the east campus bluff face, a designated environmentally sensitive habitat area in the certified LRDP, the project has been designed to avoid any and all impacts to the bluff face. However, due to the nature and location of the proposed fencing, the project would be inconsistent with the visual resource policies and provisions of the certified LRDP, as discussed in detail below.

Visual Resources

The LRDP contains policies to ensure that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance consistent with Section 30251 of the Coastal Act, including development setbacks, height restrictions, and landscaping requirements. LRDP Policy 30251.4 states that bluff top structures shall be set back from the bluff edge sufficiently far to ensure that the structure does not infringe upon public views from the beach. Coastal Act Section 30251, incorporated by reference into the LRDP, requires, in part, that development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize alteration of landforms, and to be visually compatible with the character of the surrounding areas.

The impending development consists of an as-built 2,000 linear foot, 3½ ft. high chainlink fence along the top of the east campus bluff on the Main Campus (Exhibit 2). The fencing roughly parallels the bluff top and a number of pedestrian and bicycle trails used by the public as coastal access routes. Additionally the fence is visible from primary coastal vantage points on campus, such as Lagoon Road and public viewing locations off campus including the Santa Barbara County Park at Goleta Beach. As proposed, the fence is a maximum of 3½ feet in height. This low profile is consistent

with the visual resource policies and provisions of the LRDP. However, the Commission finds that the chainlink design of the east bluff fencing does not protect views to and along the coast and is not compatible with visual character of the surrounding area. The Commission notes that the placement of fences along bluff top property is generally discouraged in order to minimize adverse impacts to coastal views, both from the beach of the bluff and from any bluff top viewing areas. However, in this case, the University has asserted that the fence is necessary to ensure public safety on campus. Therefore, in order to provide for the provision of public safety while also minimizing adverse impacts to visual resources as required by Coastal Act Section 30251, as incorporated into the certified LRDP, the Commission requires the University to submit revised plans for a fence using an alternative design that will minimize adverse impacts to views from the publicly used trails and coastal access routes to the adjacent coastal areas, pursuant to Special Condition One (1). Appropriate modified fence design(s) shall be more visually permeable and shall maintain the extensive and generally unimpeded visual character of the area, which may include a post and cable fence, split-rail fence, or other visually open design. Special Condition 1 requires that the University submit, for the review and approval of the Executive Director, two (2) sets of final revised fence plans within 60 days of Commission action on NOID 2-05. Alternative designs may be allowed if the Executive Director determines that such designs are consistent with the intent of this condition and serve to minimize adverse effects to public views.

This NOID includes the after-the-fact request for a determination that the installation of fencing along the bluff is consistent with the LRDP. As explained above, a chainlink fence is not consistent with the LRDP, and therefore Special Condition One (1) requires the University to submit revised project plans that modify the fencing type so it will minimize adverse impacts to scenic views.

The Commission, therefore, finds that the notice of impending development, as conditioned, is consistent with the applicable LRDP policies.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

The University is proposing the project pursuant to the University of California at Santa Barbara's certified Long Rang Development Plan. On March 17, 1981, the University's

Long Range Development Plan (LRDP) was effectively certified by the Commission. The LRDP has been subject to twelve major amendments. Under LRDP Amendment 1-91, the Commission reviewed and approved the 1990 UCSB LRDP; a 15-year long range planning document, which substantially updated and revised the certified 1981 LRDP. The 1990 LRDP is a long-range plan that guides development by UCSB necessary for the University to meet its broad mission of instruction, research, and public service for the period 1990-2005/2006.

For the reasons discussed in this report, the project as submitted is inconsistent with the intent of the applicable policies of the LRDP, including the Chapter 3 Coastal Act policies incorporated by referenced into the LRDP. The special conditions contained herein, will lessen any significant adverse effects of the specific project components associated with Notice of Impending Development 2-05. There are no other feasible alternatives or mitigation measures available which would further lessen any significant adverse effect which the approval would have on the environment. The Commission has imposed conditions upon the Notice of Impending Development to include such feasible measures as will reduce environmental impacts of new development. As discussed in the preceding section, the Commission's special conditions bring the University's proposed projects into conformity with the applicable Coastal Act policies incorporated by the University into the certified LRDP and the applicable policies of the LRDP. Therefore, the Commission finds that the Notice of Impending Development as conditioned herein, are consistent with CEQA and the applicable provisions of the Long Range Development Plan.

University of California, Santa Barbara
MAIN CAMPUS MAP

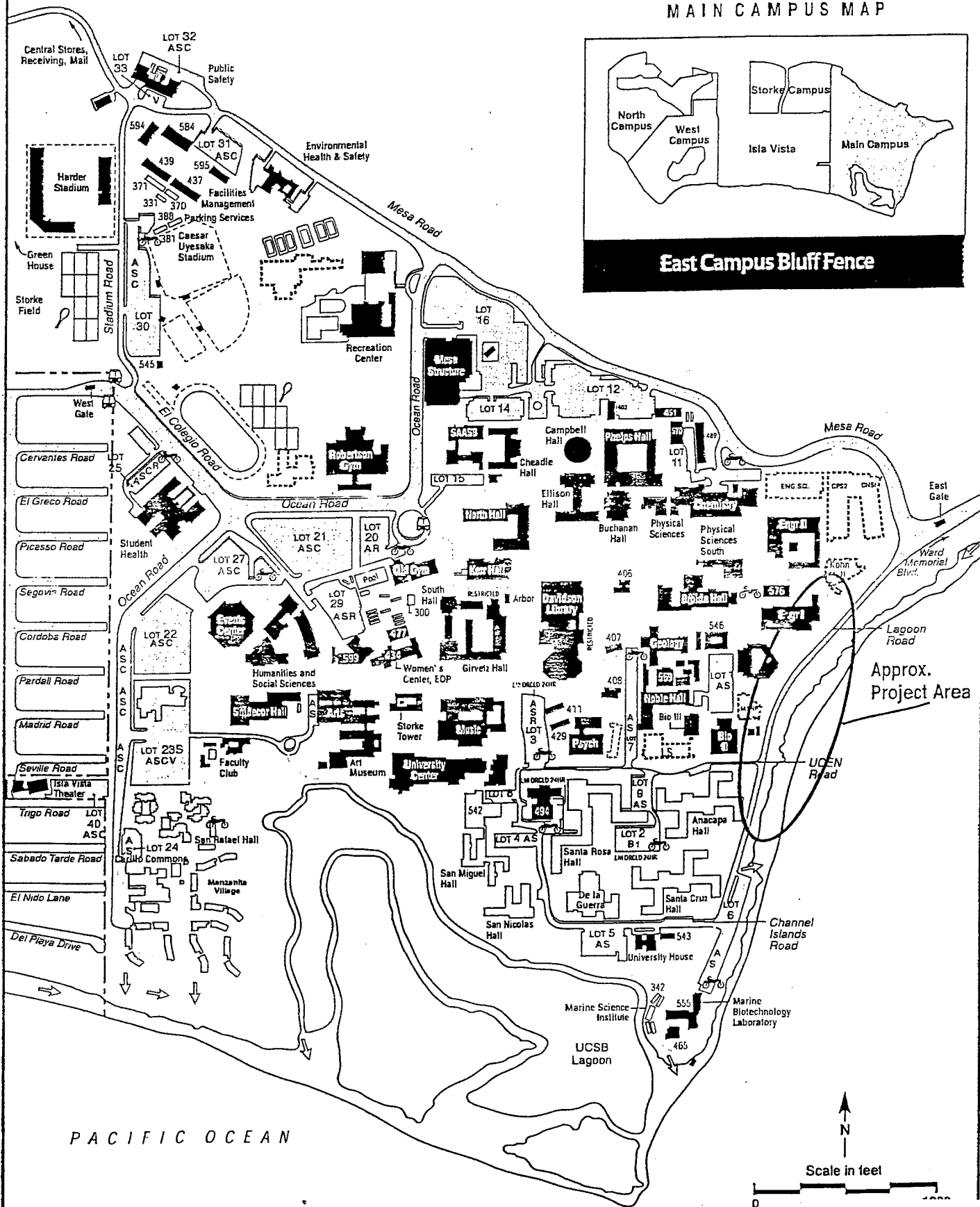
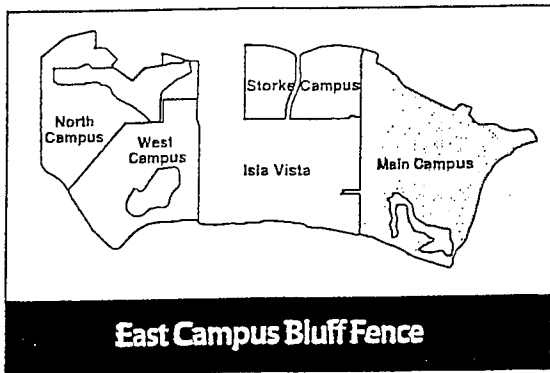
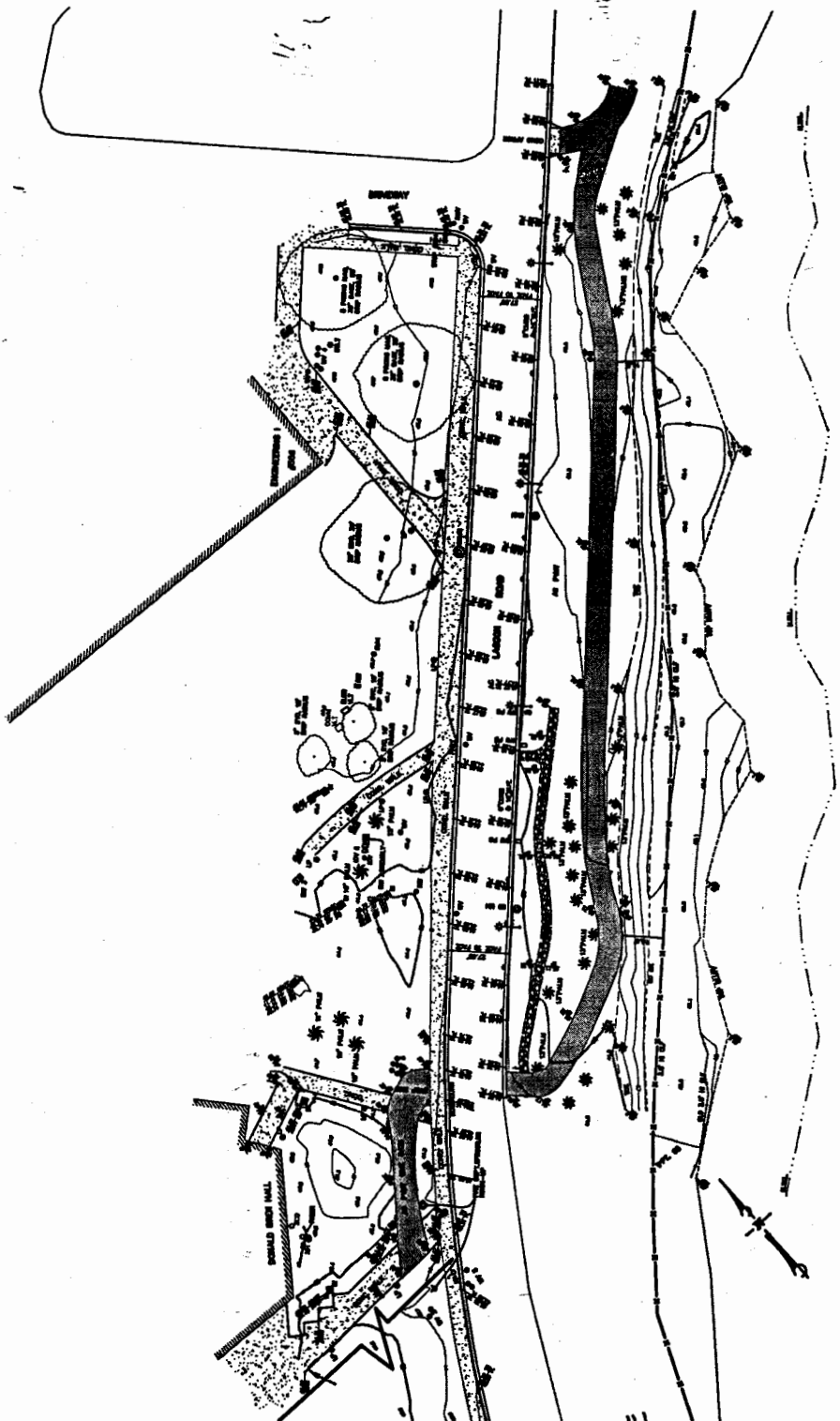
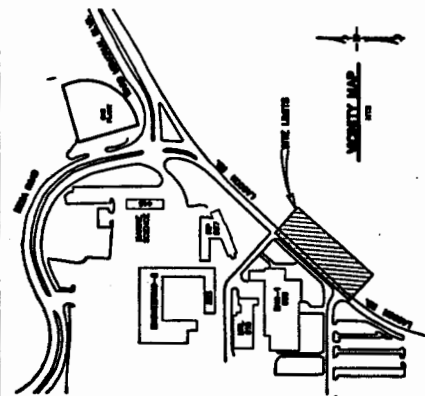
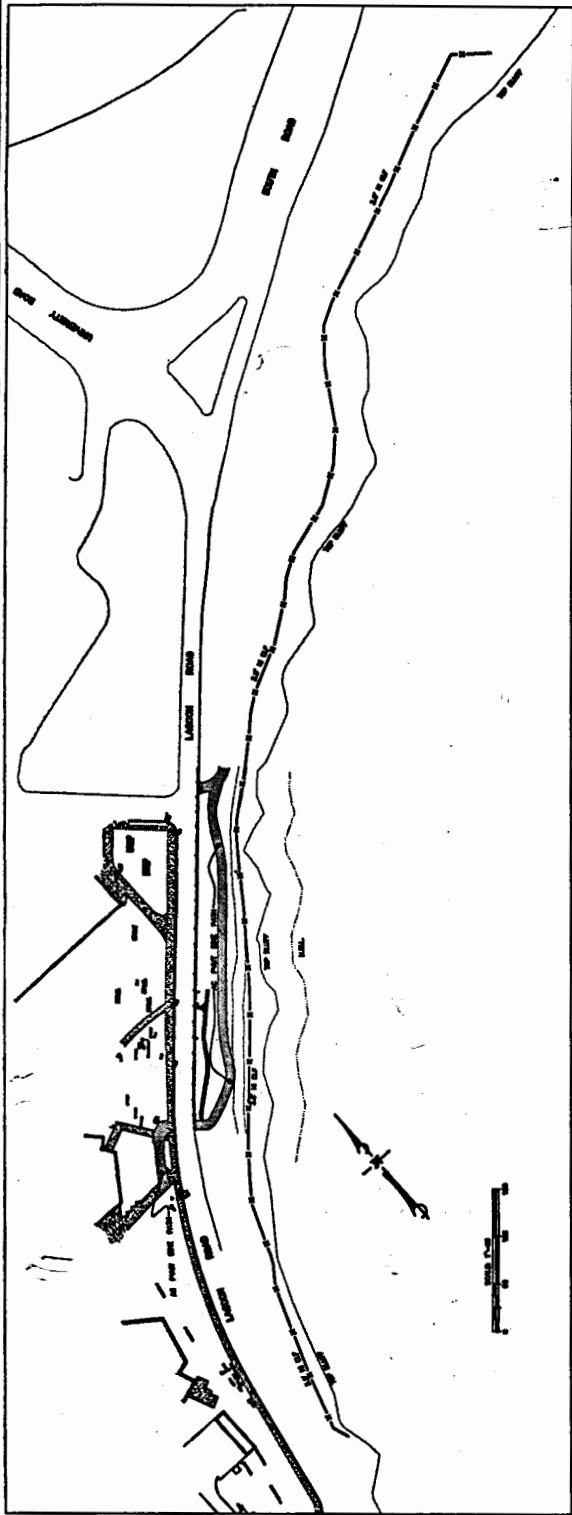


Figure 1 Location Map

EXHIBIT 1
UCSB NOID 2-05
Project Location



FENCE
TOP OF BUFF

SECURITY MAP
 THIS MAP IS A SECURITY MAP AS DEFINED IN THE
 NATIONAL SECURITY AGENCY, COMMUNIST CONTROL
 ACT, 50 U.S.C. 1701-1705. IT IS A SECURITY MAP
 BECAUSE IT SHOWS THE LOCATION OF A FENCE WHICH
 IS A SECURITY MEASURE.
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EXHIBIT 2
UCSB NOID 2-05
Site Plan

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