

# F3a, F3b, & F4a

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
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**DATE:** November 3, 2006

**TO:** Commissioners and Interested Persons

**FROM:** Jack Ainsworth, Deputy Director  
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**SUBJECT:** **Proposed Major Amendment 1-06** to the UCSB Certified Long Range Development Plan (LRDP), **UCSB Notice of Impending Development 1-06**, and **Coastal Development Permit Application 4-06-097** for Public Hearing and Commission Action at the November 17, 2006, Commission Meeting in Huntington Beach, CA.

### PROJECT DESCRIPTIONS:

#### **UCSB Long Range Development Plan Amendment 1-06:**

The University of California at Santa Barbara proposes to incorporate the 174-acre "North Campus" into the LRDP, including new land use designations, policies, and two housing developments. The Amendment would also modify land use designations (including designation of the "South Parcel" as "Open Space" and policies relating to public access, open space, residential and facility development, trails, and habitat enhancement on the West Campus.

#### **UCSB Notice of Impending Development 1-06:**

Construction of the "North Campus Faculty Housing" on the "North Parcel" including 172 new housing units, road improvements, parking, paths and trails, community recreation facility, recreation amenities, stormwater management improvements, utilities, and approximately 68,000 cu. yds. of grading. In addition, this project also includes the construction of the "Sierra Madre Family Student Housing" on the "Storke-Whittier Site" including 151 new housing units, a 7,400 sq. ft. community building, road improvements, parking, paths and trails, stormwater management improvements, and 15,300 cu. yds of grading; and management. This project further includes habitat restoration and public access improvements to the 68.7-acre "South Parcel" which is proposed to be designated as open space area on the proposed North Campus and improvements to the "West Campus Bluffs Trail" on West Campus.

#### **Coastal Development Permit Application 4-06-097:**

Construction of 5 of the 172 units of the "North Campus Faculty Housing" (Intersection of Phelps and Canon Green Roads) and 23 of the 151 units of the "Sierra Madre Family

Student Housing” on the “Storke-Whittier Site” (Intersection of Whittier and Storke Roads). In addition, the project includes associated road improvements, parking, paths and trails, recreation amenities, stormwater management improvements, utilities, and grading proposed as part of the “North Campus Faculty Housing” and the “Sierra Madre Family Student Housing” projects that are located within the area of retained jurisdiction of the Commission. The project also includes restoration of Phelps Creek, Devereux Creek, and their related riparian habitat areas; construction of a 20 foot wide, 42 foot long, and 9 feet high span bridge over Phelps Creek; and replacement of the existing Devereux Creek culvert at Venoco Road with a 26 foot wide, 42 foot long, 7 foot high span bridge. All project components are located on the reconfigured West and North Campuses.

**SUBSTANTIVE FILE DOCUMENTS:** University of California, Santa Barbara, 1990 Long Range Development Plan; Final Environmental Impact Report for Faculty and Family Student Housing Open Space Plan & LRDP Amendment prepared by EIP Associates dated September 2004.

#### **SUMMARY OF STAFF RECOMMENDATION:**

The University of California at Santa Barbara is proposing to amend its previously certified LRDP to incorporate the 174-acre “North Campus” into the LRDP and to allow for the development of two new student and faculty housing developments involving a total of 323 residential units. As part of this overall amendment, the University is also proposing to incorporate new, and revised existing, land use designations and policies in the LRDP (including designation of the “South Parcel” as “Open Space.” In addition, in order to implement the actual development authorized by this proposed amendment (LRDP Amendment 1-06) the University is also proposing the related Notice of Impending Development (NOID 1-06) and Coastal Development Permit (CDP) 4-06-097.

**Staff is recommending approval of the LRDP Amendment 1-06 with suggested modifications and approval of both NOID 1-06 and CDP 4-06-097 with conditions.** The standard of review for the proposed amendment to the LRDP is consistency with the Chapter 3 policies of the Coastal Act. The standard of review for review of the proposed Coastal Development Permit is consistency with the Chapter 3 policies of the Coastal Act. The standard of review for the proposed Notice of Impending Development is consistency with the policies and provision of the certified UCSB LRDP.

LRDP Amendment 1-06, NOID 1-06, and CDP 4-06-097 implement those portions of the *Joint Proposal for the Ellwood-Devereux Coast and the Ellwood-Devereux Coast Open Space and Habitat Management Plan* that are within the jurisdiction and ownership of the University of California, Santa Barbara (the University). These two documents have not been certified by the Commission, nor are they proposed or approved by this subject LRDP Amendment, NOID, or CDP application. These two documents are the products of a regional open space and development planning

process between the City of Goleta, Santa Barbara County, and the University for the 2.25 miles of undeveloped coastline between Isla Vista and Sandpiper Golf Course in Santa Barbara County known as the Ellwood-Devereux coast. The *Joint Proposal* includes the transfer of development from the Ellwood Mesa and the South Parcel (both zoned for residential development) of the University's North Campus to areas on the north side of Santa Barbara Shores Park and north of the Ocean Meadows Golf Course ("North Parcel"). Through the transfer of development rights envisioned by the joint proposal by the City of Goleta, County of Santa Barbara, and UCSB, a total cumulative area of 351 acres of area would be permanently designated as open space and natural reserve in the Ellwood-Devereux Coast area.

In the case of the proposed project before the Commission, the project area includes that portion of the Ellwood-Devereux Coast in Santa Barbara County spanning from Isla Vista west to the eastern border of Ellwood Mesa and Ellwood beach. This area, referred to as the "North and West Campuses," includes the West Campus Bluffs and West Campus Beach, Coal Oil Point, Devereux Slough and its tributaries, and Sands Beach and its surrounding area. This area is currently vacant undeveloped land that is used extensively for public access and recreation.

LRDP Amendment 1-06 would incorporate 174.25 acres of land called the "North Campus" into the certified 1990 LRDP for the University. The "North Campus" is currently included in the certified Santa Barbara County Local Coastal Program and Goleta Community Plan areas. The Amendment assigns the following table. In total 41 acres of the "North Campus" would be designated for faculty and student housing and approximately 133 acres would be designated either open space or natural reserve area (Coal Oil Point Reserve).

The LRDP Amendment also includes several changes to land use designations and policies associated with the existing West Campus of the University. Among the proposed changes include elimination of family student housing (up to 117 units) previously approved on the West Campus Mesa, addition of 80 new public coastal access parking spaces on the North and West Campuses, and various habitat restoration, trail and beach access improvements, and open space management measures for the North and West Campuses. The following table summarizes the University's LRDP Amendment proposal and the Commission staffs recommendations for the proposal.

<b>Campus Area</b>	<b>1990 LRDP</b>	<b>2006 LRDP Amendment Proposal</b>	<b>Commission Staff Recommending for Approval</b>
<b>NORTH CAMPUS</b>			
<b>26.3 Acre North Parcel</b>	N/A	New Development 172 units of faculty housing	New Development 172 units of faculty housing
	N/A	20 coastal access parking spaces off Phelps Road	20 coastal access parking spaces off Phelps Road
<b>68.7 Acre South Parcel</b>	N/A	Open Space (i.e., no housing)	Open Space (i.e., no housing)
<b>18.7 Acre Storke-Whittier Parcel</b>	N/A	151 units of family student housing on 14.8 acres and open space on 3.8 acres.	151 units of family student housing on 14.8 acres and open space on 3.8 acres.
<b>17.5 Acre Ellwood Marine Terminal Site</b>	N/a	Will be designated open space when lease expires 2016	Will be designated open space when lease expires 2016
<b>40-acre Coal Oil Point Reserve Expansion Area</b>	N/A	Natural Reserve	Natural Reserve
<b>WEST CAMPUS</b>			
<b>West Campus Mesa</b>	New Development 50 units-faculty housing (west of West Campus Point Lane)	New Development 50 units-faculty housing (both sides of West Campus Point Lane)	New Development 50 units-faculty housing (both sides of West Campus Point Lane)
	117 units-student housing (east of West Campus Point Lane)	No student housing	No student housing
	Children's Center expansion (unspecified amount)	Children's Center expansion (10,000 gross square feet)	Children's Center expansion (10,000 gross square feet)
	5-10 coastal access parking spaces (west of student gardens)	20 coastal access parking spaces (so. of Cameron Hall)	20 coastal access parking spaces (so. of Cameron Hall)

	Facilities To Be Retained: Student Gardens Campbell Ranch Barn  Existing Facilities To Be Removed: Stables & Riding Ring	Facilities To Be Retained Student Gardens Campbell Ranch Barn Stables & Riding Ring	Facilities To Be Retained Student Gardens Campbell Ranch Barn  Stables and Riding Ring to be removed or relocated 100 feet from wetlands and ESHA resources)
<b>West Campus Bluffs</b>	Open Space	Up to 20 or 40 public coastal access parking spaces (off Camino Majorca)	Up to 20 public coastal access parking spaces (off Camino Majorca)
	Bluffs designated as ESHA	No change from 1990 LRDP	No change from 1990 LRDP
	Potential beach access stairway on east side of COP	Beach access stairway located at "jailhouse"	Beach access stairway located at "jailhouse" on West Campus Beach
<b>Coal Oil Point</b>	Renovate/replace existing buildings with seminar center of equivalent area.	No change from 1990 LRDP	No change from 1990 LRDP
	30-50 permit parking spaces	50 parking spaces, including 20 or 0 public coastal access spaces to be used by the public.	50 parking spaces, including 20 public coastal access spaces to be used by the public during non-nesting season for snowy plovers and following construction of "jailhouse accessway" on West Campus Beach
	Potential temporary or permanent restroom	Permanent restroom facility	Permanent restroom facility
<b>Coal Oil Point Reserve</b>	117-acre Natural Reserve Designated as an ESHA	Add 40-acre expansion area to COPR	Add 40-acre expansion area to COPR
		Re-designate COPR and expansion area as Natural Reserve	Re-designate COPR and expansion area as Natural Reserve
		Re-designate 17-acre Ellwood Marine Terminal leasehold to Open Space when current lease expires in 2016	Re-designate 17-acre Ellwood Marine Terminal leasehold to Open Space when current lease expires in 2016

The projects proposed under the LRDP Amendment include some areas designated as retained jurisdiction of the Coastal Commission. The retained jurisdiction area includes Phelps Creek, Devereux Creek and its tributaries, Devereux Slough, and beach areas. The University has, therefore, submitted NOID 1-06 and CDP 4-06-097 to permit the following projects:

*North Campus Faculty Housing and Phelps Bridge and Restoration Projects:*

The University proposes construction of 172 condominium and single family residential units on the "North Parcel" to be sold to faculty of the University at reduced market prices. The development would include roads, pedestrian walkways, a 1,800 sq. ft. community building, a 20-space public coastal access parking lot, and a 20 foot wide bridge over Phelps Creek to connect the west and east sides of the development. The units would be a maximum of 35 in height from finished grade. Each unit includes at least two parking spaces onsite. The development would be located in the 100-year floodplain of Phelps Creek, which runs through the center of the property. All structures would be built two feet above the 100-year floodplain. The project also includes restoration of seasonal wetlands onsite and the reconstruction and restoration of the east bank of Phelps Creek to improve wetland and riparian habitat along the stream, stabilize the stream, reduce erosion, and increase flood capacity. Public trail access would be provided through the development from Phelps Road and Marymount Way to the Ellwood-Devereux open space area.

*Sierra Madre Family Student Housing Project:*

The University proposes construction of 151 family student housing rental units on the Storke-Whittier and West Campus Family Student Housing properties. The units would be a maximum of 35 in height from finished grade. Each unit would be provided at least two parking spaces onsite. The development would include roads, pedestrian walkways, parking lots, and a 7,400 sq. ft. community building. The project also includes restoration of a seasonal wetland on the property. The project would include public trail access through the development from Storke and Whittier Roads to the Ellwood-Devereux open space area.

*South Parcel and West Campus Bluff Trail Restoration Projects:*

The University proposes enhancement and creation of 20.3 acres of wetland, riparian, native grassland, coastal bluff scrub, and other native habitats on the 68.7-acre South Parcel. Additionally, the University proposes 4 acres of erosion control and drainage improvements on the site to reduce the sediment loads to nearby Devereux Slough. Finally, the University proposes closure of 3.5 miles of existing unplanned trails, enhancement of 3.5 miles of existing trails, and creation of 0.37 miles of new trail routes. The University proposes to improve 2,900 feet of the West Campus Bluff Trail.

*Devereux Culvert Replacement Project:*

The University proposes to replace the existing culvert and sediment basin on Devereux Creek in the vicinity of Venoco Road. The new design would be a 26 foot wide and 7 foot high arched culvert resembling a span bridge. The project would provide for fish passage and wildlife movement up Devereux Creek and restore wetland, riparian, stream, and transitional habitats at the crossing.

### Policy Conflict

The University's proposal for the North and West Campuses includes clustering of development on the North Parcel and Storke Whittier sites, in exchange for preservation of the 68.7-acre South Parcel and elimination of student housing units (up to 117) on the West Campus Mesa. The University is also proposing to offset the potential impacts of the housing developments on trail use, recreation amenities in the area, water quality in Devereux Creek and Slough, and habitat by restoring 20.3 acres of habitat on the South Parcel. These improvements would be conducted at the same time as development of the North Campus Faculty Housing project.

The South Parcel includes several native wetland and ESHA habitats, including seasonal wetlands, riparian and creek habitats, monarch butterfly aggregations sites, dunes, snowy plover and California least tern habitats, and coastal bluff scrub. The West Campus Mesa, similarly contains portions of Devereux Slough and is the site of known archeological resources. The North Parcel has been impacted from previous disturbances and is primarily covered in non-native grassland vegetation. However, several scattered areas of seasonal wetlands, native grasslands, riparian vegetation, and eucalyptus used by monarch butterflies (not aggregation site) are located on the "North Parcel" site. The "Sierra Madre" Housing Site was previously developed as a golf driving range and has been previously heavily impacted. Seasonal wetlands, however, covered three areas of the site. In addition, the east fork of Devereux Creek (currently filled in the vicinity of the property) also is located in the middle of the property. The North Parcel, South Parcel, West Campus Mesa, and Storke-Whittier properties are all currently zoned for residential development either in the existing LRDP or the Goleta Community Plan certified by the Commission.

All residential units proposed on the Sierra Madre property would be located over 100 feet from all seasonal wetlands and open space areas onsite. The North Campus Faculty Housing Development, however, would require removal of approximately 0.08 acres of scattered patches of purple needlegrass ESHA and approximately 600 sq. ft. of riparian vegetation considered ESHA. Additionally, the development would require reduced buffers to wetlands and ESHA as follows: 100 feet from the wetlands associated with the west fork of Devereux Creek southwest of the property; 50 feet from riparian habitats associated with Phelps Creek; 10 feet from native grasslands; and 25 feet from monarch butterfly habitat onsite. Commission staff note that the University has proposed buffers of 8 feet to monarch butterfly habitat; however, staff recommends in suggested modifications and conditions that a minimum of a 25 foot buffer be provided from monarch butterfly habitat (resulting in the deletion or relocation of one of the proposed housing units). The development would also require limited encroachment into buffer by roads, walkways, the proposed public coastal access parking lot, and bioswales. The Commission's ecologist has determined that these reduced buffers are inadequate to protect wetland and ESHA resources onsite.

Given, that residential housing is not considered a "resource dependent" use, the project is inconsistent with Section 30240 of the Coastal Act (which has also been included as a policy in the certified LRDP), the project can only be approved in conjunction with the "balancing" provisions of the Coastal Act Section 30007.5. If the University's proposal is denied, it would reduce the ability to concentrate development contiguous with existing urban development, and away from the most sensitive habitat areas, as required by Section 30250. The project clusters residential development on 41 acres adjacent to existing

developed areas and existing infrastructure, while preserving 133 acres of high quality habitat adjacent to the beach, Ellwood Mesa, Devereux Slough, and Coal Oil Point Reserve. The project would also provide the continued use of the South Parcel for public access and recreation.

It is unknown what level of development would be the maximum amount that the Commission would be able to find consistent with Coastal Act and LRDP policies on the South and North Parcels in the event that both parcels were to be developed. The certified Goleta Community Plan for the area designates the North Parcel, South Parcel, and Storke-Whittier properties for residential development. The plan allows for development of up to 351 residential units combined for the three properties. The plan also prohibits the development of more than 122 units south of the golf course on the South Parcel. The University has informed Commission staff that in 1998, the University contemplated the development of 122 housing units on the South Parcel and 147 units on the North Parcel. However, such a proposal was never submitted to the Commission by the University for any type of approval or consideration due to concerns about impacts to sensitive habitats and open space areas. Commission staff estimate that it may be possible that 40 to 90 housing units may be potentially developable on either the South Parcel or North Parcel, if all requirements to provide for 100 ft. buffers from wetlands and ESHA are met. In this scenario, the development would sprawl over a much larger area and would be located away from existing housing developments in the area. As contemplated under the previous approvals of the site, it is reasonable to assume that a residential subdivision would move forward and negatively impact these sensitive habitat areas, resulting in the direct loss of ESHA and significantly greater impacts to both ESHA and public access resources in comparison with the proposed project. As a result of the above considerations, and as detailed in this report, the Commission finds that the removal of patches of native grassland and riparian scrub and reduced wetland and ESHA buffers in this location represent the best feasible alternative that is, on balance, the most protective of ESHA resources in the project area.

However, the balancing provisions of the Coastal Act do not relieve the responsibility of implementing the other requirements of Coastal Act Section 30240, including mitigation of impacts. In addition to increasing buffers to monarch butterfly habitat on the North Parcel to 25 feet, other suggested modifications and special conditions require the University to record an offer to dedicate or grant of open space conservation easement on the South Parcel prior to commencement of construction of the North Campus Housing project. In addition, the University will be required to mitigate impacts to lost native grassland and riparian vegetation, as well as impacted wetland and ESHA habitats with reduced buffers (less than 100 feet) at mitigation ratios of 4:1 for wetlands and 3:1 for riparian and other ESHA habitats. The suggested modifications for the LRDP Amendment further clarify that the habitat buffers for wetlands and other ESHA habitats for the rest of campus shall be a minimum of 100 feet. Finally, the University will be required to provide public access through the housing developments.

The standard of review for LRDP Amendment 1-06 and Coastal Development Permit 4-06-097 is the Chapter Three policies of the Coastal Act. As conditioned, the proposed LRDP Amendment and CDP are consistent with all applicable Chapter Three policies of the Coastal Act. The standard of review of NOID 1-06 is the LRDP, which incorporates the Chapter Three policies of the Coastal Act. As conditioned, the proposed NOID is consistent with all applicable policies and provisions of the LRDP as amended.

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**EXHIBITS**

Exhibit 1 Proposed LRDP Amendment  
 Exhibit 2 Notice of Impending Development and Plans  
     *Exhibit 2A North Parcel Faculty Housing Site Plan*  
     *Exhibit 2B North Parcel Grading*  
     *Exhibit 2C North Parcel Grading*  
     *Exhibit 2D North Parcel Single Family Elevations*  
     *Exhibit 2E North Parcel Townhouse Elevations*  
     *Exhibit 2F North Parcel Impact Analysis*  
     *Exhibit 2G North Parcel Habitat Restoration Plan*  
     *Exhibit 2H North Parcel Habitat Restoration Plan*  
     *Exhibit 2I North Parcel Habitat Restoration Plan*  
     *Exhibit 2J North Parcel Habitat Restoration Plan*  
     *Exhibit 2K North Parcel Habitat Restoration Plan*  
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     *Exhibit 2T Sierra Madre Grading*  
     *Exhibit 2U Sierra Madre Impact Analysis*  
     *Exhibit 2V South Parcel Restoration Plan*  
     *Exhibit 2W South Parcel Trail Response Memo*  
     *Exhibit 2X West Campus Bluffs Site Plan*  
     *Exhibit 2Y West Campus Bluffs Site Biological Resources*  
 Exhibit 3 CDP Project Description and Plans  
     *Exhibit 3A CCC Retained Jurisdiction Areas*  
     *Exhibit 3B Devereux Creek Culvert Site Plan*  
     *Exhibit 3C Devereux Creek Culvert Grading*  
     *Exhibit 3D Devereux Creek Culvert Impact Analysis*  
     *Exhibit 3E Phelps Creek Bridge Site Plan*  
     *Exhibit 3F Phelps Creek Bridge Impact Analysis*  
     *Exhibit 3G Phelps Creek Layback Site Plan*  
     *Exhibit 3H Phelps Creek Layback Impact Analysis*  
     *Exhibit 3I Phelps Creek Layback Conceptual Restoration/Replanting*  
     *Exhibit 3J Phelps Creek Layback Conceptual Restoration/Replanting*  
 Exhibit 4 Project Area  
 Exhibit 5 Ellwood-Devereux Open Space Plan Area  
 Exhibit 6 Regional Trail Network

The exhibits are separated into three files. Use the links below.

Exhibits: Part 1  
 Exhibits: Part 2  
 Exhibits: Part 3

- Exhibit 7 Vegetation Communities on the North and West Campuses
- Exhibit 8 Special Status Species and Habitat, North and West Campuses
- Exhibit 9 Hydrology and Flood Hazards
- Exhibit 10A Wetland Memo-Dr. John Dixon
- Exhibit 10B Native Grassland Memo – Dr. John Dixon
- Exhibit 10C Creeping Ryegrass Memo-Dr. John Dixon

## I. PROCEDURAL ISSUES

### A. STANDARD OF REVIEW

#### Long Range Development Plan Amendment

The standard of review for proposed amendments to certified LRDPs, pursuant to Sections 30605, 30512(c), and 30514(b) of the Coastal Act, is that the proposed amendment meets the requirements of and is in conformance with the Chapter 3 policies of the Coastal Act. In addition, Section 30605 of the Coastal Act further stipulates the following concerning LRDPs and future amendments:

***If any such plan for public works is submitted after the certification of local coastal programs, any such plan shall be approved by the commission only if it finds, after full consultation with the affected local governments, that the proposed plan for public works is in conformity with certified local coastal programs in jurisdictions affected by the proposed public works. Each state university or college or private university shall coordinate and consult with local government in the preparation of long-range development plans so as to be consistent, to the fullest extent feasible, with the appropriate local coastal program.***

In 1981 the Commission certified the UCSB Long Range Development Plan. In 1991 the Commission approved the 1990 Long Range Development Plan Amendment, a comprehensive amendment encompassing the Main, West, and Storke Campuses of UCSB. A portion of the proposed amendment includes changes to the West Campus certified under the 1990 LRDP. The proposed amendment also includes addition of the North Campus into the LRDP. The North Campus area is currently included within the Santa Barbara County Local Coastal Program certified in 1982 by the Commission and the Goleta Community Plan certified in 1994 by the Commission (S.B. County LCP Amendment 2-93-B).

Accordingly, the proposed amendment, pursuant to Sections 30605, 30512(c), and 30514(b) of the Coastal Act, must meet the requirements of and be in conformance with the Chapter 3 policies of the Coastal Act. In addition, those portions of the amendment involving the proposed North Campus must be consistent and conform, to the extent feasible, with the policies of the certified Santa Barbara Local Coastal Program and Goleta Community Plan.

### Notice of Impending Development

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.

### Coastal Development Permit

The standard of review of the submitted coastal development permit application is that the proposed development applications meets the requirements of and is in conformance with the Chapter 3 policies of the Coastal Act.

## **B. PUBLIC PARTICIPATION**

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

## **C. PROCEDURAL REQUIREMENTS**

### LRDP Amendment:

Pursuant to Section 13551(b) of the California Code of Regulations, the University resolution for submittal must indicate whether the LRDPA will require formal adoption by the Board of Regents after the Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Coastal Act Sections

30512, 30513 and 30519. Because this approval is subject to suggested modifications by the Commission, the University must act to accept the adopted suggested modifications and the requirements of Section 13547, which provides for the Executive Director's determination that the University's action is legally adequate, within six months from the date of Commission action on this application before the LRDP shall be effective.

Notice of Impending Development:

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: MOTIONS & RESOLUTIONS**

### **A. LRDP AMENDMENT 1-04: DENIAL AS SUBMITTED**

**MOTION I:** *I move that the Commission certify the University of California at Santa Barbara Long Range Development Plan Amendment 1-06 (North and West Campuses) as submitted.*

### **STAFF RECOMMENDATION FOR DENIAL OF LRDP/LRDP AMENDMENT:**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the Long Range Development Plan Amendment 1-06 and the adoption of the following resolution and findings. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

### **RESOLUTION I:**

The Commission hereby denies certification of the University of California at Santa Barbara Long Range Development Plan Amendment 1-06 and adopts the findings

stated below on the grounds that the amendment is inconsistent with Chapter 3 of the Coastal Act. Certification of the amendment would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse effects that the approval of the amendment would have on the environment.

## **B. LRDP AMENDMENT 1-06: CERTIFICATION WITH SUGGESTED MODIFICATIONS**

**MOTION II:** *I move that the Commission certify the University of California at Santa Barbara Long Range Development Plan Amendment 1-06 if modified as suggested in the staff report.*

### **STAFF RECOMMENDATION FOR CERTIFICATION OF LRDP AMENDMENT WITH SUGGESTED MODIFICATIONS:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Long Range Development Plan 1-06 as modified. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

### **RESOLUTION II:**

The Commission hereby certifies the University of California at Santa Barbara Long Range Development Plan Amendment 1-06 as modified and adopts the findings stated below on the grounds that the amendment as modified is consistent with Chapter 3. Certification of the amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amendment on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amendment on the environment.

## **C. NOID 1-06: APPROVAL WITH CONDITIONS**

**MOTION III:** *I move that the Commission determine that the development described in the Notice of Impending Development 1-06(North and West Campuses), as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan.*

**Staff recommends a YES vote.** Passage of this motion will result in a determination that the development described in the Notice of Impending Development 1-06 as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan as amended pursuant to LRDP Amendment 1-06, and

adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION III: TO DETERMINE DEVELOPMENT IS CONSISTENT WITH LRDP:**

The Commission hereby determines that the development described in the Notice of Impending Development 1-06, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan, as amended pursuant to LRDP Amendment 1-06 for the reasons discussed in the findings herein.

**D. CDP 4-06-097: APPROVAL WITH CONDITIONS**

**MOTION IV:** *I move that the Commission approve Coastal Development Permit No. 4-06-097 pursuant to the staff recommendation.*

**Staff recommends a YES vote.** Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION IV: TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**III. SUGGESTED MODIFICATIONS TO LRDP AMENDMENT  
1-06**

The staff recommends that the Commission certify the following, with two modifications as shown below. Language presently contained within the certified LRDP is shown in straight type. Language recommended by Commission staff to be deleted is shown in ~~line out~~. Language proposed by Commission staff to be inserted is shown underlined. Other instructional suggested modifications to revise maps or figures are shown in italics.

## 1. Environmentally Sensitive Habitat Definitions and Designations

The following suggested modifications incorporate known wetland, riparian, native grassland, monarch butterfly habitat, and other ESHA on the North and West Campuses into the environmentally sensitive habitat area overlay designation.

- 1.a. Appendix F, Figure D, Land Use and Circulation, North and West Campuses, shall be modified to designate all wetland, riparian, purple needlegrass, creeping ryegrass, monarch butterfly habitat, western snowy plover habitat, southern dune scrub, southern foredunes, and coastal bluff scrub areas on North and West Campuses as environmentally sensitive habitat area consistent with Exhibits 2F, 2U, 3D, 3F, 10A, and 10B of this staff report.
- 1.b. Table B in Part 1, Chapter II, Section B shall be modified to reflect known acreages of environmentally sensitive habitat areas, including all wetland, riparian, purple needlegrass, creeping ryegrass, monarch butterfly habitat, western snowy plover habitat, southern dune scrub, southern foredunes, and coastal bluff scrub on the North and West Campuses consistent with Exhibits Exhibits 2F, 2U, 3D, 3F, 10A, and 10B.
- 1.c. Appendix D, Section 2.6 shall be modified as follows:

The purpose of the designation Environmentally Sensitive Habitat Areas is to protect environmentally sensitive areas from the effects of overuse of and from adverse impacts from associated with adjacent land uses. In addition to those resources mapped in Figure 28 and Appendix F, Figure D, Environmentally Sensitive Habitat Areas include any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

### **General Areas Classified**

ESHAs cover the following areas:

- Portions of the Coal Oil Point Natural Reserve.
- The Campus Lagoon "Island" and Goleta Point.
- Bluffs adjacent to Goleta Slough.
- Ocean bluffs.
- Beaches.
- Storke Wetlands.

- Seasonal and perennial wetlands.
- Riparian areas.
- Streams and creeks.
- Devereux Slough and surrounding habitat areas.
- Native purple needle grasslands,
- Native creeping rye grasslands,
- Coastal bluff scrub,
- Foredune and dune habitats, and
- Snowy plover habitat.

## **2. Horse Stables and Riding Ring**

The following suggested modifications require the University either remove or relocate the horse facilities on West Campus to protect stream and riparian habitats.

2.a. Appendix F, Figure E, Illustrative Concept North and West Campuses, shall be modified to either remove all references to the UCSB stables on West Campus or clarify on the figure that these stables, according to Policy 30240(a).17, shall be removed or relocated 100 feet away from wetland, riparian, and stream resources.

2.b. Page 79 of Chapter III, Section C shall be modified as follows:

Consistent with the 1990 LRDP, existing non-residential facilities and uses on the West Campus will be maintained and/or enhanced. The Orfaea Family Children's Center will continue to serve UCSB families and the community, and be permitted to expand by as much as 10,000 square feet to meet increased demand. This Amendment locates the Cliff House at the same site designated in the 1990 LRDP. The total amount of building space in new buildings at the Coal Oil Point will not exceed the present amount of space in existing buildings, so open space and views to the coast will be protected. Under the 1990 LRDP and carried forward in this amendment, the assemblage of buildings at Coal Oil Point, including the Cliff House, will be renovated or replaced to create a seminar center with a building area no greater than the total space in the existing structures and building pads. The Cliff House, in particular, would be replaced, with the new facilities set back from the bluff edge to protect them from damage associated with the natural retreat of bluffs. No changes are proposed to the old

Campbell Ranch Barn, ~~the horse stables, or the riding ring~~ and the student gardens north of Devereux Road will remain. Cameron Hall, located near the entrance to the West Campus, may be renovated, reused, or removed. The 1990 LRDP called for removal of the Horse Stables (Policy 30240(a).17) in order to protect water quality and riparian habitat in the area. The North and West Campus Amendment requires the University to either remove the horse facilities or relocate the facilities at least 100 feet from stream, riparian, wetland, and other sensitive biological resources. ~~Since this time developed areas (paddocks) of the horse stables have been relocated away from environmentally sensitive areas in accordance with a 1994 Horse Stables Plan. Accordingly, the 1990 LRDP policy has been deleted.~~

- 2.c. Policy 30240 (a).17 on Page 166, Chapter V, Section A, Part 4 shall be modified as follows:

30240(a).17

The horse facilities in the watershed of the North Finger of the Devereux Lagoon shall be removed or relocated at least 100 feet away from wetlands, the top of bank of any streams, and any riparian canopy as part of the open space management and restoration of the Ellwood-Devereux area. A manure and waste management plan, as well as a comprehensive drainage and polluted runoff control plan shall be required for any new or relocated horse facilities. ~~The horse paddocks located on West Campus will remain as long as any proposed future modifications or improvements are consistent with LRDP policies. (Amended in 2006 to reflect the University's retention of the horse stables).~~

### 3. **Mitigation Banks**

The following suggested modifications delete any references for offsite mitigation bank areas on the North and West Campuses.

- 3.a. Page 86 of Chapter III, Section C shall be modified as follows:

The West Campus Bluffs Nature Park would also provide opportunities for restoration ~~serve as a mitigation bank~~ (particularly for vernal pools and grasslands), ~~that would be available as a site for implementing effective off-site mitigation for future University projects.~~

- 3.b. Page 89 of Chapter III, Section C shall be modified as follows:

The 2006 North and West Campus Amendment includes significant changes in the direction for the North Campus from the County's LCP by reserving all land south of the Ocean Meadows Golf Course as open space, ESHA, or Natural Reserve. The 2006 North and West Campus Amendment also provides a more

fully articulated vision of the character and function of these areas, and allows for more active management. Specifically, the Amendment calls for:.....

Creation of a vernal pool and native grasslands ~~mitigation bank~~ restoration areas in the westernmost portion of the South Parcel Nature Park, and a riparian habitat restoration area ~~mitigation bank~~ in the southern portion. ~~These mitigation banks would be available as sites for implementing effective off-site mitigation for the loss of wetland buffers on the North Parcel faculty housing site as well as other future University projects that may require mitigation. ...~~

3.c. Page 160, Chapter V, Section A, Part 3

...Key actions to protect and enhance environmentally sensitive habitats that will occur as a result of the Amendment include:

- The designation of the South Parcel and the West Campus Bluffs as Nature Parks that will be dedicated to the restoration of native habitats (e.g., vernal pools, riparian, grasslands, coastal and bluff scrub, etc.) within their historic range, ~~and which will serve as mitigation banks for future University projects.~~
- The dedication of 40 acres, a portion of which is environmentally sensitive area, to the Coal Oil Point Natural Reserve, and its restoration per the COPR Draft Management Plan (the COPRMP would be part of a future LRDP Amendment approval);...

**4. Removal of Non-Native Vegetation**

The following modifications require biological surveys prior to removal of non-native trees or shrubs on North and West Campus to protect sensitive species habitats.

4.a. Page 83 of Chapter III, Section C shall be modified as follows:

Scenic Resources. Implementation of proposed habitat restoration and trail and parking improvements will contribute to a more consistent and higher quality visual character for the Open Space areas by replacing denuded and eroded areas with healthy native vegetation. Maintaining and adding benches at key vista points and observation areas will provide opportunities for the public to enjoy the dramatic scenic vistas of the coast and the avian life that frequents the area. Also, removal of the tamarisk trees that have colonized the bluff tops east of Coal Oil Point to open up new vistas from the West Campus Bluffs trail may be allowed if biological studies show that these trees do not provide habitat for sensitive species. ...

4.b. Policy 30240(a).4 on Page 161 Chapter V, Section A, Part 4 shall be modified as follows:

30240(a).4

To preserve roosting habitat for ~~sensitive~~ bird species and monarch butterflies, special consideration and care shall be given prior to the removal or trimming of any significant non-native trees and shrubs such as eucalyptus, and some pine species that could potentially provide habitat for sensitive species. ~~are recognized roosting areas for sensitive species~~. Non-native tree and brush species may only be removed if their presence inhibits fulfillment of other LRDP objectives such as restoration of native habitat, construction of new structures and infrastructure, and protection of sensitive biological resources. Prior to the removal or trimming of any non-native tree species, the University shall conduct biological studies to show that the trees are not actively used as nesting, roosting, or foraging habitat for raptors, nesting habitat for sensitive birds, aggregation or significant foraging sites for monarch butterflies, or habitat for other sensitive biological resources. Prior to the removal of non-native shrubs during the nesting season for sensitive birds (February 15 through August 31) the University shall conduct a biological survey of the shrubs to prevent impacts to nesting sensitive bird species. ~~do not provide habitat for rare or sensitive species~~. (Amended 2006 to focus protection to significant habitat and add protection for Monarch butterflies.)

## 5. Habitat Protection

The following suggested modifications clarify wetland and ESHA protection measures in the LRDP and define buffer areas for the campus.

- 5.a. Policy 30240 (b).1 on Page 163 Chapter V, Section A, Part 4 shall be modified as follows:

30240(b).1

In order to protect the character and quality of the Natural Reserve, ~~New~~ faculty housing structures on the West Campus Mesa shall be set back at least 100 feet as far from the east edge of Devereux Road Devereux Slough and associated wetland areas as feasible (1980 LRDP Development Standard, as amended, ~~amended in 2006~~).

- a. Existing trees within the designated housing areas which are near, but fall outside this setback, shall not be removed except where necessary to accommodate new utilities infrastructure.
- b. Native trees and shrubs compatible with the area shall be closely planted along the east side of Devereux Road within the required building setback to enhance the bird roosting habitat of bluff trees, and to shield the Reserve from light and glare. This planting shall take place in conjunction with the housing development (Amended in 2006).
- c. To the degree possible, new faculty housing should be located east of West Campus Point Lane to minimize potential impacts to the Reserve and to avoid archeological resources on the west side of the lane (Amended 2006).

5.b. The following policy shall be added to Chapter V, Section A, Part 4:

30240 (b).24

Environmentally sensitive habitat areas (ESHA) on campus shall be protected and, where feasible and appropriate, enhanced. All new development shall be setback a sufficient distance from ESHA so as to protect any sensitive biological resources. The minimum setback or buffer shall be 100 feet except on the North Parcel pursuant to Policy 30230.4 or as otherwise specified in this LRDP. Where destruction of ESHA is unavoidable and permitted and/or buffers between ESHA and development are less than 100 feet, a restoration plan shall be required to mitigate the lost habitat at a 4:1 ratio for wetland, riparian, and open water or stream habitats and 3:1 for all other ESHA. Restoration as a result of mitigation for a project shall be conducted onsite where feasible.

5.c. The following policy shall be added to Chapter V, Section A, Part 4:

30240(b).26

In light of the significant benefits of clustering development on the North Parcel and preservation of the South Parcel as open space, the wetlands, riparian habitat, and ESHA on the North Parcel will not be protected by a buffer from development that is at least 100 feet. Buffers that are less than 100 feet place these resources at risk of significant degradation caused by the adjacent development. The University shall mitigate the adverse impacts of reduced buffers by providing mitigation for all wetland, riparian habitats, and ESHA that will not have a 100 foot buffer from any structures, roads, or other paved development. Mitigation shall occur at the following ratios:

- Seasonal wetlands 4:1
- Riparian habitats 3:1
- Native grassland, monarch butterfly habitat, or other ESHA 3:1

Should restoration of impacted wetlands be feasible onsite, restoration and enhancement of these habitats in place may be used to account for a portion of the required habitat mitigation up to a 1:1 ratio. The remaining mitigation shall either occur on the North Parcel or the South Parcel pursuant to policy 30240(b).25.

5.d. Policy 30230.3 on Page, 170 Chapter VI, Section A, Part 3 shall be modified as follows:

30230.3

Wetland, riparian and environmentally sensitive habitat areas on the North Parcel and Storke-Whittier property, including those identified in the 2006 North Parcel and Sierra Madre wetland delineations, shall be retained, restored and/or enhanced. A plan for restoring all riparian and wetland areas on the properties shall be submitted to and approved by the Coastal Commission and implemented

concurrent with the development of the Sierra Madre Family Student Housing and North Parcel Faculty Housing Developments. (Amended in 2006).

- 5.e. Policy 30230.4 and 30230.5 on Page, 170 Chapter VI, Section A, Part 3 shall be modified as follows:

30230.4

Buffers to existing wetland, riparian, and environmentally sensitive habitat areas (ESHA) on the North Parcel, including those identified in the 2006 North Parcel wetland delineation for the North Parcel Faculty Housing Development and the Phelps Creek Riparian Area on the North Parcel shall be provided in substantial accordance with the site plan for North Parcel development as follows. Buildings shall be required to be set back as far back from wetland, riparian, and environmentally sensitive habitat areas as far as possible. Buffers from the wetland area located near the southwest corner of the North Parcel Site (within and near Devereux Creek), as delineated on the 2006 North Parcel Wetland Delineation, shall be a minimum of 100 feet. Buffers from the riparian area bordering Phelps Creek, as shown in the 2006 North Parcel Wetland Delineation, shall be a minimum of 50 feet from the edge of the riparian canopy. Buffers from all other existing wetlands and riparian areas (edge of canopy) shall be a minimum of 25 feet. Buffers to eucalyptus areas onsite that support monarch butterflies shall be a minimum of 25 feet. Buffers to existing native grasslands onsite shall be 10 feet, except for the limited amount of removal of grasslands allowed pursuant to this policy. The scattered, small patches of purple needlegrass on the north side of the North Parcel, as shown in Exhibit 2F may be removed and reestablished on the South Parcel at a mitigation ratio of 3:1. No other portions of native grassland on the North Parcel shall be removed. The approximately 600 square feet of riparian scrub on the northeast side of the North Parcel, as shown in Exhibit 3F, may be removed and reestablished at alternate locations on the North Parcel at a mitigation ratio of 3:1. No other portions of riparian habitat on the North Parcel shall be removed. ~~a maximum of 25 or 50 feet from wetland areas as shown, and 50 feet from the Phelps Creek Riparian Area top of bank; provided, however, that buildings shall be required to be set back 100 feet from the Wetland Area located near the southwest corner of the North Parcel site (within and near Devereux Creek).~~ Buffer areas shall be vegetated with local native riparian, wetland, and other appropriate species; provided that pedestrian and bicycle paths may be located within buffer areas. Buffer areas shall not be improved with impervious pavement or night lighting (except where necessary for public safety along roadways or adjacent pedestrian sidewalks). To the extent reasonably feasible, trails shall be located within the outside edge of buffer areas. Trails within buffer areas shall be adequately marked, signed and fenced to restrict access to the rest of the buffer area, while allowing for movement of wildlife through the area. In addition, Open Space Plan Type B and C trails shall be for pedestrian use only and no more than five feet in width. All wetland, riparian, ESHA, and buffer areas shall be maintained by the University through the CBER or, in the event CBER no longer is responsible for maintaining campus wetland areas, a successor entity

~~responsible for such functions. To offset the reduction of buffer area pursuant to this policy, the University shall restore and enhance natural open space area on a 1:1 basis for buffer area which is reduced below from a base area defined as the area within 100 feet from a wetland area in the 2006 North Parcel wetland delineation. Such restoration and enhancement areas may be provided within the natural open space area anywhere within the North Parcel, the eastern tributary to Devereux Creek, or the South Parcel. A plan for restoring and enhancing these areas shall be submitted to and approved by the California Coastal Commission, and shall be implemented concurrently with occupancy of the units constructed on the North Parcel. (Amended in 2006).~~

30230.5

Reduced Buffer Areas for Roads and Sidewalks. Roadways, pedestrian sidewalks, utility lines, and coastal access parking lots comprised of permeable paving materials may be located within Buffer Areas between the wetland, riparian, and ESHA areas on the North Parcel ~~for vehicular and pedestrian access~~ provided that such roadways, parking lots, utility lines and sidewalks are located as far away from these resources as feasible and no other less environmentally damaging alternative exists. ~~maintain the maximum feasible setback from the limits of such Wetland areas~~ (Amended in 2006).

- 5.f. Policy 30230.6 on Page 170 Chapter VI, Section A, Part 3 shall be modified as follows:

30230.6

The wetland and riparian areas within the faculty and student housing developments on North and West Campuses identified in the 2006 North Parcel wetland delineation and Phelps Creek Riparian Area on the North Parcel shall be interconnected with Natural Open Space Areas to the maximum extent reasonably feasible. Grading to connect the wetland areas within or near buffer areas shall be permitted; however, any such grading shall be limited to the dry season and approved by the University through the CBER or, in the event CBER no longer is responsible for maintaining campus wetland areas, a successor entity responsible for such functions. (Amended in 2006).

- 5.g. Policy 30230.11 on Page 171 Chapter VI, Section A, Part 3 shall be modified as follows:

30230.11

Areas improved as Natural Open Space Areas and Environmentally Sensitive Habitat Areas on the North and West Campuses Parcel shall be vegetated restored with native plant species of local genotype, appropriate to habitat type, such as riparian, wetland, and coastal sage scrub plant community, and shall be maintained by the University through the CBER or, in the event CBER no longer is responsible for maintaining campus wetland areas, a successor entity responsible for such functions. (Amended in 2006).

- 5.h. Policy 30230.12 on Page 172 Chapter VI, Section A, Part 3 shall be modified as follows:

30230.12

Integrated pest management practices shall be used in all private landscape areas (not including buffers) and community open space areas on the North and West Campuses. Parcel shall require use of integpractices documented in the EH&S Integrated Pest Management Plan and, with the exception of lawn areas, shall not include non-native invasive plant species. Rodenticides containing any anticoagulant compounds (including but not limited to Warfarin, Brodifacoum, Bromadiolone, or Dipancinone) shall not be used within the private landscape areas and community open space areas on the North and West Campuses. Landscaping shall consist of local native, drought tolerant species, with the exception of lawn areas. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the North and West Campuses. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the North and West Campuses. These requirements shall be included in the CC&Rs for the private areas. The CC&Rs shall refer property owners to the California Invasive Plant Council list ([cal-ipc.org](http://cal-ipc.org)) and California Native Plant Society, Channel Islands Chapter. (Amended in 2006).

- 5.i. The following policy shall be added to Chapter VI, Section A, Part 3:

30230.15

Wetland and riparian vegetation enhancement shall be conducted to the maximum extent feasible along Devereux Creek. Any future regional open space planning efforts, including development of a Final Open Space Management Plan for the Ellwood-Devereux area, shall include this policy.

- 5.j. The following policy shall be added to Chapter VI, Section A, Part 3:

30230.16

The minimum buffers and setbacks from streams (top of bank), riparian corridors (edge of canopy), or wetlands, shall be 100 feet except on the North Parcel on North Campus as pursuant to Policy 30230.4. No development, except as provided in Policies 30230.4 and 30230.5, shall occur within buffer areas except for the following: habitat restoration; construction of water quality management facilities; erosion control management; public access trails and associated appurtenances; existing easements for roads, trails, and utilities; or flood control or sediment management activities; pursuant to an approved management and maintenance program, only where no other less environmentally damaging alterative exists and the development is included is approved by the Commission in a notice of impending development.

- 5.k. Policy 30240.19 on \_\_\_\_ shall be modified as follows:

30240(a).19

Onsite or offsite mitigation at a replacement ratio of 3:1 shall take place to minimize the impact of development on native grassland.

## **6. South Parcel Open Space**

The following policy ensures permanent protection and restoration of the South Parcel as open space in conjunction with the development of the North Campus Faculty Housing Project.

6.a. The following policy shall be added to Chapter V, Section A, Part 4

30240(b).25

The South Parcel shall remain open space available for habitat conservation and public access. Prior to commencement of construction on the North Parcel Faculty Housing Development, the University shall 1) Record an offer to dedicate or grant of an open space conservation easement over the entire South Parcel and 2) Submit and obtain Coastal Commission approval of a NOID for a plan to restore native riparian, wetland, and ESHA habitats and construct drainage improvements on the South Parcel to enhance biological resources onsite and reduce sediment loading to Devereux Creek and Slough. Following Coastal Commission approval of the NOID, the restoration plan shall be implemented by the University concurrent with the North Parcel Faculty Student Housing Project. The University shall be responsible for the enhancement, maintenance, and restoration of the South Parcel.

## **7. Snowy Plover and Sensitive Bird Protection Measures**

The following suggested modifications maintain public access to the beach, while protecting snowy plover habitat.

7.a. Page 80

Certain uses will be prohibited within the Open Space areas including vehicular use, except for vehicles servicing the Ellwood Marine Terminal, official service vehicles, and emergency response vehicles. Certain trails will be designated as pedestrian-only, and limiting bicyclists and equestrians to specific trails. As is currently the policy, dogs Dogs will be required to remain on leash within the Open Space area and prohibited in the COPR and Sands and Ellwood beaches due to the presence of snowy plover and other sensitive biological resources. Horses will be allowed on bluff areas, but will not be allowed on Sands and Ellwood Beaches due to the presence of snowy plover and other sensitive bird species. Future uses of these beaches by horses and dogs may be allowed pursuant to the Coastal Commission approving a detailed management plan prepared by the University that protects snowy plover and least tern populations. (except for Sands Beach where they must remain on-leash).

7.b. Page 88

Improvements to the trail system include:

.....

- A combined pedestrian/~~equestrian~~/bicycle trail will extend from the Marine Terminal Gate down the east side of the windrow to Sands Beach (Appendix F, Figure H, Access Point D).
- An all-weather pedestrian/bicycle trail will extend from Storke Road along the boundary between the Sierra Madre student housing and the Ocean Meadows residential development

**Beach Access**

The 2006 North and West Campus Amendment allows for improvements to enhance access to the beach and protect sensitive coastal resources (Appendix F, Figure H):

- Trail improvements will be introduced at the west side of Sands Beach access at the south end at Access Point D (Appendix F, Figure H). Trail improvements will create a clearly defined trail corridor in an effort to reduce the bluff erosion and damage to dune habitat resulting from the multiple volunteer routes that currently exist. Access improvements at this location will be designed to accommodate ~~equestrian, as well as pedestrian,~~ access to the beach....

7.c. The following policy shall be added to Chapter V, Section A, Part 4

30240(b).27

The University shall develop and implement a Snowy Plover Protection Program that includes the following habitat protection measures:

A. The University shall coordinate with the City of Goleta, the County of Santa Barbara, and the staff of the Coal Oil Point Natural Reserve on the development and implementation of a Beach Access and Sensitive Species Management Plan for Coal Oil Point and Sands, Ellwood, and West Campus Beaches. The University shall submit the plan to the Commission for certification as an LRDP Amendment. Implementation of the plan shall also require approval of a notice of impending development and/or coastal development permit by the Commission. The plan shall be prepared by a qualified biologist or environmental resource specialist and shall allow for continued public access to the abovementioned beaches, while providing protection of snowy plovers and other sensitive bird species from human-associated disturbances. The plan shall include, but not be limited to, the following:

- i. Limitations on the use of the beach and nearby areas by horses and dogs;
  - ii. Potential seasonal closures of sensitive habitat areas;
  - iii. Maintenance of public access to the beach by pedestrians;
  - iv. Public parking at Coal Oil Point, Camino Majorca, and other nearby parking lots;
  - v. Increased use of the area due to nearby housing developments including the faculty and student housing developments planned for North and West Campuses;
  - vi. Signage on beaches, trails, accessways, parking lots, and roads indicating permitted uses, restrictions on use, sensitive habitat areas, and any proposed closures;
  - vii. Symbolic or other protective fencing to protect Snowy Plover nesting areas;
  - viii. Use of docents and other staff to enforce the provisions of the plan;
  - ix. A monitoring program to assess the abundance of plovers and other sensitive bird species in the area, as well as any potential impacts to these sensitive resources from public access and recreational activities.
- B. Any developments or changes in use of parking, trails, accessways, or facilities in the vicinity of Coal Oil Point, and Sands, Ellwood, and West Campus beaches, shall consider and mitigate impacts on populations of snowy plover and other sensitive bird species in the area.
- C. Horses and dogs shall not be allowed at beach and trail areas with active nesting or overwintering populations of snowy plover, including but not limited to Sands and Ellwood beaches, as well as spur trails leading from Coal Oil Point and the Coastal Trail to these beaches. Future use of these areas by horses and dogs may be allowed pursuant to approval of the Beach Access and Sensitive Species Management Plan or other plan that protects populations of snowy plover and other sensitive bird species.
- D. Public coastal access parking shall not be allowed at the Coal Oil Point Parking lot during the nesting season for Snowy Plover. The Coal Oil Point Parking Lot shall not be open to public use until the jailhouse accessway shown in Figure \_\_\_\_\_ is open to provide an alternate access to West Campus Beach.
- 7.d. Appendix F, Figure H, Trail System North and West Campuses, shall be modified to remove the equestrian trail route designation to the Type B trail leading from the Coastal and Anza Trails to Sands Beach.

## **8. Cliff House**

Appendix F, Figures U, Coastal Access Parking Coal Oil Point, and Figure Y, Illustrative Concept West Campus Bluff Nature Park, shall be modified to remove any reference to

the 10,000 sq. ft maximum size at the Cliff House. These figures shall also be modified to clarify that the shown location of the Cliff House is approximate and subject to change depending on the location of sensitive coastal resources onsite.

**9. Coastal Public Access Parking**

The following suggested modifications allow for the designation of 20 public coastal access spaces at Coal Oil Point and the development of a parking lot with 20 spaces at Camino Majorca.

9.a. Table F on Page 83 Chapter III, Section C shall be modified as follows:

TABLE F: 1990 LRDP and North & West Campus Amendment

Campus Area	1990 LRDP/ County LCP	2006 LRDP Amendment
<b>North Campus</b>		
North Parcel	New Development 351 residential units distributed among North, South & Storke-Whittier Parcels*	New Development 172 units of faculty housing
	24 coastal access parking spaces (off Phelps Road in County LCP)	20 coastal access parking spaces off Phelps Road
South Parcel	122 residential units maximum*	Open Space (i.e., no housing)
Storke-Whittier Parcel	*see note below	151 units of family student housing
<b>West Campus</b>		
West Campus Mesa	New Development 50 units-faculty housing (west of West Campus Point Lane)	New Development 50 units-faculty housing (both sides of West Campus Point Lane)
	117 units-student housing (east of West Campus Point Lane)	No student housing
	Children's Center expansion (unspecified amount)	Children's Center expansion (10,000 gross square feet)
	5-10 coastal access parking spaces (west of student gardens)	20 coastal access parking spaces (so. of Cameron Hall)
	Facilities To Be Retained Student Gardens Campbell Ranch Barn Stables & Riding Ring	Facilities To Be Retained No change from 1990 LRDP
West Campus Bluffs	Open Space	<u>Up to 20 or 40</u> public coastal access parking spaces (off Camino Majorca)
	Bluffs designated as ESHA	No change from 1990 LRDP

	Potential beach access stairway on east side of COP	Beach access stairway located at "jailhouse"
Coal Oil Point	Renovate/replace existing buildings with seminar center of equivalent area.	No change from 1990 LRDP
	30-50 permit parking spaces	50 parking spaces, including 20 <del>or 0</del> public coastal access spaces <u>to be used by the public.</u>
	Potential temporary or permanent restroom	Permanent restroom facility
Coal Oil Point Reserve	117-acre Natural Reserve Designated as an ESHA	Add 40-acre expansion area to COPR
		Re-designate COPR and expansion area as Natural Reserve
		Re-designate 17-acre Ellwood Marine Terminal leasehold to Open Space when current lease expires in 2016

\*These designations are from the County's LCP, prior to the University's purchase of the property.

9.b. Page 85 of Chapter III, Section C

**Parking**

The 2006 North and West Campus Amendment allows for changes to parking permitted on the West Campus to enhance public access to the coast:

- The coastal access parking proposed west of the student gardens has been relocated closer to the entrance to West Campus, behind Cameron Hall, and increased the amount of parking from 5 to 10 spaces to 20 spaces (Appendix F, Figure R).
- The 50 maximum parking spaces designated for Coal Oil Point will remain unchanged. However, ~~the University is proposing one of two options for how these spaces will be designated. Either 30 spaces will be reserved for University purposes and 20 spaces will be provided for public coastal access parking (Appendix F, Figure U). Public coastal access parking on the point will only be available during times when snowy plover and other sensitive bird species are not nesting in order to avoid human related impacts to these birds. No public parking will be allowed at Coal Oil Point until the new beach access stairway is built east of Coal Oil Point (jailhouse location) leading to West Campus Beach. The University will also consider other management measures to protect snowy plover populations when deciding to allow public access parking at Coal Oil Point.~~ or all of the Coal Oil Point parking spaces will be reserved for University purposes, and 20 additional public access spaces will be developed at the Camino Majorca lot (Appendix F, Figure T).

- A new coastal access parking lot is designated for the eastern end of West Campus Bluffs with access from Camino Majorca. This lot will include up to either 20 (Appendix F, Figure S) or 40 (Appendix F, Figure T) coastal access parking spaces. The parking lot will be designed to retain, protect, and enhance, wetland and ESHA resources onsite at this location. ~~...depending on whether coastal access parking is provided at Coal Oil Point (i.e., The University would have either 20 coastal access parking spaces at the Coal Oil Point parking lot and 20 spaces at the Camino Majorca lot, or no coastal access parking at Coal Oil Point and 40 coastal access spaces at Camino Majorca)...~~

9.c. Page 136, Chapter III, Section A., Part 3 shall be modified as follows:

UCSB will maintain and enhance public access to the beach and along the coast, with two primary east-west trails (the Juan Bautista de Anza Trail and Coastal Trail – see Appendix F, Figure I) and three north-south trails (the Windrow Trail, Sierra Madre/Dune Pond Trail, and Devereux Road – see Appendix F, Figure I) across the Open Space Area within the University’s jurisdiction. Beach access parking will be provided near the trailheads at Phelps Road, Cameron Hall, Coal Oil Point (optional), and Camino Majorca (optional). ...

9.d. Policy 30210.6 in Chapter III, Section A., Part 4 shall be modified as follows:

30210.6

The Campus shall allow for up to 80 coastal access ~~permit~~-parking at spaces on the North and West Campuses, distributed among four locations; the north entrance to West Campus, the Camino Majorca entrance to West Campus Bluffs, the western terminus of Phelps Road, and at Coal Oil Point as shown in Appendix F, Figures Q through U. Any terms of use, such as metering, hour or day of week limitations, and parking fees applicable to the designated public coastal access parking on the North and West Campuses shall allow for the daily use of the beach by the public during day and nighttime hours, except as provided in policy number 30210.17. The cost of parking shall not exceed the fee charged for parking permits on main campus. The University shall ensure that any fees or permits necessary for public parking may be paid or obtained onsite or at the entrance to each coastal access parking lot on the North and West Campuses. The University shall provide for signs at the nearest public road to the entrance to each coastal access parking lot on North and West Campuses that inform the public of the availability of public parking for beach users. Information as to the location, limitations, and availability of public coastal access parking on the North and West Campuses shall also be included in informational materials and maps at the kiosk at the entrance to Main Campus. Amended in 2006).

9.e. Policy 30210.7 in Chapter III, Section A., Part 4 shall be modified as follows:

30210.7

To provide public parking for coastal access and a potential seminar facility at Coal Oil Point, while protecting the area from overuse, parking for no more than fifty cars shall be provided at Coal Oil point, subject to special permit. A maximum of 20 spaces shall be provided for public coastal access parking. (Amended in 2006).

- 9.f. Page 150 Chapter III, Section D, Part 3 shall be modified as follows:

...The 2006 North and West Campuses LRDP Amendment proposes new public coastal access parking at up to four (4) locations within the North and West Campuses: Phelps Road, Cameron Hall, Camino Majorca, and Coal Oil Point. Twenty (20) spaces will be provided on the North Parcel just off Phelps Road, and 20 spaces will be provided south of Cameron Hall. The University proposes ~~either 20 public coastal access parking spaces at the Coal Oil Point parking lot (Appendix F, Figure U) and 20 spaces at a new parking lot just off Camino Majorca lot (Appendix F, Figure S).~~ ~~or no coastal access parking at Coal Oil Point, and 40 coastal access spaces at Camino Majorca (Appendix F, Figure T).~~

- 9.g. Appendix F, Figure T, Coastal Access Parking, West Campus Bluffs 40 Spaces, shall be removed from the LRDP and the remaining figures renumbered accordingly. All references to Figure T, including references on Appendix F, Figure Y, shall be removed from the LRDP.

## **10. Transit and Roadway Policies**

The following suggested modifications ensure that roadways providing public coastal access to the beach will not be impacted by the proposed project.

- 10.a. The following policy shall be added to Chapter III, Section A, Part 4

30210.26

The University, in cooperation with the Metropolitan Transit District, shall ensure that regular bus and/or shuttle service is provided between all proposed faculty and student housing developments on the North and West Campus to the Main Campus.

- 10.b. Policy 30211 in Chapter III, Section B., Part 4 shall be modified as follows:

30211.1

Motor vehicle traffic generated by new development shall not restrict or impede public access to or along the coast by exceeding the roadway capacity of existing coastal access routes on Campus. Should any proposed development significantly impact the roadway capacity of existing coastal access routes on Campus, the University shall implement or pay its fair share of costs to the City of Goleta and/or County of Santa Barbara to implement improvements to roadways

and intersections or other traffic control measures necessary to mitigate the impacts. (1980 LRDP policy amended in 2006).

## **11. Open Space**

The following policy shall be added to Chapter III, Section A, Part 4:

### 30210.25

The development and implementation of the University's portion of the Ellwood Devereux Open Space Plan and Coal Oil Point Management Plan shall be coordinated with the City of Goleta, the University of California at Santa Barbara, and the California Coastal Commission. The future Coal Oil Point Management Plan shall require certification by the Coastal Commission as an amendment to the LRDP.

## **12. General**

The following suggested modifications make general changes to formatting and update the LRDP with the approved suggested modifications.

- 12.a. Appendix F, Figure B, Proposed Development Relocations and Land Exchanges, shall be modified to reflect the final 2006 proposal for housing on the North and West Campuses and to clarify which development proposals, including those in 1993 and 1998, were not approved by the Commission.
- 12.b. Appendix F, Figures D, E, F, and Q shall be updated with the revised North Parcel Site Plan as shown in Exhibit 2A of this staff report.
- 12.c. Figures 1 through 30 of the LRDP shall be updated to reflect the incorporation of the North Campus and changes approved for the North and West Campus Amendment. Appendices B and E shall also be updated to reflect changes and suggested modifications approved by the Commission for the subject LRDP Amendment. The University shall submit, for the review and approval of the Executive Director, a copy of the revised LRDP that incorporates all portions of this amendment and approved suggested modifications.

## **IV. NOID 1-06 SPECIAL CONDITIONS**

### **1. Consistency with the LRDP**

Prior to the commencement of any development, certification of the Long Range Development Plan Amendment 1-06 by the Coastal Commission must be final and effective in accordance with the procedures identified in California Code of Regulations, Title 14, Division 5.5, Section 13547.

## **2. Compliance with Mitigation Measures**

All mitigation measures required in the Final Environmental Impact Report, Faculty and Family Student Housing, Open Space Plan and LRDP Amendment (September 2004) and subsequent addendum (March 2006), as approved by the University on September 23, 2004 and April 7, 2006, applicable to the proposed project are hereby incorporated by reference as special conditions of the subject notice of impending development unless specifically modified by any special conditions set forth herein or any approved suggested modifications for LRDP Amendment 1-06. Approval of a new notice of impending development and/or coastal development permit from the Commission or appropriate local agency shall be required should any of the following become necessary upon implementation of the project: fencing of the beach required by Mitigation Measures 4.4-1(j) and 4.1-1(k); remedial activities required by Mitigation Measures 4.5-4(a) and 4.5-4(b); or digging or recovery required by Mitigation Measures 4.11-2(e) and 4.11-4. The road improvements described in Mitigation Measures 4.12-1(a)-(c) and 4.12-6 shall require a separate coastal development permit from an appropriate local agency and/or a notice of impending development from the Commission, whichever is appropriate.

## **3. South Parcel Open Space and Conservation Easement**

No development, as defined in Section 30106 of the Coastal Act, shall occur within that portion of the North Campus Property (APN 073-090-061) commonly referred to as the "South Parcel", as shown in Exhibit 3A, except for:

1. Those restoration and drainage improvement activities carried out in accordance with the plans approved pursuant to Special Conditions 6, 7, 13, and 23 of this NOID, and
2. The following development if approved by the Coastal Commission through a new notice of impending development:
  - (a) Development for purposes of drainage and polluted runoff control;
  - (b) Construction and maintenance of public hiking trails;
  - (c) Installations of footbridges, benches, fences, and signs to enhance trails;
  - (d) Construction and maintenance of roads, trails, and utilities pursuant to existing easements;
  - (e) Planting of native vegetation and other restoration activities;
  - (f) Small amphitheatre for educational purposes;
  - (g) Research projects; and
  - (h) Maintenance and repair activities pursuant to an approved management and maintenance program.

Prior to commencement of development of the North Parcel Faculty Housing Project, the University shall execute and record a document in a form and content acceptable to the Executive Director, irrevocably dedicating or offering to dedicate to a public agency or private association acceptable to the Executive Director an open space and

conservation easement for the purpose of coastal resource protection. Such easement shall be located on the entire South Parcel, as shown in Exhibit 3A. The recorded document shall include a metes and bounds legal description and graphic depiction, prepared by a licensed surveyor, of the open space and conservation easement area and the entire North Campus Property. The recorded document shall reflect that no development shall occur within the open space and conservation easement area except as otherwise set forth in this permit condition. The dedication or offer to dedicate shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed, and shall run with the land on behalf of the people of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

#### **4. Areas with Potential Archeological Resources**

- A. Prior to commencement of development, the applicant shall submit for the review and approval of the Executive Director an archeological monitoring plan prepared by a qualified professional, that shall incorporate the following measures and procedures:
1. If any cultural deposits are discovered during project construction, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, the University shall carry out significance testing of said deposits and, if cultural deposits are found to be significant, additional investigation and mitigation in accordance with this special condition including all subsections. No significance testing, investigation or mitigation shall commence until the provisions of this special condition are followed, including all relevant subsections;
  2. If any cultural deposits are discovered, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, all construction shall cease in accordance with subsection B. of this special condition and the University shall notify the Executive Director of the discovery within 24 hours;
  3. In addition to recovery and reburial, in-situ preservation and avoidance of cultural deposits shall be considered as mitigation options, to be determined in accordance with the process outlined in this condition, including all subsections;
  4. An archaeologist(s) and appropriate Native American consultant(s) with qualification acceptable to the Executive Director shall be present on-site during all grading activities;
  5. The University shall provide sufficient archeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;

6. If human remains are encountered, the University shall comply with applicable State and Federal laws. Procedures outlined in the monitoring plan shall not prejudice the ability to comply with applicable State and Federal laws, including but not limited to scientific or cultural study of the remains (preferably non-destructive); selection of in-situ preservation of remains; recovery, repatriation and reburial of remains; or reburial or other ceremonies. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Where appropriate and consistent with State and Federal laws, the treatment of remains shall be decided as a component of the process outlined in the other subsections of this condition.
  7. Prior to the commencement and/or re-commencement of any monitoring, the University shall notify each archeological and Native American monitor of the requirements and procedures established by this special condition, including all subsections. Furthermore, prior to the commencement and/or re-commencement of any monitoring, the University shall provide a copy of this special condition, the archeological monitoring plan approved by the Executive Director, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor.
- B. If an area of cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, is discovered during the course of the project, all construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this condition shall cease and shall not recommence except as provided in subsection C and other subsections of this special condition. In general, the area where construction activities must cease shall be 1) no less than a 50 foot wide buffer around the cultural deposit; and 2) no more than the residential enclave or commercial development area within which the discovery is made.
- C. Following discovery of the cultural deposits, the University shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD. The Executive Director shall make a determination regarding the adequacy of the Significance Testing Plan within 10 working days of receipt. If the Executive Director does not make such a determination within the prescribed time, the plan shall be deemed approved and implementation may proceed.
1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de

minimis in nature and scope, the significance testing may commence after the Executive Director informs the University of that determination in writing.

2. If the Executive Director approves the Significance Testing Plan but determines that the recommended testing measures are not de minimis, significance testing may not commence until after a new notice of impending development and/or a new coastal development permit for the significance testing plan is approved by the Commission.
  3. Once the measures identified in an approved significance testing plan are undertaken, the University shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. After receipt of the results and the archeologist's recommendation, the Executive Director shall make a written determination as to whether the deposits are significant based on the information available to the Executive Director. If the Executive Director determines that the deposits are significant, the University shall prepare and submit to the Executive Director a Supplementary Archeological Plan in accordance with subsection D of this condition and all other relevant subsections. If the Executive Director determines that the deposits are not significant, then, after receiving the Executive Director's written determination that the deposits are not significant, the University may recommence grading in accordance with any measures outlined in the significance testing program.
- D. If the Executive Director determines that the cultural deposits discovered are significant, the University shall submit a Supplementary Archaeological Plan for the review and approval of the Executive Director. The supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in subsection D of this condition. The supplementary Archeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.
1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development, if any, and mitigation measures are de

minimis in nature and scope, construction may recommence after the Executive Director informs the University of that determination in writing.

2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the recommended changes to the proposed development, if any, and mitigation measures are not de minimis, construction may not recommence until after a new notice of impending development and/or coastal development permit is approved by the Commission for the Supplementary Archaeological Plan.
- E. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee. Furthermore, upon completion of the peer review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within 30 days of their receipt of the plan, the requirement for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.
- F. The University 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 approved notice of impending development and/or coastal development permit unless the Executive Director determines that no notice or permit is required.

## **5. Revised Project Description and Plans**

- A. *North Campus Faculty Housing:* Prior to the commencement of development of the North Parcel Faculty Housing approved pursuant to NOID 1-06 and prior to issuance of coastal development permit 4-06-097, the University shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans and a revised project description. The plans shall include site plans, grading plans, elevations, landscaping plans, and drainage plans. The final plans shall be in substantial conformance with the draft plans submitted by the University in October 2006, except as modified pursuant to the approved special conditions for NOID 1-06 and CDP 406-097. The revised final project plans and project description shall reflect the following:

1. No development shall occur within all wetland, riparian, eucalyptus, purple needlegrass, and creeping ryegrass communities that exist on the site at the time work begins, except for restoration activities and the limited removal of small patches of purple needlegrass (less than 1,500 sq. ft. in size) on the west side of the property as generally shown in Exhibit 2F. The pedestrian walkway south of the east-west trending road that is currently located in the creeping ryegrass areas onsite, as shown in Exhibit 2A, shall either be removed from the project plans or the entire roadway and walkway reduced in width and/or moved outside of the creeping ryegrass. The proposed residential unit that would be within 10 feet of the existing eucalyptus canopy on the west side of the project site shall either be removed from the plan or moved to another location onsite.
2. Buffers from the wetland, riparian, and environmentally sensitive habitat areas on the North Parcel shall be maximized to the extent feasible. The minimum buffer distance shall be as follows:
  - a. 100 feet from the wetland and riparian area associated with the west fork of Devereux Creek located southwest of the North Parcel as shown in Exhibit 2A;
  - b. 50 feet from the top of bank or edge of existing riparian canopy on Phelps Creek, whichever is farthest;
  - c. 25 feet from all other existing wetland and riparian areas;
  - d. 25 feet from the canopy of eucalyptus trees to the west of the development area;
  - e. 10 feet from creeping ryegrass communities; and
  - f. 10 feet from the purple needlegrass communities on the southwest corner of the parcel.
3. No development shall occur within the abovementioned buffer areas, except as approved through NOID 1-06 and CDP 4-06-097 and only when no less environmentally damaging alternative exists and permeable, non-paved surfaces are used to the extent feasible. Development that may occur in buffer areas pursuant to NOID 1-06 and CDP 4-06-097 includes:
  - a. Development for purposes of drainage and polluted runoff control, including use of vegetated bioswales;
  - b. Reconstruction and restoration of Phelps Creek and associated riparian area;
  - c. Construction and maintenance of public hiking trails;
  - d. Construction and maintenance of roads, trails, and utilities pursuant to existing easements;
  - e. Planting of native vegetation and other restoration activities;
  - f. Signs and fencing required to protect sensitive habitat areas;
  - g. Utility lines;
  - h. Roads, pedestrian paths, bicycle paths, and the proposed public coastal access parking lot.

4. The development shall conform to all policies of the certified LRDP as amended, including all limitations on number of units and heights.
  5. Final site plans shall show the proposed location, type, and height of any permanent fencing proposed on-site. Fencing of yards must prohibit domestic animals from entering open space and sensitive habitat areas. Other fencing onsite must be wildlife permeable, with the distance from the ground to the first rung at least 18 inches in height.
- B. The University 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 new notice of impending development and/or amendment to the coastal development permit, unless the Executive Director determines that no new notice and/or amendment to the permit is needed.

## **6. Final Project Plans**

- A. *Sierra Madre Family Student Housing*: Prior to the commencement of development of the Sierra Madre Family Student Housing Development approved pursuant to NOID 1-06 and prior to the issuance of coastal development permit 4-06-097, the University shall submit, for the review and approval of the Executive Director, two (2) complete sets of final project plans, including grading plans with cross sections, site plans, elevations, landscaping plans, and drainage plans. The final plans shall substantially conform to those plans submitted by the University in June 2006. Final site plans shall show the proposed location, type, and height of any permanent fencing proposed on-site.
- B. *South Parcel Restoration Project*: Prior to the commencement of development on the South Parcel Restoration Project, the University shall submit, for the review and approval of the Executive Director, two (2) complete sets of final project plans, including grading plans with cross sections, site plans, and revegetation and restoration plans. The final plans shall be in substantial accordance with those plans submitted by the University in October 2006. Final site plans shall show the proposed location, type, and height of any permanent fencing proposed on-site.
- C. The University 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 new notice of impending development and/or amendment to the coastal development permit, whichever is applicable, unless the Executive Director determines that no new notice and/or amendment to the permit is needed.

**7. Habitat Restoration, Enhancement, Monitoring, and Management Program – North and South Parcels**

A. Prior to the commencement of development of the North Parcel Faculty Housing, the University shall submit, for the review and approval of the Executive Director, a final Habitat Restoration, Enhancement, Monitoring, and Management Programs for the resources on the North Parcel prepared by a qualified biologist or environmental resource specialist in substantial conformance with the plans submitted in June 2006. Prior to the commencement of development of the Sierra Madre Family Student Housing, the University shall submit, for the review and approval of the Executive Director, a final Habitat Restoration, Enhancement, Monitoring, and Management Program for the Sierra Madre site prepared by a qualified biologist or environmental resource specialist. Prior to the commencement of development of the South Parcel Restoration Project, the University shall submit, for the review and approval of the Executive Director, a final Habitat Restoration, Enhancement, Monitoring, and Management Program for the South Parcel prepared by a qualified biologist or environmental resource specialist in substantial conformance with the plans submitted in June 2006. These final restoration programs shall include, but not be limited to, the following:

- (1) Plans that show the retention, restoration, and enhancement of all wetland, riparian, stream, native grassland, and monarch butterfly habitat (eucalyptus) on the North Parcel, except where limited grassland removal is permitted by NOID 1-06 and CDP 4-06-097. Onsite habitat enhancement shall include, at a minimum, the removal of any and all invasive plant species on the site; removal of all non-native, non-wetland indicator plants; and revegetation of all disturbed areas with appropriate native species of local genetic stock that are consistent with the surrounding native plant community, including areas where invasive and non-native plants were removed and the Phelps Creek Restoration and Layback areas.
- (2) Plans showing the retention, restoration, and enhancement of all wetland and riparian habitat on the Sierra Madre site. Onsite habitat enhancement shall include, at a minimum, the removal of any and all invasive plant species on the site; removal of all non-native, non-wetland indicator plants; revegetation of all disturbed areas with appropriate native species, including areas where invasive and non-native plants were removed; and restoration of the east fork of Devereux Creek .
- (3) Plans identifying mitigation of any permanent impacts to wetland, riparian, native grassland, and monarch butterfly habitat on the North Parcel at a minimum at the following ratios:
  - (a) Seasonal wetlands 4:1
  - (b) Riparian habitats 3:1
  - (c) Native grassland 3:1

(d) Monarch butterfly habitat 3:1

- (4) The abovementioned habitats shall be considered permanently impacted for the purposes of habitat mitigation if any structures, roads, or other paved development encroach within 100 feet of existing seasonal wetlands, riparian areas, native grassland, eucalyptus used by monarch butterflies, and any other environmentally sensitive habitat areas. Where buffers are reduced to less than 100 feet, restoration and enhancement of the habitats in place may be used to account for a portion of the habitat mitigation required pursuant to subsection (c) above, up to a 1:1 ratio. The remaining habitat mitigation shall take place on the neighboring South Parcel concurrently or prior to development of the North Parcel. The University shall identify areas for all habitat mitigation required on the North and South Parcels.
- (5) Plans showing that habitat enhancement areas are interconnected with natural open space areas to the extent feasible.
- (6) Indication as to the location, type, and height of any temporary fencing that will be used for restoration. The plans shall also indicate when this fencing is to be removed.
- (7) Indication on plans that invasive plant species shall be removed from all development and restoration areas for the life of the project.
- (8) Indication on plans that herbicides shall not be used within the wetland, riparian, or creek habitats. Target non-native or invasive species shall be removed by hand.
- (9) Indication on plans that rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- (10) A baseline assessment, including photographs, of the current physical and ecological condition of the proposed restoration site, including, a biological survey, a description and map showing the area and distribution of existing vegetation types, and a map showing the distribution and abundance of any sensitive species.
- (11) A description of the goals of the restoration plan, including, as appropriate, topography, hydrology, vegetation types, sensitive species, and wildlife usage.
- (12) Documentation of performance standards, which provide a mechanism for making adjustments to the mitigation site when it is determined, through monitoring, or other means that the restoration techniques are not working.
- (13) Documentation of the necessary management and maintenance requirements, and provisions for timely remediation should the need arise.
- (14) A planting palette (seed mix and container plants), planting design, source of plant material, and plant installation. The planting palette shall be made up exclusively of native plants that are appropriate to the habitat and

region and that are grown from seeds or vegetative materials obtained from local natural habitats so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used. Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the revegetation requirements. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property.

- (15) Sufficient technical detail on the restoration design including, at a minimum, a planting program including a description of planned site preparation, method and location of exotic species removal, timing of planting, plant locations and elevations on the baseline map, and maintenance timing and techniques.
- (16) A plan for documenting and reporting the physical and biological "as built" condition of the site within 30 days of completion of the initial restoration activities. The report shall describe the field implementation of the approved restoration program in narrative and photographs, and report any problems in the implementation and their resolution.
- (17) Documentation that the project will continue to function as viable native habitats, as applicable, over the long term.
- (18) A Monitoring Program to monitor the Restoration and Enhancement. Said monitoring program shall set forth the guidelines, criteria and performance standards by which the success of the enhancement and restoration shall be determined. The monitoring programs shall include but not be limited to the following:
  - (a) Interim and Final Success Criteria. Interim and final success criteria shall include, as appropriate: species diversity, total ground cover of vegetation, vegetative cover of dominant species and definition of dominants, wildlife usage, hydrology, and presence and abundance of sensitive species or other individual "target" species.
  - (b) Interim Monitoring Reports. The University shall submit, for the review and approval of the Executive Director, on an annual basis, for a period of five (5) years, a written monitoring report, prepared by a monitoring resource specialist indicating the progress and relative success or failure of the enhancement on the site. This report shall also include further recommendations and requirements for additional enhancement/ restoration activities in order for the project to meet the criteria and performance standards. This report shall also include photographs taken from predesignated sites (annotated to a copy of the site plans) indicating the progress of

recovery at each of the sites. Each report shall be cumulative and shall summarize all previous results. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the enhancement/restoration project in relation to the interim performance standards and final success criteria.

- (c) Final Report. At the end of the five-year period, a final detailed report on the restoration shall be submitted for the review and approval of the Executive Director. If this report indicates that the enhancement/ restoration project has, in part, or in whole, been unsuccessful, based on the performance standards specified in the restoration plan, the applicant(s) shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. The revised or supplemental program shall be processed as a new notice of impending development and/or coastal development permit.
- (d) Monitoring Period and Mid-Course Corrections. During the five-year monitoring period, all artificial inputs (e.g., irrigation, soil amendments, plantings) shall be removed except for the purposes of providing mid-course corrections or maintenance to insure the survival of the enhancement/restoration site. If these inputs are required beyond the first two years, then the monitoring program shall be extended for every additional year that such inputs are required, so that the success and sustainability of the enhancement/restoration is insured. The enhancement/restoration site shall not be considered successful until it is able to survive without artificial inputs. Final monitoring for success shall take place after at least three years with no remediation or maintenance activities other than weeding.

B. The University 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 new notice of impending development and/or amendment to the coastal development permit, whichever is applicable, unless the Executive Director determines that no new notice and/or amendment to the permit is needed.

## **8. Management of Sensitive Habitats**

By acceptance of NOID 1-06 and CDP 4-06-097, the University agrees to implement the following habitat protection measures for the North Parcel, South Parcel, and Sierra Madre Properties:

- A. *Timing of Development:* All grading and vegetation removal activities approved pursuant to NOID 1-06 and CDP 4-06-097 shall not occur during the rainy season

(November 1-May 1), unless approved in writing by the Executive Director prior to commencement of said activities.

- B. *Mowing*: No mowing or disking for fire control or any other use shall occur within wetland, riparian, native grassland, or other environmentally sensitive habitat, except as necessary for maintenance of stormwater management systems and bioswale or where required for habitat restoration purposes as authorized through NOID 1-06 or CDP 4-06-097.
- C. *Herbicides*: Herbicides shall not be used within any portion of creek, wetland, or riparian areas. In upland areas of the project site, herbicide use shall be restricted to the use of Glyphosate Aquamaster™ (previously Rodeo™) herbicide for the elimination of non-native and invasive vegetation located within upland areas of the project site for purposes of habitat restoration only and in accordance with the provisions of this paragraph. All non-native or invasive vegetation shall be removed by hand and the stumps may be painted with Glyphosate Aquamaster™ herbicide. Herbicide application by means of spray shall not be utilized. No use of any herbicide shall occur during the rainy season (November 1 – March 31) unless otherwise allowed by the Executive Director for good cause. In no instance shall herbicide application occur if wind speeds on site are greater than 5 mph or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain.
- D. *Domestic Animals*: All dogs must be kept on leash in common and open space areas on North Parcel, South Parcel, and Storke-Whittier properties. Private yards shall be fenced to prevent domestic animals from entering habitat enhancement areas pursuant. All cats permitted in the housing developments must be indoor cats only. Animal waste control measures (e.g., mutt-mitt dispensers) shall be implemented. Mutt-mitt dispensers shall be installed and maintained by the University and/or homeowners association on the development and at trailheads.
- E. *Equestrian and Dog Limitations on Use*: In order to protect snowy plovers and other sensitive bird species, horses and dogs shall not be allowed on the beach west of Coal Oil Point or on the 1,000 foot long spur trail leading from the California Coastal Trail to Sands Beach. The University may submit, a separate notice of impending development and/or coastal development permit to change this restriction to allow equestrian and dog access on the beach pursuant to a detailed management plan that protects snowy plover and sensitive bird populations. The University shall install signs pursuant to Special Condition Twenty Three (23) that inform beachgoers of these limitations and of the sensitive nature of nearby snowy plover habitats.
- F. *Fencing*: Permanent fencing in open space and sensitive habitat areas shall be designed so as to permit the free passage of wildlife. Any permanent fencing in or near open space of habitat areas shall be designed so that the distance from the ground to the first rung is at least 18 inches. Private yards of residences on the North Parcel shall be permanently fenced so as to contain domestic animals within the yard and residential area. Fencing may be repaired and/or replaced when

necessary, in a manner that complies notice of impending development 1-06 and CDP 4-06-097. All permanent fencing shall be shown on all final plans.

- G. *Education Program*: The University shall develop a resident education program for the Sierra Madre Family Student Housing and North Campus Faculty Housing Developments. The program shall advise residents of the potential impacts to sensitive plant and animal species and the potential penalties for disturbing or harming such species or habitats. The program shall include, but not be limited to, information pamphlets and signage included as part of an interpretive program within the habitat management areas. Informational pamphlets shall be distributed to all residences on a regular basis. At a minimum, the program shall include the following topics: occurrence of the sensitive species and habitats in the area, sensitivity of the habitats to human activities, impacts from free-roaming pets, project features designed to reduce impacts to these species and habitats, and the provisions of this permit. The CC&Rs required by Special Condition Seventeen (17) shall include this information and all animal, fencing, landscaping, and lighting limitations in the CC&Rs for the North Campus Faculty Housing Development. All signs shall be designed pursuant to Special Condition Twenty Three (23).

## **9. Construction Staging Area and Fencing**

- A. All construction plans and specifications for the project shall indicate that impacts to wetlands and environmentally sensitive habitat areas (ESHA) shall be avoided and that the California Coastal Commission has not authorized any development in wetlands or other environmentally sensitive habitat, except for restoration activities and the limited removal of native grasslands as approved through notice of impending development 1-06. Said plans shall clearly identify all wetlands and ESHA and their associated buffers in and around the construction zone. Prior to commencement of development, the University shall submit a final construction staging and fencing plan for the review and approval of the Executive Director that indicates that the construction in the construction zone, construction staging area(s) and construction corridor(s) shall avoid impacts to wetlands and other sensitive habitat consistent with this approval. The plan shall include the following requirements and elements:
- (1) Construction equipment, materials, or activity shall not be placed in any location that would result in impacts to wetlands or other sensitive habitat.
  - (2) No grading, stockpiling or earth moving with heavy equipment shall occur within ESHA, wetlands or their designated buffers, except for restoration activities and the limited removal of native grasslands as approved through notice of impending development 1-06 and coastal development permit 4-06-097.
  - (3) No construction materials, debris, or waste shall be placed or stored where it may enter sensitive upland habitat or wetlands, storm drain, receiving waters, or be subject to wind erosion and dispersion;

- (4) No construction equipment shall be stored within any ESHA, wetlands or their buffers.
  - (5) The plan shall include, at a minimum, a site plan that depicts the following components: limits of the staging area(s); construction corridor(s); construction site; location of construction fencing and temporary job trailers with respect to existing wetlands and sensitive habitat; and public access route through/around the site while gravel parking lot is active.
  - (6) The plan shall indicate that construction equipment, materials or activity shall not occur outside the designated staging area(s) and construction zone and corridors identified on the site plan required by this condition.
- B. The University 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 new notice of impending development and/or amendment to the coastal development permit, whichever is applicable, unless the Executive Director determines that no new notice and/or amendment to the permit is needed.

#### **10. Biological Surveys and Construction Monitoring**

- A. The University shall retain the services of a qualified biologist(s) or environmental resource specialist(s) to conduct raptor surveys and sensitive species surveys and monitor project operations. At least two (2) weeks prior to commencement of any project operations, the University shall submit the name and qualifications of the biologist or specialist, for the review and approval of the Executive Director. The University shall ensure that all project construction and operations shall be carried out consistent with the following:
1. The environmental resource specialist shall conduct a survey of all areas within 300 feet of the project site to determine presence and behavior of sensitive species and raptors, no more than 7 days prior to any project operations including construction, grading, excavation, vegetation eradication and removal, hauling, and maintenance activities.
  2. In the event that any sensitive wildlife species or raptors exhibit reproductive or nesting behavior, the environmental specialist shall immediately notify the University, the Executive Director and local resource agencies in writing. The University shall immediately cease development activities upon receipt of such notice. Project activities shall resume only upon written approval of the Executive Director.
  3. In the event that any sensitive wildlife species are present in the project area but do not exhibit reproductive behavior and are not within the estimated breeding/reproductive cycle of the subject species, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species by hand to safe locations elsewhere along the project

reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse impacts to such resources are avoided. The University shall also immediately notify the Executive Director of the presence of such species and which of the above actions are being taken. If the presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Department of Fish and Game, then no development activities shall be allowed or continue until any such review and authorizations to proceed are received, subject to the approval of the Executive Director.

4. The environmental resource specialist shall be present during all construction, grading, excavation, vegetation eradication and removal, hauling, and maintenance activities. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. The environmental resource specialist(s) shall immediately notify the Executive Director if activities outside of the scope of notice of impending development 1-06 and coastal development permit 4-06-097 occur. If significant impacts or damage occur to sensitive habitats or to wildlife species, the applicants shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. Any native vegetation which is inadvertently contacted with herbicide or otherwise destroyed or damaged during implementation of the project shall be replaced in kind at a 3:1 or greater ratio. The revised, or supplemental, program shall be processed as a new notice of impending development and/or coastal development permit.

## **11. Lighting Plan**

- A. Prior to commencement of construction of the North Parcel Faculty Housing, the University shall submit two (2) sets of Lighting Plans for the development, for review and approval by the Executive Director. Prior to commencement of construction of the Sierra Madre Family Student Housing Project, the University shall submit two (2) sets of Lighting Plans for the development, prepared in consultation with a qualified biologist or resource specialist, and for review and approval by the Executive Director. The lighting plans shall incorporate the following requirements:
  - (1) Any exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be shielded to direct light downward onto the subject parcel(s) and prevent spill-over onto adjacent parcels, including all public open space areas. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting.
  - (2) The lighting plan shall show the locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture, the lighting specifications, and the height of the fixtures. The plan shall be designed in particular to avoid lighting impacts to the open spaces and wetland habitat. All

outdoor lighting on the parcel(s) shall comply with the approved Lighting Plans.

- (3) The lighting plan to be submitted to the Executive Director shall be accompanied by an analysis of the lighting plan prepared by a qualified biologist which documents that the lighting plan is effective at preventing lighting impacts upon adjacent environmentally sensitive habitat.
- B. The University 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 new notice of impending development and/or amendment to the coastal development permit, whichever is applicable, unless the Executive Director determines that no new notice and/or amendment to the permit is needed.
- C. The covenants, conditions and restrictions (CC&R's) required by Special Condition Seventeen (17) for the North Parcel Faculty Housing Development shall require that all lighting be consistent with the lighting plans approved by the Executive Director. The lighting requirements of this special condition shall be incorporated directly into the CC&R's.

## **12. Plans Conforming to Geologic Recommendation**

All recommendations contained in the applicable geotechnical reports submitted for Notice of Impending Development 1-06 and Coastal Development Permit 4-06-097, shall be incorporated into all final design and construction plans, including foundation, grading and drainage. All final plans must be reviewed and approved by the geologic and geotechnical consultants and verified as incorporating the applicable recommendations of the consultants. Prior to the commencement of development the University shall submit, for review and approval by the Executive Director, evidence of the geologic and geotechnical consultant's review and approval of all final project plans.

## **13. Erosion Control Plans**

Prior to commencement of development on the North Parcel Faculty Housing Project, the University shall submit two (2) sets of erosion control plans, prepared by a qualified engineer, for review and approval by the Executive Director. Prior to commencement of development on the Sierra Madre Family Student Housing Project, the University shall submit two (2) sets of erosion control plans, prepared by a qualified engineer, for review and approval by the Executive Director. Prior to commencement of development on the South Parcel Restoration Project, the University shall submit two (2) sets of erosion control plans, prepared by a qualified engineer, for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.

- (2) The final erosion control plans shall specify the location and design of erosion control measures to be implemented during the rainy season (November 1 – May 1) if construction during this time is approved by the Executive Director. The University shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. Straw bales shall not be approved. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
- (4) Storm drain inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.

#### **14. Water Quality Management Plans**

- A. Prior to commencement of development of North Parcel Faculty Housing Development, the University shall submit for the review and approval of the Executive Director, two (2) copies of a Final Water Quality Management Plans (WQMP) for the post-construction project site. Prior to commencement of development of Sierra Madre Family Student Housing Development, the University shall submit for the review and approval of the Executive Director, two (2) copies of a Final Water Quality Management Plans (WQMP) for the post-construction project site. The plans shall be prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMPs shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (1) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions;
  - (2) Appropriate structural and non-structural BMPs (site design, source control and treatment control) shall be designed and implemented to minimize water quality impacts to surrounding coastal waters;
  - (3) Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible;
  - (4) Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized;
  - (5) Trash, recycling and other waste containers, as necessary, shall be provided at the permanent trailhead at the southern end of the development. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.
  - (6) Runoff from all roofs, roads and parking areas shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMPs shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner. All runoff to wetland and riparian areas shall be pre-treated with a treatment system to remove sediment, trash/debris, and contaminants;
  - (7) Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs;
  - (8) All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, (3) at least twice during the dry season;
  - (9) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner;
  - (10) There shall be no net reduction in clean stormwater runoff to the adjacent wetlands.
- B. It is the University's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.
- C. The University 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

new notice of impending development and/or amendment to the coastal development permit, whichever is applicable, unless the Executive Director determines that no new notice and/or amendment to the permit is needed.

- D. The applicable covenants, conditions and restrictions (CC&R's) required by Special Condition 5 shall all homeowners and homeowners associations to comply with the Water Quality Management Plan approved by the Executive Director. The requirements of this condition shall be incorporate into the CC&Rs.

## 15. Landscape Plans

- A. Prior to commencement of development on the North Parcel Faculty Housing Development, the University shall submit two (2) sets of final landscaping plans for all landscape areas to be installed by the University and landscape guidelines for residents prepared by a landscape architect or other qualified specialist for review and approval by the Executive Director. Prior to commencement of development on the Sierra Madre Family Student Housing Project, the University shall submit two (2) sets of final landscaping plans for all landscape areas and landscape guidelines prepared by a landscape architect or other qualified specialist for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of occupancy for the residence. To minimize the need for irrigation all landscaping shall consist of native/drought resistant plants as listed by the California Native Plant Society, except for resident yards and irrigated lawns common areas. Grass species for lawns shall be selected from the most drought tolerant species or subspecies. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property.
- (2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Ellwood-Devereux watershed using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (3) The proposed detention and sediment basins shall be planted with appropriate native landscape materials. The floor of the detention basins shall be vegetated with native, locally occurring wetland plants that will filter and process runoff and pollutants. The sides of the basins shall be vegetated with native, locally occurring grasses, forbs, and shrubs.

- (4) Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
  - (5) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
  - (6) The University shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved notice of impending development and/or coastal development permit, unless the Executive Director determines that no notice or amendment is required.
- B. Prior to commencement of grading on the North Campus Faculty Housing Project, the University shall submit landscape palette lists to be incorporated into the landscaping guidelines for residents, subject to the review and approval of the Executive Director, that identify: 1) the native plant species that may be planted in the development; 2) a representative list of the non-native, non-invasive common garden plant species that may be planted in the residential lots; and 3) the invasive plant species that are prohibited from use anywhere within the development. The landscape palette for the development shall be consistent with the lists of approved plants as reviewed and approved by the Executive Director. These lists shall remain available for public consultation at the California Coastal Commission, the University offices, and the homeowners association established for the development. No deviations from the list shall occur in the plantings on the site without a new notice of impending development and/or coastal development permit unless the Executive Director determines that no new notice or permit is required.
- C. The applicable covenants, conditions and restrictions (CC&R's) required by Special Condition 17 shall require that all landscaping be consistent with the landscaping guidelines approved by the Executive Director. The landscape requirements of this special condition shall be incorporated directly into the CC&R's.

## **16. Structural Appearance**

All walls and building exteriors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. All windows shall be comprised of non-glare glass. The color shall be maintained throughout the life of the structure(s).

## **17. Covenants, Conditions, and Restrictions**

- A. Prior to commencement of development of the North Parcel Faculty Housing, and prior to recordation of any covenants, conditions and restrictions (CC&R's)

associated with the subdivision approved by NOID 1-06 and CDP 4-06-097, the University shall submit, for the review and approval of the Executive Director, a draft set of said CC&R's. The Executive Director's review shall be for the purpose of insuring compliance with the standard and special conditions of NOID 1-06 and CDP 4-06-097. The CC&R's shall include the following:

- (1) The University shall establish covenants, conditions and restrictions (CC&R's) for the proposed residential units on the North Parcel. The CC&R's shall reflect the requirements of NOID 1-06 and CDP 4-06-097.
  - (2) The CC&R's for the North Parcel shall indicate that the open space lots within the development shall be maintained by the University or its designee, in accordance with the special conditions of NOID 1-06 and CDP 4-06-097.
- B. Prior to occupancy of the first residential unit on the North Parcel, the University shall record the covenants, conditions and restrictions approved by the Executive Director, against the property.

## **18. Final Tract Maps**

- A. Prior to commencement of development of the North Campus Faculty Housing, and prior to recordation of any tract maps or record of survey associated with the approved project, said tract map or record of survey shall be submitted to the Executive Director for review and approval. The Executive Director's review shall be for the purpose of insuring compliance with the standard and special conditions of notice of impending development 1-06 and coastal development permit 4-06-097. The restrictions on use of the land cited within the special conditions of notice of impending development 1-06 and coastal development permit 4-06-097 and the CC&Rs developed pursuant to Special Condition 17 shall be identified on the tract map or record of survey. Any CC&Rs or tract map provisions which the Executive Director determines are not consistent with any of the conditions of notice of impending development 1-06 and coastal development permit 4-06-097 shall be modified to be consistent before recordation. Prior to commencement of development on the North Parcel, the applicant shall submit to the Executive Director, for review and approval, evidence that the Final Tract Map or Record of Survey was executed and recorded in conformance with the requirements outlined above.
- B. The University shall consolidate, where feasible, open space lots that are contiguous with one another.

## **19. Assumption of Risk**

By acceptance of notice of impending development 1-06 and coastal development permit 4-06-097, the University acknowledges and agrees (i) that the site may be subject to hazards from landslide, bluff retreat, erosion, earth movement, and flooding; (ii) to assume the risks to the University and the property that is the subject of this

permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project 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 injury or damage due to such hazards.

## **20. Management of Beach Access and Sensitive Habitats**

The University shall submit to the Commission, for approval as a new LRDP amendment, as well as a notice of impending development and/or coastal development permit, a plan to manage access to West Campus Beach, Sands Beach, Ellwood Beach, and Coal Oil Point to protect overwintering and nesting snowy plovers and other sensitive bird populations. The University shall coordinate with City of Goleta, County of Santa Barbara, U.S. Fish and Wildlife Service, California Department of Fish and Game, and Coal Oil Point Reserve staff on the development and implementation of the plan. A biologist or environmental resource specialist with expertise in snowy plover shall prepare the plan. The plan shall address, at a minimum, the following:

- i. Limitations on the use of the beach and nearby areas by horses and dogs;
- ii. Potential seasonal closures of sensitive habitat areas;
- iii. Maintenance of public access to the beach by pedestrians, including identification of public access locations during times of potential closure of parts of the beach and/or trails;
- iv. Public parking at Coal Oil Point, Camino Majorca, and other nearby parking lots;
- v. Increased use of the area due to nearby housing developments including the faculty and student housing developments planned for North and West Campuses;
- vi. Signage on beaches, trails, accessways, parking lots, and roads indicating permitted uses, restrictions on use, sensitive habitat areas, and any proposed closures;
- vii. Use of docents and other staff to enforce the provisions of the plan;
- viii. A monitoring program to assess the abundance of plovers and other sensitive bird species in the area and any potential impacts to these sensitive resources from public access and recreational activities.
- ix. Symbolic or other protective fencing for Snowy plover nesting areas.

## **21. South Parcel and Coal Oil Point Reserve Staffing**

Upon the completion and sale of the first 72 North Parcel Faculty Housing units, the University shall provide, on an ongoing basis, for one full-time equivalent (FTE) steward for the South Parcel Nature Park area, and an FTE Coal Oil Point Reserve Snowy Plover Coordinator position pursuant to Policy 30230.13 of the certified LRDP as amended.

## **22. Public Coastal Access and Parking**

- A. The University shall allow public access to the beach and other open space areas through the South Parcel, the North Parcel Faculty Housing Development, and Sierra Madre Family Student Housing Development.
- B. The University shall construct the proposed coastal access parking lot on North Parcel (20 spaces) in conjunction with and prior to occupancy of the North Campus Faculty Housing Development. Use of parking spaces in the public coastal access parking lot shall be limited to a maximum of 4 hours. In no instance shall any fees charged for the parking lot exceed the fee charged for a campus parking permit. The University shall ensure that any fees or permits necessary for public parking at the lot may be paid or obtained onsite or at the entrance to the lot. The University shall provide for signs at the nearest public road to the entrance to the coastal access parking lot that inform the public of the availability of public parking. These signs shall be included in the signage plan required by Special Condition Twenty Three (23). Information as to the location, limitations, and availability of public coastal access parking on the North Parcel shall also be included in informational materials and maps at the kiosk at the entrance to Main Campus.

## **23. Signage Plan**

- A. Prior to commencement of development on North Parcel, South Parcel, or the Sierra Madre properties, the University shall submit, for review and approval of the Executive Director, a signage plan which directs the public to the various public access and recreation opportunities on the North Campus and declares the public's right to use such facilities. Signs shall invite and encourage public use of access opportunities and shall identify, provide information, and direct the public to key locations. Key locations include, but are not limited to public parking lots (including both parking along streets and within parking lots), parks, trails, restrooms, beaches, and overlooks. Signage shall be visible from major thoroughfares and from internal circulation roads, trails, access corridors and parks. Signage shall also identify key habitat preservation areas, explain biology and other resource characteristics of the site, explain water quality management at the site, and identify restricted areas and uses. The signage plan shall be implemented prior to occupancy of any residential units on the North Campus.
- B. The University 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 new

notice of impending development and/or amendment to the coastal development permit, unless the Executive Director determines that no new notice and/or amendment to the permit is needed.

#### **24. Road Improvements**

The University shall submit a final memorandum of understanding approved by the City of Goleta, County of Santa Barbara, and the University for its payment of a “fair share” of funding for the road improvements described in the Final EIR for the Faculty and Family Student Housing, Open Space Plan and LRDP Amendment, March 2006 for Storke Road and the Storke Road/Hollister Avenue intersection. The University shall submit to the Executive Director a final memorandum of understanding approved by the County of Santa Barbara, the University, and other relevant local agencies for road and intersection improvements on El Colegio Road, to bring the road and associated intersections up to a minimum peak hours Level of Service C.

#### **25. Bus Service**

Prior to occupancy of the Sierra Madre Family Student Housing Development, the University shall submit, for the review and approval of the Executive Director, a transit plan prepared in consultation with the Metropolitan Transit District for regular bus and/or shuttle service between the development and Main Campus. Prior to occupancy of the North Campus Faculty Housing Development, the University shall submit, for the review and approval of the Executive Director, a transit plan for regular bus and/or shuttle service between the development and Main Campus. The University shall coordinate with the Metropolitan Transit District on the development of the plans. The plans shall include the locations of stops, hours of service of the bus/shuttle, and frequency of service. Prior to occupancy of half of the proposed units on the North Campus Faculty Housing Development and Sierra Madre Family Student Housing Development, the University shall submit, for review and approval of the Executive Director, evidence that the shuttle/bus service is in place for the faculty and student housing developments respectively. The bus/shuttle service shall be implemented according to the final approved plans. The University may discontinue or modify the bus service pursuant to approval by the Executive Director if the University submits evidence the bus/shuttle service is not being adequately used by residences in the faculty and student housing projects.

#### **26. Contaminated Soils**

By acceptance of notice of impending development 1-06 and coastal development permit 4-06-097, the University agrees to have an environmental resource specialist, with qualifications acceptable to the Executive Director, present on-site during all grading activities in areas with high potential for discovery of abandoned oil wells or contaminated soils. In the event that any oil related structures (including abandoned wells) or potentially contaminated soils or groundwater are encountered during excavation or grading activities, all work in this area shall be halted and an appropriate testing and/or remediation plan developed, subject to the review and approval of the Executive Director. The plan shall be prepared by the environmental resource specialist

consistent with EPA, State Water Resources Control Board, and Regional Water Quality Control Board requirements.

## **27. Other Federal, State, or Local Approvals**

Prior to commencement of development, the applicant shall submit, for the review and approval of the Executive Director, either evidence of final required approvals or evidence that no approval is needed from the Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), California Department of Fish and Game, and California State Lands Commission (if required).

## **28. General Deed Restriction**

Prior to transfer of any of the real property that is the subject of NOID 1-06 or CDP 4-06-097, the University shall submit to the Executive Director for review and approval documentation demonstrating that the University has executed and recorded against title to the parcel(s) governed by notice of impending development (NOID) 1-06 and coastal development permit 4-06-097 a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this NOID, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this NOID as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this NOID. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this NOID shall continue to restrict the use and enjoyment of the subject property so long as either this NOID or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## **29. Removal of Excess Excavated Material**

- A. Permanent stockpiling of material on site shall not be allowed. Sediment shall be retained at the designated temporary stockpile areas for dewatering, up to approximately three months, until removed to an appropriate approved disposal location either outside the coastal zone or to a site within the coastal zone permitted to receive such fill.
- B. Prior to commencement of development, the University shall provide evidence to the Executive Director of the location and method of disposal of any excess excavated material to an approved disposal location either outside the coastal zone or to a site within the coastal zone permitted to receive such fill. Should the disposal site be located in the coastal zone, a new notice of impending development and/or coastal development permit shall be required.

**30. Revised Project Plans – West Campus Bluffs Trail**

- A. Prior to the commencement of development of the West Campus Bluff Trail Improvements project, the University shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans. The plans shall include site plans, grading plans, and restoration plans and shall be in substantial conformance with the draft plans submitted by the University on November 2, 2006, except as modified pursuant to the approved special conditions for NOID 1-06 and CDP 406-097. The revised final project plans and project description shall reflect the following:
1. The new portions of the trail shall be rerouted around all existing coastal bluff scrub onsite. The new routes shall also avoid any wetlands, native grasslands, or other environmentally sensitive habitat areas.
  2. The final plans shall show proposed improvements to the heavily used spur trail leading from the eastern side of the West Campus Bluffs Trail to the ocean viewing location adjacent to Camino Majorca Road, as shown in Exhibit \_\_\_\_.
  3. The University may remove any invasive, non-native shrubs, grasses, or forbs in the vicinity of the West Campus Bluff Trail. Prior to removal of any shrub species during the bird nesting season (February 15 – August 31), the University shall submit, for the review and approval of the Executive Director, the results of a biological survey of all areas within 500 feet of the shrub area to prevent impacts to nesting or sensitive bird species. The biological survey shall be completed no more than seven days prior to any planned shrub removal and shall be conducted by a qualified biologist or environmental specialist acceptable to the Executive Director.
  4. All cleared, graded, or disturbed areas on the subject site shall be planted and maintained for erosion control purposes within 60 days of initial disturbance. The planting shall only include native plants that are appropriate to the habitat and region and that are grown from seeds or vegetative materials obtained from local natural habitats so as to protect the genetic makeup of natural populations. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be used. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized.
- B. The University 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 new notice of impending development and/or amendment to the coastal

development permit, unless the Executive Director determines that no new notice and/or amendment to the permit is needed.

## V. CDP 4-06-097 STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** These permits are not valid and development shall not commence until copies of the permits, signed by the permittee or authorized agent, acknowledging receipt of the permits and acceptance of the terms and conditions, are returned to the Commission office.
2. **Expiration.** If development has not commenced, the permits will expire two years from the date on which the Commission voted on the de novo appeal of the permits. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application(s) for extension of the permit(s) must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permits may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permits.
5. **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 properties to the terms and conditions.

## VI. CDP 4-06-097 SPECIAL CONDITIONS

### 1. **Compliance with Special Conditions of UCSB NOID 1-06**

Special Conditions 2 through 29 approved for UCSB NOID 1-06 for the North and West Campus Housing Project are hereby incorporated by reference as Special Conditions 2 through 29 of the subject coastal development permit.

### 30. **Timing of Operations**

- A. All project operations, including removal of riparian vegetation shall be prohibited in and along Devereux Creek, Phelps Creek (El Encanto Creek), and Devereux Slough in the project area from February 15 through August 31 to avoid impact to avian species during breeding season, unless a qualified biologist and/or resource specialist, the California Department of Fish and Game, and U.S. Fish and Wildlife Service (if applicable) determine with certainty that construction activities will not adversely impact sensitive bird species.

- B. All project operations in the vicinity of Devereux Slough, Devereux Creek and Phelps Creek shall be prohibited during the rainy season from November 1 through May 1, unless authorized in writing by the Executive Director.
- C. Except as provided in item (1) below, all project construction, including grading, on the South Parcel shall occur between March 1 and October 1, outside of the over-wintering season for monarch butterflies.
  - (1) Any work on the South Parcel proposed during the monarch butterfly over-wintering season referenced above shall be subject to the review and approval of the Executive Director prior to commencement. Where the Executive Director concurs that construction may occur between October and March, prior to said construction, a biologist with appropriate qualifications acceptable to the Executive Director, shall survey all eucalyptus trees within 200 feet of the development area to determine the extent and location of monarch habitation. If butterfly aggregations are found within 200 feet of the work area, construction activities within the 200-foot buffer area shall be halted until monarchs have left the site and the consulting biologist has determined that resumption of construction shall not adversely impact the butterfly habitat.

**31. Final Plans – Phelps Creek Restoration, Phelps Bridge, and Devereux Bridge**

- A. Prior to the issuance of the coastal development permit, the University shall submit, for the review and approval of the Executive Director, two (2) sets of final project plans for the Phelps Creek Restoration Project, including site plans, elevations, grading plans, restoration/landscaping plans, dewatering plan, and other plans required by the special conditions of this permit. The revised final project plans and project description shall be in substantial conformance with those plans submitted by the University in September 2006 and shall include the following components:
  - (1) Widening of the riparian and floodplain corridor on the east side of the creek by approximately 30 feet;
  - (2) A low flow channel placed within a widened higher return floodplain;
  - (3) Preservation of native riparian and wetland species to the extent feasible;
  - (4) Removal of invasive non-native species;
  - (5) Planting of native plants endemic to the Devereux Creek Watershed;
  - (6) Bank protection shall be minimized to the extent feasible and, if needed, shall be natural (vegetated, log, or boulder) protection, to the degree possible; and
  - (7) Retention of a natural creek bed.
- B. Prior to issuance of the coastal development permit, the University shall submit, for the review and approval of the Executive Director, two (2) sets of final revised

project plans for construction, restoration, and maintenance of the Devereux Culvert Replacement Project, including site plans, elevations, grading plans, restoration/landscaping plans, dewatering plans, and other plans required by the special conditions of this permit. The plans shall be in substantial conformance with the draft plans submitted by the University in September 2006.

- C. Prior to the issuance of the coastal development permit, the University shall submit, for the review and approval of the Executive Director, two (2) sets of final revised project plans for construction, restoration, and maintenance of the Phelps Creek Bridge, including site plans, elevations, grading plans, restoration/landscaping plans, dewatering plans, and other plans required by the special conditions of this permit. The plans shall be in substantial conformance with the draft plans submitted by the University in September 2006
- D. The University shall undertake development in accordance with the approved final plans. No changes to the approved final plans shall occur without a Commission approved amendment to the coastal development permit or new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

### **32. Habitat Enhancement and Revegetation Monitoring Program**

- A. Prior to the issuance of the coastal development permit, the University shall submit, for the review and approval of the Executive Director, a final Habitat Restoration, Enhancement, Monitoring, and Management Program for the Phelps Creek Restoration, Phelps Creek Bridge, and Devereux Culvert Replacement projects prepared by a qualified biologist or environmental resource specialist. The final restoration program shall include, but not be limited to, the following:
  - 1. Preservation of native riparian, wetland, and grassland species to the extent feasible;
  - 2. Onsite habitat enhancement shall include, at a minimum, the removal of any and all invasive plant species on the site; removal of all non-native, non-wetland indicator plants; and revegetation of all disturbed areas with appropriate native species, including areas where invasive and non-native plants were removed;
  - 3. *Habitat Mitigation*: Identification of areas to mitigate any permanent impacts to wetland, riparian, native grassland, and ESHA habitat at a minimum at the following ratios:
    - (a) Seasonal wetlands 4:1
    - (b) Riparian habitats 3:1
    - (c) Native grassland 3:1
    - (d) ESHA 3:1
  - 4. Plans showing that habitat enhancement areas are interconnected with natural open space areas to the extent feasible.

5. Indication as to the location, type, and height of any temporary fencing that will be used for restoration. The plans shall also indicate when this fencing is to be removed.
6. Indication on plans that invasive plant species shall be removed from all development and restoration areas for the life of the project.
7. Indication on plans that herbicides shall not be used within the wetland, riparian, or creek habitats. Target non-native or invasive species shall be removed by hand.
8. Indication on plans that rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
9. A baseline assessment, including photographs, of the current physical and ecological condition of the proposed restoration site, including, a biological survey, a description and map showing the area and distribution of existing vegetation types, and a map showing the distribution and abundance of any sensitive species.
10. A description of the goals of the restoration plan, including, as appropriate, topography, hydrology, vegetation types, sensitive species, and wildlife usage.
11. Documentation of performance standards, which provide a mechanism for making adjustments to the mitigation site when it is determined, through monitoring, or other means that the restoration techniques are not working.
12. Documentation of the necessary management and maintenance requirements, and provisions for timely remediation should the need arise.
13. A planting palette (seed mix and container plants), planting design, source of plant material, and plant installation. The planting palette shall be made up exclusively of native plants that are appropriate to the habitat and region and that are grown from seeds or vegetative materials obtained from local natural habitats so as to protect the genetic makeup of natural populations. Horticultural varieties shall not be used. Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the revegetation requirements. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property.
14. Sufficient technical detail on the restoration design including, at a minimum, a planting program including a description of planned site preparation, method and location of exotic species removal, timing of planting, plant locations and elevations on the baseline map, and maintenance timing and techniques.

15. A plan for documenting and reporting the physical and biological “as built” condition of the site within 30 days of completion of the initial restoration activities. The report shall describe the field implementation of the approved restoration program in narrative and photographs, and report any problems in the implementation and their resolution.
16. Documentation that the project will continue to function as viable native habitats, as applicable, over the long term.
17. A Monitoring Program to monitor the Restoration and Enhancement. Said monitoring program shall set forth the guidelines, criteria and performance standards by which the success of the enhancement and restoration shall be determined. The monitoring programs shall include but not be limited to the following:
  - (a) Interim and Final Success Criteria. Interim and final success criteria shall include, as appropriate: species diversity, total ground cover of vegetation, vegetative cover of dominant species and definition of dominants, wildlife usage, hydrology, and presence and abundance of sensitive species or other individual “target” species.
  - (b) Interim Monitoring Reports. The University shall submit, for the review and approval of the Executive Director, on an annual basis, for a period of five (5) years, a written monitoring report, prepared by a monitoring resource specialist indicating the progress and relative success or failure of the enhancement on the site. This report shall also include further recommendations and requirements for additional enhancement/restoration activities in order for the project to meet the criteria and performance standards. This report shall also include photographs taken from predesignated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites. Each report shall be cumulative and shall summarize all previous results. Each report shall also include a “Performance Evaluation” section where information and results from the monitoring program are used to evaluate the status of the enhancement/restoration project in relation to the interim performance standards and final success criteria.
  - (c) Final Report. At the end of the five-year period, a final detailed report on the restoration shall be submitted for the review and approval of the Executive Director. If this report indicates that the enhancement/restoration project has, in part, or in whole, been unsuccessful, based on the performance standards specified in the restoration plan, the applicant(s) shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. The revised or supplemental program shall be processed as an amendment to this coastal development permit.
  - (d) Monitoring Period and Mid-Course Corrections. During the five-year monitoring period, all artificial inputs (e.g., irrigation, soil amendments,

plantings) shall be removed except for the purposes of providing mid-course corrections or maintenance to insure the survival of the enhancement/restoration site. If these inputs are required beyond the first two years, then the monitoring program shall be extended for every additional year that such inputs are required, so that the success and sustainability of the enhancement/restoration is insured. The enhancement/restoration site shall not be considered successful until it is able to survive without artificial inputs.

- B. The University shall undertake development in accordance with the final approved 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 Coastal Commission approved amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no new amendment or permit is legally required.

### **33. Erosion Control Plans**

Prior to issuance of the coastal development permit, the University shall submit, for the review and approval of the Executive Director, two (2) sets of erosion control plans for the Phelps Creek Restoration, Phelps Bridge, and Devereux Culvert Replacement projects prepared by a qualified engineer. The plans shall incorporate the following criteria:

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The final erosion control plans shall specify the location and design of erosion control measures to be implemented during the rainy season (November 1 – May 1) if construction during this time is approved by the Executive Director. The University shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. Straw bales shall not be approved. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall

also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

- (4) Storm drain inlets shall be protected from sediment-laden waters by the use of inlet protection devices such as gravel bag barriers, filter fabric fences, block and gravel filters, and excavated inlet sediment traps.

#### **34. Tidewater Goby and Aquatic Species Management Plan**

Prior to issuance of the coastal development permit, the applicant shall submit a final plan for the protection of tidewater goby for the Phelps Creek Restoration, Phelps Bridge, and Devereux Culvert Replacement projects. The plan shall include the following elements:

- A. The applicant shall retain the services of a qualified biologist(s) or environmental resource specialist(s) to develop and implement the Tidewater Goby Protection Plan and to monitor project operations.
- B. The qualified biologist retained by the University shall conduct a training session for all construction personnel prior to the onset of work. The training shall include a description of the tidewater goby and its habitat; the specific measures that are being implemented to protect the tidewater goby during construction; and the project limits.
- C. The qualified biologist and a crew working under his/her direction shall clear all fish, including tidewater gobies, from the area to be dewatered prior to construction.
- D. The qualified biologist shall inspect the dewatered areas and construction site regularly to detect whether any tidewater gobies or other fish are passing through the cofferdam and investigate whether tidewater goby protection measures are being implemented.
- E. The qualified biologist shall be present when the cofferdams are removed and the construction area refilled with water to relocate any fish present in the construction area before completion of removal operations and to ensure successful reintroduction of aquatic habitat in the construction area.
- F. The qualified biologist shall prepare a post-project monitoring report documenting the efforts to protect the goby, the results, and recommendation for future projects involving similar procedures.

#### **35. Other Required Federal, State, and Local Authorizations**

Prior to commencement of development, the applicant shall submit, for the review and approval of the Executive Director, either evidence of final required approvals or evidence that no approval is needed from the Army Corps of Engineers (ACOE), Regional Water Quality Control Board (RWQCB), California Department of Fish and

Game, and California State Lands Commission (if required). Prior to commencement of construction of the North Campus Faculty Housing Development, the University shall submit, for the review and approval of the Executive Director, evidence of authorization from the City of Goleta to proceed with the proposed improvements to Marymount Way associated with the Phelps Creek Bridge Project. Prior to commencement of construction of the Devereux Culvert Replacement Project, the University shall submit, for the review and approval of the Executive Director, evidence of authorization from the landowner of the Ocean Meadows Golf Course to proceed with the proposed project.

## **VII.FINDINGS FOR THE APPROVAL OF THE LONG RANGE DEVELOPMENT AMENDMENT, THE NOTICE OF IMPENDING DEVELOPMENT, AND COASTAL DEVELOPMENT PERMIT, AS CONDITIONED**

The following findings support the Commission's approval of the LRDP amendment if modified as suggested in Section III above, and approval of the respective Notice of Impending Development, as conditioned by Special Conditions 1–13 set forth in Section IV above. The Commission hereby finds and declares as follows:

### **A. PROJECT DESCRIPTION AND BACKGROUND**

The University of California at Santa Barbara is proposing to amend its previously certified LRDP to incorporate the 174-acre "North Campus" into the LRDP and to allow for the development of two new student and faculty housing developments involving a total of 323 residential units. As part of this overall amendment, the University is also proposing to incorporate new, and revised existing, land use designations and policies in the LRDP (including designation of the "South Parcel" as "Open Space." In addition, in order to implement the actual development authorized by this proposed amendment (LRDP Amendment 1-06) the University is also proposing the related Notice of Impending Development (NOID 1-06) and Coastal Development Permit (CDP) 4-06-097.

The 174.25-acres of land, called the "North Campus" that is proposed to be incorporated as part of the LRDP is currently under the jurisdiction of the certified Santa Barbara Local Coastal Program. The University is also proposing to change land use designations, infrastructure, and housing proposed for the existing West Campus that is currently managed as part of the certified LRDP. Portions of both the North and West Campus are located in the retained jurisdiction of the Commission, including Devereux Creek, Phelps Creek, Devereux Slough, and area beaches.

The proposed "North Campus" and existing "West Campus" are located along the Ellwood-Devereux coast, which includes approximately 2.25 miles of undeveloped coastline between Isla Vista and Sandpiper Golf Course in Santa Barbara County. The North and West Campus areas extend from Camino Majorca Road east to Sand Beach and north to approximately Phelps Road. The North and West Campuses are

characterized by the Devereux watershed, including Phelps Creek, Devereux Creek, and Devereux Slough, and surrounding upland and mesa areas. West Campus Beach, Coal Oil Point, and Sands Beach form the southern border of the campuses. The campuses are surrounded to the north and east by residential housing developments. The Ellwood Mesa is situated directly west of the campuses. The North Campus consists of six distinct areas: the 68.7-acre South Parcel, 26.3-acre North Parcel, 18.7-acre Storke-Whittier property, 17.5-acre Venoco property currently leased for the Ellwood Marine Terminal, and a 40-acre area adjacent to Coal Oil Point Reserve. The West Campus consists of five distinct areas, including the West Campus Bluffs, Coal Oil Point, Coal Oil Point Reserve, West Campus Mesa, and West Campus Family Student Housing area.

Historically the Ellwood-Devereux areas have a long history of human use, dating back to the prehistoric period when the Chumash inhabited the region. During the 1920's and 30's oil and gas development and cattle grazing dominated much of the area. In 1966 the Ocean Meadows Golf Course was completed. This construction, along with construction of neighboring housing northwest and northeast of the golf course, led to the grading and removal of topsoil on the North and South Parcels on the North Campus. Additionally, at a later date, the majority of the Storke-Whittier property on the North Campus was converted into a driving range for the golf course. In 1967, the University purchased the West Campus, which was partially under the ownership of Moreland Development Company (Union Oil), which leased the Coal Oil Point Reserve. Subsequently it also built 65 units of faculty housing at West Campus Point and built the West Campus Family Student Housing on Storke Road. In 1990, the University certified its current Long Range Development Plan, which included the West Campus and proposals for an additional 117 student residential units and 50 faculty housing units at West Campus Mesa.

In 1994, the University purchased the North Campus property, a portion of which (North Parcel, South Parcel, and Storke Whittier properties) had been zoned for residential development and the rest of which was zoned by the County of Santa Barbara as open space area. Prior to purchasing the property, several developers had proposed homes on Ellwood Mesa and the North Campus property, but had never developed the property. The University has asserted that in 1998, the University contemplated an LRDP amendment to incorporate the North Campus to allow for development of 269 faculty housing units on the North Parcel (147 units) and South Parcel (122 units), and 155 units of student housing on the Storke-Whittier property. However, the University has also indicated that they never submitted any application for such an amendment due to concerns raised by local residents over the preservation of the Ellwood and Devereux areas.

In August 2001, the University and the County of Santa Barbara announced a plan to prepare a regional open space and development proposal for the Ellwood-Devereux coast. The intent of this cooperative effort was to resolve nearly two decades of debate on how to balance development rights, open space preservation, public access, and habitat protection in the area. Once the City of Goleta became incorporated in 2002, it

also joined the planning effort. The result was the *Joint Proposal for the Ellwood-Devereux Coast*. This document articulates four goals:

1. Protection, restoration, and enhancement of natural resources by moving development away from the coast.
2. Establishment and maintenance of permanent recreational opportunities, including trails, coastal access, and passive recreation and open space.
3. Construction of housing for University faculty and students, and to ease pressure on the Goleta housing market.
4. Resolve the reasonable investment-backed expectation of the many private landowners in the area.

The County, City, and the University later prepared the *Draft Ellwood-Devereux Open Space and Habitat Management Plan*, which identified open space management policies and specific habitat, trail, and coastal access improvements in the area. Such a plan requires extensive coordination by the three participating jurisdictions and cooperation of private property owners to achieve this level of preservation. The intent is for the sponsoring agencies to implement the Ellwood-Devereux Open Space Plan through their individual jurisdictional approvals of the proposed residential developments and the creation of the open space. The agencies would cooperate and work together while maintaining separate authorities to plan, design, fund, permit, and construct public access, habitat, and other improvements described in the Plan.

Under existing plans and regulations, there is the potential for future development to occur in sensitive habitat areas and the most valued recreational lands, while less valuable lands for both habitat and public access could remain vacant or undeveloped. If development proceeds under existing plans, islands of development could fragment open space and disrupt coastal access, recreational use, and the overall ecosystem in the area. The Ellwood-Devereux Open Space Plan proposes to protect the resources in the area by relocating development away from coastal areas to the northern perimeter of the area where it would be clustered contiguous to existing development, roads, and services. Through the transfer of development rights from the Ellwood Mesa and the South Parcel of the University's North Campus, to the areas on the north side of Santa Barbara Shores Park and north of Ocean Meadows Golf Course, a combined total of a 652-acre area would be permanently designated as open space and natural reserve. The plan also included the provision that the University not consider development on the West Campus Bluffs (which was never approved for residential housing in the 1990 LRDP) and move 117 student housing units from West Campus Mesa to the Storke Whittier property.

Portions of the Ellwood-Devereux Open Space Plan require amending the University's Long Range Development Plan and the County's LCP to adopt the open space plan. The City of Goleta does not have a certified LCP in place and will rely on individual permit approvals from the Commission until such time as the City of Goleta has an LCP certified by the Commission. In April 2006 the Commission approved LCP Amendment

MAJ-2-04-D (Open Space Management Plan) for the Santa Barbara County LCP to implement the portions of the open space plan located in the County's jurisdiction. This LRDP Amendment, NOID, and CDP are proposed to implement the University's portion of the open space plan only, the entire Open Space Plan is not proposed as part of the subject applications. The City of Goleta has not yet approved all of its portions of the open space plan, although the Comstock Development and Ellwood Open Space Land Exchange in the City of Goleta was approved by the Commission in January 2005 as Coastal Development Permits 4-04-084 and 4-04-085. This project involved the retirement of development on the privately owned Ellwood Mesa Parcels through buyout and transfer of development to a portion of the City-owned Santa Barbara Shores property adjacent to Hollister Avenue in the City of Goleta. The resulting Comstock Homes Development included 62 residential lots.

In addition to these approvals, the Commission has approved several coastal development permits and notices of impending development for development on the North Campus properties and West Campus of the University. Those approvals that relate to the proposed applications, include Coastal Development Permit 4-02-167 for the desilting and maintenance of Phelps Creek by the Santa Barbara County Flood Control District approved by the Commission in November 2002. In November 2001, the Commission also approved Coastal Development Permit 4-01-139 for the management of access on Sands Beach to protect nesting and wintering western snowy plovers. This permit was given a three year time limit and included placement of seasonal fencing around nesting and wintering habitats, docent program, and public education. Despite the expiration of this permit, the Coal Oil Point Reserve Staff have continued to manage access to Sands Beach. The University is proposing to apply for another permit in the next few months.

The subject LRDP Amendment, NOID, and CDP described below are the result of extensive consultation of Coastal Commission staff with UCSB. The University originally submitted an LRDP Amendment 2-04 and NOID 4-04 in 2004 for the project that included construction of 236 faculty housing units on the North Parcel and 151 student housing units on the Storke-Whittier Parcels. These submittals, though, were withdrawn by the University after additional seasonal wetlands were identified on the North Parcel that would have been filled by the development proposed by the University. In March 2006, the University submitted LRDP Amendment 1-06 and NOID 1-06, followed by CDP 4-06-097 for the North and West Campuses project. This new proposal originally included the development of 215 housing units on the North Parcel and 151 units on the Storke-Whittier property. In response to revisions required by the Commission ecologist to the submitted wetland delineations and vegetation surveys on North Parcel, the University has again revised their proposed project for construction of 172 units on North Parcel and 151 units on the Storke-Whittier property in order to avoid wetland and native grassland on the North Parcel and provide increased buffers to these resources. In response to comments from Commission and CDFG staff, the University has also proposed the Phelps Creek Reconstruction and Restoration Project and significantly modified the Devereux Culvert Replacement Project and other project plans to incorporate increased protection of sensitive habitats onsite.

## **B. THE NORTH AND WEST CAMPUSES SUBMITTAL**

The University of California at Santa Barbara proposes to incorporate the 174-acre North Campus into the certified 1990 LRDP, including new land use designations, policies, and two housing developments. The LRDP Amendment 1-06 would also modify land use designations and policies relating to public access, open space, residential and facility development, trails, and habitat enhancement on the West Campus. The North and West Campuses Project includes the clustering of residential development on the 26.3-acre North Parcel and 14.8-acre Storke Whittier sites which are located adjacent to existing residential developments. In exchange for increased residential densities at these locations, the University proposes to designate the 68.7-acre South Parcel as open space and eliminate 117 student housing units on West Campus Mesa previously approved in the 1990 LRDP. The Amendment would also include the eventual designation of the 17.5-acre Ellwood Marine Terminal site as open space after 2016 and the incorporation of 40 additional acres of land into the Coal Oil Point Reserve.

The University has submitted a notice of impending development (1-06) and a coastal development permit (4-06-097) for permitting of some of the actual development (referred to as the “North and West Campuses Projects”) included in LRDP Amendment 1-06 described in the following section. The North and West Campuses Project includes areas in the jurisdiction of the University’s LRDP, as amended by LRDP Amendment 1-06, and areas within the retained jurisdiction of the Commission. The area of retained jurisdiction includes Phelps Creek, Devereux Creek (east, west, and main forks), Devereux Slough, and all beach areas below the mean high tide line. The University has, therefore, submitted NOID 1-06 for those portions of the project within the LRDP area and coastal development permit 4-06-097 for the areas within the retained jurisdiction of the Commission. The North Parcel Faculty Housing Project and Sierra Madre Family Student Housing Project are included in both the NOID and CDP applications. Improvements to South Parcel and West Campus Bluffs Trail are included only in NOID 1-06. The following parts of the project are included in Coastal Development Permit Application 4-06-097, but not the subject NOID: Phelps Creek Bridge, Phelps Creek Layback and Riparian Restoration Project, and the Devereux Culvert Replacement Project. Commission staff note that small portions of the proposed Phelps Creek Bridge and Phelps Creek Riparian Restoration projects are located in the LRDP area outside of the retained jurisdiction of the Commission. The University has included, though, the entire Phelps creek bridge and restoration projects only in the Coastal Development Permit Application 4-06-097 to simplify the permitting process.

The following sections describe in detail the project descriptions for LRDP Amendment 1-06, Notice of Impending Development 1-06, and Coastal Development Application 4-06-097 proposed by the University of California, Santa Barbara.

## C. LONG RANGE DEVELOPMENT PLAN AMENDMENT 1-06

The University of California at Santa Barbara (UCSB or University) is requesting an amendment to its Long Range Development Plan (LRDP) to incorporate 174.25-acres of land known as the “North Campus” into its LRDP. The amendment would also revise the design for the existing West Campus and make various changes to policies, land use designations, and language in the certified LRDP related to the North and West Campuses. According to the University, the objectives of the amendment are to address the need for affordable housing for faculty and student families, while protecting and enhancing important coastal resources and maintaining and enhancing key support facilities on the North and West Campuses.

Specifically, the amendment would include provisions for development of a maximum of 172 residential units for faculty housing and 151 residential units for student family housing on the North Campus, elimination of 117 residential units planned for student family housing on West Campus, expansion of the Coal Oil Point Reserve by 40-acres, creation of a 68.7-acre South Parcel Nature Park, and future transfer of the 17.5 acre site of the Ellwood Marine Terminal to open space. The amendment would implement those portions of the *Joint proposal for the Ellwood-Devereux Coast* and the subsequent *Ellwood-Devereux Coast Open Space and Habitat Management Plan* prepared by the City of Goleta, County of Santa Barbara and University of California that are within the University’s jurisdiction. The *Joint Proposal*, in addition to the related Coal Oil Point Management Plan, are currently not included in the certified LRDP, nor are they proposed for inclusion in the LRDP, in their entirety, in the subject amendment. Only the University’s portion of the Ellwood-Devereux Coast Open Space and Habitat Management Plan are included in the LRDP.

The amendment includes changes to be made to language and figures within the certified 1990 LRDP, including the addition of two new appendices. Proposed Appendix E includes a summary of all policy changes proposed by the Amendment and Appendix F includes all new figures associated with the Amendment. The following summarizes major components of the proposed amendment. Exhibit 1 shows the exact language, figure, and policy changes proposed.

### **Jurisdictional Boundaries**

The subject amendment proposes to incorporate 174.25 acres of land known as the “North Campus” into the existing LRDP. The North Campus is comprised of two separate lots, a 170.45-acre lot (APN 073-090-061) and a 3.8-acre lot (APN 073-090-013). The proposed North Campus would be located directly north and west of UCSB’s West Campus and Coal Oil Point Reserve in the vicinity of Ellwood Mesa and Devereux Slough in the County of Santa Barbara. The campus would be accessed via Whittier Drive, Storke Road, Marymount Way, and Phelps Road. The campus is surrounded by residential housing to the north and east, UCSB facilities and housing to the east and south east, and Coal Oil Point Reserve to the South, and the Ellwood open space area to the west. The Ocean Meadows Golf Course is located in the middle of the North Campus. These surrounding areas are under the jurisdiction of the City of Goleta,

County of Santa Barbara, and UCSB. The North Campus is entirely located in an area currently under the jurisdiction of the Goleta Community Plan and Santa Barbara County Local Coastal Program, approved by the Commission. Portions of the proposed North Campus within the vicinity of Phelps Creek (also known as El Encanto Creek), Devereux Creek (East and West Forks), and Devereux Slough are located within an area of retained jurisdiction of the Coastal Commission as described in the Santa Barbara County LCP. As shown in Exhibit 3A, these areas would remain as retained jurisdiction areas in the LRDP. Development within these areas would require a coastal development permit from the Coastal Commission.

West Campus is currently part of the LRDP certified by the Commission in 1990. The West Campus currently includes the Coal Oil Point Reserve, Sands Beach, Devereux Slough, Coal Oil Point, and the West Campus Bluffs overlooking Devereux or West Campus Beach, the West Campus Family Student Housing on Storke Road, and the West Campus Point Faculty Housing on West Campus Point Lane. The proposed LRDP Amendment does not add or delete any land from West Campus. As with the North Campus, a portion of the West Campus in the vicinity of Devereux Slough is within the area of retained jurisdiction of the Coastal Commission. Any development within the area of retained jurisdiction as shown in Exhibit 1, Appendix F, Figure D, requires a permit from the Coastal Commission. Currently the 1990 LRDP does not specifically mention this retained jurisdiction area. The proposed LRDP Amendment, though, formalizes the retained jurisdiction area.

### **Land Use Designations**

The proposed Amendment assigns land use designations to five discrete areas of the North Campus. It also makes several changes to land use designations outlined in the 1990 LRDP for West Campus. The Amendment makes two changes to the land use classifications existing within the LRDP. It changes the existing Environmentally Sensitive Habitat Area (ESHA) designation in the 1990 LRDP from a base zone to an overlay zone within the West and North Campuses. The 1990 ESHA zone included all of Coal Oil Point Reserve and areas of known biological and sensitive resources on the rest of West Campus. The proposed new ESHA overlay zone only covers known sensitive biological resources, including bluff, wetland, estuarine, or rare habitat, within Coal Oil Point, West Campus, and North Campus. The definition and restrictions on the ESHA zone currently outlined in Appendix D of the LRDP, including limitations on development and uses, would remain the same for the new overlay zone. The LRDP Amendment also creates a new base zone called "Natural Reserve" that would provide a consistent land use designation for the existing and proposed expansion areas of the Coal Oil Point Reserve (COPR). The Natural Reserve designation would allow the following types of development in the reserve: fencing, posting of signs, research related structures, habitat creation and restoration, pedestrian paths and boardwalks, and other activities established by the University of California's Natural Reserve System for reserves. The following summarizes the land use changes proposed in the LRDP Amendment.

### **North Campus**

The LRDP Amendment assigns the following land use designations for the North Campus:

- 26.3-acre North Parcel designated for residential faculty housing and one public parking lot;
- 18.7-acre Storke-Whittier Parcel designated for residential student family housing and open space (14.8 acres student housing and 3.8 acres open space);
- 68.7 South Parcel designated as open space;
- 17.5-acre Venoco property to be designated as open space upon termination of the current lease for the Ellwood Marine Terminal, an oil and gas facility operated by Venoco, Inc, in 2016;
- 40-acre Coal Oil Point Reserve Expansion Area designated Natural Reserve and intended for inclusion into the existing Coal Oil Point Reserve; and
- ESHA designation overlays portions of all five areas where known bluff, wetland, estuarine, or rare habitat exist.

### West Campus

The LRDP Amendment makes the following changes to land use designations on the West Campus:

- Re-designates the West Campus Mesa east of West Campus Point Lane from potential Student Housing to potential Faculty Housing. The change would eliminate any further development of additional student housing units on the West Campus and would keep the maximum number of faculty housing units on West Campus the same as proposed in the 1990 LRDP.
- Modifies the Environmentally Sensitive Habitat Areas designation on West and North Campuses to become an overlay designation, as opposed to an underlying base land use category.
- Re-designates the Coal Oil Point Reserve from Environmentally Sensitive Habitat Area to Natural Reserve to provide a consistent overall land use designation for the COPR;
- Adds Environmentally Sensitive Habitat Area overlay zone where known bluff, wetland, estuarine, or rare habitat exist;
- Expands Open Space Designation into areas previously part of ESHA base zone, but now not part of ESHA overlay zone.
- Allows for a future public parking lot (known as the Camino Majorca Parking Lot) on the east end of West Campus Bluff Nature Park at the intersection with Camino Majorca and conversion of the existing parking lot at Cameron Hall to a public parking lot.

## **Residential and Facility Development**

The LRDP Amendment provides for development of faculty and family student housing on the North Parcel and Storke-Whittier properties on the North Campus. In addition, the Amendment makes several changes to residential housing and facility developments on West Campus and changes general development policies for the campus. The following sections summarize these changes.

### **North Campus – North Campus Faculty Housing Development**

The LRDP Amendment allows development of up to 172 units of faculty housing on the 26.5-acre North Parcel, providing a density of up to 6.5 per acre. The units would be for sale, although the University would retain ownership of the property and maintain common areas. Units would include single-family homes and two to three story townhomes. The development would also include a community center and pool. The maximum height of all buildings would be 35 feet from proposed grade and 38 feet from existing. Parking would include at least 1.5 spaces per unit for residents and 0.5 spaces per unit for guests and a 20-space public coastal access parking lot within the development. Vehicular access to the development would be provided via Phelps Road (at the intersection with Canon Green Drive) and Marymount Way. The Amendment also includes a 20-foot wide bridge over Phelps Creek (El Encanto Creek) for pedestrian, bicycle, and emergency access from the west side of the development along Phelps Road to the east side along Marymount Way. The development would also include restoration and enhancement of existing seasonal wetlands, riparian areas, and native grasslands onsite. Phelps Creek and the Phelps Creek Riparian area that runs through the middle of the North Parcel would also be restored. The amendment also includes provisions for trail access within the development.

As submitted, the North Parcel Faculty Housing as part of NOID 1-06 and policies within the Amendment, require the University to build the 172 faculty housing units outside of all wetland, riparian, native grassland, and ESHA resources onsite, with the exception of a few scattered small patches of purple needlegrass areas on the north side of the parcel. The Amendment, though, does allow the development to be designed with reduced buffers to these resources. Buffers to wetlands and riparian areas are reduced from the standard 100 feet to 25 feet, except in areas on the southwest side of the parcel and surrounding Phelps Creek where buffers are 100 feet and 50 feet respectively. Buffers from native grasslands are reduced from 100 feet to 10 feet and buffers to the eucalyptus on the west side of the parcel are 25 feet. In addition, roads, pedestrian sidewalks, and public coastal access parking lot proposed for the development would be allowed to encroach on these buffers where no feasible, less environmentally damaging alternative exists. No additional brush clearance or mowing of grasslands is proposed for fuel modification is required or proposed.

In exchange for reduced buffers and potential impacts to wetland, riparian, and ESHA resources, the University is proposing to extinguish any potential housing development

on the entire 68.7-acre South Parcel, expand the Coal Oil Point Reserve by 40 acres, and designate the existing Venoco Marine Terminal site to open space when the lease expires in 2016. Currently the Santa Barbara LCP and Goleta Community Plan allow for a maximum potential development of 351 units on the South Parcel, North Parcel, and Sierra Madre Parcels combined. The University, in the past, has explored development of housing on all three parcels, including potentially 207 units south of Ocean Meadows Golf Course. The existing trade-off proposed in the Amendment would cluster development on the North Parcel close to existing residential development to the north, while allowing for restoration and use of the South Parcel as public open space. This exchange was part of the Joint Proposal for the Ellwood Devereux Coast negotiated by the City of Goleta, County of Santa Barbara, and UCSB, for the Ellwood-Devereux area.

In addition to preservation of the South Parcel as open space, the University has also included several policies in the Amendment to manage the North and South Parcels including:

- Restoration of all wetland, riparian, and grassland communities on the North Parcel;
- Restoration of the South Parcel over time,
- Implementation of sediment management measures and trail improvements on the South Parcel in connection with development on the North Parcel;
- Mitigation for any reduced buffer areas on the North Parcel at a 1:1 ratio on the South Parcel;
- Use of local native species to restore all open space areas and restrictions on the use of exotic invasive species in all residential areas;
- Limitations on lighting;
- Fencing and other protection measures for sensitive habitat areas;
- Restoration of Phelps Creek and Riparian area, including reconstruction of the Creek to provide additional riparian habitat, increase flood capacity, and stabilize the creek;
- Maintenance of Phelps Creek by the Santa Barbara County Flood Control District as a floodway, including provisions for a flood control access road and regular sediment removal from the creek;
- Provisions for one full time steward for the South parcel and one full time coordinator for the Coal Oil Point Reserve upon completion of the first 72 units on the North Parcel;
- Use of bioswales and other similar drainage control structures on the North Parcel;
- Use of natural building materials;
- Provisions that the development be built at least 2 feet above the 100-year floodplain of Phelps and Devereux Creeks; and
- Enhancement and construction of public trails through the faculty housing development and South Parcel to neighboring open space areas.

North Campus – Sierra Madre Student Family Housing

The LRDP Amendment allows for development of up to 151 student family housing units on the easternmost 14.8 acres of the Storke-Whittier property. This housing development, known as the Sierra Madre Family Student Housing Development, would provide rental housing to students. The units would be developed at a maximum density of 10.8 units per acre and maximum height of 35 feet from proposed grade and 39 feet from existing grade. At least one and one-half parking spaces would be provided per unit, plus one-half space per unit for guests. Vehicular access to the site would be via Storke Road to the east and Whittier Road to the North. The development is located directly north of the existing West Campus Family Student Housing. A road is proposed between the two properties to provide vehicular access to a proposed parking facility within the West Campus Family Student Housing (See West Campus Section below). Revisions to LRDP policies ensure that the Sierra Madre development be physically integrated with the existing West Campus Family Student Housing so that the two developments function as one development, sharing community resources and parking as discussed below. The Sierra Madre development includes restoration of wetlands onsite that are located over 100 feet from any proposed development. The development also includes creation of vegetated drainage swales, trail improvements through the development, use of natural building materials, landscaping with predominantly native plants and non-invasive species, limitations on lighting; and fencing and other protection measures for sensitive habitat areas. The development would also be built at least 2 feet above the 100 year floodplain and conform to FEMA standards.

North Campus - Devereux Creek Culvert Replacement

The University is proposing to replace the existing Arizona crossing at Devereux Creek and Venoco Road, where the creek meets Devereux Slough, with a arched culvert structure resembling a span bridge that would increase stream flow capacity, restore more natural flows to Devereux Slough, and provide better habitat for aquatic, riparian, and wetland resources in the area, while not increasing sedimentation of Devereux Slough. The amendment specifies that the new culvert would have a minimum 5 foot clearance above the stream channel bed and that the creek bed in the area shall remain earthen except where periodic stabilizers are necessary. According to University staff, the current Arizona crossing, which includes a concretized sediment basin and culvert under Venoco Road, limits stream flows, creates flood hazards upstream, and limits wildlife and fish passage

West Campus - West Campus Family Student Housing

The proposed Amendment would convert 2.8 acres of existing lawn and tot lot area at the West Campus Family Student Housing Complex to surface parking, a 7,400 sq. ft. community building, 725 sq. ft. storage building, and play structures for toddlers and school-age children. This construction would be concurrent with the development of the Sierra Madre Family Student Housing located directly north of the existing West Campus Student Housing facilities. The two developments would be essentially combined, with the proposed community building, parking, and facilities being shared by

the two developments. The total number of parking spaces available to the existing West Campus Family Student Housing would not change

#### West Campus – West Campus Mesa Faculty and Student Housing

The proposed Amendment makes several changes to residential housing and facility development on West Campus. Specifically, the LRDP reduces future housing development on West Campus Mesa from a maximum of 167 units to 50 units by eliminating the planned 117 student family housing units, while still retaining the maximum of 50 faculty housing units (Revised Policy 30240(b).11). The Amendment also allows the potential building area for these 50 units to include the area previously planned for both the student family housing and faculty housing. This change allows the University more options for siting of this faculty housing development in light of recently discovered archeological resources in this area. Elimination of student housing at West Campus Mesa, frees up the area east of West Campus Point Lane for Faculty Housing. The University, therefore, is proposing policies that encourage the placement of the proposed faculty housing east of West Campus Point Lane to the extent feasible and use of West Campus Point Lane to access the housing so as to minimize potential impacts on Devereux Slough and Devereux Road. Given these changes, the University is also proposing elimination of requirements that the faculty housing be located at least a 50 feet from Devereux Road in the vicinity of Devereux Slough.

#### West Campus – Facilities

The proposed LRDP allows for expansion of the Orfaea Children's Center by up to 10,000 sq. ft. The existing 1990 LRDP allows for an expansion of this facility, but does not specify the amount of area to be expanded. Similarly, Figure \_\_\_ of the LRDP specifies that the Cliff House at Coal Oil Point may be relocated away from the bluffs and may be built up to 10,000 sq. ft. at its new location, which is generally shown on the figure. The 1990 LRDP allows for relocation of the Coal Oil Point facilities at least 50 feet away from the edge of the bluff and limits the total square footage of current replacement Coal Oil Point Structures to not exceed the total square footage of current Coal Oil Point structures (Existing Policy 30240(b).6). No specific location or square footage is cited in the original 1990 LRDP. Commission staff note that the University has not provided information as to the existing square footage of the Coal Oil Point Structures or information as to the potential for sensitive resources in the location identified for redevelopment. The Amendment also allows for the construction of a permanent restroom facility at the existing Coal Oil Point Parking Lot.

Finally, the University proposed to retain the existing horse stables and riding ring that currently is located on West Campus Mesa at the intersection of West Campus Point Lane and Divide Road. These stables would interconnect with equestrian trails planned on the West Campus (see Open Space Improvements below). The existing 1990 LRDP, as certified, includes a policy (30240 (a).17) that states that the horse paddocks in the watershed of the North Finger of the Devereux Lagoon shall be removed as part of the restoration plan for this wetland before the beginning of the 1992-1993 academic year. Originally, the horse facilities were built in 1920 and first used by the University in

1948 when West Campus was purchased. The staff findings for the certification of the 1990 LRDP, state that this policy was required as the existing horse facilities are very close to the North Finger of Devereux Slough and are likely impacting Devereux Slough. The Commission, therefore, required this policy as a condition of approving the Campus Wetland Management Plan and 1990 LRDP. The University never removed the horse facilities, but moved or closed the horse paddocks that were close to the stream and have continued to actively use these facilities. The closest portion of the horse paddocks are within approximately 47 feet of the stream riparian vegetation. The closest portion of the horse exercise area is within 12 feet of a nearby storm drain outflow area. The University proposes to amend the policy to keep the horse facilities where they are based on the fact that they feel the facilities are not impacting water quality or habitat in the area and are a vested use of the area.

### General Development Policy Changes

The LRDP Amendment makes the following general policy additions and changes for development of any part of the campus:

- Developments on campus shall use natural building materials and colors compatible with the surrounding landscape where practical (Revised Policy 30251.15).
- Developments on campus shall comply with FEMA flood hazard requirements (Revised Policy 30253.16)
- Fencing shall be required in private back yards of residential housing that is adjacent to public access corridors to keep pets out of natural open space areas and to limit pedestrian movement to designated trails (Revised Policy 30240(a).18)
- Development adjacent to the Ocean Meadows Golf Course shall be designed to minimize the hazards of errant golf balls from the golf course (Revised Policy 30250(a).4).

### Open Space Restoration and Management

The proposed LRDP Amendment implements the University's portion of the Ellwood-Devereux Coast Open Space and Habitat Management Plan and would preserve all land south of the Ocean Meadows Golf Course as open space, ESHA, or Natural Reserve as discussed above in the Land Use Designations section. In addition to these designations, the amendment transforms the South Parcel on North Campus and the West Campus Bluffs area into "nature parks" where management activities would be implemented to enhance habitat values and the public's appreciation of the native landscaping, including: removal of invasive exotic species, elimination and restoration of unneeded volunteer trails, improvements to designated trails and beach access points (see below), installation of informational and interpretive signs, installation of

benches, restoration of wetlands and riparian areas, and reintroduction of native grasses and coastal sage scrub. The LRDP Amendment allows for the creation of vernal pool, native grassland, and riparian mitigation bank areas and research areas. The mitigation bank sites would be used for implementing off-site mitigation for University projects, including the North Parcel residential development. The LRDP Amendment also allows for the creation of vegetated drainage swales, sedimentation ponds, and other drainage improvements on the South Parcel to reduce erosion and sediment flows into Devereux Slough (Revised Policy 30240(b).23). Additionally, the amendment provides for construction of a small amphitheater on the South Parcel for educational purposes and installation of a permanent restroom facility at Coal Oil Point.

The University proposes to initiate the open space and habitat improvements in phases, with the initial phase including improvements to coastal access parking, trails, habitat restoration, development of erosion and sediment control structures on four acres of the South Parcel. These initial improvements would be in addition to any restoration on the North Parcel of mitigation conducted on the South Parcel due to impacts to buffers on the North Parcel.

In addition to the added open space and reserve areas and the improvements mentioned above, the University is proposing several changes to the management of open space and reserve areas. Specifically, the University is to change a policy regarding non-native tree removal to generally allow removal of non native trees anywhere on campus if their presence inhibits fulfillment of LRDP objectives, such as restoration of native habitat, and provided that trees that provide habitats for sensitive bird species and monarch butterflies are given special consideration and care before decisions are made for their removal. The original 1990 LRDP policy (30240(a).4) prohibits removal of trees and brush located on the bluff east of Coal Oil Point Reserve outside of the Coal Oil Point Development, except where necessary to accommodate new structures or infrastructure. The Amendment also changes a policy limiting mowing in the Coal Oil Point Reserve to required fuel modification to add provisions that mowing may be allowed for restoration purposes. Finally, the Amendment changes a policy prohibiting unleashed dogs and motor vehicles (except service and emergency vehicles) at Campus beaches to include the limitation on all North and West Campus open space areas.

### **Trail, Beach Access, and Recreation Improvements**

One of the stated objectives of the proposed LRDP Amendment is to implement those portions of the Ellwood-Devereux Coast Open Space and Habitat Management Plan within the University's jurisdiction. This includes improvements to an existing trail network in the Devereux-Ellwood area. Several trails and beach access points exist on the North and West Campuses. The proposed trail improvements would reduce the number of informal trails onsite and improve a select number of trails using a variety of methods including widening of the trails, resurfacing, installation of stairs or boardwalks, installation of signage and fencing encouraging ontrail use, limitations of certain uses (bikes and equestrian) on certain trails, and fencing to encourage use of designated trails. No new trails would be created.

All trails in the Coal Oil Point Reserve, including the Dune Pond Trail, would remain pedestrian only. The Amendment would improve and expand the California Coastal Trail and Anza Trails to connect all the way through the North and West Campuses to neighboring jurisdictions. The Amendment would also improve Divide trail and a portion of the Coastal and Anza trails leading from the West Campus stables, down Venoco Road, and leading down to Sands Beach on a portion of the South Parcel west of Coal Oil Point Reserve for equestrian and bicycle access. The improved trail system would include connections at several access points, including Cameron Hall, Sierra Madre Development, Phelps Road, North Parcel Faculty Development, Camino Majorca, and Devereux Road. The system would also include public connections through the proposed housing developments.

The LRDP Amendment also proposes improvements to enhance access to the beach and environmentally sensitive habitat areas including new stairs and trail improvements to Sands Beach at the South End of the California Coastal Trail (OSHMO Trail 22 and Access Point D) on South Parcel. Trail improvements will create a clearly define trail corridor to reduce bluff erosion and damage to nearby dune habitat, as well as provide equestrian access to Sands Beach. New bluff stairs and boardwalk would also be built at the Sands Beach Access at Coal Oil Point within the Coal Oil Point Expansion Area (OSHMP Access Point B) to focus access to a single corridor and reduce bluff erosion resulting from multiple informal routes that currently exist in that area. Finally, the Amendment includes a new bluff stairs east of the Coal Oil Point parking lot would also lead to West Campus Beach. The stairway would direct foot traffic away from Sands Beach and sensitive snowy plover habitat and replace existing informal trails that are causing severe bluff erosion.

### **Public Parking.**

The LRDP Amendment would include provisions for construction of new public parking lots and changes to uses of existing parking lots on West Campus. Coastal access parking included in the existing LRDP west of the student gardens would be relocated behind Cameron Hall and increased from 5 to 10 spaces to 20 spaces. The LRDP Amendment also proposes a new parking lot west of Camino Majorca on the bluffs above West Campus Beach. This lot would be located directly east of an existing Eucalyptus windrow and existing parking alongside Camino Majorca on County owned property. The lot would be dirt and planted to screen parking from views from the bluffs and neighboring residences. The number of parking spaces developed at the Camino Majorca lot would either be 20 or 40 spaces as described below.

The current LRDP provides that there be a maximum of 50 permit only parking spaces at Coal Oil Point for use of existing facilities and coastal access. These spaces are currently not open to public parking due to concerns over increased public access to nearby sensitive snowy plover habitat. The LRDP Amendment would provide two options for increased public parking in the vicinity of Coal Oil Point and West Campus Beach. Option One would allow 30 parking spaces for University purposes (permit parking) at Coal Oil Point, redesignation of 20 parking spaces for public coastal access

purposes at Coal Oil Point, and development of 20 parking spaces at the Camino Majorca lot. Option Two would reserve all of the Coal Oil Point parking spaces for University purposes (permit parking) and allow development of 40 public access parking spaces at Camino Majorca lot. Either scenario would provide for an additional 40 public parking spaces for public access to West Campus Beach.

Finally a new 20-space coastal access parking lot would be developed near the western terminus of Phelps Road from the North Parcel faculty housing project entry road. In total, the North and West Campuses would provide 80 coastal access permit parking spaces. The spaces would include handicap access, use of permeable pavement, and would be connected directly to the Ellwood-Devereux trail system.

## **D. NOTICE OF IMPENDING DEVELOPMENT 1-06**

The impending development includes construction of 172 faculty housing units and 151 family student housing units on the 26.3-acre North Parcel and the easternmost 14.8 acres of the Storke-Whittier property on the North Campus as reconfigured by LRDP Amendment 1-06. In addition to housing, the University is proposing to restore wetland, riparian, and native grassland habitats that are located on the two properties. The impending development also includes trail improvements, construction of sediment management structures, drainage improvements, and habitat restoration on the 68.7-acre South Parcel on North Campus, as well as improvements to the West Campus Bluffs Trail on West Campus.

### **North Campus Faculty Housing**

The faculty housing site is located on the 26.3 acre "North Parcel" within the North Campus of the University in southern Santa Barbara County. The North Parcel is situated south of Phelps Road where it intersects with Cannon Green Drive. It is bounded by the Ellwood Mesa open space to the West, the Ocean Meadows Golf Course to the south, and residential neighborhoods (single family and townhouse) to the east north, and northwest. The property is approximately half a mile northwest of Devereux Slough and Coal Oil Point Reserve and three quarters of a mile from Sands Beach. As described above, the entire North Campus, including the North Parcel, is proposed to be included in the certified 1990 LRDP, pursuant to approval of LRDP Amendment 1-06 as described above.

The parcel is bisected by Phelps Creek (El Encanto Creek) that flows in a north-south direction through the site and connects to Devereux Creek, a tributary to Devereux Slough, in the vicinity of the Ocean Meadows Golf Course. The 100-year floodway and floodplain for Phelps creek, as designated by FEMA, extends approximately 600 feet west and 500 to 800 feet east of the creek on the North Parcel. The site is vacant and shows signs of past disturbances, including grading of the site in the 1960's to build the Ocean Meadows Golf Course, construction of a flood control road bordering the west side of Phelps creek, unauthorized vehicle access and tire ruts throughout the parcel, and unauthorized clearance and grading of multiple trails and bike jumps.

According to biological studies submitted by the University, the majority of the site is vegetated in non-native grasses and ruderal vegetation (14.60 acres), coyote bush, and disturbed areas, although several areas of seasonal wetlands (1.07 acres), riparian habitats (0.85 acres), native purple needlegrass communities (1.03 acres), and native creeping ryegrass (alkaline ryegrass; 0.17 acres) have established onsite. The seasonal wetland areas are dominated by many non-native species, including Italian ryegrass, Mediterranean barley, although some native rushes and flatsedges are present<sup>1</sup>. The Phelps Creek riparian area is dominated by arroyo willow, cottonwood, sycamore, mulefat, non-native grasses, and other shrub species. A large wetland and riparian area associated with the West Fork of Devereux Creek is located approximately 100 to 150 feet south of the southwest corner of the parcel. A degraded row of eucalyptus trees border the west side of the property (0.31 acres onsite). According to previous studies of the area by Dr. Daniel Meade, this area is not used by monarch butterflies as an aggregation site and the closest aggregation site is located some 1,000 feet to the south on the western edge of the South Parcel<sup>2</sup>. Commission staff note that in field visits to the site staff have noticed monarch butterflies in these trees. Additionally, the Santa Barbara County LCP designated this area as monarch butterfly environmental habitat area due to its proximity to the Ellwood Mesa eucalyptus stands that support large butterfly populations.

The University proposes to build 172 units of faculty housing and a 1,800 sq. ft. community recreation facility consisting of a common building (approximately 15 feet in height), swimming pool, and turf area on the North Parcel. The parcel would be subdivided into at least 172 separate parcels and the units on these parcels sold at a reduced cost as condominium units to faculty of the University. The University would retain ownership of the land and manage all common and open space areas. Eventually, the University may transfer management of some common space areas to a homeowners association.

The housing development includes a range of housing types and sizes, including 105 three-story (1,470 to 1,770 square feet in size), 58 two-story (1,020 to 14,020 square feet), and 9 smaller one-story single family units. The site is designed so that only one story single family residences border the existing University village residential neighborhood on Marymount Drive east of the project site, two story condominium units border the existing condominium development northwest of the North Parcel, and two and three story units are located in the center of the development. Other amenities on the site would include the 1,800 sq. ft. community center described above, tot lots, and covered picnic and barbeque areas. No structure will exceed 35 feet in height from the proposed finished grade and 38 feet from the existing grade of the site. All residences and garages will be designed to extend two feet and one foot above the 100-year flood hazard area respectively. In total, the development will require 38,800 cu. yds of

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<sup>1</sup> Wetland Research Associates. Wetland Delineation Subject to the California Coastal Act, UCSB North parcel Faculty Housing Site. Prepared for UCSB. July 2006.

<sup>2</sup> Meade, Dr. Daniel. Monarch Butterfly Overwintering Sites in Santa Barbara County, CA. Althouse and Meade Biological and Environmental Services. November 1999.

grading (25,800 cu. yds cut, 13,800 cu yds.. fill, and 12,000 cu. yds export) on 15.2 of the 26.4 acres of the property.

Vehicular access to the western portion of the site would be provided via Phelps Road at the intersection with Cannon Green Drive. Vehicular access to the area east of Phelps Creek would be provided via Marymount Way. Internal circulation would be accommodated by a system of streets and lanes. Streets would have a 40 foot wide cross section consisting of two 12-foot wide traffic lanes with 8-foot wide parking pullouts on each side. Planted bioswales and five foot wide sidewalks would border the main entry roadway and other interior streets. Smaller lanes would have a 24-foot wide cross section consisting of two 9-foot wide lanes bordered on each side by three foot wide strips of grassed and recessed concrete curbing draining to bioswales. The west and east sides of the developments would be connected via a 20 foot wide bridge across Phelps Creek that would be used for pedestrians, bicycles, and emergency access only. Each unit would have two parking spaces, with a minimum of one garage space and one adjacent carport or uncovered space. In total there will be 344 parking spaces for residents, 56 guest parking spaces, and a 20-space public coastal access parking lot southeast of the Phelps Road entrance. No changes would be made to on-street parking on Phelps Road and Marymount Way. Pedestrian and bicycle circulation is accommodated throughout the development and allow connections to surrounding open space and coastal access trails that would be open to public use.

Commission staff note that the original plan that the University submitted included development of 215 housing units on the site. Upon the discovery of new wetland and native grassland areas onsite, the University, working with CCC staff, redesigned the development to have fewer units and to avoid significant biological resources. The housing development has been designed to avoid all seasonal wetlands, riparian areas, and eucalyptus habitats onsite. Structures are designed to be a minimum of 100 feet from the large wetland area southwest of the North Parcel near the west fork of Devereux Creek, 50 feet from existing riparian vegetation bordering Phelps and 25 feet from all other seasonal wetlands onsite. The development has also been designed to avoid the large purple needlegrass areas on the southern portion of the parcel and the majority of the creeping ryegrass in the middle of the parcel. The development would involve the removal of eight patches of purple needlegrass (all less than 1,100 sq. ft. in extent), on the northwest portion of the parcel. In addition, a sidewalk in the middle of the site is designed as a boardwalk that would go over the northern edge of the creeping ryegrass in the middle of the parcel. All structures are designed to be at least 10 feet from all other native grasslands onsite. In a few areas, paved roadways and sidewalks, and a small portion of the public coastal access parking lot would encroach on the wetland and grassland buffers. Bioswales and other vegetated drainage management options, as described below, also would be located in habitat buffers where no other option exists. The University has submitted a letter from Chris Wiesen, Campus Fire Marshall, stating that none of the proposed development on the North Campus will require any fuel modification in wetland, native grassland, eucalyptus, or riparian areas.

The University, as part of the development of the North Parcel, is proposing restoration of all seasonal wetland, riparian, native grassland, and habitat buffer areas onsite, including the reconstruction and restoration of the Phelps Creek area as described below in the project description for Coastal Development Permit 4-06-097. The University has submitted the Sensitive Habitat Restoration Plan prepared by Morro Group, Inc in May 2006 for the North Parcel. This plan was completed prior to final development design and does not include the new site design or restoration efforts for Phelps Creek proposed in CDP Application 4-06-097. It present the concepts, though, as to what kind of restoration the University is proposing. All sensitive habitat areas would be fenced to prevent human related disturbance to the areas. All yards would also be fenced to prevent domestic animals from entering the restoration areas.

A number of design features are proposed for the development to reduce the rate and volume of surface runoff, protect water quality, and support seasonal wetlands. Vegetated filter strips, porous pavements, and other pervious areas would be incorporated into the site design to minimize runoff associated with the increase in impervious surfaces. Surface runoff would be conveyed via curbs, gutters, catch basins, storm drains and vegetated channels, and into bioswales strategically integrated into the site plan and wetland buffer zones. The bioswales would be planted with native wetland plant species and would treat water prior to discharging into existing and preserved wetlands. Where insufficient space is available for bioswales, other water quality treatment options will be considered including hydrodynamic separators, treatment inserts and filter media prior to discharging into the existing wetlands.

As described above, the development of housing on the North Parcel is part of a larger planning process for the Ellwood-Devereux coast by the City of Goleta, the County of Santa Barbara, and the University. The *Joint Proposal for the Ellwood-Devereux Coast* prepared by these agencies redistributes development potential in the region so that new developments are clustered close to existing developments and a total of 314-acres of open space is preserved along the Ellwood and Devereux coast.

The University's portion of the plan includes clustering of development on the North Parcel in exchange for preserving the 68.7-acre South Parcel located south of Ocean Meadows Golf Course, which had been previously zoned for residential development by Santa Barbara County. In addition, the University is granting 40 acres of land to Coal Oil Point Reserve and planning on designating the 17.5-acre Ellwood Marine Terminal site as open space when the lease expires in 2016. The University is proposing to offset the potential impacts of the housing development on trail use, recreation amenities in the area, water quality in Devereux Creek and Slough, and habitat on the North Parcel by restoring 20.3 acres of habitat, constructing drainage improvements, and improving trails and beach access points on the South Parcel in conjunction with development of the North Parcel housing complex, as described below. The University is also proposing to improve and restore the Devereux Creek Culvert at Venoco Road and a portion of Phelps creek in conjunction with development of the North Parcel and Sierra Madre Developments. These projects are included in CDP application 4-06-097.

Construction of the North Campus Faculty Housing complex is planned to occur over a period of approximately 42 months. All site work and approximately the first 72 units will be completed as part of the first phase. The balance of development will occur in subsequent phases.

### **Sierra Madre Student Family Housing**

The Sierra Madre Family Student Housing project is located on 14.8 acres of the Storke-Whittier property at the intersection of Storke Road and Whittier Drive on the North Campus. The project is located 0.2 miles northeast of Devereux Slough and half a mile from West Campus Beach and Coal Oil Point. The property is surrounded by multi family residential housing north of Whittier Drive and a mixture of single and multi-family housing east Storke Road. The Ocean Meadows Golf Course and Clubhouse bound the site to the west. The existing West Campus Family Student Housing is located directly south of the project site. Part of the Sierra Madre project includes improvements to this site as well.

The Sierra Madre site is vacant and traversed in an east-west direction by the eastern terminus of a tributary to Devereux Creek. The majority of the site used to be driving range associated with the Ocean Meadows Golf Course and has been heavily impacted by grading and vegetative clearance, including the filling of a portion of the Devereux Creek tributary (East Fork Devereux Creek). The site is predominantly vegetated by non-native grasses, with the exception of two large seasonal wetland areas, one of which is located near the east fork of Devereux Creek tributary and the other located on the southwest side of the property which will remain undeveloped and designated as open space. A third, smaller wetland area on the southwest of the site will be preserved and restored with a 100 foot buffer. These wetlands are vegetated with both non-native and native species according to the wetland delineation prepared by WRA for the site in July 2006. A small portion of the site in the vicinity of the east fork of Devereux Creek is within the retained jurisdiction of the coastal commission. Development in the vicinity of this area is included in CDP application 4-06-097.

The Sierra Madre Family Student Housing complex would provide 151 rental units on the Storke-Whittier parcel. Development would occupy approximately 10.7 of the 14.8 acre property. In addition 2.8 acres of the existing lawn area on the West Campus Family Student Housing Complex would be converted to surface parking and a community center built to service both student housing complexes. The housing units are organized into six clusters arranged around courtyard green spaces. The five southern-most clusters each have 23 units and the northern cluster has 36 units. Units will be stacked single-level flats with two and three bedrooms. There would be 109 two bedroom apartments (820 sq. ft.) and 42 three bedroom apartments (1,050 sq. ft.). The units will be three story buildings, with a maximum height of 35 feet from proposed grade and 39 feet from existing grade.

In addition to housing, the project includes a 7,400 sq. ft. community building and an outdoor activity space to be shared with West Campus Student Housing. These facilities would be located on the existing lawn area on the northeastern corner of the

West Campus housing complex. A new tot lot would be developed on the western half of one of the two existing parking lots on the east side of the West Campus Student Housing. The development would increase the size of the two existing parking lots on the east side of the West Campus Student Housing. The new 78,260 sq. ft. of parking lots to be developed with the Sierra Madre project would provide 552 parking spaces, 219 of which will replace the spaces in the two existing parking lots on the east side of the West Campus Student Housing that would be removed. Approximately 333 spaces will serve the new Sierra Madre Housing. Each unit would have 2 parking spaces, one of which would be located in close proximity to the unit. In addition 16 parking spaces would be provided to serve the community building. There would also be four bicycle parking spaces per unit. A landscape buffer and bike path would separate this parking area from Storke Road.

The Sierra Madre housing would be accessed via Whittier Drive and Storke Road. The project would include the realignment and widening of the existing east-west access road between the West Campus Apartments and Sierra Madre site. The new access road would be 24 feet wide with bike lanes and a 6 foot wide pedestrian path on its north side. This public pedestrian and bicycle trail will connect Storke Road to Devereux Slough and associated trails in that area, including the De Anza Trail.

The housing complex has been designed to be located at least 100 feet away from all seasonal wetlands onsite. All buildings are located at least 75 feet from Storke Road and 50 feet from the golf course. All housing is also located at least 2 feet above the 100-year flood hazard zone of Devereux Creek, which, according to FEMA, currently extends along the north portion of the property. In total, the project would include approximately 37,200 cu. yds of grading (13,000 cu. yds fill and 24,200 cu. yds cut).

The University is proposing to restore the existing vernal pool on the southwest side of the property. Currently, the University is not proposing to restore the east fork of Devereux Creek. To minimize runoff from impervious surfaces, pervious areas, vegetated filter strips, porous pavements would be utilized where appropriate. Surface runoff would be conveyed via surface channels and cobbled swales into bioswales landscaped with native wetland plant species prior to discharge into the eastern tributary of Devereux Creek. A storm water pollution prevention plan would be implemented during construction on the site, reducing run-off impacts. The University also plans to improve the Devereux Culvert at Venoco Road as part of the project. This project is included in CDP Application 4-06-097 as it is located in the retained jurisdiction area for the Commission.

Construction of the Sierra Madre Family Student Housing is planned for a single phase to occur over an 18-month period.

### **South Parcel Restoration Project**

The 68.7-acre South Parcel is situated south of the Ocean Meadows Golf Course, east of the Ellwood Mesa Open Space, North of the Venoco Elwood Terminal and Sands Beach, and west of Devereux Slough and the West Campus Family Student Housing.

Venoco Road borders the property to the south. While the main portion of the parcel is located approximately 2000 feet from Sands Beach, an approximately 150 foot wide corridor extends from the main portion of the property to Sands Beach. The property is vacant and has historically been severely disturbed from removal of topsoil for use as fill in other areas. During the late 1960's the south parcel was graded and several east-west trending swales created to direct drainage from the area away from the golf course into Devereux Creek and Slough. Additionally, recreational use of the site has led to a complex network of informal trails covering the parcel, construction of bicycle jumps, and ruts from unauthorized vehicle use of the site. The site is used extensively for walking, jogging, off-road bicycling, beach access, and other similar recreational purposes.

The University has submitted the *Biological Resources Survey Report* (Morro Group Inc, 2006) and *Wetlands Delineation Subject to the California Coastal Act* (WRA, September 2006) that describe the biological resources on the South Parcel. According to these reports, the South Parcel is dominated by non-native annual grassland and disturbed eroded areas, but also contains a variety of natural plant communities and habitat types, including freshwater marsh wetland, vernal pools, coastal salt marsh, native grasslands, riparian scrub, coastal scrub, and a eucalyptus windrow. Small areas of coastal bluff scrub and coastal dunes are also present along the ocean bluff edge at the southwestern corner of the property. There are large trees and native grasslands that provide nesting habitat for raptors and monarch butterfly aggregation and foraging sites. Several sensitive wildlife species have been spotted on the South Parcel, including yellow warblers (*Dendroica petechia*), white-tailed kites (*Elanus leucurus*), burrowing owl (*Athene cunicularia*), and monarch butterflies (*Danaus plexippus*). The portion of the South Parcel in vicinity of Sands Beach has also been the location of overwintering and nesting western snowy plover populations (*Charadrius alexandrinus nivosus*) and California least tern.

The University has submitted the Habitat Restoration Plan, UCSB South Parcel (Morro Group Inc., September 2006) that describes the proposed improvements and restoration on the South Parcel. The plan includes the following work:

- Enhancement of 8.3 acres of wetland and riparian buffer habitat;
- Creation and enhancement of 2.6 acres of native grassland;
- Removal of invasive non-native species throughout the property;
- Erosion and drainage repairs to 4.0 acres of the site;
- Closure of 3.5 miles of existing unplanned trails;
- Enhancement of 1.79 miles of existing trails; and
- Creation of 0.37 miles of new trail routes to reroute trails away from sensitive biological resources.

The planting and restoration component of the plan would concentrate on revegetation of biologically sensitive, severely eroded, and heavily traveled portions of the site and removal of invasive plant species, including ice plant. The plan also includes a five-year

monitoring program for all improved areas. The Table below summarizes the habitat restoration proposed on the South Parcel:

<b>Restoration Feature</b>	<b>Existing Feature to be Enhanced (acres)</b>	<b>Habitat Creation Areas (acres)</b>	<b>Total Habitat Restoration Areas (acres)</b>
Seasonal Wetland	0.39	0.4	0.8
Salt Marsh Wetland	1.3	0.21	1.51
Riparian Wetland/Riparian Scrub	2.95	1.23	4.18
Native Grassland	0.45	2.08	2.53
Coastal Scrub	2.6	2.5	5.1
Coastal Bluff Scrub	0.07	0.8	0.87
Coastal Upland Seeding (annual grassland areas)	0.0	2.7	2.7
Erosion Control Seeding (primarily abandoned trail areas)	0.0	2.5	2.5
<b>Habitat Restoration Totals</b>	<b>7.8</b>	<b>12.42</b>	<b>20.19</b>

The restoration plan also proposes to limit site access to non-planned trails and direct pedestrian, bicycle, and equestrian users to newly improved trails on the property. The majority of the proposed trails (approximately 83%, 9,465 feet) are located along existing trail routes or through existing disturbed, bare soil areas. All new trail routes (approximately 17%, 1,943 feet) are located through non-native annual grassland areas and improve separation of trails from wetland and wetland buffer areas. Trails included in the restoration proposal include the regional De Anza and California Coastal Trails. Existing wetland areas within 50 feet of an approved trail will be protected by a permanent fence (3 to 4 feet high) designed to restrict human access without affecting wildlife passage. Trail closures for restoration purposes would avoid the use of fencing and structural barriers to the extent feasible. Temporary signs may be used as necessary to notice trail closures. Proposed improvements and management measures for the existing trail extending to Sands Beach would allow for equestrian access on the trail and to Sands Beach directly west of the Coal Oil Point Reserve, in an area currently used by snowy plover populations for overwintering and nesting. Vehicular use would be prohibited within the South Parcel, except for vehicles servicing the Ellwood Marine Terminal, official service vehicles, and emergency response vehicles. Certain trails would be designated as pedestrian only. As is currently the policy, dogs would be required to remain on least within the open space area and Sands Beach.

Sediment from disturbed areas on the South Parcel is currently entering the Devereux Slough through a culvert under Venoco Road. The majority of runoff from the site collects at an abandoned sediment basin at Venoco Road, and then enters the Devereux Slough. The existing basin is silted in and densely vegetated with willows and is not providing significant sediment retention functions. The restoration plan proposes

construction of three new sediment basins at the confluence of three drainage swales on the southeast corner of the property, west of the existing sediment basin. The three new basins would have a total capacity of 82 cu. yd. As the sediment basin would be located well within the restoration areas and are not easily accessible for annual sediment removal, it is the intention of the University to allow these basins to fill to capacity, at which time native vegetation would be allowed to vegetate the basins. Additional riparian vegetation may also be added to the basins. The University is also proposing the future construction of an additional sediment basin (Basin A), should additional control of sediment be needed in the future. This basin would be located at the confluence of three drainage swales and would have a capacity of 66 cu. yds. As with the three other sediment basins, this basin, if created, would ultimately be restored to riparian or other appropriate native habitat.

The University is also proposing additional sediment control measures, including repair of eroded slopes and removal of bike jump areas. Additionally the University is proposing to grade existing banks of drainage swales onsite to lay back the banks. Erosion control netting would be installed on channel layback areas and installation of straw wattles, mulch, hydroseeding, and water bars would be performed as needed throughout the remainder of the site. Several small check dams would be installed in drainage swales to slow water flow and reduce scour and downcutting within channels. All sediment control measures, including creation of sediment basins would occur in eroded, disturbed or non-native grassland areas.

The University is proposing to begin implementation of the abovementioned restoration plan concurrent with the development of residential units on the North Parcel. Restoration and enhancement activities such as creating a demonstration garden, constructing an amphitheater, installing interpretive educational signs, and additional habitat restoration efforts as described in LRDP Amendment 1-06 for the North and West Campuses would occur in the future as funding or grant sources become available. These projects will require future approval by the Commission of new notice of impending developments and/or coastal development permits.

### **West Campus Bluffs Trail Improvements**

The existing West Campus Bluffs Trail extends along the bluffs overlooking West Campus Beach (Devereux Beach) from Camino Majorca Road west to Coal Oil Point. Construction of the trail was required as a condition of approval of CDP 4-85-451 for the West Campus Faculty Housing Project. The trail is extensively used by bicyclists, pedestrians, and joggers year round. The trail becomes flooded during wet, rainy periods and is heavily eroded and rutted. Parts of the trail are crisscrossed with informal trails that have evolved over time. Additionally, a few sections of the trail are within a few feet of the bluff edge as a result of bluff-top erosion. The UCSB Shoreline Preservation Fund and Associated Student BIKES have committed funds to improve the trail to close off informal paths, minimize impacts to sensitive natural resources, reduce habitat fragmentation, reduce flooding of the trail, improve rutted areas, and move the trail away from the edge of eroding bluffs.

The West Campus Bluffs Maintenance and Restoration project will seek to stabilize portions of the approximately 2,900 linear feet of existing pathway system along the bluff extending from the Cliff House at Coal Oil Point to the eastern boundary of UCSB's West Campus. The project is divided into four phases of development with each phase consisting of 725 feet. The path would be approximately 10 to 12 feet wide and would be stabilized with durable class II compacted base and headers to discourage further deterioration of the trail. The restoration will entail both narrowing the path in areas where muddy conditions have forced bicyclists and pedestrians to forge alternate routes, and widening the path in other areas as necessary to accommodate pedestrian and bicycle traffic. In addition, the project will realign the path away from the proximity of the edge of the bluff in at least two locations. The project will involve approximately 280 cu. yds. of cut grading. All excavated earth would be redistributed adjacent to the trail to allow for proper drainage and to provide a growing medium for re-vegetation. Concrete will be removed in two areas. After the trail modifications have been made, abandoned path fragments will be re-vegetated. The sites will be raked by hand early in the rainy season (Nov-Dec) and native plant seeds (purple needlegrass and coast goldenbush) will be scattered on the roughened surfaces by hand.

A habitat survey was performed for the project in August 2006 (Morro Group Inc.) that showed that the area around the trails consists of non-native grassland and ruderal vegetation, coastal bluff scrub, purple needlegrass grassland, tamarisk, ice plant, seasonal wetlands, eucalyptus woodland, cypress trees, and other vegetation. The project would require removal of non-native grass and shrub species. No seasonal wetlands, native grasslands, coastal bluff scrub or eucalyptus would be impacted.

## **E. COASTAL DEVELOPMENT PERMIT 4-06-097**

The UCSB North and West Campuses Project is primarily located in areas proposed for incorporation into the LRDP through LRDP Amendment 1-06, although portions of the project are located within the retained jurisdiction of the Coastal Commission. On the North and West Campuses, the retained jurisdiction areas include the areas near to the tidally influenced Devereux Slough, West Fork Devereux Creek, East Fork Devereux Creek, Phelps Creek, other tributaries to Devereux Creek, and the portions of Sands, Ellwood, and West Campus beaches below the mean high tide line as shown on Figure C of the proposed LRDP Amendment (Exhibit 1). Any development in the retained jurisdiction of the Commission requires a coastal development permit from the Commission. The North and West Campuses Project includes several projects partially or totally located in the area of retained jurisdiction and included in Coastal Development Permit 4-06-097, including:

1. A small portion of the North Campus Faculty Housing Development adjacent to Phelps Creek and the west fork of Devereux that runs south of the 26-3 acre North Parcel (10 of 172 residential units);
2. Phelps creek bridge on the North Parcel;

3. Reconstruction and restoration of Phelps creek and riparian area on the North Parcel;
4. A small portion of the Sierra Madre Family Student Housing Development on the 14.8-acre portion of the Storke-Whittier property (23 of 151 residential units, parking lot, and access road, and);
5. Replacement of the Devereux creek culvert at Venoco Road with a new bridge and restoration of the creek and associated riparian and wetland areas;

Commission staff note that very small portions of the proposed Phelps Creek Bridge and Phelps Creek Riparian Restoration projects are located in the LRDP area outside of the retained jurisdiction are of the Commission. While both the North Campus Faculty Housing and Sierra Madre Family Student Housing Projects are considered in both Notice of Impending Development 1-06 and Coastal Development Permit 4-06-097, the entire Phelps bridge and restoration projects are only considered in CDP 4-06-097 to simplify the permitting process. The following describes those projects considered in CDP Application 4-06-097.

### **North Campus Faculty Housing Development**

The University proposed to build 172 units of faculty housing, a 1,800 sq. ft. community recreation facility consisting of a common building, swimming pool, and turf; roads; sidewalks; trails; and a coastal access parking lot on the 26.3- acre North Parcel on the proposed North Campus of the University in Santa Barbara County. The coastal development permit includes 10 of the 172 residential units and associated sidewalks, roads, parking spaces, and trails. The 10 units are two and three story townhomes. The units would be approximately 1,020 to 1,770 square feet size, with a maximum height of 38 feet above existing grade and 35 feet above proposed grade. The coastal development permit also includes several wetland and native grassland areas proposed for restoration by the University through the submitted North Parcel Habitat Restoration Plan. Grading within the retained jurisdiction area would be approximately 500 cu. yds. of cut and 720 cu. yds. of fill. The Phelps creek restoration and bridge projects described below are proposed in conjunction with the North Campus Faculty Housing Project.

### **Sierra Madre Family Student Housing**

The Sierra Madre Family Student Housing Development would provide 151 rental units on 14.8-acres of the Storke-Whittier parcel. Development would occupy approximately 10.7 of the 14.8 acre property. In addition 2.8 acres of the existing lawn area on the West Campus Family Student Housing Complex would be converted to surface parking and a 1,800 sq. ft. community center to service both student housing complexes. Coastal Development Permit Application 4-06-097 includes one of the three buildings proposed. The building within the retained jurisdiction area is two and three stories high with 23 rental units. The CDP application also includes approximately 4,000 square feet of the newly proposed parking area, 3,200 square feet of bike parking area, and reconstruction of 5,200 square feet of the access road and trail from Phelps Road to

both the Sierra Madre and existing West Campus Family Student Housing Complex. Grading in the retained jurisdiction area of this project would be approximately 2,800 cu. yds. of fill. The CDP application also includes restoration of the existing wetland area in the east fork of Devereux Creek that runs through the northern portion of the property. The University is proposing replacement of the existing Devereux Creek culvert under Venoco Road and leading to Devereux Slough as part of the Sierra Madre Family Student Housing Project, as described below.

### **Devereux Creek Culvert Replacement and Restoration**

The University proposes to remove the existing concrete culvert under Venoco Road on Devereux Creek with a new arched culvert resembling a span bridge. The road crossing is located where Devereux Creek enters Devereux Slough. Venoco Road currently extends from Phelps Road and the existing West Campus Student Housing Project and is used for access to the Ellwood Marine Terminal and maintenance of University property. NOID 1-06 would convert this road to a public pedestrian, bicycle, and equestrian trail that would still be used by Ellwood Marine Terminal, and emergency and University vehicles. Currently, a 36-inch diameter concrete culvert allows water to pass under Venoco Road. Venoco Road dips down in the vicinity of the crossing to provide for flood flows. Directly upstream, there is an approximately two foot high concrete wall with a sediment basin behind it. The concrete wall has a 12-inch diameter opening that allows water in the creek to flow to the slough during the dry season. A large amount of sediment has accumulated behind this wall, creating a significant drop in bed elevation in this area. As it exists now, the drainage system overtops at 5 year storm events.

The existing project area is heavily modified, with the areas upstream of the crossing dominated by ornamental landscaped areas associated with the nearby golf course and varied wetland and riparian vegetation that has colonized the banks and sediment basin constructed in the creek. South of the crossing, mixed coastal scrub and non-native grassland border the coastal salt marsh habitat of Devereux Slough. The paved crossing area is currently approximately 40 to 65 feet wide and restricts flood flows, fish passage, and restoration of natural wetland and riparian areas that would normally surround the creek and slough.

The University proposes to replace this crossing with an arched culvert system that resembles a span bridge and restore native stream, wetland, and riparian habitat to the area. The new arched culvert would be 26 feet wide, span 42 feet, and provide a clearance of up to seven feet from the creek bed to the bottom of the bridge. The road on top of the bridge would be 24 feet wide, providing adequate width for emergency access vehicles. The proposed replacement project would overtop at 25 year storm events and will lower the water surface elevation at the culvert by approximately one foot during a 100-year flood event. The existing concrete wall and sediment basin upstream of the crossing would be removed and accumulated sediment removed to allow for a gradual transition of the stream into the slough. This will require approximately 250 cubic yards of grading over a 11,200 square foot area. Grade stabilizers, including a 18 inch high boulder dam will prevent headward erosion up the

stream, minimizing the amount of sediment delivered to Devereux Slough while still providing fish passage. A buried concrete wall under the bridge will also protect the new structure from erosion. The new bridge has been designed to allow fish passage and accommodate wildlife movement up and down the creek and slough.

As there will still be a significant grade change in the vicinity of the crossing, the University is also proposing placement of interlocking "Armortec" concrete block system to be placed four inches below the creek bed to prevent erosion. The armortec would be covered with four or more inches of natural sediment to provide a natural bottom to the crossing. Armortec is designed to allow vegetation to grow between the concrete blocks. No armortec would be placed on the banks of the stream, which would be replanted with riparian and wetland vegetation. In the vicinity of the road, concrete wingwalls and soil abutments would protect the bridge from undercutting during high flow events. The abutments would be planted with native vegetation and designed to mix with the natural habitats of the slough and creek.

The project would require dewatering of the project area and permanent removal of approximately 610 square feet of brackish marsh habitat that has colonized the sediment basin at the crossing. An additional 1,586 square feet of brackish marsh in the sediment basin area and transitional habitat (considered wetlands) would also be temporarily removed to regrade the stream. In addition, the project would require temporary and permanent impacts to coyote bush, ruderal vegetation, non-native grasses, coastal scrub, and a large amount of ornamental landscape. The University proposes to replant all disturbed areas with native wetland, riparian, transitional, and upland habitats. At the request of CCC and CDFG staff, the University has revised this project many times. Therefore, currently, no up to date detailed landscaping plans exist for the restoration involved in this project. The University is the process of developing and updating these plans.

Commission staff also note that the Devereux Culvert Replacement Project is partially located on the Ocean Meadows Golf Course Property. The University has submitted evidence that the landowner of this property has authorized permitting of the project.

### **Phelps Creek Bridge**

The University is proposing to construct a bridge across Phelps Creek to connect the eastern and western sides of the North Campus Faculty Housing Development. The bridge would be open to pedestrian, bicycle, and emergency vehicle access only. The bridge would 20-feet wide, span 42 feet and be approximately 9 feet high. It would be located on the northwest corner of the North Parcel and span from the end of Marymount Way to internal roads proposed on the west side of Phelps Creek. As it is designed, the bridge would extend above the 100-year flood levels and according to hydrologic reports submitted for the project is not expected to change stream flows, erosion rates, sedimentation, or flood flows of Phelps Creek. The creek in the vicinity of the bridge would not be changed and would retain a natural bottom. No paving or other bank stabilization structures would be placed in the bed or banks of the creek. The project would require approximately 200 cu. yds of grading. Commission staff note that

the eastern approach to the bridge is located on the City of Goleta right of way for Marymount Way. The University is in the process of securing permission to construct the approach to the bridge in the right of way.

Phelps Creek, In the vicinity of the proposed project area, is bordered to the west by a flood access road and large area of non-native grasslands and ruderal vegetation. The east side of the creek is bordered by an approximately 30-foot wide southern riparian scrub area. Some seasonal wetland areas have colonized west of the flood access road as well. The University has submitted an analysis of the biological resources in the vicinity of the project. According to this analysis, the construction of the bridge would require approximately 9,800 square feet of temporary disturbance and 2,900 square feet of permanent loss of area. Construction would temporarily impact non-native grassland, ruderal vegetation, and disturbed bare soil area. These areas would be revegetated with native species. The bridge would permanently impact approximately 600 square feet of southern riparian scrub, including blackberry bushes, willow, and sycamore and cottonwood trees, and 2,300 square feet of non-native grassland, ruderal vegetation, and disturbed area. The bridge would also result in the removal of approximately five willow trees and trimming of willow trees. Any removed trees would be replanted in the area. In conjunction with this project, the University is preparing to restore the Phelps Creek riparian area as described below.

### **Phelps Creek Restoration Project**

The University is proposing to restore the riparian areas surrounding the portions of Phelps Creek on the North Parcel in conjunction with the North Campus Faculty Housing Project. The University originally submitted the North Parcel Habitat Restoration Plan. Following several revisions to the faculty housing project and at the urging of CCC staff, the University has proposed to revise this plan to incorporate revisions to the housing project and to reconstruct and restore the east bank of Phelps Creek. Preliminary plans for the reconstruction were submitted by University on July 17, 2006. Final plans for both the reconstruction and restoration incorporating the new housing design and reconstruction design have not yet been submitted. The University has also submitted biological reports for the proposed restoration and reconstruction project.

Approximately 700 feet of Phelps Creek (El Encanto Creek) is located on the North Parcel. Phelps Creek north of Phelps Road is channelized. South of Phelps Road the creek has a natural bottom, but is heavily incised. The creek converges with Devereux Creek south of the North Parcel and eventually flows into Devereux Slough at Venoco Road. The creek channel is periodically cleared for flood control purposes. The channel itself is primarily non-vegetated, with some areas having a small wetland edge of California tule. The channel has been eroded such that the top of bank is about 15 feet above the estimated ordinary high water line and steep channel banks have precluded the colonization of most vegetation. The banks of the creek are largely bare, with a narrow band of riparian vegetation along the upper bank. East of the creek banks, an approximately 30 foot wide riparian area extends along the top of the bank. This riparian area is composed of trees and shrubs including arroyo willow, cottonwood,

sycamore, and mulefat, as well as weedy exotics such as mustard pampas grass, and annual grasses. This area is bordered by upland shrubs, such as coyote brush, and non-native grasses. A dirt access road is present along the west bank of the channel. Ruderal vegetation and non-native grassland, with a few seasonal wetland areas, dominate the areas west of the creek.

The University is proposing to lay back the eastern bank of Phelps Creek in order to enhance wetland and riparian habitats on the bank of the creek, increase flood capacity of the stream, and to stabilize the creek banks in a few select locations. The creek bank would be laid back 30 feet at anywhere from a 2:1 slope to a 7:1 slope depending on the location. The channel would be constructed as a multi-stage channel that would allow for a low flow channel, benches for emergent wetland, and connectivity between the low flow channel and an active and diverse riparian floodplain. Local native wetland and riparian species would be planted on the new eastern slopes. The portions of the creek subject to erosion, including turns in the creek, would be stabilized to offer protection for a 100-year flow event. Stabilization would be achieved through vegetated log crib walls, natural log and boulder revetments, and the use of brush layering or willow mattresses. The western bank of the creek while enhanced with native vegetation, would not be graded heavily so as to allow access to the creek from the nearby access road for flood control maintenance.

The project would temporarily remove 14,207 square feet of non-native and native riparian vegetation and permanently convert 6,250 acres of non-native grassland to native riparian and transitional habitats. The lower banks of the creek would be planted with a mix of wetland and riparian species, including native rushes, bulrush, mulefat, and saltgrass. The upper banks would be planted with native riparian and transitional species including sycamore, willows, saltgrass, mulefat, coyote brush, alkali rye grass, blackberry, etc. The University will also remove invasive species and plant native species in the entire riparian corridor. The layback portion of the project would require temporary impacts to a small area of seasonal wetlands on the eastern bank of the creek that would be replanted following reconstruction. In total, the restoration area will cover approximately one acre of the North Parcel.

## **F. COASTAL ACT POLICY CONFLICT**

With modifications, the proposed coastal development permit, notice of impending development, and long range development plan amendment are approvable by invoking the balancing approach to conflict resolution. Section 30007.5 of the Coastal Act provides the Commission with the ability to resolve conflicts between Coastal Act policies. This section provides that:

***The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner that on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to***

To meet the standard of review, the proposed project must fulfill the requirements of, and be in conformity with, “the policies of Chapter 3” (meaning California Public Resources Code (“PRC”) sections 30200 - 30265.5). In general, a proposal must be consistent with all relevant policies in order to be approved. Thus, if a proposal is inconsistent with one or more policies, it must normally be denied, or conditioned to make it consistent with all relevant policies.

However, the Legislature also recognized that conflicts can occur among those policies. It, therefore, declared that, when the Commission identifies a conflict between the policies in Chapter 3, such conflicts are to be resolved “in a manner which on balance is the most protective of significant coastal resources” (PRC § 30007.5 and 30200(b)). That approach is generally referred to as the “balancing approach to conflict resolution.” Balancing allows the Commission to approve proposals that conflict with one or more Chapter 3 policies, based on a conflict between the Chapter 3 policies as applied to the proposal before the Commission. Thus, the first step in invoking the balancing approach is to identify a conflict between the Chapter 3 policies. In order for the Commission to utilize the conflict resolution provision of Section 30007.5, the Commission must first establish that the proposal presents a substantial conflict between two statutory directives contained in Chapter 3 of the Coastal Act. The fact that a proposal is consistent with one policy of Chapter 3 and inconsistent with another policy does not necessarily result in a conflict. Rather, the Commission must find that to deny the proposal based on the inconsistency with one policy will result in coastal zone effects that are inconsistent with another policy.

In this case, as described above, the North Campus Faculty Housing Project described in LRDP Amendment 1-06, NOID 1-06 and CDP 4-06-097 is inconsistent with the ESHA and wetland protection policies in Sections 30230, 30231, and 30240 of the Coastal Act. The project, as conditioned, would authorize subdivision of land and the construction of single family residences and condominium units on the North Parcel in scattered areas of approximately 0.08 acres of native purple needlegrass grassland that qualify as ESHA. The project also involves the construction of a bridge over Phelps Creek to provide emergency access to both sides of the development area. This bridge will require removal of approximately 600 square feet of riparian vegetation along the creek. This residential development would significantly disrupt the habitat values of the grassland and riparian areas and would not constitute uses dependent on the resource as required by Section 30240.

The North Campus Faculty Housing Project would also locate residential lots in the vicinity of (1) seasonal wetlands (residences will have a 25 foot buffer from wetlands in some areas rather than the optimal 100 foot buffer); (2) riparian habitats (residences will have a 50 foot buffer from riparian areas rather than the optimal 100 foot buffer); (3) native grasslands (residences will have a 10 foot buffer from native grasslands rather than the optimal 100 foot buffer); and (4) Monarch butterfly habitat (residences will have

a 25 foot buffer, as conditioned, to the eucalyptus grove on the west side of the North Parcel instead of the optimal 100 foot buffer). In addition, some select roads, sidewalks, a public parking lot, and some drainage features will encroach even further on these buffers. Thus, the proposed North Campus Faculty Housing Project is inconsistent with Sections 30230, 30231, and 30240 of the Coastal Act. However, to deny the project based on these inconsistencies with Coastal Act Sections 30230, 30231, and 30240 would result in adverse impacts inconsistent with other Chapter 3 policies.

Another policy conflict results from the fact that if the North Campus Faculty Housing Project is denied, it would reduce the ability to concentrate proposed development contiguous with existing urban development, and away from the most sensitive habitat areas in the Ellwood-Devereux area, as required by Section 30250. Specifically, if the project is denied, the University will pursue development on the 68.7-acre South Parcel that is adjacent to Devereux Slough, Sands Beach, and Devereux Creek. If the project is not approved, dispersed patterns of development would occur that are inconsistent with Section 30250. The project clusters development adjacent to existing developed areas and existing infrastructure, while preserving high quality habitat on the South Parcel, thereby preserving significant coastal resources.

Although approval of the project would result in the removal of approximately 0.08 acres of sensitive grassland and 600 square feet of riparian vegetation, the project would also serve to provide permanent protection of the 68.7-acre South Parcel, which includes 2.20 acres of wetlands, 1.44 acres of riparian wetlands, 1.51 acres of riparian habitats, 0.25 acre of non-riparian willow habitat, 6.1 acres of monarch butterfly habitat, including aggregation sites, 0.45 acres of native grassland, 2.6 acres of coastal scrub, 0.07 acres of coastal bluff scrub, and sensitive bird and raptor nesting and foraging habitat. Further, approval of the project would also serve to provide permanent protection of open space and public recreation that would otherwise not be provided. As such, the proposed project allows for continued public use of trails across areas that are presently private properties, maximizing public access by establishing permanent public access rights and preserving passive recreational opportunities.

After establishing a conflict among Coastal Act policies, Section 30007.5 mandates that the Commission resolve the conflict in a manner that is on balance most protective of coastal resources. To do this, it is essential to understand the nature of the South Parcel and the contentious history of planning in the Ellwood-Devereux area. The South Parcel, as described above, contains many sensitive habitats, including seasonal and semi-perennial wetlands, riparian areas, native grassland, and coastal bluff scrub. It also provides habitat for several sensitive resources, including aggregation sites for monarch butterflies, and nesting sites for white tailed kites, burrowing owl, coopers hawks and other. In addition, a portion of the South Parcel leads to Sands Beach, home to wintering and nesting snowy plover and California least tern populations. The west fork of Devereux Creek runs through the northern section of the parcel and Devereux Slough is approximately 100 feet east of the parcel. Vehicular access to the site would require use of Venoco Road that currently passes over Devereux Creek and Devereux Slough.

It is unknown what level of development would be the maximum amount that the Commission would be able to approve on the South and North Parcels were both parcels to be developed without any permanent impacts to ESHA or wetlands or reduced habitat buffers. The certified Goleta Community Plan for the area designates the North Parcel, South Parcel, and Storke-Whittier properties for residential development. The plan allows for development of up to 351 residential units combined for the three properties, with a minimum of 50% percent of the area being designated as open space. The plan also prohibits the development of more than 122 units south of the golf course on the South Parcel. The University has previously proposed in 1998 to develop 122 housing units on the South Parcel and 147 units on the North Parcel. This proposal, though, was never forwarded to the Commission for approval due to concerns about impacts to sensitive habitats and open space areas. Commission staff estimate that any where from 40 to 90 housing units may be developable on either the South Parcel or North Parcel, if all requirements for wetlands and ESHA were met. The University has stated that the financial feasibility of providing low income housing for faculty of the University becomes impossible once the number of units available to sell drops below a certain limit. According to the University, the current proposal for 172 units is the absolute minimum number of units to make the project feasible. CCC staff have confirmed that it is likely possible to fit this number of units between both the North and South Parcels were the University to build on both parcels. If both properties were developed, the residences would sprawl over a much larger area and would be located away from existing housing developments in the area.

Construction of 172 units on both the North and South Parcels would degrade the natural habitats on both parcels and potentially disrupt nesting and mating habitats of monarch butterflies, raptors, and sensitive birds on the South parcel. Additionally, the sprawled development would likely result in a larger area of paved area, increasing pollutant laden runoff to Devereux Creek and Slough and would require heavy use of Venoco Road that located over Devereux Creek and Slough. Conversely, the proposed North Campus Faculty Housing Project would concentrate the 172 unit development on the North Parcel by placing units at higher densities and providing for higher three story units. The University has also proposed restoration of wetland, riparian, and native grassland habitat on the North Parcel, restoration of approximately one acre of riparian habitat on the North Parcel, restoration of fish passage, wetland, and riparian habitat at the Devereux Creek Culvert, and restoration 20.3 acres of habitat on the South Parcel. While the North Campus Faculty Housing Project would require the removal of 0.08 acres of grassland and 600 sq. ft. of riparian vegetation, and require reduced habitat protection buffers, the project would result in a net restoration of native wetland, riparian, native grassland, and sensitive habitats.

In addition to restoration, the University is proposing to improve water quality in Devereux Creek and Slough through the use of bioswales and drainage improvements on the South Parcel, which is currently the source of erosion and sedimentation of the slough. The University is also proposing to improve trails on the South Parcel and provide public access connections and public coastal access parking at North parcel. This, combined with the designation of the 40-acre Coal Oil Point Expansion area and Ellwood Marine Terminal site as Natural Reserve and Open Space, will provide a

continuous public open space area with the rest of Ellwood and Devereux area that will provide passive recreation opportunities and beach access in areas that might not have otherwise been open to public use. The proposed project would allow development to be concentrated next to the existing condominium and housing projects on Phelps Road and Marymount Road, allowing use of existing public roads and utilities for the housing project.

Consequently, denial of the North Campus Faculty Housing Project would prevent maximum protection of coastal resources. However, an application does not present a conflict among Chapter 3 policies if there are feasible alternatives that would achieve the proposal's essential goals without violating any Chapter 3 policy. Thus, an alternatives analysis is a critical condition precedent to conflict identification, and thus, to invocation of the balancing approach. In this case, however, there are no feasible alternatives that would achieve all of the goals of the project without violating a Chapter 3 policy. In this case the applicant, with extensive coordination with the local governments, environmental and community groups, and neighbors, is proposing to relocate and cluster the residential development from the South Parcel and other Ellwood sites to the North Parcel located adjacent to other housing developments. The applicant's proposed location is a better location for several reasons: it is located adjacent to existing development -access to the site can be gained directly off of Phelps Road and Marymount Road; the site does not require direct removal of ESHA except for limited areas of native grassland; the South Parcel and other Ellwood locations would also require disruption to more pristine habitats than the North Parcel; open space/habitat areas will remain continuous and will not be separated by residential development; the project is designed to maintain public access through and around the subdivision; and public access and recreation are maximized by retaining a majority of the open space. No other location on the North Campus or Ellwood area would be able to match these parameters and limit the impacts to coastal resources to this extent.

The University has also conducted a detailed alternatives analysis to the proposed project in the Final Environmental Impact Report prepared for the project in 2004 and updated in 2006. This EIR examined alternatives for faculty housing sites including increased development density on the Storke-Whittier property and construction on the St. Vincent's property, a 31.8 acre site on Via Chaparral in Santa Barbara County. Results of this analysis showed these alternatives to either not meet the objectives of the project in providing faculty housing at a reduced market price or the alternatives resulted in more significant impacts to coastal resources than the proposed project. The University could develop only on the North Parcel, with maximum optimal buffers. This would allow anywhere from 40 to 60 units. The University has stated that this would not be enough units to make the project financially feasible and that they would be forced to develop on other sites, including the South Parcel, in addition to the North Parcel. Denial of the proposed project would prevent the dedication of 68.7 acres to open space, therefore and would require development potentially on other areas of the coast.

Due to the conflicts listed above, and the resource impacts that would result from a denial, the Commission concludes that it would be most protective of coastal resources

and provide the most public benefits to approve the North Campus Faculty Housing Project. Thus, the Commission finds that there are unique circumstances that require it to allow some impact to ESHA at the North Parcel in order to concentrate development in the area most able to accommodate it, and thereby protect a substantial extent of the ESHA on South Parcel that is presently threatened by impacts from development and to preserve public access and open space.

The proposed North Campus Faculty Housing Project has significantly reduced both the scale and density of possible development, thereby protecting and preserving public access and the scenic qualities of the coast. The proposed project concentrates development, which serves to improve the scenic and visual qualities of the project area overall, and facilitates permanent public access on the South Parcel.

Therefore, the Commission finds, pursuant to the balancing provision of the Coastal Act, that in this case, it is more protective of all significant coastal resources, including sensitive habitat, visual resources, and public access, to allow some encroachment within identified environmentally sensitive habitat areas in order to obtain substantial resource benefits from clustering of the development in a manner that results in permanently protecting the most valuable habitat, retention of scenic character of coastal areas, and significant coastal access amenities. Therefore, the Commission finds that approving the proposed project is, on balance, most protective of coastal resources and is consistent with Section 30007.5 of the Coastal Act.

## **G. WETLANDS AND ENVIRONMENTALLY SENSITIVE HABITAT AREA**

Section 30230 of the Coastal Act, which has been incorporated in the certified LRDP, states:

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

Section 30231 of the Coastal Act, which has been incorporated in the certified LRDP, states:

***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.***

Section 30121 of the Coastal Act states:

**Wetland' means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.**

Section 13577(b) of Title 14 of the California Code of Regulations defines wetlands as follows:

**Wetlands are lands where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep water habitats.**

Section 30233 of the Coastal Act, which has been incorporated in the certified LRDP, states:

**(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:**

**(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.**

**(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.**

**(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.**

**(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.**

**(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.**

**(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.**

**(7) Restoration purposes.**

**(8) Nature study, aquaculture, or similar resource dependent activities.**

**(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.**

**(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.**

**(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.**

Coastal Act Section 30236, which the University has proposed for inclusion into the certified LRDP, states:

**Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.**

Coastal Act Section 30240, which has been incorporated in the certified LRDP, states:

**(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.**

**(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.**

Section 30107.5 of the Coastal Act states:

***“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.***

Section 30250 of the Coastal Act, which has been incorporated in the certified LRDP, states, in relevant part:

***(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.***

All major sections of the Coastal Act relevant to the proposed project have been incorporated into the certified LRDP or are proposed for incorporation into the LRDP through the subject LRDP Amendment. Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored, protection shall be given to areas and species of special significance, and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters. Section 30233 of the Coastal Act states, in part, that diking, filling or dredging of wetland areas shall not be allowed with the exception of development for incidental public services, restoration purposes, and nature study or aquaculture. Section 30236 allows for alterations to streambeds when the primary function of the improvement of fish and wildlife habitat or the development is required for flood control projects where no other less damaging alternative is feasible and when necessary to protect public safety or existing development. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources. No development may be permitted within ESHA, except for uses that are dependent on the resource.

In addition, the LRDP contains several policies which require the protection of ESHA and wetland areas. For instance, Policy 30231.1 requires that identified Campus wetlands and coastal waters be protected from increased sedimentation or contamination from new development. Policy 30231.2 requires that new development be designed to minimize soil erosion and to direct runoff away from coastal waters and wetlands. Subpart (l) of Policy 30231.2 of the LRDP also requires that development adjacent to the 100 ft. buffer surrounding campus wetlands shall not result in adverse effects to campus wetlands. Revised Policy 30240(a).15 states that unleashed dogs

and public vehicles shall not be allowed on Campus Beaches and open space areas on the North and West Campuses.

The proposed North Campus and existing West Campus are located along the Ellwood-Devereux coast, which includes approximately 2.25 miles of undeveloped coastline between Isla Vista and Sandpiper Golf Course in Santa Barbara County. The North and West Campuses encompass Devereux Slough and Sands Beach which borders the Slough. The relatively flat coastal terrace commonly referred to as Ellwood Mesa is located adjacent to, and west of Sands Beach and North Campus. The area of Devereux Slough rises to the east up to bluffs located at Coal Oil Point. These bluffs extend from Coal Oil Point east to Camino Majorca Road (the West Campus Bluffs). Beaches, some with coastal dune habitats (Sands Beach only), border the entire southern boundary of the North and West Campuses. Additionally, portions of the west and east forks of Devereux Creek and Phelps Creek cross the campuses and eventually flow into Devereux Slough.

The habitats and wildlife resources within the project area reflect those generally found within the coastal plains of southern California. However, previous grading (particularly on North Parcel, South Parcel, and Storke-Whittier properties), and filling, farming, oil and gas development, informal recreational use, and other uses have significantly modified the campuses. As a result, habitat values in the area have been degraded. On the mesas and upland areas of the campuses, habitats consist primarily of non-native grasslands, with patched areas of eucalyptus, non-native pine and tamarisk, native grasses, seasonal wetlands, coastal scrub, and coastal bluff scrub. Salt marsh and riparian habitats are also located in and around Devereux Creek, Devereux Slough, and Phelps Creek. The North and West Campuses provide habitat for many sensitive wildlife species. In particular, the areas of South Parcel, Coal Oil Point, Coal Oil Point Reserve, Devereux Slough, and Sands and Ellwood Beaches provide habitat for several nesting and wintering sensitive bird species and monarch butterflies.

The University proposes, as part of LRDP Amendment 1-06, to incorporate the 174-acre North Campus into the certified 1990 LRDP. At the center of the LRDP Amendment, is a proposal by the University to cluster development on the North Campus in more urban areas in exchange for open space and habitat preservation of properties connected to the Ellwood-Devereux open space area. Specifically, the University proposes new residential developments on the Storke-Whittier and North Parcel properties in exchange for designation of the 68.7-acre South Parcel as permanent open space available to the public. The South Parcel would be bordered by the 40-acre Coal Oil Point Reserve expansion area and the 17-acre Ellwood Marine Terminal property that would be designated as open space in 2016. The University would also restore portions of the South Parcel, a wetland on Sierra Madre property, wetlands and native grasslands on the North parcel, Phelps Creek, and Devereux Creek in the vicinity of Venoco Road. The exchange also includes habitat restoration, trail improvements, public parking, and public trails through the proposed housing developments on the North and West Campuses. Finally, the Amendment creates an ESHA overlay land use zone and new Natural Reserve zone for the Coal Oil Point Reserve.

NOID 1-06 and CDP 4-06-097 propose specific development projects included in the LRDP Amendment, including the construction of the 172 unit North Campus Faculty Housing Development and 20-foot wide bridge across Phelps Creek on North Parcel; the 151 unit Sierra Madre Family Student Housing Development on the easternmost section of the Storke-Whittier property, reconstruction and restoration of Phelps Creek on the North Parcel, replacement of the existing Devereux Creek culvert at Venoco Road; restoration of the South Parcel; and improvements to the West Campus Bluffs Trail on West Campus.

The University has submitted various biological reports for the North and West Campuses, including wetland delineations for the North Parcel, South Parcel Devereux Culvert, Phelps Creek and Bridge, Sierra Madre site, and Camino Majorca area (WRA, 2006). In addition, the University has submitted the South Parcel Biological Resources Report (Morro Group, 2006), Raptor Surveys of North Parcel (Morro Group, 2006), West Campus Bluff Trail Biological Report (Morro Group, 2006), and the Final EIR (EIP, 2004 and 2006) which describes the entire which addresses the proposed area included in the LRDP Amendment, NOID, and CDP applications. The university has also submitted biological impact reports for the North and West Campus projects prepared by WRA in 2006.

## **1. Wetlands and Other Environmentally Sensitive Habitat Areas**

Sections 30230, 30231, 30233, 30236, 30240 provide for the protection, restoration, and enhancement of streams, creeks, wetlands, water bodies, and environmentally sensitive habitat areas (ESHA) in the Coastal Zone. These sections allow certain types of development in these sensitive resources as long as no other less environmentally damaging alternative exists and impacts are mitigated to the extent feasible. Section 30233 limits development in wetlands to certain designated allowable uses including restoration. Section 30236 limits substantial alteration of rivers and streams for to water supply projects, flood control project, and projects where the primary function is the improvement of fish and wildlife habitat. Section 30240 prohibits development in any environmentally sensitive habitat area to uses dependent on those resources.

### Habitats, Buffers, and Mitigation

The proposed project area includes several streams and seasonal wetland areas. Seasonal wetlands vegetated are scattered throughout the North Parcel, South Parcel, Sierra Madre properties, as well as the West Campus Bluffs and West Campus Mesa areas. Additionally, riparian and wetland vegetation that would be considered ESHA are located along Phelps and Devereux Creeks and Devereux Slough. The proposed project would not include any development that would permanently fill any wetland habitat, with the exception of the Devereux Culvert Replacement and Restoration Project. The Devereux Culvert Replacement project, as described below, would require the permanent removal of approximately 610 sq. of brackish marsh wetlands that have established in an existing sediment basin. The proposed project would not include removal of any riparian habitats, with the exception of the Phelps Creek Bridge and

Restoration Project. The Phelps Creek Bridge would require permanent removal of 600 sq. ft. of riparian scrub vegetation. These impacts are discussed below.

In addition to wetland and riparian habitats, several terrestrial ESHA habitats exist in the project area. Large stands of eucalyptus woodland form windrows on the western perimeter of the North Campus property, around the eastern edge of the Ellwood Marine Terminal, around Devereux Slough, and on West Campus Mesa. Small stands of eucalyptus are located on the West Campus Bluffs, Coal Oil Point and adjacent to the Ocean Meadows Golf Course. While these stands are non-native, the larger stands provide habitat for monarch butterflies (*Danaus plexippus*), a state-protected species of concern. Monarch butterfly overwintering aggregation sites are known to occur west and northwest of the project area on Ellwood Mesa, in the vicinity of Devereux Creek. A small satellite wintering site is also located on the northwestern edge of the South Parcel. The Santa Barbara County LCP designated the large stands of eucalyptus running along the North and South Parcels as ESHA because they comprise potential habitat for monarch butterflies and raptors. While the eucalyptus on the western border of the North Parcel are significantly degraded and not designated aggregations sites, they comprise habitat contiguous to documented monarch butterfly roosting habitats and are potential sites for nesting raptors. The Commission, therefore, considers the stands of eucalyptus bordering the North and South Parcels as ESHA.

Native grasslands considered ESHA are also located in the project area. According to the biological assessments submitted by the University (WRA and Morro Group, 2006), two native grassland communities primarily occur in the project area, purple needlegrass and creeping ryegrass (or alkali ryegrass) grasslands. These native grasslands occur on the North and South Parcels, as well as West Campus Bluffs. According to Dr. John Dixon, the CCC staff biologist, these native grasslands, including the small scattered patches of native grassland on North Parcel, are considered ESHA. Exhibits 10.A, 10.B, and 10.C. are memos from Dr. Dixon that discuss the reasoning behind these designations. The Commission has found in past actions that native grasslands are a rare and sensitive habitat type that must be protected under Section 30240, even where degraded. Furthermore, the grasslands meet the standards for native grassland ESHA, including the minimum 10 percent cover. While the grasslands are scattered in places, they are part of an overall grassland complex that seems to be converting in composition from non-native to native species. Additionally, the California Department of Fish and Game have recognized both creeping ryegrass and purple needlegrass grasslands as rare and sensitive in southern California. For the above reasons, the Commission recognizes the native grasslands in the project area as unique and sensitive habitat areas considered ESHA.

Aside from native grasslands and monarch butterfly habitat in the project area, several other native habitats exist in the project area that would be considered ESHA. These ESHA areas include the southern foredune and southern dune scrub located in Coal Oil Point Reserve and Sands Beach; southern coastal bluff scrub located near Sands Beach, Coal Oil Point, and West Campus Bluffs; oak woodland that is located in small isolated patches on the West Campus Mesa, West Campus Bluffs, and the Ellwood Marine Terminal areas; and the Western snowy plover and California least tern habitats

located near Coal Oil Point, Sands Beach, and Ellwood Beach. The proposed projects would not include any permanent removal of upland ESHA, with the exception of approximately 0.08 acres (3,676 square feet) of native purple needlegrass on the North Parcel. These impacts are discussed in the following section.

The proposed LRDP Amendment would designate known rare and sensitive resources on the West and North Campus as an ESHA overlay zone. The overlay zone proposed limits development in ESHA to pedestrian paths, boardwalks, stairways, habitat restoration, placement of signs and fences, activities established for the Coal Oil Point Natural Reserve, and other development specifically described in the LRDP. It also defines ESHA as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The proposed zone includes portions of the Coal Oil Point Natural Reserve, ocean bluffs, beaches, some wetland areas, riparian areas, streams and creeks, and Devereux slough and surrounding habitat areas. Commission staff, note, though, that the proposed zone does not include all known seasonal wetlands, native grasslands, and other ESHA areas described above as some of these resources, in particular season wetlands and native grasslands, were discovered during biological surveys conducted after the proposed ESHA overlay designation was originally proposed by the University. **Suggested Modifications 1.a., 1.b., and 1.c.**, therefore, require the University to include all known sensitive resources in the overlay zone, including all wetland, riparian, native grassland, coastal bluff scrub, foredune, dune, monarch butterfly, and snowy plover habitat areas.

According to Sections 30230, 30231, 30233, and 30240 of the Coastal Act, development adjacent to wetlands and ESHA must be sited to prevent impacts that would significantly degrade those areas. This is accomplished, in part, through the provision of a setback or buffer between proposed development activities and ESHA and wetlands that will be of adequate size to prevent impacts to sensitive resources. The width of such buffers varies depending on the type of ESHA, the type of development, topography of the site, and the sensitivity of the resources to the particular kind of disturbance. Buffers and development setbacks protect biological productivity by providing the horizontal spatial separation necessary to preserve habitat values and transitional terrestrial habitat areas. Furthermore, buffers may sometimes allow limited human use such as low-impact recreation and minor development such as trails, fences and similar recreational appurtenances when they will not significantly affect resource values. Buffer areas are not in themselves a part of the environmentally sensitive habitat area to be protected. Spatial separation minimizes the adverse effects of human use and urban development on wildlife habitat value through physical partitioning. The greater the spatial separation, the greater the protection afforded the biological values that are at risk. Buffers may also provide ecological functions essential for species in the ESHA.

In past permitting actions, the Commission has typically required that buffers from terrestrial ESHA, riparian areas (from edge of canopy), wetlands, and streams (from top of bank) be at least 100 feet wide to protect these sensitive habitats. The certified 1990

LRDP contains provisions for 100 foot buffers from wetlands (Policy 30231.2), as well as at least a 50 foot buffer for development along Devereux Road in the vicinity of Devereux Slough (Policy 30240(b).1). The certified 1990 LRDP does not contain specific requirements for the size of buffers associated with other ESHA areas. LRDP Amendment 1-06 proposes reduced (25 feet and less) buffers to wetlands and other ESHA on the North Parcel as discussed in the following section. These reduced buffers constitute a unique circumstance that would allow clustering of development on the North Parcel and preservation and restoration of the 68.7-acre South Parcel. While the LRDP Amendment explains the unique nature of this development and implies that these buffers are reduced from the optimal buffer width of 100 feet, the Amendment does not specify the exact buffers that will be enforced on the rest of North and West Campuses. **Suggested Modification 5.b. and 5.j.**, therefore, establishes a 100 foot buffer to all wetlands, riparian areas (from the edge of the riparian canopy), and ESHA on the entire UCSB campus, with the exception of the North Parcel. The LRDP Amendment also proposes to eliminate references to the required 50 foot building setback to Devereux Road near Devereux Slough. Given the sensitive nature of Devereux Slough and the surrounding wetlands, **Suggested Modification 5.a** clarifies that building setbacks to Devereux Slough on the West Campus Mesa shall be at least 100 feet, consistent with the Commission's typical requirements for similar wetland and estuary areas.

While the LRDP and Coastal Act require that permanent impacts to wetlands and other ESHA be avoided, the LRDP and Coastal Act acknowledge that in certain cases some impact may be necessary in certain circumstances when no other less environmentally damaging alternative exists and impacts are mitigated to the extent feasible. Some development proposed pursuant to the subject LRDP Amendment, NOID, and CDP requires some impacts to wetlands and ESHA. These impacts are discussed in detail in the following sections. In past permitting actions, the Commission has required mitigation of permanent impacts to wetlands and ESHA through the restoration of disturbed, degraded and/or new wetland and ESHA areas. Typically these mitigation ratios have been set at a minimum of 4:1 for permanent impacts to wetlands and 3:1 for permanent impacts to riparian habitats and other ESHA. The University has proposed a new policy (Policy 30240(a).19) to mitigate the loss of native grasslands at a 2:1 ratio. No other mitigation ratios for permanent direct impacts to wetlands or ESHA are proposed by the University. **Suggested Modification 5.b.** requires that should any permanent impacts to wetlands or ESHA be mitigated at 4:1 and 3:1 ratios respectively. **Suggested Modification 5.k.** further modifies proposed Policy 30240(a).19 to provide for mitigation of lost native grassland areas on campus at a 3:1 ratio.

The Commission, in previous permitting actions, has consistently required that any mitigation for permanent impacts to wetlands and ESHA occur onsite to the degree feasible. This requirement is meant to minimize impacts to the project site itself to the degree possible. The University, as part of the subject LRDP Amendment, has proposed the designation of certain areas on the South Parcel and West Campus Bluffs as mitigation banks to be used as locations for potential offsite mitigation of wetland and ESHA habitat from impacts related to other projects. While the Commission encourages the restoration of these sites, the designation of mitigation bank areas in

the LRDP encourages offsite mitigation as an acceptable, and even preferred, means of mitigation for impacts to wetlands and ESHA. As the Commission would prefer to see onsite mitigation and would also like to encourage avoidance of impacts to wetlands and ESHA to the extent feasible, **Suggested Modifications 3.a, 3.b., and 3.c.**, require the University to delete all references to offsite mitigation banks on the South Parcel and West Campus Bluffs. These suggested modifications still allow for habitat restoration on these sites, however.

The following sections describe potential impacts of different aspects of the proposed project to wetlands and ESHA.

### North Parcel

The 26.3-acre North Parcel is situated south of Phelps Road where it intersects with Cannon Green Drive and east of Marymount Drive on the proposed North Campus. It is bounded by the Ellwood Mesa open space to the west, the Ocean Meadows Golf Course to the south, and residential neighborhoods to the east, north, and northwest. The parcel is bisected by Phelps Creek (El Encanto Creek), a tributary to Devereux Creek which eventually flows into Devereux Slough south of the property. The site is vacant, but has historically undergone significant disturbance, including the rerouting of Phelps Creek and grading of the property in the 1960's, maintenance and regular desilting of the creek for flood control purposes, and the clearance and grading of multiple informal trails.

According to biological studies submitted by the University, the majority of the site is vegetated in non-native grasses and ruderal vegetation (14.60 acres), coyote bush, and disturbed areas. However, several areas of seasonal wetlands (1.07 acres), riparian habitats (0.85 acres), native purple needlegrass communities (1.03 acres), and native creeping ryegrass (0.17 acres) have established onsite. The seasonal wetland areas are dominated by many non-native species, including Italian ryegrass, Mediterranean barley, although some native rushes and flatsedges are present<sup>3</sup>. The Phelps Creek riparian area is dominated by arroyo willow, cottonwood, sycamore, mulefat, non-native grasses, and other shrub species. A large wetland and riparian area associated with the West Fork of Devereux Creek is located approximately 100 to 150 feet south of the southwest corner of the parcel. A degraded row of eucalyptus trees also borders the west side of the property (0.31 acres onsite). As previously discussed the seasonal wetlands, riparian areas, native grassland communities, and eucalyptus onsite are considered ESHA by the Commission.

The University has also submitted results of raptors surveys conducted of the North Parcel and surrounding areas between April 27, 2006 and May 26, 2006. According to Morro Group's results, no raptor nests were documented. Two unoccupied nests were observed in eucalyptus trees south of Devereux Creek on the South Parcel. In past

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<sup>3</sup> Wetland Research Associates. Wetland Delineation Subject to the California Coastal Act, UCSB North parcel Faculty Housing Site. Prepared for UCSB. July 2006.

years, white tailed kite nests and one Cooper's hawk nest have also been noted on the adjacent South Parcel and Ellwood areas.

The University proposes to build a 172 unit faculty housing development on the North Parcel, including roads, sidewalks, trails, and community center. The development would also require construction of a 20 foot wide bridge across Phelps Creek to provide pedestrian, bicycle and emergency access to the west and east sides of the development. This bridge is required by the State Fire Marshall to provide for two emergency entrances/exits to each side of the development. The University is also proposing to restore that portion of Phelps Creek located on the North Parcel in order to improve riparian and wetland habitat along the creek, stabilize portions of the creek, and increase flood capacity of the creek. The University has also submitted a preliminary restoration plan for the North Parcel that includes the restoration and enhancement of all wetland and riparian areas on the North Parcel, including removal of exotic and non-native species, planting with local native species, and connection of these resources with neighboring open space areas where feasible.

The housing development has been designed to avoid all seasonal wetlands, riparian areas, and eucalyptus habitats onsite. Structures are designed to be a minimum of 100 feet from the large wetland area southwest of the North Parcel near the west fork of Devereux Creek, 50 feet from existing riparian vegetation bordering Phelps, 25 feet from all other seasonal wetlands onsite, and approximately 8 feet from the eucalyptus canopy on the west side of the parcel. The development has also been designed to avoid the large purple needlegrass areas on the southern portion of the parcel and the majority of the creeping ryegrass in the middle of the parcel. The development would involve the removal of eight patches of purple needlegrass (all less than 1,100 sq. ft. in extent) totalling 0.08 acres on the northwest portion of the parcel. In addition, a sidewalk in the middle of the site is designed as a boardwalk that would go over the northern edge of the creeping ryegrass in the middle of the parcel. All structures are designed to be at least 10 feet from all other native grasslands onsite. In a few areas, paved roadways and sidewalks, and a small portion of the public coastal access parking lot would encroach on the wetland and grassland buffers. Bioswales and other vegetated drainage management options would also be located in habitat buffers where no other option exists. According to a letter (September 2006) from Chris Wiesen, Campus Fire Marshall, the development will not require any fuel modification in wetland, native grassland, eucalyptus, or riparian areas.

The construction of the Phelps Creek bridge would also disturb approximately 9,800 square feet of area temporarily and 2,900 square feet of area on the North Parcel permanently. Construction would temporarily impact non-native grassland, ruderal vegetation, and disturbed bare soil areas. These areas would be revegetated with native species. The bridge would permanently impact approximately 600 square feet of southern riparian scrub and 2,300 square feet of non-native grassland, ruderal vegetation, and disturbed area. The bridge would result in the removal of approximately five willow trees and trimming of willow trees. Any removed trees would be replanted in the area. Commission staff have explored options for relocation of the bridge to decrease the amount of impact to riparian vegetation and have found that all other

locations for the bridge on the North Parcel would require more removal of wetlands and riparian vegetation and significantly more grading. The bridge, as it is designed now, is located as close to the existing Marymount Road to the extent feasible and reduces impacts to biological resources to the extent feasible.

The Phelps Creek Restoration Project would temporarily remove 14,207 square feet of non-native and native riparian vegetation and permanently convert 6,250 square feet of non-native grassland to native riparian and transitional habitats. The lower banks of the creek would be planted with a mix of wetland and riparian species, including native rushes, bulrush, mulefat, and saltgrass. The upper banks would be planted with native riparian and transitional species including sycamore, willows, saltgrass, mulefat, coyote brush, alkali rye grass, blackberry, etc. The University will also remove invasive species and plant native species in the entire riparian corridor. In total, the restoration area will cover approximately one acre of the North Parcel.

The development of housing on the North Parcel is part of a larger planning process for the Ellwood-Devereux coast by the City of Goleta, the County of Santa Barbara, and the University. The *Joint Proposal for the Ellwood-Devereux Coast* prepared by these agencies redistributes development potential in the region so that new developments are clustered close to existing developments and a total of 314-acres of open space is preserved along the Ellwood and Devereux coast.

The University's portion of the plan includes clustering of development on the North Parcel in exchange for preservation of the 68.7-acre South Parcel located south of Ocean Meadows Golf Course. The South Parcel had been previously zoned for residential development by Santa Barbara County. In addition, the University is granting 40 acres of land to Coal Oil Point Reserve and planning on designating the 17.5-acre Ellwood Marine Terminal site as open space when the facility's lease expires in 2016. The University is proposing to offset the potential impacts of the housing development on trail use, recreation amenities in the area, water quality in Devereux Creek and Slough, and habitat on the North Parcel by restoring 20.3 acres of habitat, constructing drainage improvements, and improving trails and beach access points on the South Parcel. These improvements would be conducted at the same time as development of the North Campus Faculty Housing project.

Coastal Act Section 30240 prohibits development within ESHA, except for uses that are dependent on the resource. In this case, the North Campus Faculty Housing Development would eliminate several small, scattered patches of native grassland, considered ESHA, totaling approximately 0.08 acres. Furthermore, the construction of the Phelps Creek Bridge would require permanent removal of approximately 600 square feet of riparian vegetation considered ESHA and encroachment into the canopy of one oak tree. Subdivision of property and residential uses do not qualify as resources dependent uses.

In addition, the University is proposing buffers to wetlands and ESHA significantly smaller than the typically required 100 feet minimum. Furthermore, the University is proposing that development; including, roads, sidewalks, a public coastal access

parking lot, and bioswales encroach on these reduced buffers. The Commission's biologist has reviewed the proposed wetland and ESHA buffers in this location and has determined that the proposed reduced buffers are inadequate as a result of: the nature and intensity of the proposed subdivision; the anticipated development of the lots for residential structures, landscaping, and other activities or accessories typically associated with single-family residential uses; the presence of domesticated animals anticipated within the residential lots; and the potential for noise and lighting to interfere with raptor or monarch butterfly activities. The Commission finds that due to the intensity in use of the proposed subdivision, a 100-foot buffer from the outer edge of any wetlands or ESHA is appropriate. The University has noted that a 100-foot setback from these resources would require a significant redesign of the subdivision resulting in the elimination of approximately two thirds of the residential units. According to the University, this reduced number of units would make the development infeasible and force the University to propose construction housing units on both the North and South Parcels.

As discussed in Section F, Coastal Act Policy Conflict, the Commission finds that the proposed land exchange and relocation of residential development to the 26.3-acre North Parcel will concentrate development in a location that would avoid significant adverse effects on coastal resources. Although approval of the project would result in the removal of approximately 0.08 acres of sensitive grassland and 600 square feet of riparian habitat and require significantly reduced buffers to wetlands and ESHA, the project would also serve to provide permanent protection of the 68.7 acre South Parcel. The South Parcel is dominated by non-native annual grassland and disturbed eroded areas, but also contains a variety of natural plant communities and habitat types, including freshwater marsh wetland (acres), vernal pools (acres), coastal salt marsh (acres), native grasslands (acres), riparian scrub (acres), coastal scrub (acres), coastal bluff scrub, coastal dunes, and a eucalyptus windrow that is an aggregation site for monarch butterflies. There is also significant habitat for nesting raptors, monarch butterflies, western snow plover, and California least tern. The proposed land exchange would preserve and enhance these sensitive resources on the South Parcel. The South Parcel would become part of the 314-acre Ellwood-Devereux open space.

It is unknown what level of development would be the maximum amount that the Commission would be able to approve on the South and North Parcels were both parcels to be developed without any permanent impacts to ESHA or wetlands or reduced habitat buffers. The certified Goleta Community Plan for the area designates the North Parcel, South Parcel, and Storke-Whittier properties for residential development. The plan allows for development of up to 351 residential units combined for the three properties, with a minimum of 50% percent of the area being designated as open space. The plan also prohibits the development of more than 122 units south of the golf course on the South Parcel. The University has previously proposed in 1998 to develop 122 housing units on the South Parcel and 147 units on the North Parcel. This proposal, though, was never forwarded to the Commission for approval due to concerns about impacts to sensitive habitats and open space areas. Commission staff estimate that any where from 40 to 90 housing units may be developable on either the South Parcel or North Parcel, if all requirements for wetlands and ESHA were met. In this

scenario, the development would sprawl over a much larger area and would be located away from existing housing developments in the area. As contemplated under the previous approvals of the site, it is reasonable to assume that a residential subdivision would move forward and negatively impact these sensitive habitat areas, resulting in the direct loss of ESHA and significantly greater impacts to both ESHA and public access resources in comparison with the proposed project. As a result of the above considerations, and as detailed in Section F of this report, the Commission finds that the removal of patches of native grassland and riparian scrub and reduced wetland and ESHA buffers in this location represent the best feasible alternative that is, on balance, the most protective of ESHA resources in the project area.

However, the balancing provisions of the Coastal Act do not relieve the responsibility of implementing the other requirements of Coastal Act Section 30240. Therefore, any feasible mitigation measures must be applied to the project to lessen any impacts to coastal resources to the maximum extent feasible and to explore any feasible alternatives to minimize impacts. The sporadic location and size of the native grassland habitats onsite makes it impossible to avoid some of the smaller patches of grasslands completely and still accommodate the residential subdivision. Commission staff have also explored options for relocation of the Phelps Creek bridge to decrease the amount of impact to riparian vegetation and have found that all other locations for the bridge on the North Parcel would require more removal of wetlands and riparian vegetation and significantly more grading. The bridge, as it is designed now, is located as close to the existing Marymount Road to the extent feasible and reduces impacts to biological resources to the extent feasible.

Where impacts to ESHA can not be avoided, as in this project, the Commission finds that mitigation is necessary to offset the impacts consistent with Suggested Modification 5.b. discussed in detail above. **Suggested Modification 5.c.** requires that impacts be mitigated at a 3:1 ratio for ESHA, including native grasslands and riparian vegetation, on the North Parcel. The suggested modification also requires that any restoration be conducted onsite if feasible. If onsite restoration is not feasible, then restoration shall occur on the South Parcel. **Special Condition Seven (7)** of the NOID and CDP and **Special Condition Thirty Two (32)** of the CDP require that a habitat restoration and enhancement plan be prepared by a qualified biologist or resource specialist and submitted to the Executive Director for review and approval that includes the restoration of North Parcel and mitigation restoration on South Parcel, if needed. The plan must include, but not be limited, to baseline conditions of the proposed restoration areas, documentation of performance standards, technical details on restoration methods, and provisions for maintenance and five years of monitoring.

The project, as proposed, includes a boardwalk in the middle of the site to facilitate a pedestrian walkway over the creeping ryegrass onsite. The Commission finds that this walkway will likely result in permanent impacts to the native grassland as the boardwalk will likely prevent sufficient sunlight from reaching the grasslands. There are feasible alternatives for this walkway, including either moving the walkway and nearby roadway slightly north or eliminating the walkway in this area. **Special Condition Five (5)** of the NOID and CDP, therefore, requires the University to submit, for the review and approval

of the Executive Director, revised plans for the North Campus Faculty Housing Development that either move this boardwalk out of the native grassland area or strike the boardwalk from the plans.

As discussed above, the University is proposing the North Campus Faculty Housing Development with significantly reduced buffers to wetlands and ESHA. In addition, the University is proposing to be able to locate sidewalks, trails, drainage features, roads, and the proposed public coastal access parking lot within these buffers where no other less environmentally damaging alternative exists. Commission staff have explored several alternatives in site design and number of units to provide for larger habitat buffers and less development within buffers. In all but a few cases expanding habitat buffers would result in substantial redesign or reduction of the development to the point of the development being infeasible as described above. One exception to this, though, is in the case of the proposed 8 foot buffers to the eucalyptus considered monarch butterfly ESHA on the western side of the property. In the case of the eucalyptus, the Commission finds that removal or relocation of one housing unit would allow for significant increases in the size of the eucalyptus buffers from 8 feet to 25 feet. Given that there is room for this one housing unit in the middle of the western portion of the site, the Commission, through **Special Condition Five (5)** of the CDP and NOID, is requiring the University to submit, for the review and approval of the Executive Director, revised plans for the North Campus Faculty Housing Development that either move this unit at least 25 feet from the eucalyptus or remove the housing unit from the plans. Additionally, **Suggested Modification 5.e.** clarifies the allowed minimum buffers on the North Parcel, including 100 feet to the wetland area southwest of the Parcel, 50 feet from riparian areas, 25 feet from wetlands, 25 feet from eucalyptus, and 10 feet from native grasslands onsite. This modification also allows roads, pedestrian walkways, drainage improvements, the public coastal access parking lot, and trails within buffer areas, as long as no other less environmentally feasible alternative exists. Commission staff note that in at several locations shown on Exhibit 2A, walkways and driveways are unnecessarily located in ESHA and wetland buffers. **Special Condition Five (5)** of the CDP and NOID, therefore, requires the abovementioned revised final plans to show the relocation of these paved areas outside of buffers.

Review of the site plan for the North Campus Faculty Housing Project (Exhibit 2A) shows the location of a large strip of land northwest of the proposed development that is situated between the proposed development and existing condominiums within the City of Goleta. This strip of land is a City of Goleta managed road easement for the extension of Phelps Road. The University owns the land under half of the easement, while the City of Goleta owns the other half. Discussions with the University and City of Goleta have confirmed that the City does not intend on extending Phelps Road in the future. Commission staff have, therefore, explored the possibility of potentially placing housing, roadways, and parking lots in this location to increase buffers to wetland and native grassland ESHA onsite. The University has pursued acquisition of this right of way for the North Parcel project. According to both the University and City of Goleta, is unlikely that the City of Goleta council will approve transfer of this right of way to the University for the housing project. In addition, University staff have voiced significant concerns in trying to use eminent domain to take the property. Use of this right of way,

therefore, for the project is not a feasible alternative to reduce potential impacts of the project on wetlands and native grassland ESHA.

In exchange for impacts to native grassland and riparian ESHA and reduced habitat buffers on the North Parcel, the University has proposed to restore all wetlands and riparian areas on the North Parcel. The Commission finds that due to impacts related to the significant reduction of buffers to native grassland and eucalyptus ESHA areas, these resources should also be restored and enhanced as part of the housing development. **Suggested Modification 5.d. and 5.f.** of the LRDP Amendment and **Special Condition Seven (7)** of the NOID and CDP requires the University to proceed with restoration and enhancement of wetland and ESHA areas on the North Parcel, as well as the interconnection of these habitats with open space areas to the extent feasible. The University has also proposed that any buffer areas less than 100 feet in extent be replaced or mitigated on the South Parcel at a 1:1 ratio. The Commission, in past actions, has typically found that significantly reduced buffer areas causes sufficient permanent impact on wetlands and ESHA so that the wetlands and ESHA impacts should be mitigated through the enhancement or creation of new habitat at the standard 4:1 and 3:1 mitigation ratios respectively. **Suggested Modification 5.c.** of the LRDP Amendment and **Special Condition Seven (7)** of the NOID and CDP, therefore, require that a habitat restoration and enhancement plan be prepared by a qualified biologist or resource specialist and submitted to the Executive Director for review and approval for the mitigation of reduced buffer areas (less than 100 feet) from wetland and ESHA areas on the North Parcel. The modification and special condition provide that this restoration should occur onsite if possible. If this is infeasible, then restoration should occur on the South Parcel. Additionally, the modification and condition allow the University account for any potential enhancement or restoration of affected wetlands and ESHA on the North Parcel for a portion of the required habitat mitigation up to a 1:1 ratio. As it is the policy of the Commission to mitigate for impacts to wetlands and ESHA through restoration of these resources, not mitigation and restoration of buffer habitats, **Suggested Modification 5.e.** further deletes references to the University proposed 1:1 mitigation of buffers to wetlands and ESHA less than 100 feet in size. The University has already submitted restoration plans for the South and North Parcels, these conditions, therefore, ensure that the restoration plans include the appropriate mitigation and other requirements of special conditions for the NOID and CDP.

The Commission finds that the approval of limited impacts to wetlands and ESHA on the North Parcel hinges on the assumption that in exchange for these impacts, the 68.7-acre South Parcel will be preserved, in perpetuity, as public open space available for access, restoration, research, and education. The Commission, therefore, requires **Suggested Modification 6** to the LRDP Amendment which provides that the South Parcel shall remain open space available to the public. According to this suggested modification, prior to commencement of construction on the North Parcel Faculty Housing Development, the University shall ensure that the following occur: 1) An offer to dedicate or grant of an open space conservation easement shall be recorded on the South Parcel and 2) The University shall submit, for review and approval of the Coastal Commission, a plan for restoring native riparian, wetland, and ESHA habitats and construction of drainage improvements on the South Parcel to enhance biological

resources onsite and reduce sediment loading to Devereux Creek and Slough. The restoration plan shall be implemented by the University concurrent with the North Parcel Faculty Student Housing Project and shall be consistent with LRDP Policy 30240(b).26. The University shall also be responsible for the enhancement, maintenance, and restoration of the South Parcel. To enforce this new policy, **Special Condition Three (3)** of the CDP and NOID requires the University, prior to commencement of development on the North Parcel, to record and execute an irrevocable dedication or offer to dedicate to a public agency or private association acceptable to the Executive Director, an open space and conservation easement for the purposes of resource protection. The conservation easement shall be submitted for review and approval of the Executive Director prior to recordation and shall show that no development shall occur within the South Parcel, except drainage and polluted runoff control, construction and maintenance of public hiking trails, construction and maintenance of roads, trails, and utilities pursuant to existing easements.

The University has asserted that the Coastal Commission cannot require the University to grant an open space easement over the South Parcel to a third party. The University claims that requiring it to grant an easement would interfere with its constitutional authority to manage its property virtually autonomously, that grant of an easement would constitute a restriction on its police power in contravention of case law that provides that local governments cannot contract away their police power, and that an easement is not necessary to mitigate impacts of the proposed project. The Coastal Commission finds that none of these reasons precludes certifying the LRDP Amendment with a requirement that proposed development of the North Parcel not occur unless the University grants an open space easement over the South Parcel.

First, Article IX, Section 9(f) grants the University broad authority over lands that it holds or uses for educational related purposes and supports the conclusion that the University has the discretion to grant an easement in its property. That section states:

***The Regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct.***

Nothing in this section indicates that the University cannot grant an easement in its property. To the contrary, this section makes clear that the University has broad authority to manage and dispose of its property. Thus, the University clearly has the power to grant an easement in its property. Further, the University is not claiming, nor would such a claim be supportable, that it is not subject to the Coastal Act because of its constitutional status. If the Commission finds that development proposed by the University is consistent with the Coastal Act only if it is accompanied by an open space easement, there is no constitutional restriction that would prevent the University from granting that easement if it decides to proceed with the proposed development.

Second, the case law holding that local governments cannot contract away their police power is not relevant to whether the University can grant an easement over land that it owns. The California Constitution, Article XI, Section 7 grants local governments the authority to adopt all local, police, sanitary and other ordinances and regulations not in conflict with general laws. Courts have held that local governments cannot bargain away this police power, for example, by entering into a contract that prevents the local government from ever rezoning a particular area. The University's management of its property for educational related purposes is not an exercise of police power, i.e. a decision to construct housing and to grant an easement to mitigate for the impacts of the housing on resources is an exercise of the University's constitutional authority to manage its property not the enactment of a regulation to protect public health and safety.

Lastly, whether the Coastal Act supports the requirement that the proposed development on the North Parcel not proceed without an offer to dedicate an open space easement over the South Parcel is discussed in section X of these findings. As stated there, the Commission finds that such an easement is necessary in order for the proposed development of the North Parcel to be consistent with the Coastal Act. Accordingly, the Commission finds that it has the legal authority to certify the LRDP amendment with a requirement that development on the North Parcel not occur unless the University grants or offers to dedicate an open space easement over the South Parcel.

Coastal Act Section 30236 allows for the substantial alternation of rivers and streams if no other less environmentally superior alternative exists, best mitigation measures are used, and the alternations are limited to flood control projects where such protection is necessary for public safety, necessary water supply projects, or projects where the primary function is the improvement of fish and wildlife habitat. As discussed previously, the Phelps Creek Restoration Project would not alter the path of Phelps Creek, but would include the layback of the eastern bank of the creek for improvement of wetland and riparian habitat that will enhance fish and wildlife habitat. The Phelps Creek Restoration Project would temporarily remove 14,207 square feet of non-native and native riparian vegetation and permanently convert 6,250 square feet of non-native grassland to native riparian and transitional habitats. The lower banks of the creek would be planted with a mix of wetland and riparian species, including native rushes, bulrush, mulefat, and saltgrass. The upper banks would be planted with native riparian and transitional species including sycamore, willows, saltgrass, mulefat, coyote brush, alkali rye grass, blackberry, etc. The University will also remove invasive species and plant native species in the entire riparian corridor. In total, the plan would improve and create one acre of riparian habitat along Phelps Creek. The western bank of Phelps Creek would not be altered significantly due to the need for access to the creek for flood control purposes from the existing road on the west side of the creek. The restoration would also include limited bank stabilization in certain areas to reduce the amount of erosion of the creek and resultant sedimentation of Devereux Slough. The project would also have the added benefit of increasing flood capacity of the creek.

The University has proposed to keep the natural bed of the creek and to use only vegetated crib walls, natural log and boulder revetments, and brush layering or willow mattresses to conduct any needed stabilization. The University has submitted preliminary plans for restoration of the creek, including use of local native species. **Special Condition Thirty One (31) and Thirty Two (32)** require the University to submit for the review and approval of the Executive Director, final habitat restoration plans for the creek that include the best management practices and designs proposed by the University. The plan must include, but not be limited, to baseline conditions of the proposed restoration areas, documentation of performance standards, technical details on restoration methods, and provisions for maintenance and five years of monitoring.

### South Parcel

The 68.7-acre South Parcel is situated south of the Ocean Meadows Golf Course, east of the Ellwood Mesa Open Space, North of the Venoco Elwood Terminal and Sands Beach, and west of Devereux Slough and the West Campus Family Student Housing. Venoco Road borders the property to the south. While the main portion of the parcel is located approximately 2000 feet from Sands Beach, an approximately 150 foot wide corridor extends from the main portion of the property to Sands Beach. The property is vacant and has historically been severely disturbed from removal of topsoil for use as fill in other areas. During the late 1960's the south parcel was graded and several east-west trending swales created to direct drainage from the area away from the golf course into Devereux Creek and Slough. Additionally, recreational use of the site has led to a complex network of informal trails covering the parcel, construction of bicycle jumps, and ruts from unauthorized vehicle use of the site. The site is used extensively for walking, jogging, off-road bicycling, beach access, and other similar recreational purposes.

The South Parcel is dominated by non-native annual grassland and disturbed eroded areas, but also contains a variety of natural plant communities and habitat types, including freshwater marsh wetland (acres), vernal pools (acres), coastal salt marsh (acres), native grasslands (acres), riparian scrub (acres), coastal scrub (acres), and a eucalyptus windrow that is an aggregation site for monarch butterflies. Small areas of coastal bluff scrub and coastal dunes are also present along the ocean bluff edge at the southwestern corner of the property. There are large trees and native grasslands that provide nesting habitat for raptors and monarch butterfly aggregation and foraging sites. Several sensitive wildlife species have been spotted on the South Parcel, including yellow warblers (*Dendroica petechia*), white-tailed kites (*Elanus leucurus*), burrowing owl (*Athene cunicularia*), and monarch butterflies (*Danaus plexippus*). The portion of the South Parcel in vicinity of Sands Beach has also been the location of overwintering and nesting western snowy plover populations (*Charadrius alexandrinus nivosus*) and California least tern

The University is proposing to preserve the South Parcel as open space available to the public for access, passive recreation, habitat restoration, research, and educational opportunities. The LRDP Amendment proposes many improvements to the South

Parcel, including closing of informal trails, improvements to remaining trails, habitat restoration, construction of a small educational amphitheatre and drainage improvements to prevent eroded sediment from entering Devereux Creek and slough.

In NOID 1-06, the University is proposing to permit the submitted Habitat Restoration Plan for South Parcel prepared by Morro Group Inc in September 2006. This plan includes enhancement of 7.8 acres and creation of 12.5 acres of season wetland, salt marsh wetland, riparian, native grassland, coastal scrub, coastal upland, and coastal bluff scrub habitats. The project also includes erosion and drainage repairs, including construction of four sediment basins onsite and check dams and other drainage improvements, as well as closure of 3.5 miles of existing unplanned trails and enhancement of 1.79 miles of existing trails. The University is also planning to require that all dogs remain on leash and the area and no vehicles, outside of emergency, University, and Venoco vehicles are allowed on the property. As proposed, equestrian access would extend across the South Parcel to Sands Beach on the west side of the parcel.

All drainage repairs, sediment basins, and trail improvements would occur in eroded, disturbed or non-native grassland areas and would not negatively impact wetlands and ESHA areas. While the University has submitted restoration plans for the South Parcel, these plans are missing final grading plans and some small aspects of the typical requirements of the Commission for restoration plans. Additionally, the University may want to revise its plan based on the mitigation requirements associated with impacts to the North Parcel described above. Therefore, **Special Condition Seven (7)** of the NOID requires the University to submit final restoration plans for the South Parcel in substantial conformance with those already submitted. The plan must include, but not be limited, to baseline conditions of the proposed restoration areas, documentation of performance standards, technical details on restoration methods, and provisions for maintenance and five years of monitoring.

#### Sierra Madre and West Campus Family Student Housing

The Sierra Madre Family Student Housing project is located on 14.8 acres of the Storke-Whittier property at the intersection of Storke Road and Whittier Drive on the North Campus. The project is located 0.2 north east of Devereux Slough and half a mile from West Campus Beach and Coal Oil Point. The property is surrounded by multi family residential housing north of Whittier Drive and a mixture of single and multi-family housing east of Storke Road. The Ocean Meadows Golf Course and Clubhouse bound the site to the west. The existing West Campus Family Student Housing is located directly south of the project site. Part of the Sierra Madre project includes improvements to this site as well.

The Sierra Madre site is vacant and traversed in an east-west direction by the eastern terminus of a tributary to Devereux Creek. The majority of the site used to be driving range associated with the Ocean Meadows Golf Course and has been heavily impacted by grading and vegetative clearance, including the filling of a portion of the Devereux Creek tributary (East Fork Devereux Creek). The site is predominantly vegetated by

non-native grasses, with the exception of two large seasonal wetland areas, one of which is located near the east fork of Devereux Creek tributary and the other located on the southwest side of the property which will remain undeveloped and designated as open space. A third, smaller wetland area on the southwest of the site will be preserved and restored with a 100 foot buffer. These wetlands are vegetated with both non-native and native species according to the wetland delineation prepared by WRA for the site in July 2006.

The proposed Sierra Madre Family Student Housing development would include construction of 151 rental family student housing units, a new community building, parking area, tot lots, pedestrian walkways and roads, and landscaping on the Sierra Madre property on North Campus and West Campus Family Student Housing site on West Campus. All construction, structures, and paved areas would be located at least 100 feet away from existing seasonal wetlands onsite and the east fork of Devereux Slough. The University has also proposed to restore the large seasonal vernal pool on the southwest side of the property. While the University has not proposed to restore the wetland and creek habitat associated with the east fork of Devereux Creek, the Commission finds that the restoration of the east fork of Devereux creek and associated wetland areas is necessary given the high density of development of the family student housing project and proposed residential development nearby on the Ocean Meadows Golf Course, as well as past grading that has occurred to block the hydrologic connection of the creek in this area. Therefore, the Commission requires **Special Condition 5.i.**, which requires that a policy be added to the LRDP to encourage wetland and riparian vegetation enhancement to the maximum extent feasible along Devereux Creek and the inclusion of this policy in any future regional open space planning efforts, including development of a Final Open Space Management Plan for the Ellwood-Devereux area. **Suggestion Modification 5.f.** also requires that the University interconnect wetland and ESHA areas on the Storke-Whittier property with natural open space areas to the extent feasible.

The University has not submitted final restoration plans for the Sierra Madre site. In addition, the University will need to include restoration of the east fork of Devereux Creek on the Sierra Madre site to further prevent water quality impacts to Devereux Slough. Additionally, the University has not submitted final grading plans for the new design of the Sierra Madre housing development that avoids all wetland buffers. Therefore, the Commission requires **Special Condition Six (6)** and **Special Condition Seven (7)** of the NOID and CDP that require the University to submit, for review and approval of the Executive Director, final project plans and restoration plans for the Sierra Madre site respectively. The restoration plan must include, but not be limited, to baseline conditions of the proposed restoration areas, documentation of performance standards, technical details on restoration methods, and provisions for maintenance and five years of monitoring.

#### Devereux Culvert

The University proposes to remove the existing concrete culvert under Venoco Road on Devereux Creek with a new arched culvert resembling a span bridge. The road

crossing is located where Devereux Creek enters Devereux Slough. The existing project area is heavily modified, with the areas upstream of the crossing dominated by ornamental landscaped areas associated with the nearby golf course and varied wetland and riparian vegetation that has colonized the banks and sediment basin constructed in the creek. South of the crossing, mixed coastal scrub and non-native grassland border the coastal salt marsh habitat of Devereux Slough. The paved crossing area is currently approximately 40 to 65 feet wide and restricts flood flows, fish passage, and restoration of natural wetland and riparian areas that would normally surround the creek and slough.

The University proposes to replace this crossing with an arched culvert system that resembles a span bridge and restore native stream, wetland, and riparian habitat to the area. The new arched culvert would be 26 feet wide, span 42 feet, and provide a clearance of up to seven feet from the creek bed to the bottom of the bridge. The proposed replacement project would overtop at 25 year storm events and will lower the water surface elevation at the culvert by approximately one foot during a 100-year flood event. The existing concrete wall and sediment basin upstream of the crossing would be removed and accumulated sediment removed to allow for a gradual transition of the stream into the slough. This will require approximately 250 cubic yards of grading over a 11,200 square foot area. Grade stabilizers, including a 18 inch high boulder dam will prevent headward erosion up the stream, minimizing the amount of sediment delivered to Devereux Slough while still providing fish passage. A buried concrete wall under the bridge will also protect the new structure from erosion. The new bridge has been designed to allow fish passage and accommodate wildlife movement up and down the creek and slough.

As there will still be a significant grade change in the vicinity of the crossing, the University is also proposing placement of interlocking "Armortec" concrete block system to be placed four inches below the creek bed to prevent erosion. The armortec would be covered with four or more inches of natural sediment to provide a natural bottom to the crossing. Armortec is designed to allow vegetation to grow between the concrete blocks. No armortec would be placed on the banks of the stream, which would be replanted with riparian and wetland vegetation. In the vicinity of the road, concrete wingwalls and soil abutments would protect the bridge from undercutting during high flow events. The abutments would be planted with native vegetation and designed to mix with the natural habitats of the slough and creek.

The project would require dewatering of the project area and permanent removal of approximately 610 square feet of brackish marsh habitat that has colonized the sediment basin at the crossing. An additional 1,586 square feet of brackish marsh in the sediment basin area and transitional habitat (considered wetlands) would also be temporarily removed to regrade the stream. In addition, the project would require temporary and permanent impacts to coyote bush, ruderal vegetation, non-native grasses, coastal scrub, and a large amount of ornamental landscape. The University proposes to replant all disturbed areas with native wetland, riparian, transitional, and upland habitats.

Section 30233, as incorporated into the LRDP, allows for the diking, filling or dredging of wetlands for restoration purposes as long as no other feasible, less environmentally damaging alternative exists and where feasible mitigation measures have been provided. Section 30236, as proposed for incorporation into the LRDP, also allows for the alteration of streams and creeks for flood control purposes or for the enhancement of fish and wildlife habitat as long as best management practices and environmentally superior alternatives are considered. The proposed project would increase flood capacity and control on Devereux Creek, as well as restore wildlife passage, fish passage, and riparian and natural creek bottom habitat to the crossing of Devereux Creek under Venoco Road. Commission staff have explored with the University, their consultant, and CDFG many alternatives to the proposed design to reduce impacts to wetlands and riparian habitats, as well as to improve stream habitat to the extent feasible. Due to the large amount of sediment that has built up behind the existing sediment basin and wall upstream of the crossing, a significant grade drop now occurs in the vicinity of this crossing. The proposed project would remove the accumulated sediment in the vicinity of the crossing and regrade the stream to a more natural grade. This grade, though, would still be rather steep unless the University was to regrade the entire stream from the crossing up to Phelps Road. As this would require significant grading and removal of vegetation this option is not feasible. In order to prevent headcutting on the stream and erosion of sediment into Devereux Slough, therefore, the University has designed the crossing with a 18 inch boulder weir, buried wall, and armortec below the boulder weir that will be filled over with creek sediment. All other options for stabilization of the creek in this area involved significantly more grading, disruption of ESHA habitats, and/or use of concrete walls and bank protection. The Commission, therefore, finds that the proposed design of the crossing is the least environmentally damaging alternative.

Given the permanent impacts to wetlands and temporary impacts to wetland and other native habitats, the Commission finds that restoration of all disturbed areas and mitigation of lost wetland habitat onsite at a 4:1 ratio is necessary. At the request of CCC and CDFG staff, the University has revised this project many times. Therefore, currently, no up-to-date detailed landscaping plans exist for the restoration involved in this project. The University is in the process of developing and updating these plans. The Commission, therefore, requires **Special Condition Thirty One (31)** and **Special Condition Thirty Two (32)** of the CDP that require the University to submit, for the review and approval of the Executive Director, final project plans and restoration plans for the proposed project. The restoration plans shall include mitigation of permanent impacts to wetlands at a 4:1 ratio and revegetation of all disturbed areas. The restoration plan must include, but not be limited, to baseline conditions of the proposed restoration areas, documentation of performance standards, technical details on restoration methods, and provisions for maintenance and five years of monitoring.

#### West Campus Mesa

The West Campus Mesa is located directly west of Devereux Slough, north of the West Campus Point Faculty Housing, south of the West Campus Family Housing, and east of Isla Vista School. The mesa is the current site of Cameron Hall, the Orfaea Children's

Center, and the campus horse stables. The mesa is characterized by several habitats, including non-native grasses, native grasslands, and wetland and riparian vegetation associated with the slough and its tributaries.

The proposed Amendment makes several changes to residential housing and facility development on West Campus. Specifically, the LRDP reduces future housing development on West Campus Mesa from a maximum of 167 units to 50 units by eliminating the planned 117 student family housing units, while still retaining the maximum of 50 faculty housing units (Revised Policy 30240(b).11). Additionally, the proposed LRDP Amendment allows for expansion of the Orfaea Children's Center by up to 10,000 sq. ft. and improvements to trails and public coastal access parking on the West Campus Mesa. None of these specific improvements are proposed in the subject NOID and CDP and would require future permitting review by the Commission. Assuming that all ESHA and wetland protection measures included in the LRDP, as proposed for modification, are implemented, development of these projects would not impact ESHA or wetland resources and, in the case of the reduced family housing units, would reduce potential impacts on the mesa.

In addition to these changes, the University proposes, as part of the subject LRDP Amendment, to retain the existing horse stables and riding ring that currently are located on West Campus Mesa at the intersection of West Campus Point Lane and Divide Road. The existing 1990 LRDP, as certified, includes a policy (30240 (a).17) that states that the horse paddocks in the watershed of the North Finger of the Devereux Lagoon shall be removed as part of the restoration plan for this wetland before the beginning of the 1992-1993 academic year. Originally, the horse facilities were built in 1920 and first used by the University in 1948 when West Campus was purchased. In May 1991 the Commission certified revised findings for the then proposed 1990 LRDP, including the Campus Wetland Management Plan. In approving the 1990 LRDP and Campus Wetland Management Plan, the Commission required, as a condition of approval, Policy 30240 (a).17 regarding the removal of the horse facilities. The approved revised findings dated April 20, 1991 state the following:

***Removal of the horse paddocks was identified by the Campus Wetland Committee as a measure which should be undertaken to reduce the levels of sediments and nutrients into the North Finger of the Devereux Lagoon. The horse paddocks are currently located in the drainage of the Devereux Lagoon. The horse paddocks are currently located in the drainage of the Devereux Slough and have displaced native upland and riparian habitat. The removal of this use would allow the restoration of these habitats as well as enhance the habitats in Devereux Slough Coal Oil Point Reserve.***

***To ensure protection of the environmentally sensitive habitat of the Devereux Slough Coal Oil point Reserve, the University should modify the recommendations for the West Campus wetlands to require the removal of the horse paddocks from the watershed of the North Finger of the Devereux Lagoon as part of the restoration plan for this wetland. Removal should not be accomplished later than the beginning of the 1992-1993 academic year.***

While the University was required to implement the policy by the 1992-1993 academic year, they never removed the horse facilities. Instead they moved or closed the horse paddocks that were close to the stream and have continued to actively use these facilities. Currently, the closet portions of the horse paddocks are within approximately 47 feet of the stream riparian vegetation. This stream is a tributary to Devereux Slough. The closest portion of the horse exercise area is within 12 feet of a nearby storm drain outflow area. The University proposes to amend Policy 30240 (a).17 to keep the horse facilities where they are as they feel the facilities are not impacting water quality or habitat in the area and are a vested use. The University has submitted the *Pilot Study of Water Quality at Devereux Slough* prepared by David Court, Jenifer Dugan, and Henry Page in March 2001. This study discusses the water quality of water entering Devereux Slough. According to the University, this study shows that water quality impacts to Devereux Slough are not associated with the horse stables. Commission staff note that review of this report has shown no discussion of the horse paddock and exercise area and potential impacts of this area to water quality in Devereux Slough. Additionally, this study did not measure levels of bacteria and other water quality indicators relevant to potential impacts from horse facilities.

As explained above, the subject site contains riparian habitat that constitute ESHA pursuant to Section 30240. Section 30240 requires that ESHA be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Section 30230 and 30231 also provide for the protection of coastal waters. Confined animal facilities are one of the most recognized sources of non-point source pollutants since these types of developments are cleared of vegetation and have concentrated sources of animal wastes. Use of horse corrals generates horse wastes, which includes manure, urine, waste feed, and straw, shavings and/or dirt bedding which can be significant contributors to pollution. In addition, horse wastes contain nutrients such as phosphorous and nitrogen as well as microorganisms such as coliform bacteria which can cause eutrophication and a decrease in oxygen levels resulting in clouding, algae blooms, and other impacts affecting the biological productivity of coastal waters. When the pollutants are swept into coastal waters by storm water or other means, they can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity, which both reduce the penetration of sunlight needed by aquatic vegetation that provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior; and human diseases such as hepatitis and dysentery. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

In past permit actions, the Commission has consistently required horse facilities to be located a minimum distance of 100 feet from streams and associated riparian vegetation, in addition to employing best management practices to minimize runoff of pollutants in order to protect water quality and riparian ESHA. Furthermore, Section

30231 requires maintenance of natural vegetation buffer areas that protect riparian habitats and minimal alternation of natural streams. The Commission, therefore, finds that modifying Policy 30240(a).17 as proposed by the University would potentially cause the continued and future impact to water quality and the estuarine, riparian, and wetland resources associated with Devereux Slough and its tributaries. **Suggested Modification 2.c.**, therefore, retains the original 1990 LRDP Policy 30240(a).17 and updates it to reflect current conditions and requirements. Specifically the modification changes the policy to read that the horse facilities shall be removed or relocated at least 100 feet away from any wetlands, top of bank of any streams, or the edge of canopy of any riparian vegetation. **Suggested Modification 2.a. and 2.b.** add this same language to other portion of the LRDP Amendment that discuss the horse facilities. As a result of these suggested modifications, the Commission will not consider approval of any future modifications to the horse facilities that do not involve either their removal or relocation 100 from wetlands, riparian areas, streams, and other ESHA.

### West Campus Bluffs and Camino Majorca

The West Campus Bluffs are located between Coal Oil Point and Camino Majorca Road, south of Devereux School and the existing faculty housing development on West Campus. The area is characterized by high coastal bluffs leading down to West Campus Beach (also known as Devereux Beach). Several informal trails and beach access points are located along the bluffs, in addition to the West Campus Bluffs Trail. A windrow of eucalyptus are located along Camino Majorca Road. The rest of the bluffs is characterized by non-native grasses, scrub, and trees (including tamarisk), with scattered areas of native grassland (purple needlegrass) and seasonal wetlands considered ESHA. Additionally, southern coastal bluff scrub habitat considered ESHA lines portions of the bluff. West Campus Beach is designated by USFWS as snowy plover critical habitat area, although nesting and overwintering snowy plovers have not been found on this beach.

The proposed LRDP Amendment and NOID propose improvements to the existing West Campus Bluffs Trail that extends along the bluffs overlooking West Campus Beach (Devereux Beach) from Camino Majorca Road west to Coal Oil Point. The UCSB Shoreline Preservation Fund and Associated Student BIKES have committed funds to improve the trail to close off informal paths, minimize impacts to sensitive natural resources, reduce habitat fragmentation, reduce flooding of the trail, improve rutted areas, and move the trail away from the edge of eroding bluffs. The University also proposes to do limited removal of exotic non-native vegetation and revegetation of disturbed areas with local native species appropriate to the area.

A habitat survey was performed for the project in August 2006 (Morro Group Inc.) that showed that the area around the trails consists of non-native grassland and ruderal vegetation, coastal bluff scrub, purple needlegrass grassland, tamarisk, ice plant, seasonal wetlands, eucalyptus woodland, cypress trees, and other vegetation. The project would require removal of non-native grass and shrub species. No seasonal wetlands, native grasslands, coastal bluff scrub or eucalyptus would be impacted. The University has recently redesigned a portion of the planned trail improvements to avoid

coastal bluff scrub habitat on the bluffs. **Special Condition Thirty (30)** of the NOID requires the University to submit, for review and approval of the Executive Director, final project plans for the trail improvements. The condition also requires that the University conduct biological surveys within 300 feet of non-native shrub species proposed for removal during the bird nesting season (February 15-August 31) to prevent impacts to nesting or sensitive bird species. The results of these surveys shall be submitted for the review and approval of the Executive Director prior to any shrub removal during the nesting season. The University has not proposed removal of any non-native tree species on the bluffs in the subject NOID.

In addition to the improvements proposed to the West Campus Bluffs Trail, the LRDP Amendment proposes for the future planning of a new public coastal access parking lot adjacent to Camino Majorca on the bluffs. Additionally, the University is proposing the future development of a new beach access stairway on the west side of West Campus Beach, east of Coal Oil Point at a location known as "jailhouse" as well as other improvements to trails on the bluff. These improvements are not included in the subject NOID and/or CDP and would require future approval by the Commission through a new NOID and/or CDP. The University has included in the Amendment, a policy that requires biological surveys on West Campus Bluffs prior to construction of any of these improvements in order that all wetland and ESHA resources will be avoided and adequately buffered from development. The University has submitted an evaluation of vegetation and wetlands in and around the proposed location of the public coastal access parking lot at Camino Majorca that was prepared by WRA in July 2006. This study is a wetland delineation conducted according to the methods accepted by the Coastal Commission. The results of this study show a predominance of ruderal vegetation, non-native grasslands, and ice plant onsite. There are small patches of native grasslands (purple needlegrass, and California barley) that would be considered ESHA. Additionally, the site contains scattered by seasonal wetland, most of which are located on the west side of the site. A single windrow of eucalyptus is located on the east side of the site. These eucalyptus are unlikely to provide habitat for monarch butterflies due to the nature of the habitat and distance from the nearest aggregation site.

The University has proposed either a 40 space or 20 space parking lot on Camino Majorca, depending on the resources onsite. The University has also proposed that construction of this lot conform to all ESHA and wetland protection measures, including the use of fully protective buffers. The Commission has typically required that buffers to wetlands and other ESHA be at least 100 feet in size from paved structures. **Modifications 5.b. and 5.j.** to the LRDP Amendment requires the establishment of 100 foot wide buffers to wetland and ESHA resources on all portions of the West and North Campus, except for the North Parcel. Assuming the University would avoid all native grasslands and wetlands at the Camino Majorca site, a new public coastal access parking lot at this location would be feasible, but would be significantly reduced in size. Given space limitations, the Commission finds that a public coastal parking lot with up to 20 spaces at this location would not impact ESHA and wetland resources assuming that the University adheres to the approved policies of the LRDP as amended. The Commission, therefore, requires **Suggested Modifications 9.a., 9.b., 9.c., 9.f., and 9.g**

allow for up to 20 coastal access parking spaces at Camino Majorca and delete all references to the potential design of the lot with 40 spaces.

### Coal Oil Point and Coal Oil Point Reserve

Coal Oil Point is located east of Devereux Slough separates Sands Beach and the slough from the West Campus Bluffs and West Campus Beach. The existing cliff house, structures associated with the Coal Oil Point Reserve, and 50-space Coal Oil Point parking lot are located on the Point. The point is characterized by non-native grassland, ruderal vegetation, with areas of southern coastal bluff scrub and southern foredunes considered ESHA. Several informal and formal trails lead to the bluffs and west to Sands Beach. West of the point, Coal Oil Point Reserve, characterized by Devereux Slough and various dune, sandy beach, wetland, and riparian habitats. This area provides habitat for many sensitive species, including tidewater goby and snowy plover described below.

The subject LRDP Amendment proposes several changes to facilities and uses of the Coal Oil Point area, including designation of 20 of the 50 parking spaces at Coal Oil Point for public use, a permanent restroom at the Coal Oil Point parking lot, and improvements to the trails in the area for use by pedestrians. Potential impacts of these changes on snowy plover habitat are discussed in the following section. Assuming that all ESHA and wetland protection measures included in the LRDP are implemented by the University, development of these projects would not impact ESHA or wetland resources. Biological studies would be required, however, prior to final design and permitting of these developments through future NOIDS or CDP applications.

In addition to the abovementioned developments, the University is proposing through the subject LRDP Amendment to relocate and reconstruct the Cliff House on Coal Oil Point farther from the bluffs and build the new structure to up to 10,000 sq. ft. in size. The existing Cliff House is located very close to the bluffs and bluff scrub habitat located on Coal Oil Point. The certified 1990 LRDP allows for relocation of the Coal Oil Point facilities, including the Cliff House, at least 50 feet away from the edge of the bluff and limits the total square footage of current replacement Coal Oil Point structures to not exceed the total square footage of current Coal Oil Point structures (Existing Policy 30240(b).6). No specific location or square footage is cited in the original 1990 LRDP. Commission staff note that the University has not provided information as to the existing square footage of the Coal Oil Point structures or information as to the potential for sensitive resources in the location identified for redevelopment on Figure U, Appendix F of the Amendment. Additionally, existing standing structures on the point seem to occupy significantly less than 10,000 sq. ft. Given this lack of information and the presence of sensitive habitats in and around Coal Oil Point that could be potentially impacted by a substantial increase in use and extent of any proposed buildings at this location, the Commission finds that the proposed expansion of the Cliff House by up to 10,000 sq. ft. can not be approved at this time and should be the subject of further review through a new Notice of Impending Development and/or LRDP Amendment. **Suggested Modification 8** to the LRDP Amendment requires the University to remove

any reference to the 10,000 sq. ft. maximum size of the Cliff House from proposed Figure U in Appendix F of the LRDP Amendment. The suggested modification also requires the University to modify this figure to clarify that the shown location for the Cliff House relocation is approximate and subject to change.

## **2. Landscaping and Erosion Control**

As noted previously, Section 30240 of the Coastal Act, which has been included in the certified LRDP, requires that existing environmentally sensitive habitat areas, such as wetland areas, shall be protected against any significant disruption of habitat values, and that development in areas adjacent to significant habitat areas shall be sited and designed to prevent adverse effects which would degrade such areas.

The proposed project includes landscaping of the residential project area and habitat restoration of open space areas. The Commission recognizes that the use of non-native and invasive plant species within new developments can cause adverse on-site and off-site impacts upon natural habitat areas. Non-native and invasive plant species can directly colonize adjacent natural habitat areas. In addition, the seeds from non-native and invasive plant species can be spread from the developed area into natural habitat areas via natural dispersal mechanisms such as wind or water runoff and animal consumption and dispersal. These non-native and invasive plants can displace native plant species and the wildlife which depends upon the native plants. Non-native and invasive plants often can also reduce the biodiversity of natural areas because, absent the natural controls which may have existed in the plant's native habitat, non-native plants can spread quickly and create a monoculture in place of a diverse collection of plant species.

For the above reasons, the placement of any non-native invasive plant species within the campus (which could potentially spread to the natural habitat areas) is a threat to the biological productivity of adjacent natural habitat and would not be compatible with the continuance of those habitat areas. Therefore, the Commission must ensure that the University uses native plants to the maximum extent feasible and avoids any and all invasive plant species within the proposed housing development. Consequently, the Commission requires the University to submit final landscape plans for both residential developments, pursuant to **Special Condition Fifteen (15)** of the NOID and CDP, that confirm that no invasive species shall be planted anywhere on-site and landscaping shall be native species, with the exception of lawn areas, which should be drought tolerant non-invasive species. The condition also requires the University to remove exotic invasive species in the project area and maintain weeding of exotic species. Furthermore, **Suggested Modifications 5.g. and 5.h.** require the University to plant only native species of local genotype in natural open space areas and ESHA on the North and West Campuses and require that integrated pest management practices be used in all private landscape areas and common open space areas. Finally **Special Conditions Seven (7) and Thirty Two (32)** of the NOID and CDP require that habitat restoration plans for the North and West Campus include planting of only native species of local genotype and removal of exotic invasive species.

Furthermore, the Commission notes that increased erosion on site would subsequently result in a potential increase in the sedimentation of off-site wetland areas. The Commission finds that the minimization of site erosion will minimize the project's potential individual and cumulative contribution to sedimentation of coastal waters. Erosion can best be minimized by ensuring that all disturbed areas of the site are landscaped with native plants, compatible with the surrounding environment. Therefore, **Special Condition (7) and Thirty Two (32)** also requires that the Habitat Restoration and Enhancement Programs previously discussed shall also provide that the buffer areas shall be planted and maintained with native plant species compatible with the surrounding ESHA and wetland areas on site. **Special Condition Seven (7), Thirty Two (32), and Fifteen (15)** also require that the Habitat Restoration and Enhancement Programs and landscaping be implemented in a timely manner and that all disturbed or graded areas be planted with vegetation. **Special Condition Ten (10)** has been required to ensure that an independent qualified biologist or environmental resource specialist shall be present on site during any grading and construction activity. The presence of the biologist is necessary to ensure that there is no encroachment into buffer areas or sensitive resource areas during construction. **Special Condition Nine (9)** of the NOID and CDP requires that protective fencing shall be used around all ESHA and wetland areas which may be disturbed during construction activities. Furthermore, **Special Condition Nine (9)** requires the University to submit final construction and staging plans which show that the construction zones, construction staging areas, and construction corridors avoid impacts to wetlands, wetland buffers, and native habitat, consistent with this notice of impending development.

Additionally, interim erosion control measures implemented during construction will serve to minimize the potential for adverse impacts to adjacent wetlands from drainage runoff during construction. Therefore, the Commission finds that **Special Condition Thirteen (13) and Thirty Three (33)** is necessary to ensure the proposed developments will not adversely impact sensitive habitats. Construction related impacts are discussed in further detail below.

### 3. Lighting

Currently, nighttime conditions on the undeveloped portions of North and West Campus are minimally affected by surrounding lighting. In past actions, the Commission has found that night lighting of open space areas creates a visual impact to nearby scenic roads and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. In this case, the subject site is adjacent to wetlands and environmentally sensitive habitat areas. The proposed residential housing projects would introduce new artificial lighting to the project area. This impact can be minimized by directing lighting away from sensitive habitat area. Therefore, **Special Condition Eleven (11)** of the CDP and NOID outlines lighting restrictions both within the developed residential lots as well as general residential improvements. Special Condition Eleven requires the applicant to submit final light plans prior to commencement of construction on the housing development that show that all exterior night lighting installed on the project site shall be of low intensity, low glare design, and shall be shielded to direct light downward onto the subject parcel(s) and prevent spill-

over onto adjacent parcels, including all public open space areas. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting. The lighting plan shall show the locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture, the lighting specifications, and the height of the fixtures. The plan shall be designed in particular to avoid lighting impacts to the open spaces and wetland habitat. The restriction on night lighting is necessary to protect the nighttime rural character and open space of this portion of the bluffs consistent with the scenic and visual qualities of this coastal area.

#### **4. Herbicides**

The University proposes to remove non-native vegetation manually to the extent feasible. In previous permit actions, the Commission has allowed for the use of Glyphosate Aquamaster™ within sensitive wetland and riparian areas when it was found that use of an herbicide was necessary for habitat restoration and that there were no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. However, the Commission notes that Glyphosate herbicide, although determined by the EPA to be low in toxicity, is still toxic and could result in some adverse effects to wildlife or non-targeted vegetation should overspray or downstream migration occur. In order to minimize the potential for introduction of herbicide into the aquatic environment or onto adjacent non-targeted vegetation, **Special Condition Eight (8)** of the CDP and NOID restricts the use of herbicides to hand-painting of Glyphosate Aquamaster™ and prohibits spraying of herbicide, use of herbicide during the rainy season, prior to predicted rain, or within 72 hours after rain.

#### **5. Construction Impacts**

Construction of the North and West Campus Project is anticipated to occur in phases and take approximately three years to complete. The proximity of sensitive habitats as well as the extensive nature of the project may result in impacts to sensitive biological resources in the project vicinity unless adequately monitored. A construction monitor is necessary to ensure that construction activities are carried out in a manner that will not diminish wetland values. Therefore, **Special Condition Ten (10)** of the CDP and NOID requires the applicant to retain a qualified biologist or environmental resource specialist to be present during construction of all portions of the project. Additionally, the biological monitor shall be present during all tree and vegetation removal; installation of wetland buffer fencing, silt fencing and erosion control best management practices; and all habitat restoration activities and bioswale construction. The University shall cease work should any sensitive species be identified anywhere within the construction area, if a breach in permit compliance occurs, if work outside the scope of the permit occurs, or if any unforeseen sensitive habitat issues arise. In such event, the biological monitor(s) shall direct the applicant to cease work and shall immediately notify the Executive Director. Project activities shall resume only upon written approval of the Executive Director. If significant impacts or damage occur to sensitive habitat or species, the University shall be required to submit a revised, or supplemental program to adequately mitigate such impacts.

In conjunction with the presence of the biological monitor, the University shall be responsible for installing temporary construction fencing along the approved limits of grading around all ESHA, wetland areas, and their associated buffers that may be disturbed during construction activities prior to commencement of development, as required in **Special Condition Nine (9)** of the CDP and NOID. Temporary construction fencing shall be installed to indicate the grading limits in order to minimize disturbance adjacent to wetland and ESHA habitats. Fencing shall be shown on the project grading plans and shall remain in place throughout all grading and construction activities until the wetland buffer fencing or other similar structure is in place.

Project staging, including the equipment access corridors, has the potential to adversely impact neighboring wetlands and native habitats. To ensure that project staging is minimized and resource issues are addressed, **Special Condition Nine (9)** of the CDP and NOID requires the University to submit a final construction staging and fencing plan to the Executive Director for review and approval. All construction plans and specifications for the project shall indicate that impacts to wetlands and native habitat areas shall be avoided and that the California Coastal Commission has not authorized any impact to wetlands or other sensitive biological resources. Said plans shall clearly identify all wetlands and native and any associated buffers in and around the construction zone. Prior to commencement, the University shall submit a final construction staging and fencing plan for the review and approval of the Executive Director which indicates that the construction in the construction zone, construction staging area(s) and construction corridor(s) shall avoid impacts to wetlands and other sensitive habitat consistent with this approval.

Additionally, construction related disturbances may undermine the habitat value of the wetland and ESHA complexes through improper storage or placement of materials or equipment or through improper release of debris, waste or chemicals. To address the potential adverse impacts during construction, the Commission finds it necessary to provide a framework of the University's responsibilities that would apply during the construction phase of the project, as described in **Special Condition Nine (9)** of the CDP and NOID. Special Condition Nine outlines the University's responsibilities including parameters for placement and storage of construction materials, debris, or waste to ensure that it will not be subject to erosion nor degrade wetland habitat.

Stockpiling of excavated soil and use of equipment storage and staging areas could result in erosion and sedimentation impacts to the surrounding sensitive habitat. Ground disturbance associated with overexcavation, stockpiling of the excavated material, construction staging areas, and grading associated with the proposed projects each have the potential to result in erosion and sedimentation impacts. To ensure that erosion and sedimentation are minimized consistent with Coastal Act policies, the Commission finds it necessary to require an interim erosion control plan be submitted to the Executive Director for review and approval as provided in **Special Condition Thirteen (13)** of the CDP and NOID. The Commission further finds that the interim erosion control plan shall include protective fencing to delineate the construction zone and that silt fencing, sandbags, and/or other best management practices are necessary

during both the rainy season and the dry season. Additionally **Special Condition Twenty Nine (29)** of the CDP and NOID prohibits the permanent stockpiling of materials on site and that temporary stockpile areas be designated and used for only three months. This condition also requires the University to provide evidence to the Executive Director of the location and method of disposal of any excess excavated material to an approved disposal location.

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

## **6. Sensitive Species and Habitats**

Sensitive species and habitats are protected under Coastal Act Section 30240. Several sensitive species and habitat types are known to occur within the project area as discussed above. Known special status species occurrences on the North and Storke-Whittier properties are limited to tar plant associated with seasonal wetlands and occasional presence of monarch butterflies in the eucalyptus on the North Parcel. As discussed previously, recent raptor surveys conducted by the University on North Parcel revealed no signs of nesting raptors in these eucalyptus. Several sensitive species have been found on South Parcel, though, including southern tarplant populations, monarch butterfly aggregations, white tailed kite roosts and nests, burrowing owls roosts, signs of American badger, western snowy plover, California Least tern and others. Raptors and other sensitive birds may also be located along West Campus Bluffs and riparian areas associated with Phelps Creek, Devereux Creek, and Devereux Slough. The North Campus Faculty Housing site is presently vacant open space land suitable for raptor foraging. The project, however, will result in the removal of a large portion of the grassland foraging habitat. However, the remaining adjacent open space, including the 68.7-acre South Parcel and its permanent dedication to open space, will offset the loss.

In addition to terrestrial species, tidewater goby, a federally listed endangered species, has been found in Devereux Slough and could be potentially located in the vicinity of the Devereux Culvert Replacement Project. According to the University's biological consultant, there are no records of steelhead occurrence in Devereux Slough or its watershed area; Devereux Creek is not listed as a steelhead stream by CDFG or NMFS; and no occurrence data is listed in the CNDDDB. Potential impacts to tidewater goby, western snowy plover, and California least tern are discussed in detail in the following sections.

### Biological Surveys and Timing of Construction

The proximity of sensitive habitats, as well as the extensive nature of the project, may result in impacts to sensitive biological resources in the project vicinity unless adequately monitored. A construction monitor is necessary to ensure that construction activities are carried out in a manner that will not diminish sensitive habitat values. Therefore, **Special Condition Ten (10)** requires the applicant to retain a qualified

biologist or environmental resource specialist survey the project area for raptors and other sensitive species prior to any construction grading, excavation, vegetation eradication and removal, hauling, and maintenance activities. Should any sensitive species be identified anywhere within the construction area, the University shall notify the Executive Director and shall not start work. Project activities shall start only upon written approval of the Executive Director. The Construction impacts section below also describes required monitoring during construction activities and other protective measures required during construction. Given the possibility of impacts to sensitive species listed as threatened and endangered by federal and state agencies, **Special Condition Twenty Seven (27)** also requires that prior to commencement of any project activities the University present evidence that all final required approvals from federal, state, and local agencies have been obtained or that no approval is needed.

Although the proposed projects are not expected to directly impact any monarch butterfly habitat, construction activities on the South Parcel do have the potential to adversely impact monarch butterfly aggregations that are present on the site from October 1 to March 1. In order to avoid any adverse impacts to monarch butterfly aggregation sites, the Commission requires the University to restrict all project activities on the South Parcel during the monarch overwintering season from October 1 to March 1. Any work proposed during the monarch butterfly over-wintering season referenced above shall be subject to the review and approval of the Executive Director prior to commencement of development. Where the Executive Director concurs that construction may occur between October and March, prior to said construction, a biologist with appropriate qualifications acceptable to the Executive Director, shall survey all eucalyptus trees within 200 feet of the development area to determine the extent and location of monarch habitation. If butterfly aggregations are found within 200 feet of the work area, construction activities shall be halted until monarchs have left the site and the consulting biologist has determined that resumption of construction shall not adversely impact the butterfly habitat.

In addition to monarch butterflies, several sensitive bird species could potentially nest in scrub and tree habitat proposed for potential removal in association with the Phelps Creek Restoration Project, Phelps Creek Bridge project, and Devereux Culvert Replacement Project. The Commission, therefore, requires **Special Condition Thirty (30)** of the CDP which limit vegetation removal in and along Devereux Creek, Phelps Creek, and Devereux Slough to times outside the avian nesting season (February 15 through August 31), unless a qualified biologist and/or resource specialist, CDFG, and USFWS determine with certainty that construction activities will not adversely impact sensitive bird species. **Special Condition Thirty (30)** also prevents impacts to the aquatic habitat of Devereux Slough and its tributaries by prohibiting work within Devereux Creek, Devereux Slough, and Phelps Creek during the rainy season from November 1 through June 1, unless authorized in writing by the Executive Director. This timing also protects potentially spawning tidewater goby during April and May. **Special Condition Eight (8)** of the NOID and CDP further requires that all grading and vegetation removal activities associates with any portions of the project occur during the dry season (May 1 through November 1), unless approved in writing by the Executive Director prior to commencement of construction.

The University has also proposed in NOID 1-06 to remove non-native shrub species on West Campus Bluffs as part of the West Campus Bluff Trail improvements project. **Special Condition Thirty (30)** of the NOID requires that prior to any shrub removal during the avian nesting season mentioned above, the University shall submit, for the review and approval of the Executive Director, results of biological surveys of all areas within 300 feet of the shrubs. The biological surveys shall be completed no more than seven days prior to any shrub removal.

Similarly, the University has proposed as part of the subject LRDP Amendment, to modify an existing Policy 30240(a).4 of the LRDP to allow for the removal of non-native trees and shrubs on campus if their presence inhibits fulfillment of other LRDP objectives such as restoration native habitats. In order to protect potential habitat for monarch butterflies and sensitive bird species, **Suggested Modification 4.b.** changes the policy to read:

30240(a).4

To preserve roosting habitat for bird species and monarch butterflies, special consideration and care shall be given prior to the removal or trimming of any significant non-native trees and shrubs such as eucalyptus, and some pine species that could potentially provide habitat for sensitive species. Non-native tree and brush species may only be removed if their presence inhibits fulfillment of other LRDP objectives such as restoration of native habitat, construction of new structures and infrastructure, and protection of sensitive biological resources. Prior to the removal or trimming of any non-native tree species, the University shall conduct biological studies to show that the trees are not actively used as nesting, roosting, or foraging habitat for raptors, nesting habitat for sensitive birds, aggregation or significant foraging sites for monarch butterflies, or habitat for other sensitive biological resources. Prior to the removal of non-native shrubs during the nesting season for sensitive birds (February 15 through August 31) the University shall conduct a biological survey of the shrubs to prevent impacts to nesting sensitive bird species. (Amended 2006 to focus protection to significant habitat and add protection for Monarch butterflies.)

Sensitive Habitat Management Measures

As discussed above, several sensitive habitats exist in the project area. The University has proposed several mitigation measures related to protection and enhancement of sensitive habitats, including use of native species, erosion control measures, fencing, noise control measures, etc. **Special Condition Two (2)** of the NOID and CDP require the University to implement the mitigation measures it has proposed in the Final Environmental Impact Report published in March 2006 for the project. Implementation of measures outside the scope of the subject NOID and CDP will require new NOIDs or CDP, including road improvements off University property and mitigation of unforeseen impacts. The University has also proposed in the LRDP Amendment to mitigate

potential impacts to the Coal Oil Point Reserve and open space areas on the North and West Campus from increases in use of these areas due to the construction of faculty and student housing developments. Policy 30230.13 proposed by the University in the LRDP Amendment states that the University shall provide for one full-time equivalent steward for the South Parcel Nature Park and one full-time equivalent Coal Oil Point Reserve Snowy Plover Coordinator position upon the completion and sale of the first 72 units on North Parcel. **Special Condition Twenty One (21)** enforces this new LRDP policy exactly as worded above so that the subject NOID is consistent with the LRDP as amended.

In addition to these measures, the Commission finds that the additional measures outlined in **Special Condition Eight (8)** for the NOID and CDP are needed to protect sensitive habitats on the North and West Campus. **Special Condition Eight (8)** requires that no mowing or disking for fire control or any other use shall occur within wetland and environmentally sensitive habitat areas, except as necessary for maintenance for stormwater management systems or where required for habitat restoration purposes as authorized through the subject NOID and CDP. This measure protects these habitats from continuous disruption that may cause permanent impacts.

Furthermore, the proposed project and special conditions of the CDP and NOID require the placement of signs on campus to inform the public about the sensitive areas, inform the public and residents on limitations on use, and direct visitors to the designated trails and open space areas. The Commission finds that adequate noticing of restricted areas is essential to protect environmentally sensitive resources, such as monarch aggregation sites and snowy plover critical habitat, and to inform the public of appropriate use and access. Such signs are typically beneficial in nature by providing adequate notification prior to implementing enforcement actions and by discouraging uses incompatible with the environmentally sensitive habitat areas. However, in this case, final information regarding the location, size, design, and language to be used has not been submitted. Therefore, in order to ensure that the proposed signage is consistent not only with habitat protection, but also with the continued provision of public access and recreational opportunities, **Special Condition Twenty Three (23)** requires that prior to the installation of signage, that the applicant submit, for the review and approval of the Executive Director, plans adequate to show the location, design, and language to be used for all signs to be installed. **Special Condition Eight (8)** also requires the University to develop a resident education program for the housing developments to advise residents about sensitive habitats in the area and restrictions on use. The education program requires the University to include habitat protection measures in the CC&Rs required by **Special Condition Seventeen (17)** for the North Campus Faculty Housing Project and information passed out to residents of both housing developments. **Special Condition Eighteen (18)** of the NOID and CDP requires the University to include all special conditions of the CDP and NOID on the proposed Tract Map for the North Campus Faculty Housing Project. Finally **Special Condition Twenty Eight (28)** requires the University to submit, for the review and approval of the Executive Director, documentation demonstrating that the University has recorded a deed restriction on any properties sold to entities outside the University that includes the provisions and requirements of CDP 4-06-097 and NOID 1-06. T

Finally, the Commission finds that protection of sensitive habitat on the North and West Campuses will also require coordination with local agencies with authority over neighboring development and open space areas. Therefore, **Suggested Modification 12** requires the University to coordinate with the City of Goleta, the University of California at Santa Barbara, and the California Coastal Commission on the development and implementation of the University's portion of the Ellwood Devereux Open Space Plan and Coal Oil Point Management Plan. The future Coal Oil Point Management Plan shall also require coordination with these agencies and certification by the Coastal Commission as an amendment to the LRDP.

#### Western Snowy Plover

The western snowy plover was listed as threatened by the U.S. Fish and Wildlife Service in 1993 and critical habitat was designated in 1999. Snowy plovers have declined as a nesting species throughout California, in part due to human disturbance of sandy beaches typically used for nesting and roosting. Snowy plovers use sandy beaches for nesting and roosting from southern Washington to Baja California. The snowy plover forages on invertebrates in the wet sand; amongst surf-cast kelp; on dry sandy areas above the high tide; on salt pans; on spoil sites; and along the edges of salt marshes, salt ponds, and lagoons (USFWS 2001). Plovers breed primarily above the high tideline on coastal beaches, sand spits, dune-backed beaches, sparsely-vegetated dunes, beaches at creek and river mouths, and salt pans at lagoons and estuaries from March 15 to September 15. They tend to be site faithful, with the majority of birds returning to the same nesting location in subsequent years (USFWS 2001 citing Warriner et al. 1986). The breeding season for snowy plovers along the Pacific coast extends from early March to mid-September. The majority of California's wintering plovers roost and forage in loose flocks on sand spits and dune-backed beaches, with some occurring on urban and bluff-backed beaches, which are rarely used for nesting (USFWS 2001). Roosting plovers usually sit in small depressions in the sand, or in the lee of kelp, other debris, or small dunes (USFWS 2001 citing Page et al 1995).

Critical habitat and one of the largest breeding populations in the state occurs along the beaches and dunes adjacent to the West Campus Bluffs, Coal Oil Point, and the Coal Oil Point Reserve. Three critical habitat areas have been delineated within Santa Barbara County, which have been further categorized into six units, including the Devereux Beach unit which comprises the coastline along Coal Oil Point Reserve. The Recovery Plan identifies Devereux Beach as one of twelve breeding and/or wintering sites located in Santa Barbara County targeted for management. In this case, approximately 1.9 miles have been identified as critical habitat, including West Campus Beach, Coal Oil Point, Sands Beach, and Ellwood Beach. The mouth of Devereux Slough and adjacent beaches to the west are major wintering localities and nesting sites for this species.

The COPR and Devereux Slough area has also been the site of nesting and foraging California least terns, a federal and state listed endangered species) in recent years.

California least terns breed between April and August in salt ponds, sandy beaches, and along estuarine shores.

In recent years, the nesting and overwintering populations of snowy plover and least terns have increased due, at least in part, to plover management conducted by the Coal Oil Point Reserve (COPR) staff. Pursuant to CDP 4-01-139, the COPR staff has implemented a plover management program that includes fencing around nesting habitat, docent programs, and public education. Commission staff note that approved special conditions on this permit limited the management activities for three years. After this time, the University was to return to the Commission for monitoring results and an updated program. COPR has continued with the fencing and education program since the expiration of the permit in 2004 and has not submitted a new coastal development permit application for this development. COPR intends on submitting an application for this approval in the next month.

The proposed faculty and student housing projects and open space improvements would not directly impact the snowy plover habitat; however, the projects are anticipated to indirectly impact snowy plover as a result of the increase in intensity of use. The proposed LRDP Amendment also would allow for equestrian access to Sands Beach directly north of the Coal Oil Point Reserve and access to the beach by leashed dogs. Additionally, the LRDP Amendment would allow some public coastal access parking at Camino Majorca and Coal Oil Point that could potentially increase the intensity of use of Sands Beach and Coal Oil Point. Finally, the proposed North Campus Faculty Housing and Sierra Madre Family Student Housing developments, while not directly adjacent to Sands Beach, would increase the permanent human population in the Devereux-Ellwood area by approximately 650 or more people living within 0.5 miles of snowy plover critical habitat and a major plover breeding colony on the beach at COPR. Increased beach use around Coal Oil Point by humans and their pets could potentially harm nests and/or plover young.

Given the sensitive nature of Coal Oil Point, Sands Beach, Ellwood Beach, and potentially West Campus Beach, the area requires special management consideration and protection. Use of the area even in non-breeding season may ultimately impact reproduction and survivorship by increasing the level of disturbance and physiological stress to plovers that would contribute to a loss of energy that would adversely impact reproduction or survivorship, as would be anticipated from repeated disturbances. Section 30210 and 30214 policies of the Coastal Act require maximum public use consistent with resource protection. The public access policies of the Coastal Act allow for the manner of public access to be managed, as appropriate, in cases where fragile natural resources are impacted. Further, Section 30240 requires that projects be carried out in a manner that does not significantly degrade habitat values.

Given the distribution of the snowy plover and least tern habitat along both University and City of Goleta beaches, and the cumulative impacts proposed residential development and open space improvements may have on these species, the Commission finds that a coordinated approach to protection of these species is needed region wide. The Commission, therefore, requires **Suggested Modification 7.c.** be

incorporated into the LRDP Amendment to protect snowy plover and least tern populations in the Ellwood-Devereux area. This modification would add a policy (Policy 30240(b).26) to the LRDP that would require the University to coordinate with the City of Goleta, the County of Santa Barbara, and the staff of the Coal Oil Point Natural Reserve on the development and implementation of a Beach Access and Sensitive Species Management Plan for Coal Oil Point and Sands, Ellwood, and West Campus beaches. The policy requires the University to submit the plan to the Commission for future approval and incorporation into the LRDP as a new LRDP Amendment. Implementation of the plan would also require approval of a new NOID and/or CDP from the Commission. The plan shall be prepared by a qualified biologist or environmental resource specialist and shall allow for continued public access to the abovementioned beaches, while providing protection of snowy plovers and other sensitive bird species from human-associated disturbances. The plan will address limitations on use of the beach by horses and dogs; potential seasonal closures of sensitive habitat areas; maintenance of public access to the beach by pedestrians, proposed public parking near sensitive habitats; increased use of the area by residents of nearby housing developments; signage to enforce management measures and inform the public as to the sensitive nature of the area; continued use of documents and other staff to enforce the plan, and a monitoring program to assess the success of the plan on protecting sensitive habitats.

As the housing developments on North Parcel and the Storke-Whittier properties and improvements to trails on the South Parcel that are proposed in the subject NOID and CDP could impact use of the abovementioned beaches, **Special Condition Twenty (20)** of the NOID and CDP require that the University submit the abovementioned plan to the Commission for review as part of the permitting for the North Campus Development Project. The signage plans, required pursuant to **Special Condition Twenty Three (23)**, also require signs that specifically prohibit access by horses and dogs through designated critical habitat of the western snowy plover to be placed at trailheads, public parking lots, and near the entrance to the critical habitat areas.

As mentioned above, the proposed project would specify that trails leading to Sands Beach from the South Parcel be open to horses and leashed dogs. Given the anticipated intensification of use by public visitors and formalized use by horses and unleashed dogs, the Commission finds it necessary to impose restrictions that would allow continued public access to the coast but also implement all feasible measures to minimize adverse impacts to sensitive habitat. Additional human, canine, and equestrian traffic has the potential to flush out and disturb plovers and other species, reducing their ability to nest, rest, or forage. As part of the management program and approved conditions to CDP 4-01-139, COPR staff monitor the abundance and habits of snowy plover and least tern in the Devereux area, as well as human related disturbances. Studies in the Devereux Slough area have shown that humans, dogs, crows, and horses to cause the most amount of disturbance to nesting and wintering snowy plovers.<sup>4</sup> Chicks that have hatched in the area have also been largely impacted

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<sup>4</sup> Lafferty, Kevin D. Birds at a Southern California beach: seasonality, habitat use and disturbance by human activity. *Biodiversity and Conservation* 10:2001.

by predatory skunks and crows. Studies by Kevin Lafferty in Biodiversity and Conservation have shown that 10 percent of humans and 39 percent of dogs on the beach disturbed the birds. More than 70 percent of birds flew when disturbed. Plover are more likely to fly from dogs, horses, and crows than from humans and other shorebirds<sup>5</sup>. While birds were less disturbed by unleashed and chasing dogs, leashed dogs still caused disturbance to the birds approximately 11 percent of times leashed dogs were present near the birds. Monitoring in the last year at COPR has also shown that despite signage and the presence of docents on the beach to encourage leashing of dogs, 40 percent of dogs continue to arrive at Sands Beach unleashed<sup>6</sup>. This means that without the docents present, a large number of unleashed dogs are likely present on Sands Beach. Previous studies have also shown that equestrian use along snowy plover protected areas is of particular concern during the breeding season because young chicks forage outside the fenced area and could be trampled or trapped in the depressions made by horses hooves (USFWS 2001).

Given the disturbances caused by equestrian and dog access to Coal Oil Point Sands Beach and Ellwood Beach, the Commission finds it necessary to eliminate the use and access to the beach by horses and dogs within the area of critical habitat (illustrated on Exhibit 13). This finding is consistent with those findings and conditions approved for the Comstock Development Project and Ellwood Open Space project in the City of Goleta (4-04-084 and 4-04-085). Equestrian and leashed dog use of the sandy beach would continue to be available immediately upcoast of the delineated snowy plover critical habitat area. Additionally, horses and leashed dogs would continue to be allowed outside of the Coal Oil Point Reserve inland of the Sandy Beach on the South Parcel, West Campus Bluffs, and other areas. The parking lot and beach would remain available for other passive recreational use year around. The Commission finds that access and use restrictions are necessary given the sensitivity of the resources. Therefore to ensure adequate protection of sensitive species known to occur in the project vicinity, pursuant to LRDP Amendment **Suggested Modifications 7.a., 7.b. 7.c, 7.d.** and **Special Condition Eight (8)** of the NOID and CDP, horses and dogs are not allowed on beaches west of Coal Oil Point and the 1,000 foot long foot trail leading from the California Coastal Trail to Sands Beach. Both the suggested modifications and special condition provide that future use of this area by horses and leashed dogs may be considered pursuant to approval of a future approval by the Commission of a LRDP Amendment, NOID, and/or CDP for a detailed management plan that effectively protects snowy plover and other sensitive bird populations.

In addition to designating uses of specific trails as discussed above, the LRDP Amendment allows for new public coastal parking, beach access, and trail improvements in open space and reserve areas that border the critical habitat areas for snowy plover. Specifically, the LRDP Amendment proposes the construction of a new coastal access parking lot at Camino Majorca Road. As discussed previously,

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<sup>5</sup> Lafferty, Kevin D. Disturbance to wintering western snowy plovers. Biological conservation 101, 315-325. 2001.

<sup>6</sup> Coal Oil Point Reserve. 2005 Final Report on the Western Snowy Plovers, Coal Oil Point Reserve, Santa Barbara, CA. 2006.

suggested modifications to the Amendment would limit this lot to up to 20 public coastal access spaces. The University has also proposed designation of up to 20 parking spaces at the existing Coal Oil Point Parking lot for public use. This lot is currently used for permit parking only for the Coal Oil Point facilities. The LRDP Amendment also includes improvements to trails and a new beach access point east of Coal Oil Point and on the west side of West Campus Beach in an area known as “jailhouse.” This jailhouse stairway would allow public access to the popular surfing point at West Beach from the Coal Oil Parking Lot and nearby trails. The LRDP also includes construction of a new restroom facility at Coal Oil Point to replace the temporary bathroom facilities at this location.

The abovementioned improvements, in addition to housing and other facilities planned in the existing LRDP, could potentially affect access and intensity of use of the critical snowy plover habitat and in particular Sands Beach. In order to avoid and mitigate any potential impacts from this proposed development, **Suggested Modification 7.c.** to the LRDP Amendment requires the addition of Policy 30240(b).26 to the LRDP. This policy states, in part, that any developments or proposed changes in use of parking, trails, accessways, or facilities in the vicinity of Coal Oil Point, and Sands Ellwood, and West Campus beaches shall consider and mitigate impacts on populations of snowy plover and other sensitive bird species in the area. Future submittals on Notices of Impending Developments for these projects, therefore, will be required to analyze, avoid, and mitigation potential impacts to snowy plover and other sensitive bird species.

While the abovementioned projects are not included in NOID 1-06 and CDP 4-06-097 for final approval at this time, Commission staff have received several letters of concern regarding the potential public parking at Coal Oil Point. Commission staff note that the original 1990 LRDP, includes designations of public parking at Coal Oil Point. Since that time, the University has limited parking at Coal Oil Point to users of the University facilities in order to limit traffic on Devereux Road and prevent overuse of the snowy plover area. The University has proposed in the subject LRDP Amendment to open up 20 of the 50 spaces at Coal Oil Point Reserve to public access. Among comments received concerning the public parking are concerns that allowing public parking and a new restroom at the lot would cause impacts to water quality due to increased traffic on Devereux Road and would increase pedestrian traffic on the trail leading from Coal Oil Point to Sands Beach, which is located in an area used by nesting and wintering snowy plover. Commission staff note that impacts to traffic and water quality in the vicinity of Devereux Road are a concern. However, given the limited number of proposed public parking spaces at Coal Oil Point these impacts could likely be mitigated through traffic controls and use controls, including placement of signs and other devices to inform the public at the entrance to Devereux Road that the public parking lot is either full or contains vacant spaces.

Commission staff also note that upon submitting a NOID for public parking, the University would be required to consider impacts to snowy plover pursuant to **Suggested Modification 7.c.** in their proposal for public parking. Given that the majority of substantial impacts to populations of snowy plover and least tern occur during the nesting season, **Suggested Modification 7.c.** also requires that the Coal Oil

Parking Lot be closed to public use during the nesting season, unless management measures can be implemented to prevent impacts to snowy plover and least tern during this time. Additionally, as the major concern over the parking lot centers around use of the beach access trail leading from Coal Oil Point west to Sands Beach, the Commission finds that initiation of public parking at Coal Oil Point should be conducted following the construction and opening of the “jailhouse” access stairway leading from the parking lot to West Campus Beach. As nesting and wintering snowy plover and least terns currently are primarily located west of Coal Oil Point, this accessway would allow for an alternate access to the surf break and beach in this area that would not go through nesting and wintering areas. **Suggested Modification 7.c.**, therefore, also requires that the Coal Oil Point Parking Lot shall not be opened to public use until the “jailhouse” accessway is opened to public access. Commission staff find that these measures, along with the limitation of a maximum of 20 public access spaces at Coal Oil Point, will adequately prevent substantial impacts to snowy plover and least tern populations in the project area. **Suggested Modifications 9.a., 9.b., 9.c., 9.e., and 9.f.**, therefore, modify language in the LRDP Amendment to allow for up to 20 public coastal access parking spaces at Coal Oil Point, subject to the abovementioned restrictions.

#### Tidewater goby

The proposed project would involve short-term impacts to the endangered tidewater goby and other aquatic species as portions of Phelps Creek and Devereux Creek will be temporarily blocked off by a cofferdam and dewatered to allow for construction of the Phelps Creek Restoration Project, Phelps Creek Bridge Project, and Devereux Culvert Replacement Project. While tidewater goby are primarily located in Devereux Slough, it is possible that the goby could migrate upstream in Devereux Creek. Other sensitive aquatic species may also be located at upstream locations. Therefore, the following conditions apply to any work conducted in Phelps and Devereux Creeks and Devereux Slough.

Prior to installations of the cofferdam and dewatering of the construction areas, the University has proposed that a biologist seine the construction area for tidewater goby and any other fish and placement of any caught gobies and other fish downstream of the cofferdam. In addition, the pump intake used for dewatering will be screened to ensure that no tidewater gobies or other fish are entrained in the pump. In order to ensure that these mitigation measures to protect tidewater goby and other aquatic species are employed, **Special Condition Thirty Four (34)** of the CDP requires that the University to submit, for the review and approval of the Executive Director, a Tidewater Goby and Aquatic Species Protection Plan to be prepared by a qualified biologist or environmental resource professional and implemented during project construction. The plan shall include measures for construction worker education about aquatic species, fish relocation, monitoring, secondary containment in the event that installation of new concrete is required, monitoring of the construction site, and reporting to the Coastal Commission. **Special Condition Thirty (30)** of the CDP also requires the City to limit any work in and around the creek and lagoon to the dry season from June to October to prevent polluted runoff from the site and impacts to biological

resources. This time period also avoids the spawning seasons of tidewater goby (April and May).

In order to further ensure that the proposed activities minimize impacts on sensitive species, **Special Condition Ten (10)** of the NOID and CDP requires the applicant to obtain the services of an environmental resource specialist or biologist to survey the site prior to construction and remain onsite to monitor all project activities. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur, should any nesting or reproductive behavior be observed, or if other unforeseen sensitive habitat issues arise. **Special Condition Ten (10)** further stipulates that if significant impacts or damage occur to sensitive habitats or to wildlife species, the applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts.

Therefore, the Commission finds that the proposed LRDP Amendment, as modified, and related coastal development permit application and notice of impending development, as conditioned, are consistent with the sections of the Coastal Act and the applicable policies of the LRDP with regards to wetlands and ESHA.

## H. WATER QUALITY

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states that:

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

The Commission recognizes that new development has the potential to adversely impact coastal water quality through the removal of vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as chemicals, petroleum, cleaning products, pesticides, and other pollutant sources. The University's certified LRDP incorporates by reference Coastal Act Sections 30230

and 30231 of the Coastal Act which mandate that marine resources and coastal water quality shall be maintained and where feasible restored, protection shall be given to areas and species of special significance, and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters. Coastal Act Section 30253, also incorporated into the certified LRDP, requires among other things that erosion be minimized and site stability ensured.

In addition, Policy 30231.2 of the LRDP states, in part, that projects shall be designed to minimize soil erosion and, where possible, to direct surface runoff away from coastal waters and wetlands. Policy 30231.3 provides, in part, that drainage and runoff shall not adversely affect the Campus wetlands and that pollutants shall not be allowed to enter the area through drainage systems.

As stated previously, the University is proposing to construct a 172 unit faculty housing development, a 151 unit student housing development, and drainage, habitat, and trail improvements on the proposed North and West Campuses of the University. The Commission recognizes that new development has the potential to adversely impact coastal water quality and biological productivity through the removal of native vegetation, increase of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources.

The proposed residential developments will result in an increase in impervious surface at the subject sites, which in turn decreases the infiltrative function and capacity of existing permeable land on site. Reduction in permeable space therefore leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides, and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed project consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed sites. Critical to the successful

function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

For design purposes, with case-by-case considerations, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in **Special Condition Fourteen (14)** of the CDP and NOID. This condition also requires that vegetated bioswales or similar drainage systems be used on the developments and that all water drained from the development is treated prior to entering wetland and riparian areas onsite.

Special Condition Fourteen (14) specifically requires that a water quality management plan be submitted for the review and approval of the Executive Director which incorporates structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed residential sites. The plans shall illustrate that post-development peak runoff rates and average volumes shall not exceed pre-development conditions; Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible; Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized; that trash, recycling and other waste containers shall be provided at the permanent trailhead at the southern end of the development; all waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals; runoff must be cleaned to remove or mitigate to the maximum extent feasible all contaminants through infiltration, filtration and/or biological uptake; and the drainage must be adequately maintained. The University shall be responsible for constructing and maintaining the drainage facilities.

Furthermore, interim erosion control measures implemented during construction and post construction landscaping will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds that **Special Conditions Nine (9), Thirteen (13), Fifteen (15)** of the CDP and NOID and **Special Condition Thirty Three**

(33) of the CDP are necessary to ensure the proposed developments will not adversely impact water quality or coastal resources.

Finally, the University has proposed restoration of seasonal wetlands, riparian areas, and buffers on the North Parcel to increase protection of these resources and provide added water quality benefits to the area. The University has also proposed to restore the southern-most wetland on the Storke-Whittier property. However, the University has not proposed to restore the east fork of Devereux Creek and wetlands associated with this area on the north side of the Storke-Whittier property. Currently, the east fork of Devereux Creek extends from the east side of Storke Road under the road to a culvert on the Storke-Whittier property. The creek is then filled from Storke Road west to a location on the Ocean Meadows Property. Given that the runoff from the Sierra Madre property will be directed into Devereux Creek, the potential for erosion of the filled creek area, and the potential impacts of surrounding the creek with housing development, the Commission requires Suggested Modification 5.d. This modification requires the University to restore the portion of the east fork of Devereux Creek on the Storke-Whittier property as part of the development of housing on this site. **Special Condition Seven (7)** of the NOID and CDP further requires the University to submit, for the review and approval of the Executive Director, plans for restoration of this creek area and associated wetland habitat prior to commencement of development of the Sierra Madre Family Student Housing project.

Therefore, the Commission finds that the proposed LRDP Amendment, as modified, and related coastal development permit application and notice of impending development, as conditioned, are consistent with the sections of the Coastal Act and the applicable policies of the LRDP with regards to water quality.

## I. PUBLIC ACCESS AND RECREATION

Coastal Act Section 30001.5 states in part:

***The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:***

***(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.***

Coastal Act Sections 30210 through 30214 and 30221, which have been incorporated into the LRDP, specifically protect public access and recreation, as follows:

***Section 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.***

**Section 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.**

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

**Section 30212.5: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.**

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

**Section 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....**

**Section 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.**

Section 30252 of the Coastal Act, incorporated into the certified LRDP, states:

**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 non-automobile 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.**

Likewise, Coastal Act Section 30240 (b), that has been incorporated in the LRDP, also requires that development not interfere with recreational areas and states:

**(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.**

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities along the coast. The public possesses ownership interests in tidelands or those lands below the mean high tide line. These lands are held in the State's sovereign capacity and are subject to the common law public trust. The protection of these public areas and the assurance of access to them lies at the heart of Coastal Act policies requiring both the implementation of a public access program and the minimization of impacts to access and the provision of access, where applicable, through the regulation of development. New development raises issues as to whether the location and amount of new development maintains and enhances public access and recreational opportunities to and along the coast.

The University's certified LRDP incorporates by reference Coastal Act Sections 30210, 30211, 30212, 30213, 30214 and 30252 concerning coastal recreation and access. Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Section 30212 of the Coastal Act, as incorporated in the LCP, requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects with certain exceptions such as public safety, military security, resource protection, and where adequate access exists nearby. In addition, Section 30213 requires that lower cost visitor and recreational opportunities be protected, encouraged and, where feasible provided. Section 30214 of the Coastal Act, as incorporated in the LCP, provides that the implementation of the public access policies take into account the need to regulate the time, place, and manner of public access depending of such circumstances as topographic and geologic characteristics, the need to protect natural resources, proximity to adjacent residential uses etc. Section 30211 ensures protection of oceanfront land for recreational use and development. Section 30252 of the Coastal Act states, in part, that the location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service and providing adequate parking facilities or providing substitute means of serving the development with public transportation. Section 30240(b) requires that development no interfere with recreational areas.

The LRDP also contains policies that require the University to accommodate coastal visitor parking. In addition, LRDP policy 30210.9 states that the University must conspicuously post public access signs which note the direction of the beach access. LRDP Policy 30211.1 states that "motor vehicle traffic generated by new development shall not restrict or impede public access to or along the coast by exceeding the roadway capacity of existing coastal access routes on campus."

## **1. Open Space and Trail Access**

As discussed previously, the proposed North and West Campuses are located along the Ellwood-Devereux coast. This area includes approximately 2.25 miles of undeveloped coastline between Isla Vista and Sandpiper Golf Course in Santa Barbara County. The area is undeveloped and used extensively for passive recreational use and coastal access which extends to beaches and downcoast areas. The primary recreational

activities within the Ellwood-Devereux open space area include walking, jogging, hiking, biking, picnicking, wildlife viewing, public trail use, glider flying, sun bathing, swimming, horseback riding, surf fishing, dog walking, and photography. Currently access to the North and West Campuses is provided at no cost.

As discussed in Section\_\_\_\_ the proposed project is part of a regional planning effort between the University and the City of Goleta and Santa Barbara County to maintain permanent recreational opportunities, including trails, coastal access, passive recreation and open space, while still resolving the investment backed expectation of developers in the area. The *Joint Proposal for the Ellwood-Devereux Coast* transfers development rights from Ellwood Mesa and the South Parcel of the University's North Campus to the areas on the north side of Santa Barbara Shore Park and north of the Ocean Meadows Golf Course. Additionally, the *Draft Ellwood-Devereux Open Space and Habitat Management Plan* identifies open space management policies and specific habitat, trail, and coastal access improvements in the area. Exhibit 6 is the planned overall trail network in the Ellwood-Devereux area that ensures continuous public access to the coast and beach from nearby roads and adjacent properties. Specifically, the trail plan provides for improvements to the DeAnza and California Coastal Trails that allow for the connection of these trails throughout the entire open space complex.

The proposed project includes the development of faculty and student housing on the North Parcel and Storke-Whittier properties on the North Campus. In exchange for this development, the University has proposed to designate the 68.7-acre South Parcel, 40-acre Coal Oil Point Reserve Expansion Area, and 17.8-acre Ellwood Marine Terminal Site as either open space or natural reserve areas. Designation of the Ellwood Marine Terminal site as open space would occur when the facility's lease expires in 2016. The LRDP Amendment, NOID, and CDP also propose trail improvements on the South Parcel, Coal Oil Point Reserve, West Campus Mesa, and West Campus Bluffs. Public access trails would also be provided through the North Campus Faculty Housing Development and Sierra Madre Family Student Housing Development. The project also includes development of several coastal access parking spaces on North Parcel, West Campus Mesa, Coal Oil Point, and West Campus Bluffs at Camino Majorca. Finally, the University has proposed improvements to beach access at three locations on the West and North Campuses.

The project sites for the North Campus Faculty Housing and Sierra Madre Family Student Housing complexes currently provide public access and passive recreational opportunities, at no cost, for members of the public. Given that these projects would displace existing trails and recreation use areas, the Commission finds that it is necessary to ensure that the University carry out its proposal to maintain public access through the developments and the South Parcel on North Campus. Suggested **Modification 7.a.** to the LRDP Amendment, therefore, adds Policy 30240(b).24 to the LRDP that states that the South parcel shall remain open space available to the public. This policy requires the University, prior to construction of the North Campus Faculty Housing Development, to record an open space conservation easement on the South Parcel and submit plans for restoration of habitats and trails on the South Parcel. To enforce this new policy, **Special Condition Three (3)** of the CDP and NOID requires

the University, prior to commencement of development on the North Parcel, to record and execute an irrevocable dedication or offer to dedicate to a public agency or private association acceptable to the Executive Director, an open space and conservation easement on the South Parcel for the purposes of resource protection. The conservation easement shall be submitted for review and approval of the Executive Director prior to recordation and shall show that no development shall occur within the South Parcel, except drainage and polluted runoff control, construction and maintenance of public hiking trails, construction and maintenance of roads, trails, and utilities pursuant to existing easements. **Special Condition Twenty One (21)** also implements the University's proposal to provide for two full time equivalent positions for management of the South Parcel open space and Coal Oil Point Reserve, upon completion and sale of the first 72 units on the North Campus Faculty Housing Complex. These positions will ensure that habitat protection and public access is maintained in the area.

Further, **Special Condition Twenty Two (22)** requires, in part, that the University shall maintain public access to the beach and other open space areas through the South Parcel, the North Parcel Faculty Housing Development, and Sierra Madre Family Student Housing Development. Additionally, to ensure that public access is maintained during the construction process, the Commission imposes **Special Condition Nine (9)** requiring the University to submit a construction phasing plan for review and approval by the Executive Director which guarantees that a safe route is maintained from Phelps Road, Marymount Way, and Storke Road to trails on the Ellwood-Devereux open space. The University shall demarcate the trailhead and limits of the designated routes to the trails with appropriate temporary fencing and signage as deemed necessary by the Executive Director. The routes shall be maintained safe and passable, and free from construction debris for pedestrian, bicycle, and equestrian use.

Commission staff note that Suggested Modifications 8.a., 8.b., 8.c., and 8.d to the LRDP Amendment and Special Conditions Eight (8) and Twenty (20) of the CDP and NOID require the University to prohibit horse and dog access on the beaches west of Coal Oil Point in order to protect snowy plover and other sensitive bird populations in the area. These modifications and conditions, further, require the University to consider impacts to these sensitive birds when implementing access, parking, and trail improvements in the vicinity of West Campus Beach, Coal Oil Point, Sands Beach, and Ellwood Beach. Commission staff note that while these requirements limit dog and horse access to the beach, the requirements require that pedestrian access to the beach be maintained and that horse and dog access be allowed in other open space areas outside of the immediate beach areas. While any closures of the beach to pedestrian access must be approved by the Commission in a future NOID and CDP, the requirements listed above for the LRDP Amendment include potential measures to manage uses and access to certain portions of the beach for protection of snowy plover habitat, while maintaining public use of the area. Were the University to require closures, they would be required to provide alternate access locations and routes to the public as discussed in **Special Condition Twenty (20)**.

Furthermore, the proposed project and special conditions of the CDP and NOID require the placement of signs on the North and West Campuses to inform the public about availability of public access and parking, about sensitive areas, inform the public and residents on limitations on use, and direct visitors to the designated trails and open space areas. In this case, the University has proposed public access and trail signs, but has not submitted final information regarding the location, size, design, and language to be used has not been submitted. Therefore, in order to ensure that the proposed signage is consistent not only with habitat protection, but also with the continued provision of public access and recreational opportunities, **Special Condition Twenty Three (23)** requires that prior to the installation of signage, that the applicant submit, for the review and approval of the Executive Director, plans adequate to show the location, design, and language to be used for all signs to be installed. **Special Condition Eight (8)** also requires the University to develop a resident education program for the housing developments to advise residents about sensitive habitats in the area, restrictions on use, and public access. The education program requires the University to include the access and recreation protection measures in the CC&Rs required by **Special Condition Seventeen (17)** for the North Campus Faculty Housing Project and information passed out to residents of both housing developments. **Special Condition Eighteen (18)** of the NOID and CDP requires the University to include all special conditions of the CDP and NOID on the proposed Tract Map for the North Campus Faculty Housing Project. Finally **Special Condition Twenty Eight (28)** requires the University to submit, for the review and approval of the Executive Director, documentation demonstrating that the University has recorded a deed restriction on any properties sold to entities outside the University that includes the provisions and requirements of CDP 4-06-097 and NOID 1-06.

Finally, the Commission finds that protection of public access and maintenance of trails on the North and West Campuses will also require coordination with local agencies with authority over neighboring development and open space areas. Therefore, **Suggested Modification 11** requires the University to coordinate with the City of Goleta, the University of California at Santa Barbara, and the California Coastal Commission on the development and implementation of the University's portion of the Ellwood Devereux Open Space Plan and Coal Oil Point Management Plan. **Special Condition Twenty Seven (27)** further require the University to obtain any necessary approvals from federal, state, and local agencies for the proposed projects.

## 2. Roadways and Transit

Section 30211 of the Coastal Act states that development shall not interfere with the public's right of access to the sea. LRDP Policy 30211.1 also states that motor vehicle traffic generated by new development shall not restrict or impede public access to or along the coast by exceeding the roadway capacity of existing coastal access routes on campus. Further, Section 30252 of the Coastal Act provides that new development should provide substitute means of serving the development with public transportation and assume the potential for public transit for high intensity uses.

Access to and around the proposed North and West Campuses is provided by several major roadways including U.S. Highway 101, Hollister Avenue, Storke Road, El Colegio Road, Los Carneros Road, Phelps Road, Pacific Oaks Road, Cannon Green Drive, Whittier Drive, and Marymount Way. The Final Environmental Impact Report prepared by the University for the proposed project analyzes the potential impact of the project on roadways and transit in the area. According to the EIR, portions of El Colegio Road and Los Carneros Road currently operate below the City and County standards for average daily traffic volume and levels of service. Additionally, the intersections of Stoke Road and Hollister Avenue and Los Carneros Road and El Colegio currently operate below City and County standards for level of service.

The Final EIR uses County and City standards for evaluation of impacts to roadways in the vicinity of the project. According to this analysis, the proposed project, in light of cumulative impacts of neighboring developments, would significantly impact the use and congestion on El Colegio Road, Los Carneros Road, Storke Road south of Whittier Drive, and Storke Road north of Hollister Avenue. Additionally, the EIR identifies significant impacts to the intersection of Storke Road and Hollister Avenue and Los Carneros Road and El Colegio Road. The EIR identifies several measures to mitigate these potential impacts to less than significant levels, including modifications to El Colegio Road, widening of Storke Road, and improvements at the abovementioned intersections. All of these improvements require permitting, authorizations, and financial contributions from the City of Goleta, County of Santa Barbara, and the University. These agencies have, therefore, been developing memorandums of understanding concerning the needed improvements and the "fair share" of funding required of each agency.

Without the necessary intersection and roadway improvements, the proposed project is not consistent with LRDP Policy 30211.1 since the development will contribute additional vehicle traffic to coastal routes that already exceed capacity. Therefore the Commission finds that **Suggested Modification 10.b.** to the LRDP Amendment is necessary to require the University to pay its fair share of costs to the City of Goleta and/or County of Santa Barbara to implement needed improvements to roadways. **Special Condition Twenty Four (24)** of the CDP and NOID specifically require the University to submit, for the review and approval of the Executive Director, final memorandums of understanding approved by the City of Goleta, County of Santa Barbara, and the University for the University's payment of its fair share of funding for the road improvements described in the Final EIR for the proposed project.

In addition to roadway improvements, the Commission requires the University to provide the residents of the faculty and student housing developments adequate opportunities for alternate forms of transit and access to public transportation so as to reduce traffic and impacts to roadways. The University has proposed construction of bike lanes and routes throughout the North and West Campus to Main Campus. The existing bus service of the Metropolitan Transit District (MTD) also currently services the Main Campus from Storke Road, but does not contain any bus stops or service to the North Campus Faculty Housing Project directly. Additionally, no bus stops are currently provided close to the proposed family student housing development. **Suggested Modification 10.a.**, therefore, requires the University to cooperate with MTD to ensure that regular bus or shuttle service is provided between the proposed faculty and student housing developments on the North and West Campus to Main Campus. **Special Condition Twenty Five (25)** of the NOID and CDP specifically require the University to submit, for the review and approval of the Executive Director, a transit plan for the planned faculty and student housing developments. The transit plan must include details on planned bus or shuttle stops, frequency of service, and hours of service. The transit plan shall provide sufficient bus or shuttle service to allow residents to regularly travel to the Main Campus from the residential developments on a daily basis year round.

### **3. Parking**

Coastal access is generally viewed as an issue of physical supply, and is dependent not only on the provision of lateral access (access along a beach) and vertical access (access from an upland street, bluff or public park to the beach), but also the availability of public parking. In past Commission actions, the Commission has found that the availability of public parking (including on-street parking) constitutes a significant public access and recreation resource and is as important to coastal access as shoreline accessways.

Section 30252 of the Coastal Act, incorporated by reference into the LRDP, states in part that the location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service and providing adequate parking facilities or providing substitute means of serving the development with public transportation. In this case, the proposed residential developments would displace a small dirt parking area adjacent to Phelps Road, but does not impact public parking on any public roadway. The University has proposed to include a 20-space public coastal access parking lot in the North Campus Faculty Housing Development to replace any lost public coastal access parking spaces. The University has also proposed the designation of 60 additional public coastal access spaces at Cameron Hall on the West Campus Mesa, at a new public parking lot at Camino Majorca, and through designation of up to 20 of the existing 50 public access spaces at Coal Oil Point for public use. From a coastal public access perspective, though, the proposed project would result in a net gain of public parking opportunities on the Ellwood-Devereux Coast.

Given the potential displacement of existing parking on the North Parcel from the North Campus Faculty Housing Project, the Commission requires **Special Condition Twenty Two (22)** of the CDP and NOID which requires the University to construct the proposed 20-space coastal access parking lot on North Parcel in conjunction with construction of the faculty housing development. **Suggested Modifications 9.a -9.g.** to the LRDP Amendment further ensure that 80 new coastal access parking spaces be provided, as proposed by the University, on the North and West Campuses. In previous permitting actions, the Commission has consistently required that any terms of use on public coastal access parking shall not prevent the use of the coast and beach for extended periods of time and shall provide parking at a reasonable cost. **Suggested Modification 9.d.** to the LRDP Amendment and **Special Condition Twenty Two (22)** require that the University shall not limit the use of public coastal access parking lots to less than four hours of continuous use by the public. Additionally, the conditions require that any fees required for parking not exceed that charged for on-campus parking. This will ensure that the public is able to use the parking at a reasonable cost and that the University will still be able to charge fees for public parking so that the parking is not used by students of the University for use of the campus. The conditions further require that any fees or permits for parking be available for purchase onsite at the designated public coastal access parking lots. Finally, the suggested modification and special condition require that the signage plan required by **Special Condition Twenty Three (23)** include signs on nearby public roadways and entrances to parking areas indicating the availability of public coastal access parking and direct the public to this parking.

The Commission finds that in addition to the abovementioned concerns, the proposed faculty and student housing developments have the potential to impact coastal access parking in the area by increasing parking demand on public roadways and parking lots adjacent to the housing developments. In past permitting actions, the Commission has typically required, therefore, that proposed housing developments adjacent to beach and open space areas provide adequate housing for their residents so as to not impact regional parking resources. In this case, the University has proposed that each unit in the North Campus Faculty Housing Complex be provided with two onsite parking spaces. Additionally, the University is proposing an additional 56 guest parking spaces and 20 public coastal access spaces at the housing development. The Sierra Madre Family Student Housing Development would provide a total of 333 new parking spaces. Each new unit would have two parking spaces. Sixteen additional parking spaces would be provided to serve the community building. There would also be four bicycle parking spaces per unit. The development would also not impact the total number of spaces currently provided for the West Campus Family Student Housing. Given that the standard parking requirements for single family residential units is 2 spaces per unit, the Commission finds that the University's proposal for residential and guest parking on the proposed faculty and student housing developments is adequate to prevent impacts of the developments on regional parking resources.

As discussed above, the proposed project would facilitate improved public access in the Ellwood-Devereux area and would further priority land uses under the Coastal Act. As a result of the above findings, the Commission finds that the proposed project, as

conditioned, is consistent with Coastal Act Sections 30001.5, 30210 through 30214 and 30221, 30240, and 30252.

## J. SCENIC AND VISUAL RESOURCES

Section 30251 of the Coastal Act, as included in the certified LRDP, states:

***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.***

Policy 30251.5 of the certified LRDP states:

***New structures on the Campus shall be in general conformance with the scale and character of surrounding development. Clustered developments and innovative designs are encouraged.***

Policy 30251.6 of the certified LRDP states:

***Buildings shall not exceed the height limits established in Figure 15 measured to the ridgeline, except for mechanical and electrical equipment.***

Section 30251 of the Coastal Act requires that visual qualities of coastal areas be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas be enhanced and restored. This policy requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas. This policy also requires that development be sited and designed to be visually compatible with the character of surrounding areas. The certified LRDP also 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, primarily through building height restrictions. Section 30251 of the Coastal Act, as included in the LRDP, requires scenic and visual qualities to be considered and preserved. Section 30251 also requires that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area. The Commission is required to review the publicly accessible locations where the proposed development is visible to assess potential visual impacts to the public. Policy 30251.5 of the certified LRDP also requires that new structures on the Campus shall be in general conformance with the scale and character of surrounding development and shall be designed in a manner that clusters development to the maximum extent feasible in order to reduce adverse impacts to coastal resources.

The proposed project site includes both the "North Site" and the "Storke-Whittier Site," where the University is proposing to construct new faculty and student housing as part

of the proposed LRDP Amendment and the related NOID and CDP. Both of these sites are currently vacant and undeveloped. In addition, both sites where residential development will occur are visible from several public viewing locations including Phelps and Storke Roads and from the trail system which runs across both the "North Site" and "South Parcel." The "North Site" is fronted by Phelps Road along its northern property line. The area on the opposite side of Phelps Road to the north of the "North Site," is densely developed with existing residential development including a mix of single family residences, condominiums, and townhomes. Pursuant to the County's certified LCP, the neighboring residential areas are zoned for a mix of residential development including single family residences, townhomes, and condominiums with a limit on the maximum height of new structures to no more than 35 ft. in height. In addition, an existing golf course is located immediately south of the "North Site". The "South Parcel," which is also vacant and undeveloped is located immediately south of the golf course. The area to the west of the "North Site" is also undeveloped and is primarily vegetated with a eucalyptus windrow which is designated as ESHA by the certified Santa Barbara County LCP and provides potential habitat for both raptors and monarch butterflies.

The proposed student-residential housing development on the "Storke-Whittier Site" is located within an area that is already substantially built-out with existing development. The "Storke-Whittier Site" is fronted by Storke Road to the east. An existing student dormitory named the "Francisco Torres" Tower, a high-rise dormitory, is located to the east of the project site on the opposite side of Storke Road, and is highly visible from all public viewing locations. In addition, the "Storke-Whittier Site" is immediately adjacent to existing University Faculty housing (which are located immediately to the south) and the existing golf course (located immediately to the west). In addition, although not part of this application, a separate application for a coastal development has been submitted by a private property owner for the construction of a total of 58 residential dwelling units clustered on approximately 6.5 acres on a portion of the Golf Course Property immediately adjacent to the University's proposed housing project on the Storke-Whittier Site."

Neither of the two proposed housing projects will block any views of the ocean from any public areas. However, the proposed housing projects will partially block some views of the adjacent open space areas and the golf course as viewed from Storke Road and Phelps Road. In addition, the proposed development on the "North Site" will partially block mountain views as viewed from the some of the existing trails and open space areas on the "South Parcel."

The Commission notes that the proposed construction of the Student Residential development on the "North Site" will result in an inherent change to the visual character of that site. However, if the proposed project, including construction of the new faculty-housing project on the "North Site" is not approved and built, it is expected that the protection of the open space and habitat on the "South Parcel", pursuant to the recordation of a conservation easement, would not occur and the long-term preservation of Ellwood Mesa would not be assured. The possible development of

“South Parcel” and the Ellwood Mesa would be expected to result in equal or greater visual impacts than the applicant’s revised site plan.

The primary component of the proposed project is to transfer all development potential from the “South Parcel” to the “North Site” and “Storke-Whittier Site.” In order to ensure that the University’s proposal to retire the development potential on the “South Parcel” is adequately implemented, **Special Condition Three (3)** of both NOID 1-06 and CDP 4-06-097, has been required. **Special Condition Three (3)** of both NOID 1-06 and CDP 4-06-097 specifically requires the University to record an offer to dedicate a conservation easement for habitat protection and the provision of public access and passive recreational uses across the entire “South Parcel.” The transfer of development potential from the 68.7-acre “South Parcel” to the 26.3-acre “North Site” and the 14.8-acre “Storke-Whittier Site” results in the clustering of development adjacent to existing developed urban areas and away from the undeveloped open space areas along the bluffs and Coal Oil Point Reserve/Devereux Lagoon area to an area immediately adjacent to existing development, adjacent to the existing Phelps Road, an existing residentially developed neighborhood, and the existing Sandpiper Golf Course.

Policy 30251.5 of the certified LRDP requires that new structures shall be designed in a manner that clusters development to the maximum extent feasible in order to reduce adverse impacts to coastal resources. As discussed previously in this report in greater detail, the Commission finds that the proposed transfer of all development potential from the “South Parcel” to the “North Site” will cluster development in a location that would avoid significant adverse effects on coastal resources and result in greater protection of public views and scenic character overall. As a result the proposed location of the two residential developments on the “North Site” and “Storke-Whittier Site” represents the best feasible alternative that is the most protective of scenic and visual resources in the project vicinity.

In addition, although no development is proposed as part of either the NOID or CDP related to this amendment, the University has proposed to include provisions for a future 20 - 40 space parking lot along the western side of Camino Majorca (adjacent to the community of Isla Vista). Actual construction of the parking lot would require a future NOID to be approved by the Commission. On-street parking is currently available along this public road and the Commission finds that the construction of a small parking lot on University land adjacent to the existing Camino Majorca Street is generally consistent with the visual nature of the area and will not result in any new significant adverse visual impacts to this area that could not be adequately mitigated pursuant by the imposition of conditions of approval for a future NOID.

The certified 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, primarily through building height restrictions. Section 30251 of the Coastal Act, as included in the LRDP, requires scenic and visual qualities to be considered and preserved. Section 30251 also requires that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area. Pursuant to the

requirements of the LRDP, buildings on the Main University campus range in height from one to three story structures up to 114 feet in height. Main Campus buildings are developed in concentric zones consistent with 35-foot, 45-foot, and 65-foot maximum height profiles. Higher profile buildings are designated at the core of the Main Campus with lower height buildings maintained along the perimeter, allowing views from inland buildings to the coast and providing “stepped-levels” of development which sets back the larger campus buildings from surrounding areas and reduces the impact of new structures on scenic and visual qualities.

In this case, because the new “North Campus” is not currently included within the LRDP, there are no current height limitations designated for these two areas pursuant to the LRDP. Therefore, the proposed amendment to the LRDP includes the addition of a new policy and a revision to Figure 16 of the LRDP to limit the height of development on the new “North Campus” and “West Campus” to no more than 35 ft. above finished grade. In addition, the Commission notes that Section 30605 of the Coastal Act requires that a new proposed LRDP or an amendment to a previously certified LRDP that would result in adding a new geographic area to the certified LRDP, shall be consistent, to the fullest extent feasible, with any previously certified Local Coastal Program for that area. In this case, pursuant to the land use and zoning designations of the certified County LCP, the proposed “North Site” and the “Storke-Whittier Site,” where the two new proposed University housing projects would be located, are both zoned for “Planned Residential Development” (PRD) under the Santa Barbara County Local Coastal Program (LCP) with a limit on the height of new structures to no more than 35 ft. in height. In this case, as proposed as part of the related NOID 1-06 and CDP 4-06-097, the tallest residential structures that are proposed as part of both the student and faculty housing projects on both the “North Site” and the “Storke-Whittier Site” will be constructed at a height of no more than 35 ft. above finished grade (and no more than 38 ft. above the previously existing grade).

As discussed above, the new proposed “North Campus” area where the two residential developments are proposed is not currently included within the LRDP; although the LRDP does limit the height of structures on the immediately adjacent “West Campus” to no more than 35 ft. in height. Section 30251 of the Coastal Act requires that new development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area. In addition, Policy 30251.5 of the certified LRDP also requires that new structures on the Campus shall be in general conformance with the scale and character of surrounding development and shall be designed in a manner that clusters development to the maximum extent feasible in order to reduce adverse impacts to coastal resources. Thus, in order to ensure consistency of the new proposed housing developments with the surrounding character of the neighboring community to the maximum extent feasible, as consistent with both Section 30250 of the Coastal Act and to ensure consistency with the policies of the LRDP, the Commission requires **Suggested Modification Twelve, subpart c (12.c)** to revise Figure 16 of the LRDP to designate a maximum building height of 35 feet (above finished grade) for new development on “North Campus.” The Commission finds that a height limitation of 35 feet above finished grade for development at the new housing site is necessary to ensure compatibility with the surrounding environment and

existing development, including the existing residential neighborhoods located to the north of the proposed development which are also restricted in height to no more than 35 ft. Thus, the Commission finds that the proposed residential development, on the “North Site,” as modified, will be consistent with the community character of the surrounding area and is in substantial conformance with both the requirements of the County’s LCP and the University’s LRDP.

In addition, both the proposed student housing development on the “Storke-Whittier Site” and the faculty housing project on the “North Site” have been designed to mitigate visual impacts. The University is proposing that the colors for the roofs, trims, exterior surfaces, retaining walls, and other structures authorized by this permit shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones. Therefore, in order to ensure that the applicant’s proposal is adequately implemented and to ensure that adverse impacts to public views from Phelps Road, Storke Road, and from the existing trail system on the “North Site” and “South Parcel” are minimized, **Special Condition Sixteen (16)** of both NOID 1-06 and CDP 4-06-097 requires that all development on these sites occur consistent with the proposed color palette submitted by the University as part of this application. Alternative colors or materials for future repainting or resurfacing may only be applied to the structures authorized by NOID 1-06 and CDP 4-06-097, if such changes are specifically authorized by the Executive Director as complying with this special condition.

Visual impacts associated with proposed grading, and the structures themselves, can be further reduced by the use of appropriate and adequate landscaping. Therefore, **Special Condition Fifteen (15)** of both NOID 1-06 and CDP 4-06-097 require the applicant to prepare a landscape plan using native, noninvasive plant species to ensure that the vegetation on site remains visually compatible with the native flora of surrounding areas. Implementation of **Special Condition Fifteen (15)** will soften the visual impact of the development from public view areas including public roads, trails, and open space areas. To ensure that the final approved landscaping plans are successfully implemented, Special Condition Fifteen (15) also requires the applicant to revegetate all disturbed areas in a timely manner and includes a monitoring component to ensure the successful establishment of all newly planted and landscaped areas over time.

Currently, nighttime conditions on the undeveloped portions of the “North Campus” where the proposed residential development would be located are minimally affected by surrounding lighting. The existing residentially developed neighborhood located north of Phelps Road causes only a minor intrusion of night lighting on the “North Site.” In past actions, the Commission has found that night lighting of open space areas creates a visual impact to nearby scenic roads and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Therefore, **Special Condition Eleven (11)** of both NOID 1-06 and CDP 4-06-097 outlines lighting restrictions within the new proposed residential developments. **Special Condition Eleven (11)** of both NOID 1-06 and CDP 4-06-097 requires the University to submit final light plans prior to commencement of development, for the review and approval of the

Executive Director, that all exterior night lighting installed on the project sites shall be of low intensity, low glare design, and shall be shielded to direct light downward onto the subject site(s) and prevent spill-over onto adjacent parcels, including all public open space areas. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting. The lighting plan shall show the locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture, the lighting specifications, and the height of the fixtures. The plan shall be designed in particular to avoid lighting impacts to the open spaces and wetland habitat. The restriction on night lighting is necessary to protect the nighttime rural character and open space of this portion of the bluffs consistent with the scenic and visual qualities of this coastal area as consistent with both the policies of the LRDP and the Coastal Act.

Furthermore, to ensure compliance with the visual mitigation requirements set forth in this permit, the Commission finds that all such requirements, including structural appearance, landscaping, and lighting restrictions, shall be incorporated into the covenants, conditions and restrictions (CC&R's) for the "North Site" faculty housing development pursuant to **Special Condition Seventeen (17)** of both CDP 4-06-097 and NOID 1-06. In addition, **Special Condition Eighteen (18)** of both CDP 4-06-097 and NOID 1-06 requires the University to include all special conditions of the CDP and NOID on the proposed Tract Map for the "North Site" Faculty Housing Project. Finally **Special Condition Twenty Eight (28)** requires the University to submit, for the review and approval of the Executive Director, documentation demonstrating that the University has recorded a deed restriction (incorporating all conditions of NOID 1-06 and CDP 4-06-097) on both the "North Site" and the "Storke-Whittier Site" in the event that these properties are ever sold to entities outside the University.

As discussed above the proposed project, including the transfer of development potential from the Ellwood Mesa to a location nearer existing development and away from the bluff top, would concentrate development in a manner that is most protective of visual and scenic resources. There are no alternative building sites on the property that would further minimize visual impacts while allowing for the transfer of development to occur. The proposed project, as conditioned, will not result in a significant adverse impact to scenic public views or character of the surrounding area. Therefore, the Commission finds that the proposed LRDP Amendment, as modified, and related coastal development permit application and notice of impending development, as conditioned, are consistent with Section 30251 of the Coastal Act and the applicable policies of the LRDP with regards to visual resources.

Therefore, the Commission finds that the proposed LRDP Amendment, as modified, and related coastal development permit application and notice of impending development, as conditioned, are consistent with the sections of the Coastal Act and the applicable policies of the LRDP with regards to visual resources.

## K. HAZARDS AND GEOLOGIC STABILITY

Section 30232 of the Coastal Act, as incorporated into the certified LRDP, states:

***Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.***

Policy 30232.5 proposed in the subject LRDP Amendment states:

***If contaminated soil and/or groundwater is encountered during excavation and/or grading activities on North and West Campuses except in the location of the Venoco Co leased property,***

- ***The construction contractor(s) shall stop work and immediately inform the EH&S;***
- ***An on-site assessment shall be conducted to determine if the discovered materials pose a significant risk to the public or construction workers;***
- ***If the materials are determined to pose such a risk, a remediation plan shall be prepared and submitted to the EH&S to comply with all federal and State regulations necessary to clean and/or remove the contaminated soil and/or groundwater;***
- ***Soil remediation methods could include, but are not necessarily limited to, excavation and on-site treatment, excavation and off-site treatment and disposal, and/or treatment without excavation;***
- ***Remediation alternatives for cleanup of contaminated groundwater could include, but are not necessarily limited to, on-site treatment, extraction and off-site treatment, and/or disposal; and***
- ***The construction schedule shall be modified or delayed to ensure that construction will not inhibit remediation activities and will not expose the public or construction workers to significant risks associated with hazardous conditions.***

Section 30253 of the Coastal Act, as incorporated into the certified LRDP, states in pertinent part that new development shall:

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

***(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding***

***area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

Coastal Act Section 30236, which the University has proposed for inclusion into the certified LRDP, states:

***Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.***

The LRDP contains several policies to ensure that new development minimize risks to life and property and assure structural stability and integrity consistent with Section 30253 of the Coastal Act which has been included in the certified LRDP. Policy 30253.12 requires that surface and sub-surface drainage pipes shall be designed to minimize bluff erosion and to prohibit the installation of new drainage devices over bluff faces if drainage can be directed landward of the bluff face. In addition, Policy 30253.1 of the LRDP requires that new buildings shall not be located on or near any faults. Further, Policy 30253.2 of the LRDP requires that subsurface and geotechnical studies be conducted to ensure structural and geologic stability. Proposed Policy 30232.5 also provides for noticing, testing, and remediation requirements should contaminated soils be found during grading activities on campus.

### **Geologic Stability**

The proposed North and West Campuses are located in the western portion of the transverse ranges geomorphic and structural province. This province is characterized by east-west trending faults, folds mountain ranges, and valleys. According to the Final EIR completed for the project in 2004 and updated in 2006, at least three major fault zones cross the North and West Campuses. The North Branch More Ranch crosses both the North Parcel and Storke-Whittier properties. Both the North Parcel and Storke-Whittier properties also have small areas subject to liquefaction and mass movements. No structures are proposed over the areas with potential for liquefaction and mass movement.

As discussed previously, the University is proposing various improvements to the North and West Campuses, including construction of the North Campus Faculty Housing Development and Sierra Madre Family Student Housing Development. In addition, the University is proposing to construct a new bridge on Phelps Creek, reconstruct and restore Phelps Creek, and replace an existing culvert in Devereux Creek.

As required by Policy 30253.2 of the LRDP, the University has submitted fault evaluation, soils, and geotechnical reports for the North Campus Faculty Housing and Sierra Madre Family Student Housing prepared by Fugro West, Inc. (dated February, 2004 and January 2004 respectively). In these reports, the geotechnical consultants state that the proposed developments are located at least 50 feet from any active faults

and can be designed to ensure protection from geotechnical hazards, assuming that their recommendations on design of the developments are implemented. The Commission notes that the geologic and engineering consultants have included a number of geotechnical recommendations which will increase the stability and geotechnical safety of the site. To ensure that the recommendations of the geotechnical consultants are incorporated into the project plans, the Commission finds it necessary to require the applicant, as required by **Special Condition Twelve (2)**, to submit project plans certified by the consulting geologic and geotechnical engineering consultant as conforming to their recommendations.

Additionally, **Special Conditions Thirteen (13)** and **Thirty Three (33)** of the NOID and CDP require the University to submit interim erosion control plans which provide for the stabilization of all temporary stockpiled fill and disturbed areas on site and to utilize all best management practices including, but not limited to, the installation of temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing during construction activity to minimize erosion on the project site. Further, **Special Conditions Fourteen (14)** and **Fifteen (15)** of the CDP and NOID require the University to submit Water Quality Management Plans and Landscaping Plans for the proposed developments to ensure that all disturbed areas are stabilized with native vegetation and runoff from the developments is properly conveyed and treated before entering nearby stream systems.

The Commission notes that because there remains some inherent risk in building adjacent to faults and other geologic hazards, the Commission can only approve the project if the University assumes the liability from the associated risks as required by **Special Condition Nineteen (19)** of the NOID and CDP. The assumption of risk will show that the University is aware of and appreciates the nature of the hazards that exist on the property, including earth movement, liquefaction, mass movement, and flooding, and that the University agrees to assume any liability for these hazards.

The project is therefore consistent with Section 30253, as well as other LRDP policies concerning geotechnical stability.

### **Flooding**

In past actions, the Commission has found that the placement of fill or permanent structures in a floodplain significantly alters flood flows and therefore is inconsistent with Coastal Act section 30236. On the other hand, structures that can accommodate periodic inundation without being damaged and do not cause flood waters to be redirected can be found consistent with 30236. Additionally, Section 30253 requires the University to minimize risks to life and property in areas of high flood hazard.

According to FEMA Flood Insurance Maps and studies conducted by Schaaf and Wheeler (2001) and Parker (2003) of the project area, the 100 year floodplain of Phelps and Devereux Creeks extends across a significant portion of the North Parcel and Storke Whittier properties as shown in Exhibit 9. The proposed project would include

development of residential housing and the Phelps Creek Bridge within the 100 year floodplain. Additionally, the Phelps Creek Restoration Project and Devereux Culvert Replacement Projects would all occur within the 100-year floodways of Phelps and Devereux Creeks.

The University has submitted several hydrologic and sediment studies for the project prepared by Schaaf and Wheeler, Consulting Civil Engineers dated June 2, 2006; July 12, 2006; September 18, 2006; and August 10, 2006. The civil engineering consultants, in their June 2, 2006 report on the project state:

***The impact of the site development {residential developments} and proposed bridges on the 100-year flow velocity....is minimal and tends to decrease the channel velocity from existing conditions...***

***The Devereux Creek watershed is currently highly developed, with both urban development and highly managed undeveloped space, such as golf courses and agricultural usage. Based on field assessment observations gathered by Schaaf and Wheeler and supported by data from District records, the primarily source of sediment in the creek is erosion within the creek itself.***

***The UCSB proposed housing projects include construction of two bridges: the Phelps Creek Bridge at Marymount Way within the North Campus Faculty Housing site, and the Devereux Slough culvert, a replacement of the existing dip crossing at Devereux Creek and Devereux Slough. Schaaf and Wheeler has found that the preliminary plans for the Phelps Creek Bridge ensure that the bridge does not infringe on the 100-year floodway, and no associated contraction scour. Schaaf and Wheeler does recommend, however, that basic scour protection measures be employed at the faces of the bridge and creek banks below the bridge, to protect from potential scour due to long-term velocity increases and overland flow.***

***The Devereux Slough culvert is intended to function in a similar hydraulic manner as the existing culvert, in that it will be submerged during high-flow events. Based on the field investigation, there is an approximate 4-foot drop between the culvert invert and the South invert. Schaaf and Wheeler strongly recommends that grade control measures be taken to prevent head cutting of Devereux Creek when the existing culvert is removed. Ensuring that the Armortec bed is protected from undercutting, especially in Devereux Slough, will protect Devereux Creek from head cutting.***

All of the recommended erosion and flood control measures mentioned above have been incorporated into the design of the bridges. In addition, a later report by Schaaf and Wheeler (September 2006) on the reconstruction of Phelps Creek states that the current design of the Phelps Creek Reconstruction project will stabilize Phelps Creek, reduce erosion, and increase flood capacity of Phelps Creek. Further, the University has included in its design of the housing developments to build all structures at least two feet above the 100-year floodplain. During a flood event, the areas around the housing structures may pond, but it is unlikely that the direct flow of the river or floodway

for the creeks will reach the proposed structures. The Commission, therefore, finds that the proposed development will be reasonable safe from flood hazards. Additionally, the development is unlikely to negatively impact stream flows and flood hazards in the area.

The Commission notes that because there remains some inherent risk in building in the floodplain, the Commission can only approve the project if the University assumes the liability from the associated risks as required by **Special Condition Nineteen (19)** of the NOID and CDP. The assumption of risk will show that the University is aware of and appreciates the nature of the hazards that exist on the property, including flooding, and that the University agrees to assume any liability for these hazards. The project is therefore consistent with Section 30253 and 30236, as well as other LRDP policies concerning flooding hazards.

### **Wildfire Hazard**

The subject lot is located within an area subject to wildfire hazards due to its proximity to undeveloped open space areas. The project site is not located in a State or local zone of high fire hazard. Intensified use of the site as proposed, though, would introduce new potential ignition sources in the area, increase use of flammable devices such as matches, lighters, and barbecues, and increase the potential for utility line arcing. The UC Campus Fire Marshal, Chris Wiesen, has reviewed the proposed project plan. In a letter to Commission staff dated September 26, 2006, Mr. Wiesen states:

***As a California State Fire Marshall and the Authority Having Jurisdiction, it is my duty and responsibility to review and approve all plans and specifications for this project as it continues through the review process. It is also my responsibility to assure that the North Campus Faculty Hosing project is fully compliant with all applicable Fire and Life Safety Codes and Regulations, and thus ensure the safety and well being of life and property for future site residents and visitors. As I indicated previously, Santa Barbara County Fire Department records show the North Campus Housing projects are located in a low fire hazard zone, and would not require any fuel hazard mitigation of any kind. I concur with this assessment, and have determined that no fuel hazard mitigation is required for this project.***

Therefore, the commission finds that the proposed project is consistent with Section 30253 of the Coastal Act and the applicable hazard policies of the LRDP.

### **Contaminated Soils**

Section 30253 of the Coastal Act provide that hazards to life and property must be limited to the extent feasible. Section 30232 of the Coast Act further provides for the protection of coastal resources from the spillage of oil and other hazardous substances. LRDP Policies 30232.1 to 30232.4 provide for several best management practices to limit contamination of campus property by spillage of hazardous substances. The University has proposed all of these measures be employed with the construction of the North and West Campuses projects

The North and West Campuses are located in areas of past and present oil and gas development. Petroleum hydrocarbon and petrochemical contaminants can be associated with past oil drilling activities. Potential impacts to soil and groundwater could have resulted from historic oil wells, tanks, flowlines, or sumps, and other oil field-related equipment. Additionally, historically abandoned oil wells are located adjacent to the west bank of Phelps Creek on the North Parcel and a few locations on West Campus Mesa and the existing West Campus Family Student Housing sites. Given the age of these wells and when they were abandoned, it is possible that any contaminated soils associated with these wells may not have been remediated when the wells were abandoned. While no grading is currently proposed at the sites of these abandoned oil wells and no other known oil and gas or contaminated sites exist in the project area, it is possible due to the past history of the area that contaminated soils or abandoned oil and gas infrastructure may be discovered upon grading of the project sites.

The University in LRDP Amendment 1-06 has proposed the abovementioned Policy 30232.5 to provide for notification of local agencies, site testing, and site remediation if contaminated soils are encountered during construction. In order to incorporate these provisions into the subject NOID and to protect construction workers and the public from exposure to contaminants, the Commission, therefore, requires **Special Condition Twenty Six (26)** of the NOID and CDP. This special condition requires the University to have an environmental resource specialist monitor all grading activities in areas with potential for discovery of abandoned oil wells or contaminated soils. In the event that any oil related structures or potentially contaminated soils or groundwater are encountered, all work shall be halted and an appropriate testing and/or remediation plan development that would be subject to the review and approval of the Executive Director.

The LRDP Amendment and CDP, as modified and conditioned, are consistent with all policies of the Coastal Act related to geologic stability and hazards. The proposed NOID, as conditioned, is consistent with all policies of the LRDP related to geologic stability and hazards.

## L. ARCHAEOLOGICAL RESOURCES

Coastal Act Section 30244 of the Coastal Act, as incorporated in the LRDP, states that:

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

Policy 30244.1 of the certified LRDP states:

***All available measures shall be explored to avoid development which will have adverse impacts on archaeological resources.***

Policy 30244.2 of the certified LRDP states:

***The Office of Public Archaeology, Department of Anthropology and Native Americans will be consulted when development may adversely impact archaeological resources.***

Policy 30244.3 of the certified LRDP states:

***When development is proposed for areas where archaeological resources are affected, the project will be designed to minimize impacts on such resources.***

Policy 30244.4 of the certified LRDP states:

***During any grading and other activities that may result in ground disturbance on archaeological sites, a non-University of California affiliated archaeologist recognized by the State Office of Historic Preservation and Native American representative shall be present.***

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

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

The project site is largely undeveloped and due to its favorable location along the coast, may have been the site of pre-European occupation by Native Americans. Accordingly, it is possible that archaeological/cultural deposits may exist on the site such as skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, paleontological artifacts, or other artifacts. The Final Environmental Impact Report (FEIR) for the Faculty and Family Student Housing, Open Space Plan, and LRDP Amendment prepared by EIP Associates dated September 2004 indicates the following analysis with regard to archaeological resources:

*This section summarizes the previously recorded archaeological sites and previous surveys by project sub-area within the overall North Campus area. The entire project area has a high potential for the occurrence of archeological sites.*

*There are no previously recorded archaeological sites located in the North Parcel area. No previous surveys have been conducted in this sub-area. Prior to the beginning of any undertaking in this area, an archaeological survey would be required.*

*There are two previously recorded archaeological sites located on the South Parcel: CA-SBA-1194 and 1195. The northern edge of Site CA-SBA-1327 also extends into this area.*

*There is one previously recorded archaeological site located in part on the Storke-Whittier Parcel: CA-SBA-51.*

Further, the FEIR included a mitigation measure requiring that a non-University affiliated archaeologist and Native American be retained to monitor all grading activities. The FEIR also included a mitigation measure that requires that in the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the University shall immediately notify the Santa Barbara County Coroner of the find and comply with all legally required provisions with respect to Native American involvement, burial treatment, and re-burial, if necessary.

In addition, the policies of the LRDP require that an independent archaeologist and Native American representative must be present during any grading activity which has the potential to result in adverse effects to archaeological resources. In addition, the Commission finds that potential adverse effects to archaeological/cultural resources may occur due to inadvertent disturbance during project activities. Therefore, to ensure that potential adverse effects to archaeological resources are adequately mitigated during the construction of the proposed development, consistent with the policies contained in the certified LRDP and Section 30244 of the Coastal Act, **Special Condition Four (4)** of both NOID 1-06 and CDP 4-06-097 requires the University to submit, for the review and approval of the Executive Director, an archaeological monitoring plan prepared by a qualified professional, that provides that if any cultural deposits are discovered during project construction, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, the University shall carry out significance testing of said deposits and, if cultural deposits are found to be significant, additional investigation and mitigation in accordance with this special condition including all subsections. If any cultural deposits are discovered, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, all construction shall cease in accordance with subsection B. of this special condition and the University shall notify the Executive Director;

In addition, **Special Condition Four (4)** of both NOID 1-06 and CDP 4-06-097 also requires the University to ensure that an archaeologist(s) and appropriate Native American consultant(s), with qualification acceptable to the Executive Director, shall be present on-site during all grading activities. If human remains are encountered, the University shall comply with applicable State and Federal laws. In the event that cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, is discovered during the course of the project, all construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this condition shall cease and shall not recommence except as provided in subsection C and other subsections of this special condition. In general, the area where construction activities must cease shall be 1) no less than a 50 foot wide buffer around the cultural deposit; and 2) no more than the residential enclave or commercial development area within which the discovery is made.

Therefore, the Commission finds that the proposed LRDP Amendment, as modified, and related coastal development permit application and notice of impending development, as conditioned, are consistent with Section 30244 of the Coastal Act and the applicable policies of the LRDP with regards to archaeological resources.

## **M. NEW DEVELOPMENT AND CUMULATIVE IMPACTS**

Section 30250(a) of the Coastal Act, as included in the certified LRDP, states:

***New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.***

Policy 30251.5 of the certified LRDP states:

***New structures on the Campus shall be in general conformance with the scale and character of surrounding development. Clustered developments and innovative designs are encouraged.***

Section 30252 of the Coastal Act, as included in the certified LRDP, states:

***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.***

In past actions, the Commission has reviewed land division applications to ensure that newly created or reconfigured parcels are of sufficient size, have access to roads and other utilities, are geologically stable and contain an appropriate potential building pad area where future structures can be developed consistent with the resource protection policies of the Coastal Act. In particular, the Commission has ensured that future development on new or reconfigured lots can minimize landform alteration and other visual impacts, and impacts to environmentally sensitive habitat areas. Section 30251 of the Coastal Act, as included in the certified LRDP, also requires that new development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area. In addition, Policy 30251.5 of the certified LRDP also requires that new structures shall be in general conformance with the scale and character of surrounding development and shall be designed in a manner that clusters development to the maximum extent feasible in order to reduce adverse impacts to coastal resources.

The proposed project would serve to cluster all new proposed residential development in areas that are adjacent to existing urban development and allow for the protection of the open space areas on the "South Parcel" and other bluff areas adjacent to the Coal Oil Point Reserve. The proposed project site includes both the "North Site" and the "Storke-Whittier Site," where the University is proposing to construct new faculty and student housing as part of the proposed LRDP Amendment and the related NOID and CDP. Both of these sites are currently vacant and undeveloped. In addition, both sites where residential development will occur are visible from several public viewing locations including Phelps and Storke Roads and from the trail system which runs across both the "North Site" and "South Parcel." The "North Site" is fronted by Phelps Road along its northern property line. The area on the opposite side of Phelps Road to the north of the "North Site," is densely developed with existing residential development including a mix of single family residences, condominiums, and townhomes. Pursuant to the County's certified LCP, the neighboring residential areas are zoned for a mix of residential development including single family residences, townhomes, and condominiums with a limit on the maximum height of new structures to no more than 35 ft. in height. In addition, an existing golf course is located immediately south of the "North Site." The "South Parcel," which is also vacant and undeveloped is located immediately south of the golf course. The area to the west of the "North Site" is also undeveloped and is primarily vegetated with a eucalyptus windrow which is designated as ESHA by the certified Santa Barbara County LCP and provides potential habitat for both raptors and monarch butterflies.

The proposed student-residential housing development on the "Storke-Whittier Site" is located within an area that is already substantially built-out with existing development. The "Storke-Whittier Site" is fronted by Storke Road to the east. An existing student dormitory named the "Francisco Torres" Tower, a high-rise dormitory, is located to the east of the project site on the opposite side of Storke Road, and is highly visible from all

public viewing locations. In addition, the “Storke-Whittier Site” is immediately adjacent to existing University Faculty housing (which are located immediately to the south) and the existing golf course (located immediately to the west). In addition, although not part of this application, a separate application for a coastal development has been submitted by a private property owner for the construction of a total of 58 residential dwelling units clustered on approximately 6.5 acres on a portion of the Golf Course Property immediately adjacent to the University’s proposed housing project on the Storke-Whittier Site.”

The primary component of the proposed project is to transfer all development potential from the “South Parcel” to the “North Site” and “Storke-Whittier Site.” In order to ensure that the University’s proposal to retire the development potential on the “South Parcel” is adequately implemented, **Special Condition Three (3)** of both NOID 1-06 and CDP 4-06-097, has been required. **Special Condition Three (3)** of both NOID 1-06 and CDP 4-06-097 specifically requires the University to record an offer to dedicate a conservation easement for habitat protection and the provision of public access and passive recreational uses across the entire “South Parcel.” The transfer of development potential from the 68.7-acre “South Parcel” to the 26.3-acre “North Site” and the 14.8-acre “Storke-Whittier Site” results in the clustering of development adjacent to existing developed urban areas and away from the undeveloped open space areas along the bluffs and Coal Oil Point Reserve/Devereux Lagoon area to an area immediately adjacent to existing development, adjacent to the existing Phelps Road, an existing residentially developed neighborhood, and the existing Sandpiper Golf Course. Thus, as designed to cluster develop adjacent to existing urbanized areas to the maximum extent feasible, as consistent with both Section 30250 of the Coastal Act and Policy 30251.5 of the certified LRDP, the Commission finds that the proposed transfer of all development potential from the “South Parcel” to the “North Site” will cluster development in a location that would avoid significant adverse effects on coastal resources and result in greater protection of coastal resources overall.

The proposed project includes the development of the “North Site” with the North Campus Faculty Housing project which involves the construction of 172 new residential units on the site. The residential development will include a mix of new single family residence and multi-family town homes. In addition, although the University will retain ownership of the underlying land, the project also involves the effective subdivision of the “North Site” in order to allow for the sale of the individual units, similar to condominiums. However, the University has not submitted a tract map adequate to implement such a division. Therefore, in order to ensure that the proposed division of land is consistent with terms and conditions of the approved LRDP Amendment and the related NOID and CDP, **Special Condition Eighteen (18)** requires that the University, prior to commencement of development on either the North Campus Faculty Housing (and prior to recordation of any tract maps or record of survey associated with the approved project) to submit the final tract map or record of survey to the Executive Director for review and approval. The Executive Director’s review shall be for the purpose of insuring compliance with the standard and special conditions of notice of impending development 1-06 and coastal development permit 4-06-097. In additions, the restrictions on use of the land cited within the special conditions of notice of

impending development 1-06 and coastal development permit 4-06-097 and the CC&Rs developed pursuant to **Special Condition Sixteen (16)** shall be identified on the tract map or record of survey.

In addition, the Commission notes that access to and around the proposed new “North Campus” (including the 323 residential units proposed for the new faculty and student housing developments on the “North Site” and “Storke-Whittier Site”) is provided by several major roadways including U.S. Highway 101, Hollister Avenue, Storke Road, El Colegio Road, Los Carneros Road, Phelps Road, Pacific Oaks Road, Cannon Green Drive, Whittier Drive, and Marymount Way. The Final Environmental Impact Report (FEIR) for the project prepared by the EIP Associates, dated September 2004, analyzes the potential impacts of the project on roadways and transit in the area. According to the FEIR, portions of El Colegio Road and Los Carneros Road currently operate below the City and County standards for average daily traffic volume and levels of service. Additionally, the intersections of Stoke Road and Hollister Avenue and Los Carneros Road and El Colegio currently operate below City and County standards for level of service.

The FEIR uses County and City standards for evaluation of impacts to roadways in the vicinity of the project. According to this analysis, the proposed project, in light of cumulative impacts of neighboring developments, would significantly impact the use and congestion on El Colegio Road, Los Carneros Road, Storke Road south of Whittier Drive, and Storke Road north of Hollister Avenue. Additionally, the FEIR identifies significant impacts to the intersection of Storke Road and Hollister Avenue and Los Carneros Road and El Colegio Road. The FEIR further identifies several measures to mitigate these potential impacts to less than significant levels, including modifications to El Colegio Road, widening of Storke Road, and improvements at the abovementioned intersections. All of these improvements require permitting, authorizations, and financial contributions from the City of Goleta, County of Santa Barbara, and the University. These agencies have, therefore, been developing a memorandum of understanding (MOU) concerning the needed improvements and the “fair share” of funding required of each agency. As of the date of this staff report, the University has not yet reached final agreement with the City and County regarding a final MOU for the “fair share” improvements.

The Commission finds that without the necessary intersection and roadway improvements, the proposed project is not consistent with LRDP Policy 30211.1 and the relevant portions of the Coastal Act since the development will contribute additional vehicle traffic to coastal routes that already exceed capacity. Therefore the Commission finds that **Suggested Modification 10.b.** to the LRDP Amendment is necessary to ensure that the University pays its fair share of costs to the City of Goleta and/or County of Santa Barbara to implement needed improvements to roadways as consistent with the development and access sections of the Coastal Act. In addition, in order to ensure that the proposed development is consistent with both policies of the LRDP and the Coastal Act, **Special Condition Twenty Four (24)** of both the CDP and NOID specifically require the University to submit, for the review and approval of the Executive Director, final memorandums of understanding approved by the City of

Goleta, County of Santa Barbara, and the University for the University's payment of its fair share of funding for the road improvements described in the Final EIR for the proposed project.

In addition, the Commission finds that incorporating provisions for alternative methods of transportation, such as mass transit and bussing, as part of new, large residential subdivision and housing developments (such as the proposed student and faculty housing projects which will result in 323 new residential units) serves to minimize adverse impacts to existing infrastructure, including roadways from increased traffic, consistent with the provisions and policies of both the certified LRDP and the Coastal Act. The University is proposing construction of new bike lanes and routes throughout the North and West Campus to Main Campus. In Addition, the Commission notes that the existing bus service of the Metropolitan Transit District (MTD) also currently services the Main Campus from the "Storke-Whittier Site" along Storke Road, but does not contain any bus stops or service to the "North Site" Faculty Housing Project. Additionally, no bus stops are currently provided close to the proposed family student housing development. Therefore, **Suggested Modification 10.a.**, requires the University to cooperate with MTD to ensure that regular bus or shuttle service is provided between the proposed faculty and student housing developments on the North and West Campus to Main Campus consistent with public access and new development policies of the Coastal Act. In addition, **Special Condition Twenty Five (25)** of the NOID and CDP specifically require the University to submit, for the review and approval of the Executive Director, a transit plan for the planned faculty and student housing developments prior to occupancy of the developments, consistent with the public access and new development policies of both the certified LRDP and the Coastal Act. The transit plan must include details on planned bus or shuttle stops, frequency of service, and hours of service. The transit plan shall provide sufficient bus or shuttle service to allow residents to regularly travel to the Main Campus from the residential developments on a daily basis year round.

Therefore, the Commission finds that the proposed LRDP Amendment, as modified, and related coastal development permit application and notice of impending development, as conditioned, are consistent with the sections of the Coastal Act and the applicable policies of the LRDP with regards to new development.

## **N. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

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, Notices of Impending Development for compliance with CEQA. In addition, Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications and Notices of Impending Development to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (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. 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. Section 21080.5(d)(1) of CEQA and Section 13540(f) of the California Code of Regulations require that the Commission not approve or adopt a LRDP, "...if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

For the reasons discussed in this report, the LRDP amendment, as submitted is inconsistent with the intent of the applicable policies of the Coastal Act and feasible alternatives are available which would lessen any significant adverse effect which the approval would have on the environment. The Commission has, therefore, modified the proposed LRDP amendment to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed amendment into conformity with the Coastal Act. Therefore, the Commission finds that the LRDP amendment, as modified, is consistent with CEQA.

The Commission has also imposed conditions upon the Notice of Impending Development and coastal development permit to include such feasible measures as will reduce environmental impacts of new development. The Commission incorporates its findings on Coastal Act and LRDP consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development approved by this NOID, and coastal development permit, as conditioned, is consistent with the both the policies of the certified LRDP and Coastal Act. Feasible mitigation measures which will minimize all adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that both Coastal Development Permit and Notice of Impending Development as conditioned herein, are consistent with CEQA, the Coastal Act, and the applicable provisions of the Long Range Development Plan.