

CALIFORNIA COASTAL COMMISSION

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DATE: October 8, 2009

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director
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SUBJECT: **Proposed Major Amendment 1-09** to the UCSB Certified Long Range Development Plan (LRDP) and **Notice of Impending Development (NOID) 1-09** for the Ocean Science Education Building, for Public Hearing and Commission Action at the October 8, 2009, Commission Meeting in San Diego.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **approve** Long Range Development Plan Amendment 1-09 to the certified Long Range Development Plan, with two suggested modifications, and **approve** Notice of Impending Development 1-09 as conditioned. Staff is recommending eight special conditions for Notice of Impending Development 1-09 regarding: 1) Consistency with LRDP, 2) Replacement of Existing Bicycle Parking, 3) Signage Plan, 4) Landscaping Plan, 5) Interim Erosion Control Plans, 6) Drainage and Pollution Control Runoff Plan, 7) Plans Conforming to Geological Recommendation, and 8) Bird Nesting Protection Program. ***The appropriate motions and resolutions are located on page 4 through 6.***

The University of California at Santa Barbara (UCSB or University) is requesting Commission certification of an amendment to the University's certified Long Range Development Plan (LRDP) to revise Figure 12 (Potential Building Locations) and Figure 20 (Bicycle Route Network) to allow for the construction of the Ocean Science Education Building (OSEB). In addition, the University has submitted the related Notice of Impending Development (NOID) 1-09 to implement construction of the OSEB. The LRDP Amendment, the Amendment, was filed as complete pursuant to Section 13549 of the California Code of Regulations on May 29, 2009. The NOID shall not be deemed filed as complete until the Commission has acted on the subject LRDP Amendment. According to Section 13530 of the California Code of Regulations, the Commission has 90 days from the date of filing to act on the LRDP Amendment. The 90th day after filing

the complete submittal was August 27, 2009. Pursuant to Section 30517 of the Coastal Act and California of Regulation Section 13535(c) state that the Commission may extend for good cause the 90-day time limit for a period not to exceed one year. At its July 8, 2009 meeting, the Commission extended the time limit to act on this LRDP amendment for a period not to exceed one year.

The Ocean Science Education Building project (LRDPA 1-09 and NOID 1-09) consists of the construction of a 31 ft. high, two-wing, two-story, 7,979 sq. ft. site area (9,730 assignable square-feet) building, the relocation of approximately 260 linear feet of an existing Class I bicycle path, the relocation of an existing service road, a bus turnout, sidewalks, courtyard, landscaping, and grading (280 cubic yards cut and 230 cubic yards fill) at the University of California, Santa Barbara. The project is located in a developed portion of Main Campus and would not result in a net increase in enrollment or building area on this campus.

The standard of review for the proposed LRDP amendment is the Chapter 3 policies of the Coastal Act. The standard of review for the related NOID is the policies of the certified LRDP. The LRDP Amendment is consistent with the Chapter 3 policies of the Coastal Act as modified. The related NOID, subject to nine special conditions, is consistent with the policies of the certified LRDP.

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Substantive File Documents: “Final Initial Study Mitigated Negative Declaration,” prepared by URS Corporation, October 2008; “Adoption of mitigated negative declaration, amendment of Long Range Development Plan, and approval of design, Ocean Science Education Building Phase I, Santa Barbara Campus,” UC Regents, November 18, 2008; “Geotechnical Report, Ocean Science Education Building, University of California, Santa Barbara,” prepared by Fugro West Inc., January 2006; and “Geotechnical Engineering Consultation, Ocean Science Education Building, University of California, Santa Barbara,” prepared by Fugro West Inc., March 31, 2009; University of California, Santa Barbara, 1990 Long Range Development Plan; Vision 2025 UCSB LRDP EIR; Notice of Impending Development 98-2 and Notice of Impending Develop 3-01, Marine Science Research Building.

I. PROCEDURAL REQUIREMENTS

A. STANDARD OF REVIEW

LRDP Amendment:

The standard of review for the proposed amendment to the certified LRDP, 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.

Pursuant to Section 13551(b) of the California Code of Regulations, the University resolution for submittal must indicate whether the LRDP amendment 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 LRDPA 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.

Pursuant to CCR Section 13550(b)-(d), 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.

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. Notice of the subject amendment has been distributed to all known interested parties.

II. STAFF RECOMMENDATION: MOTIONS & RESOLUTIONS

A. LRDP AMENDMENT 1-09: DENIAL AS SUBMITTED

MOTION I: *I move that the Commission certify the University of California at Santa Barbara Long Range Development Plan Amendment 1-09 (Ocean Science Education Building) as submitted.*

STAFF RECOMMENDATION FOR CERTIFICATION OF LRDP AMENDMENT:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the Long Range Development Plan 1-09 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 University of California at Santa Barbara Long Range Development Plan Amendment 1-09 and adopts the findings stated below on the grounds that the amendment as submitted is inconsistent with Chapter 3. 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 1-09: CERTIFICATION WITH SUGGESTED MODIFICATIONS

MOTION II: *I move that the Commission certify the University of California at Santa Barbara Long Range Development Plan Amendment 1-09 (Ocean Science Education Building) 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 1-09 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 1-09 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 1-09: APPROVAL WITH CONDITIONS

MOTION III: *I move that the Commission determine that the development described in the Notice of Impending Development 1-09 (Ocean Science Education Building) 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 1-09 as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan as amended pursuant to LRDP Amendment 1-09, 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 1-09, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan, as amended pursuant to LRDP Amendment 1-09 for the reasons discussed in the findings herein.

**III. SUGGESTED MODIFICATIONS TO LRDP AMENDMENT
1-09**

The staff recommends that the Commission certify the following, with two modifications as shown below.

1. Potential Building Location

Revise Figures 17, 18, 19, 20, 21, and 22 of the LRDP (which identify potential building locations) to show the amended footprint of Potential Building Site 25 consistent with the proposed changes to Figure 12 of the LRDP as shown in Exhibit 3.

2. Bicycle Parking and Transit

Revise Figure 11 of the LRDP (which identifies the campus bicycle route network) to show the amended Bicycle Route Network consistent with the proposed changes to Figure 20 of the LRDP as shown in Exhibit 4. Additionally, the existing bicycle parking facilities on the "Ocean Science Education Building" shall be relocated as shown on Exhibit 4. The relocated bicycle parking facilities shall provide for a minimum of 78 rack bicycle parking spaces and 12 bicycle locker spaces as shown on Exhibit 4.

IV. NOID 1-09 SPECIAL CONDITIONS

1. Consistency with LRDP

Prior to the commencement of any development, certification of the Long Range Development Plan Amendment 1-09 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. Replacement of Existing Bicycle Parking

Prior to the commencement of development of the Ocean Science Education Building Project, the University shall submit final plans, for review and approval by the Executive

Director, for the replacement of at least 78 rack bicycle parking spaces and 12 lockers at the proposed bicycle parking adjacent to the Biological Sciences II building

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, unless the Executive Director determines that no new notice is needed. The University shall complete installation/construction of all 90 new replacement bicycle parking spaces prior to occupancy of the Ocean Science Education Building.

3. Signage Plan

Prior to the commencement of development of the Ocean Science Education Building Project, the University shall submit final plans, for review and approval by the Executive Director, for an adequate signage plan. The plan must address a strict vehicular speed limit for service vehicles and direct bicyclists to all available routes; Lagoon Road (Class III) and the reconfigured Class I path. In addition, adequate signage must be posted to bicyclists, warning them of potential vehicular use on the access road. Adequate signage must also be posted restricting the vehicular access to service and emergency vehicles only and a warning of potential oncoming bicyclist traffic.

4. Landscaping Plan

Prior to the commencement of development of the Ocean Science Education Building Project, the University shall submit a final landscaping plan, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plan shall incorporate the following criteria:

- (a) All disturbed areas on the project site shall be planted and maintained for erosion control purposes within (60) days after construction of the Ocean Science Education Building is completed. To minimize the need for irrigation all landscaping shall consist primarily of native/drought resistant plants. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive 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.
- (b) Plantings will 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.
- (c) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

5. Interim Erosion Control Plans

Prior to commencement of development on the Ocean Science Education Building Project, the University shall submit two (2) final sets of interim 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.

6. Drainage and Polluted Runoff Control Program

Prior to commencement of development on the Ocean Science Education Building Project, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and

approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- a) Selected 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 runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- b) Runoff shall be conveyed off site in a non-erosive manner.
- c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.
- e) 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 amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Plans Conforming to Geologic Recommendation

The University shall comply with the recommendations contained in the "Geotechnical Report, Ocean Science Education Building, University of California, Santa Barbara," prepared by Fugro West Inc., January 2006. These recommendations, including recommendations concerning foundations, grading, and drainage, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require a new notice of impending development.

8. Construction Timing and Sensitive Bird Species Surveys

For any construction or tree removal activities between March 1 and August 15, the University shall retain the services of a qualified biologist or environmental resource specialist (hereinafter, "environmental resources specialist") to conduct raptor and other sensitive bird species surveys and monitor project operations. At least two (2) weeks prior to commencement of any project operations, the applicants shall submit the name and qualifications of the environmental resources specialist, for the review and approval of the Executive Director. The environmental resources specialist shall ensure that all project construction and operations shall be carried out consistent with the following:

- A. Permittee shall ensure that a qualified biologist, with experience in conducting bird surveys shall conduct bird surveys 30 calendar days prior to construction activities to detect any active bird nests in all trees within 500 feet of the project, including the eucalyptus trees to be impacted. A follow-up survey must be conducted 3 calendar days prior to the initiation of clearance/construction and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first.
- B. If an active nest of any federally or state listed threatened or endangered species, species of special concern, or any species of raptor is found within 300 ft. of the project (500 ft. for raptors), the permittee shall retain the services of a qualified biologist with experience conducting bird and noise surveys, to monitor bird behavior and construction noise levels. The biological monitor shall be present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The biological monitor shall monitor birds and noise every day at the beginning of the project and during all periods of significant construction activities. Construction activities may occur only if construction noise levels are at or below **a peak of 65** at the nest (s) site. If construction noise exceeds **a peak level of 65 dB at the nest (s) site**, sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction within 300 ft. (500 ft for raptors) of the nesting trees shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.
- C. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor is found, UCSB will notify the appropriate State and Federal Agencies within 24 hours, and appropriate action specific to each incident will be developed. UCSB will notify the California Coastal Commission by e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.

V. FINDINGS FOR THE APPROVAL OF THE LONG RANGE DEVELOPMENT AMENDMENT, WITH SUGGESTED MODIFICATIONS, AND THE NOTICE OF IMPENDING DEVELOPMENT, AS CONDITIONED

The following findings support the Commission's approval of LRDP Amendment 1-09 in Section II above, and approval of the Notice of Impending Development 1-09, pursuant to the Special Conditions set forth in Sections III above. The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION (LRDPA 1-09) & IMPENDING DEVELOPMENT (NOID 1-09)

The University of California at Santa Barbara (UCSB or University) is requesting an amendment to its certified 1990 Long Range Development Plan (LRDP) to allow for the construction of the Ocean Science Education Building (OSEB). The proposed amendment is project driven and has been submitted in conjunction with a related Notice of Impending Development for the OSEB (NOID 1-09).

The OSEB project (LRDPA 1-09 and NOID 1-09) consists of the construction of a 31 ft. high, two-wing, two-story, LEED Certified, 7,797 sq. ft. in site area building (9,730 assignable square-feet), the relocation of approximately 260 linear foot existing Class I bicycle path and parking, the relocation of a service access road, the construction of a bus turnout on Lagoon Road, sidewalks, a courtyard, removal of seven non-native, ornamental trees, landscaping, and grading (280 cubic yards cut and 230 cubic yards fill) at the University of California, Santa Barbara (Exhibit 5 and 6). The site will support the Marine Science Institute's (MSI) Outreach Center for Teaching and Ocean Sciences (OCTOS) and the headquarters for NOAA's Channel Islands National Marine Sanctuary (CINMS) (Exhibit 5 and 7).

The 1.1 acre OSEB project site is located on the eastern edge of the Main Campus, immediately south of the Marine Research Sciences Building (MSRB), east of the Biological Sciences II Building (BIO-II), and west of Lagoon Road and the Pacific Ocean (Exhibits 1 and 2). Other development in the project area include: the Bren Building to the north of the MSRB, Parking Lot 1 to the north of BIO-II, and the Anacapa Residents Hall to the west across UCen Road.

The project site is currently occupied by an existing cinder block structure that houses seawater tanks and research support facilities, a storage shed and outdoor storage facilities, an asphalt-paved service vehicle access and parking lot, approximately 260 linear feet of Class I bicycle path, motorcycle parking, a bicycle parking area, landscaping, and underground utilities, including water, sewer seawater, gas storm drains, and electrical conduits (Exhibit 2).

The project site is generally at an elevation of 42 to 43 feet above mean sea level. It is relatively level ground and drains through an existing storm water system to the east towards Lagoon Road and outfalls to the Pacific Ocean at the coastal bluff slope, which

is about 100 feet away from the project site. In addition, sea water from BIO-II and MSRB is discharged through the outfall system to the Pacific Ocean. A group of three, multi-prong Eucalyptus trees measuring 24- to 26-inches at the base and one, 10-inch Eucalyptus trees are growing along the western edge of the site immediately adjacent to the Bio II building. Three 12- to 14-inch Eucalyptus trees are located on the southwestern corner of the site, just south of the BIO-II building. Additionally, five 10-inch palm trees are located on the northeastern corner of the site, adjacent to Lagoon Road. Other ornamental landscaping is also located on site. The existing ornamental landscaped areas would be cleared and grubbed and the seven Eucalyptus trees would be cleared. The existing palm trees on the site will be retained. The University has provided a biological assessment of the subject site indicating that none of the trees on site (including the seven non-native trees to be removed) are used by any bird species for nesting.

A campus bicycle path passes along the eastern edge of the project site. Bicycle parking, motorcycle parking and moveable lockers are situated in the central portion of the site, just south of the existing seawater structure. UCen Road provides access to the project site from Lagoon Road and from campus locations west of the project site. A bluff-top trail is located east of the project site across Lagoon Road. This trail provides pedestrian access to the existing Research Experience & Education Facility (REEF), the Campus Point beach and the campus Lagoon all located southwest of the project site (Exhibit 1).

The OCTOS wing of the new OSEB Building will provide for 5,610 assignable sq. ft. to house several MSI programs including a Seawater Center, Virtual Theater, and Classroom-Laboratory. This space will primarily serve MSI's OceansAlive! program (an educational outreach program for K-12 academic levels). With this new addition, annual visits are expected to reach 37,000; a net increase of approximately 22,000 visitors over the 15,000 visitors currently being served¹. The CINMS wing will provide 4,120 assignable sq. ft. of space to house NOAA's CINMS headquarters; currently located in the Santa Barbara Harbor. The main entrance to the facility will be via a shared first floor courtyard on the east side of the facility with building wing entrances facing each other. There will also be a balcony on the second floor that will provide access between the two building wings. Although this amendment includes a relatively minor reconfiguration of the footprint for previously designated "Potential Building Location Site 25" (which is 81,000 sq. ft. in site area or 103,000 asf) it will not result in any increase in the size of Site 25 or any increase in the potential building area on campus. Additionally, because the project will be utilized for research, public and educational outreach, and NOAA administrative offices, the amendment will also not result in any increase in campus student enrollment.

As proposed, this amendment revises Figure 12 of the LRDP in order to reconfigure identified "Potential Building Location Site 25" (Site 25) to allow for the new OSEB project (Exhibit 3). Presently, Site 25 has a total site area of 103,000 assignable sq. ft.

¹ Presently, the OceansAlive! program is served at the Research Experience Education Facility REEF at the south-end of Lagoon Road on the Main Campus.

(81,000 sq. ft. site area) and houses the Environmental Sciences Building (NOID 98-2) and the Marine Science Research Building (NOID 01-3). Collectively, these two buildings have a site area of 87,446 assignable sq. ft. (41,658 sq. ft. site area). The reconfiguration of Figure 12 will not change its overall size, only its footprint (Exhibits 5, 7, and 8).

In order to accommodate the new building and avoid bicycle-pedestrian conflict at the proposed bus drop-off location in front of the proposed OSEB on Lagoon Road (associated with MSI's OceanAlive! Program), approximately 260 linear feet of Class I bike path will be re-routed to connect with a service vehicle access area on the west side of the OSEB; modifying Figure 20, Bicycle Route Network (Exhibit 4). The Class III bicycle path along Lagoon Road will remain open as it currently exists, providing two options for bicycle traffic in the project area. Appropriate signage will be posted to show both bike path options. Additionally, displaced bicycle and motorcycle parking will be relocated to a new parking area at the BIO-II building and an area between the south side of UCen Road and Anacapa Hall North respectively. The relocated bicycle area will have short and long-term parking.

B. CONSISTENCY ANALYSIS

The standard of review for the proposed LRDP amendment is the Chapter 3 policies of the Coastal Act. The standard of review for the related NOIDs is the policies of the certified LRDP. NOID 1-09 is not consistent with the certified LRDP unless the proposed LRDP Amendment 1-09 is approved and certified. **Special Conditions One (1)** for NOID 1-09, therefore, stipulates that prior to the commencement of any development, certification of the Long Range Development Plan Amendment 1-09 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.

Campus Development, Cumulative Impacts, and Access

On March 17, 1981, the University's Long Range Development Plan (LRDP) was effectively certified by the Commission. The LRDP has been subject to several major amendments. Under LRDP Amendment 1-91, the Commission reviewed and approved the 1990 UCSB LRDP, a 15-year long range planning document, which substantially updated and revised the certified 1981 LRDP. The 1990 LRDP provides the basis for the physical and capital development of the campus to accommodate a student population in the academic year 2005/06 of 20,000 and for the new development of no more than 1.2 million sq. ft. of new structural improvements and 830,000 sq. ft. of site area on Main Campus for buildings other than parking garages and student housing.

Section 30250 of the Coastal Act states that the construction of new residential, commercial, or industrial development shall be located in close proximity to existing developed areas able to accommodate it and where the developments will not have a significant adverse impact, either individually or cumulatively, on coastal resources. The 1990 LRDP was approved with several policies to prevent cumulative impacts of

new development including Policy 30250(a).1, which prevents the University from developing more than 830,000 square feet of site area on Main Campus. The LRDP was also approved with a maximum total “assignable square footage” for the University as a means of controlling the cumulative impacts of increased enrollment and development on the area. Assignable square feet is a standard measure of space used for state funding purposes by the University which measures useable area within a building available to occupants.

Section 30251 of the Coastal Act, incorporated by reference into the LRDP, and policies 30251.5 and 30251.6 of the LRDP also protect visual and scenic coastal resources from cumulative impacts by providing that new development be in general conformance with the scale and character of surrounding development and by providing maximum building heights for various portions of campus.

Finally, 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 OSEB Building is consistent with the 1990 LRDP land use designation for the subject site of “*Academic Uses*”. In addition, the proposed building height for the OSEB of 31 feet is also consistent with 1990 LRDP Figure 16, which specifies a height limit of 45 feet for the site and surrounding area. As currently certified, the LRDP provides that “Potential Building Location 25” is allotted 81,000 square feet of site area and 103,000 assignable square feet (a.s.f.) in LRDP Table D. Although the footprint of Site 25 will be reconfigured pursuant to the proposed amendment, it will still be in the same general location and will not change in size. The two existing structures on this site, the Environmental Sciences Building (Bren Hall) and the MRSB, collectively total 87,446 a.s.f. (41,658 square feet of site area); leaving an additional 39,342 a.s.f. (15,544 square feet of site area) to build on in Site 25. The proposed OSEB Building size will be 7,797 sq. ft. in site area (9,730 assignable square-feet) and; therefore, the OSEB will be consistent with the allowable build-out for Site 25, as identified in the certified LRDP. The 1990 LRDP Figure 12 will be modified so that the boundary of Potential Building Location 25 encompasses the OSEB project site (Exhibit 3) pursuant to **Suggested Modification One (1)** of LRDPA 1-09.

The University is also proposing to revise Figure 20 “Bicycle Route Network”, to relocate approximately 260 linear feet of existing Class I bicycle path and parking. Pursuant to **Suggested Modification Two (2)** of LRDPA 1-09. In addition, the Notice of Impending Development also includes the relocation of a service road (consistent with the revised Figure 22 of the LRDP), the construction of a bus turnout, sidewalks, a courtyard, landscaping, removal of five non-native palm trees, and grading (280 cubic yards cut and 230 cubic yards fill).

Presently, the proposed project site is occupied by an existing cinder block structure that houses seawater tanks and campus maintenance facilities, a storage shed and

outdoor storage facilities, an asphalt-paved service vehicle access and service vehicle parking lot, approximately 260 linear feet of Class I bicycle path, motorcycle parking, a bicycle parking area, non-native landscaping, and underground utilities, including water, sewer seawater, gas storm drains, and electrical conduits (Exhibit 2).

The onsite seawater tanks, storage shed, and storage facilities will be removed and legally disposed of at an appropriate disposal site off-campus and outside the Coastal Zone. The seawater intake will be shared by the OSEB, MSRB, and BIO-II, as initially designed, and the storage facilities will be absorbed into the OSEB and surrounding buildings. The service access road will be relocated west, closer to BIO-II, while the service vehicle parking will be relocated to Parking Lot 1 and the motorcycle parking will be relocated across UCen Road adjacent to Anacapa Residence Hall. Parking Lot 1 currently provides 71 designated spaces. In addition, four of those spaces in Lot 1 are specifically designated for public access (these spaces have been signed and metered for public use) pursuant to Special Condition Six of UCSB NOID 3-01. The University is not proposing any changes to Lot 1 or to any of the four existing public access spaces. The bicycle path will be rerouted to the relocated service access road between OSEB and BIO-II and the bicycle parking will be relocated to the southeast corner of BIO-II (Exhibit 4).

The proposed development is consistent in height (less than 45 feet in maximum height), density, and character with the large scale academic buildings surrounding the project area. The University has indicated that the new OSEB building will only house 30 new staff members (one full-time UCSB/OCTOS staff with four graduate students and 26 full-time CINMS and NOAA employees). Thus, the University has indicated that the proposed project will not result in any increase student enrollment at the University and will only result in a relatively minor increase in staff. The University has submitted an analysis of existing parking facilities on campus which indicates that adequate parking facilities and bus service are already available on campus to adequately serve the new development.

The 26 CINMS and NOAA staff would be new to the UCSB campus. Since these staff would be relocated from the Santa Barbara Harbor and elsewhere in the region, their daily vehicle trips would be considered new to the campus but not to the region as a whole. The trip characteristics of these staff are considered comparable to those made by UCSB faculty and staff. Parking utilization of staff parking lots on campus is at 85 percent and thus, available remaining parking capacity exists to serve the new building occupants. Overall, the 26 new commuters are expected to generate 119 daily vehicle trips, with 8 trips occurring during the a.m. peak hour and 11 trips occurring during the p.m. peak hour. Based on the standards of significance stated in the section 4.13.2.1 Vision 2025 UCSB LRDP EIR, the University has determined that the addition of traffic from the proposed project will not have any significant impacts to circulation on campus or within the region and will not result in any change in the traffic patterns or potential for traffic hazards on campus.

Additionally, the education programs that would be housed in the OCTOS building wing would allow the OCTOS program to serve upwards of 37,000 daily visitors annually,

which would result in a new increase of approximately 22,000 visitors over the 15,000 visitors currently served. These visitors would arrive to campus primarily by bus. Up to six buses per day would be expected during off-peak hours to serve up to 180 K-12 students with three buses mid-morning and three buses mid-afternoon. Since these trips would occur only during non-peak hours, they are not included in the project's effect on peak-hour traffic conditions.

At UCSB, public pedestrian and bicycle access is available to and along the entire 2½ miles of coastline contiguous to the campus while the parking facilities on campus constitute the majority of publicly-available beach parking in the area. This resource, however, competes with the daily activities of a large academic campus. To ensure public access to the coast, the Commission has consistently required the University to provide adequate parking and alternate forms of transportation for new projects. As a result, the staff, faculty, and students of UCSB heavily rely on alternate modes of transportation, including bus and bicycling, to get to and from campus.

In order to ensure that adequate bicycle transportation improvements are provided for OSEB and to prevent adverse effects to public access, the Commission requires the University, pursuant to **Special Condition Two (2)** of NOID 1-09, to provide replacement of existing bicycle parking. The replacement bicycle parking spaces shall be located in approximately the same vicinity as the previously existing bicycle spaces and will meet the existing number of spaces presently available (78 racks and 12 lockers). Furthermore, in order to accommodate the flow of bicycle traffic and provide safety to bicyclist near the proposed project, **Special Condition Three (3)** of NOID 1-09 also requires the University to implement adequate signage for vehicle restrictions on the service access road and adequate signage notifying cyclists of route options and hazards.

Environmentally Sensitive Habitat, Water Quality, and Geologic Stability

The LRDP contains several policies regarding the protection and management of coastal waters and sensitive habitat areas. Sections 30230 and 30231 of the Coastal Act, which have been included in the certified LRDP, require that marine resources and the biological productivity of coastal waters, including wetlands, shall be maintained and, where feasible, enhanced. Section 30240 of the Coastal Act, which has been included in the certified LRDP, provides that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and that development in areas adjacent to such areas shall be sited and designed to prevent impacts which would significantly degrade such areas. In addition, the LRDP contains several other policies which also require the protection of sensitive habitat and wetland areas. For instance, Policy 30231.1 requires that 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. Finally, Section 30253 of the Coastal Act, which has been included in the certified LRDP, mandates that new

development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The project site for the OSEB project is in a developed area that is both paved and landscaped with non-native and ornamental vegetation. A group of three, multi-prong Eucalyptus trees measuring 24- to 26-inches at the base and one, 10-inch Eucalyptus trees are growing along the western edge of the site immediately adjacent to the Bio II building. Three 12- to 14-inch Eucalyptus trees are located on the southwestern corner of the site, just south of the BIO-II building. Additionally, five 10-inch palm trees are located on the northeastern corner of the site, adjacent to Lagoon Road. Other ornamental landscaping is also located on site. The existing ornamental landscaped areas would be cleared and grubbed and the seven Eucalyptus trees would be cleared. The existing palm trees on the site will be retained. A Draft EIR by URS Corporation has been prepared for the proposed project which includes a biological analysis of the subject (which includes surveys of the subject site by URS field biologists in May 2008 and May 2009) which finds that no nesting raptors or other sensitive bird have been found, or previously documented at, or near, the project site. Additionally, the Final Initial Study and Mitigated Negative Declaration (EA/IS/MND) prepared by URS Corporation, indicates that raptors, or other sensitive bird species, are not expected to occur on the project site due to the lack of suitable habitat. The University's biological consultants have found that the disturbed nature of the existing habitat on site and on-going disturbance from nearby human activity significantly reduce the opportunity for special-status species to occupy the site. Thus, in this case, the Commission finds that, base on the information submitted by the University, that there are no identified active nesting areas for raptors or other sensitive bird species on site. However, in past permit actions, the Commission has found that trees in urban areas have the potential to provide habitat for nesting, roosting, and foraging for raptors and other sensitive bird species. Further, the EA/IS/MND concluded that special-status bird species could potentially nest in the eucalyptus trees or ornamental shrubs on site or in adjacent areas. Therefore, due to the fact that all of the trees proposed for removal have the potential to provide habitat for sensitive bird species, it is necessary to ensure that nesting bird species are protected during construction activities. In this case, the University is proposing to implement a bird nesting survey prior to the removal of any trees on site during the nesting season for sensitive birds. In addition, to ensure that that University's proposal to implement biological monitoring is adequately addressed and to avoid any potential adverse impacts to raptors and/or other sensitive bird species, **Special Condition One (1)** requires that should construction activities be scheduled between March 1 and August 15 (bird breeding season), a qualified biologist shall conduct pre-construction bird surveys to determine whether nesting or breeding behavior is occurring and prohibit any construction activities within 500 feet of any nesting or breeding birds.

The project site is located approximately 100 feet from the nearest coastal bluff and beach area and will not result in any loss or impacts to any sensitive habitat areas. However, if revegetation of disturbed areas onsite is not successful, the project may result in potential adverse effects to the existing bluff and beach habitat located downslope of the project site from increased erosion and sedimentation. Erosion can

best be minimized by landscaping all disturbed and graded areas of the site. In addition, the Commission also finds that the use of non-native and/or invasive plant species for landscaping results in both direct and indirect adverse effects to native plants species and increased erosion from the site. Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their surface/foilage weight. The Commission notes that non-native and invasive plant species with high surface/foilage weight and shallow root structures do not serve to stabilize slopes and that such vegetation results in potential adverse effects to the stability of the project site and erosion of the site. Native species, alternatively, tend to have a deeper root structure than non-native and invasive species, and once established aid in preventing erosion. Additionally, the planting of invasive or exotic plants at the subject site could lead to the direct occupation or displacement of native plant communities' at open space and bluff areas adjacent to the project area.

In the case of the proposed development, the University has submitted a preliminary landscaping plan for the project site and proposes the use of primarily native plant species. Due to the proximity of the site to sensitive coastal bluffs and beach areas and to ensure that all areas impacted by the impending development are landscaped in accordance with the LRDP provision to minimize erosion, the Commission finds it necessary to require **Special Condition Four (4)** to NOID 1-09. Special Condition Four requires the University to submit final landscape plans, for review and approval by the Executive Director, to revegetate all disturbed areas on site with predominantly native plant species endemic to the surrounding area. Specifically, Special Condition Four requires that all landscaping shall consist primarily of native/drought resistant plants. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive 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.

The proposed project would also increase the amount of impermeable surface area on the UCSB Main Campus. The addition of new impermeable surfaces on campus may result in a potential increase in polluted runoff to nearby coastal waters due to the resultant decrease in stormwater infiltration. Pollutants commonly found in runoff associated with the proposed use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals; dirt and vegetation; litter; fertilizers, herbicides, and pesticides. 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 development consistent with the water and marine resource policies of the LRDP, 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 site. 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.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the amount of stormwater produced by all storms up to and including the 85th percentile, 24 hour storm 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 Six (6)** of NOID 1-09, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the LRDP. In addition, these plans must be approved by the project geoconsultants, consistent with their recommendations in the project's geotechnical reports, as described in **Special Condition Seven (7)** of NOID 1-09 described below.

Furthermore, interim erosion control measures implemented during construction will serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. To ensure that proposed erosion control measures are properly implemented and in order to ensure that adverse effects to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the University, as required by **Special Condition Five (5)** of NOID 1-09, to prepare final erosion control plans. Erosion on site can be further minimized by landscaping all disturbed and graded areas with native plants compatible with the surrounding environment. Therefore, Special Condition Four also requires that the University prepare and implement a landscaping and tree replacement plan. Additionally, the Commission finds that stockpiled materials and debris have the potential to contribute to increased erosion, sedimentation, and pollution. Policy 30231.1 of the LRDP prohibits the storage or deposition of excavated materials on campus where such material will be subject to storm runoff in order to minimize soil erosion and sedimentation of coastal waters. Therefore, consistent with Policy 30231.1 of the LRDP in order to ensure that excavated material will not be stockpiled on site and that landform alteration and site erosion is minimized, Special Condition Four requires the University to remove all excavated material, including debris

resulting from the demolition of existing structures, from the site to an appropriate location permitted to receive such material. Should the disposal site be located in the Coastal Zone a separate coastal development permit or notice of impending development may be required.

Finally, the University is required pursuant to Section 30253 of the Coastal Act, which is incorporated by reference into the LRDP, to assure that the design and siting of any new buildings assure stability and structural integrity and do not create erosion, instability, or destruction of the site or surrounding areas. The University has submitted the following geological and geotechnical report for the proposed OSEB: "Geotechnical Report, Ocean Science Education Building, University of California, Santa Barbara," prepared by Fugro West Inc., January 2006 and "Geotechnical Engineering Consultation, Ocean Science Education Building, University of California, Santa Barbara," prepared by Fugro West Inc., March 31, 2009. These reports address the geologic conditions on the site, including drainage, subsurface condition, groundwater, landslides, faulting, and seismicity. The geologic consultants have found the geology of the proposed project site to be suitable for the construction of the proposed building addition. The report, however, contains several recommendations to be incorporated into project construction, design, drainage, and foundations to ensure the stability and geologic safety for the proposed project site and adjacent properties. To ensure that the recommendations of the consultant have been incorporated into all proposed development, the Commission, as specified in **Special Condition Seven (7)** of NOID 1-09, requires the University to comply with and incorporate the recommendations contained in the submitted geologic reports into all final design and construction, and to obtain the approval for the geotechnical consultants prior to commencement of construction.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (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 that the activity may have on the environment.

The Commission incorporates its findings on Long Range Development Plan 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, as suggested, is consistent with the policies of the Certified Long Range Development Plan. Feasible mitigation measures which will minimize all adverse environmental effects 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 the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

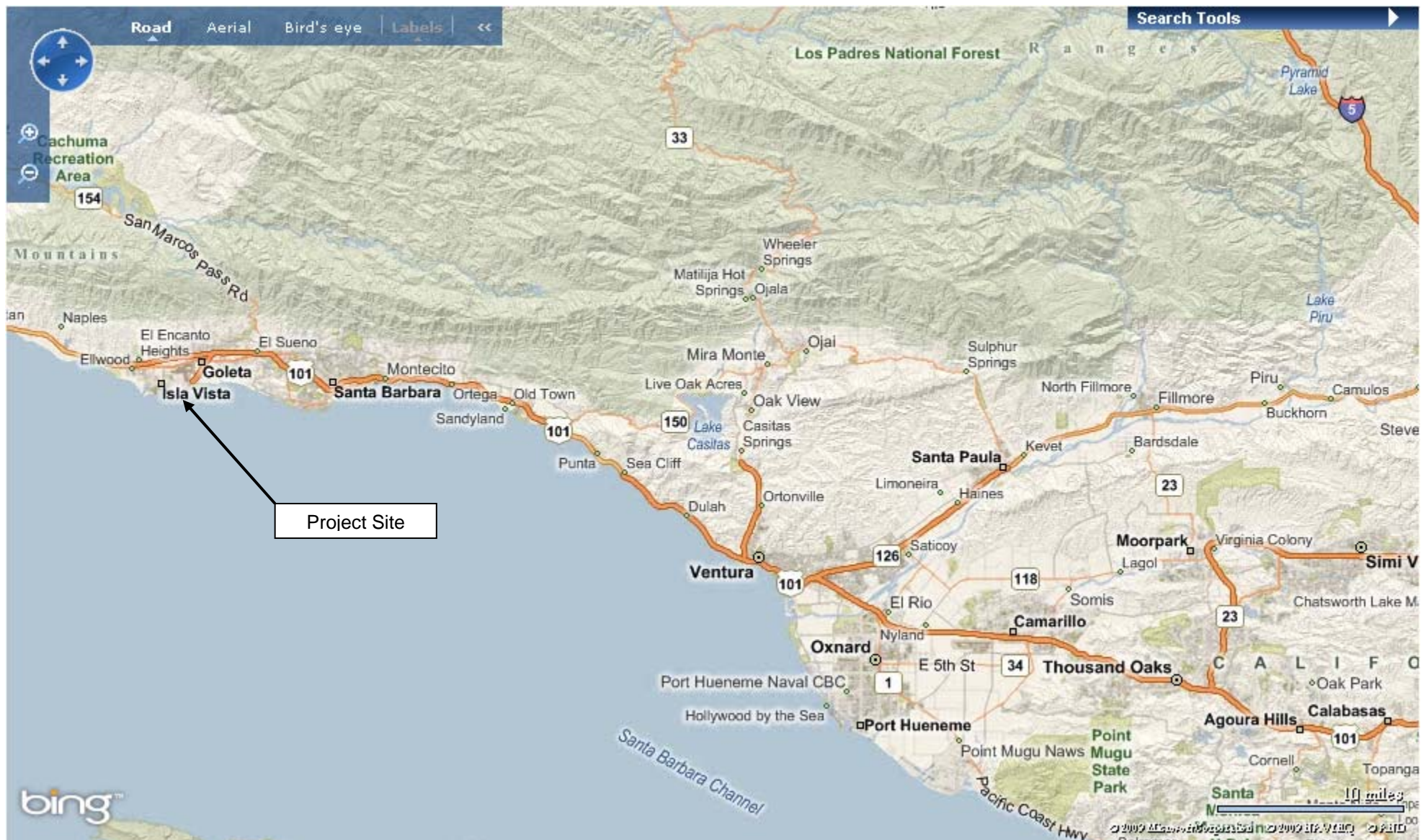


Exhibit No. 1
UCSB LRDP 1-09 & NOID 1-09
Vicinity Map

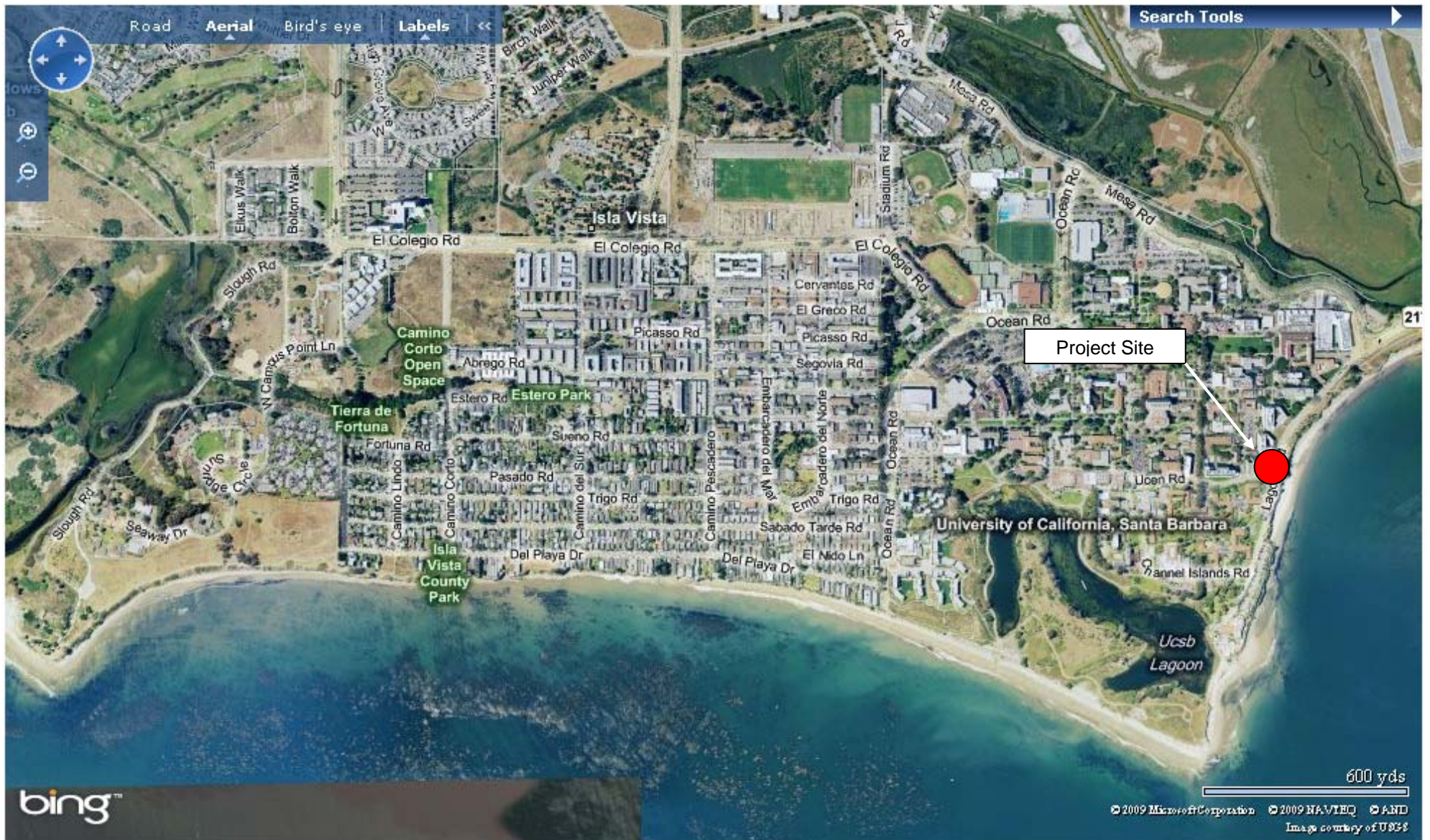


Exhibit No. 1
UCSB LRDP 1-09 & NOID 1-09
Vicinity Map



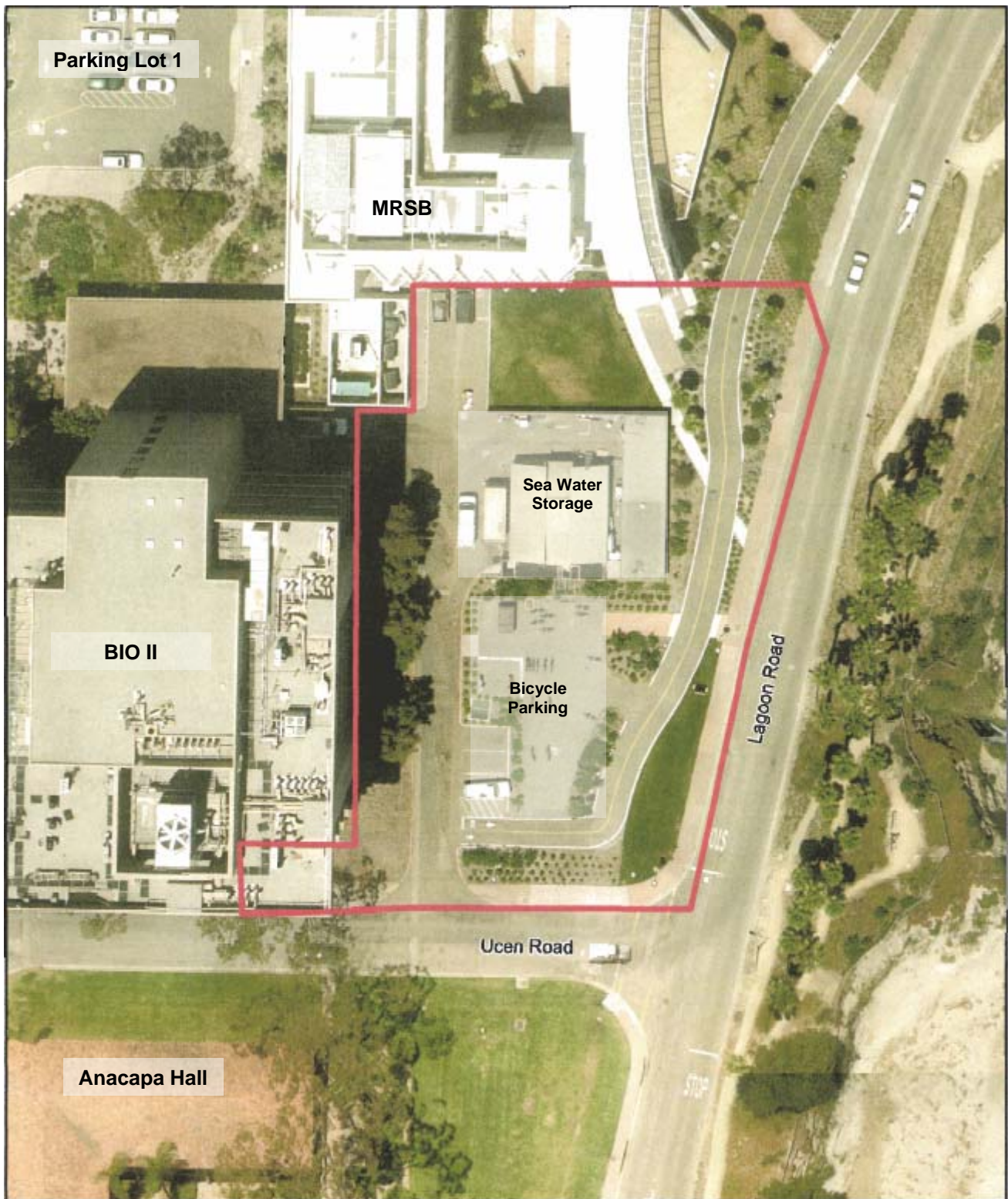
Ocean Sciences Education Building Project
 Project Vicinity and Surrounding Uses
 UCSB Campus Planning & Design

Data Source: 1ft. resolution aerial flown June, 2006.

0 250 500 Feet



Exhibit No. 1
UCSB LRDP 1-09 & NOID 1-09
Vicinity Map



Ocean Sciences Education Building Project
Project Site Boundary
UCSB Campus Planning & Design

Data Source: 1ft. resolution aerial flown June, 2006.

Site Boundary

0 25 50 Feet



Exhibit No. 2
UCSB LRDP 1-09 & NOID 1-09
Aerial Photo



Figure 12 Potential Building Locations

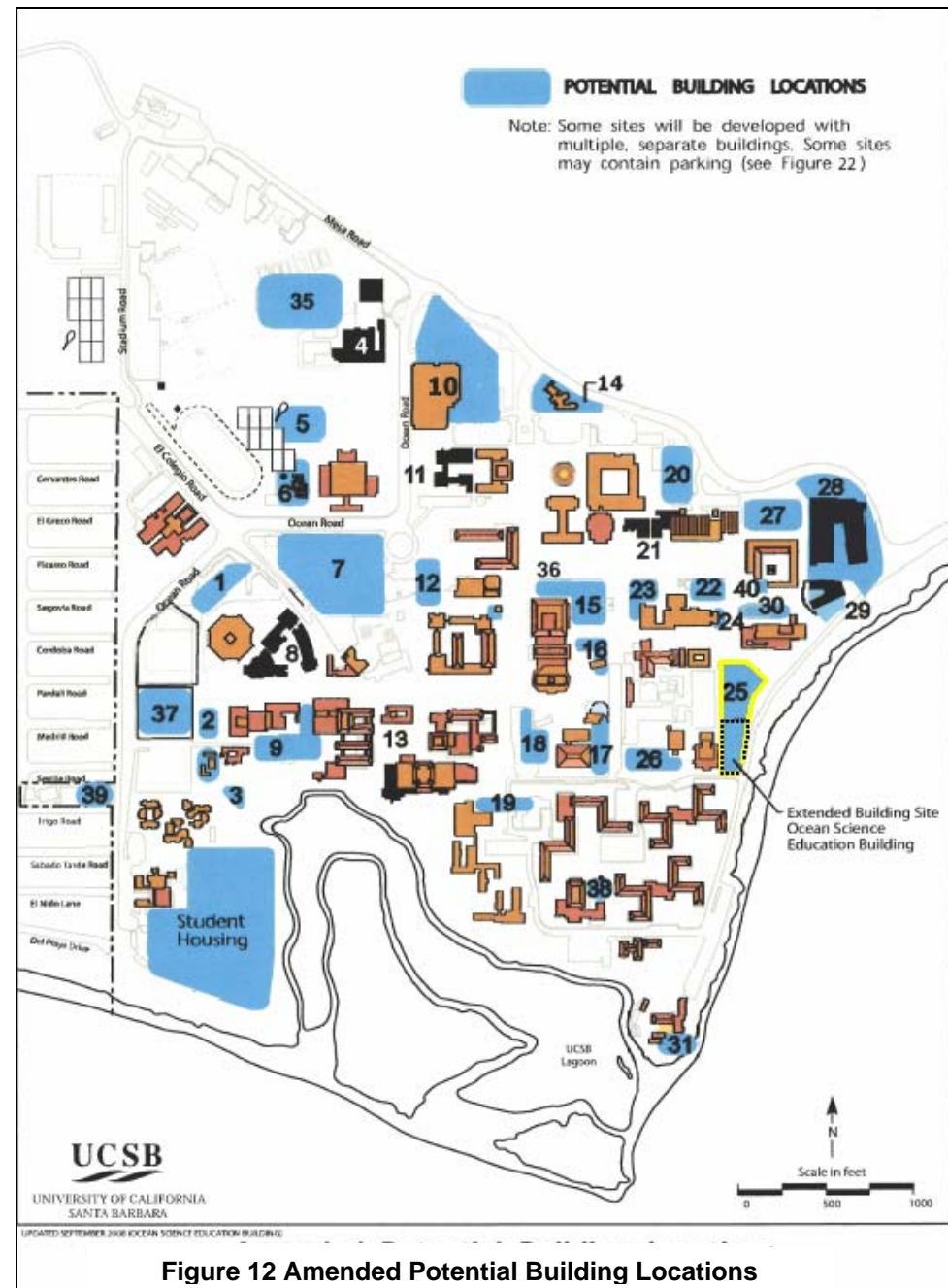


Figure 12 Amended Potential Building Locations

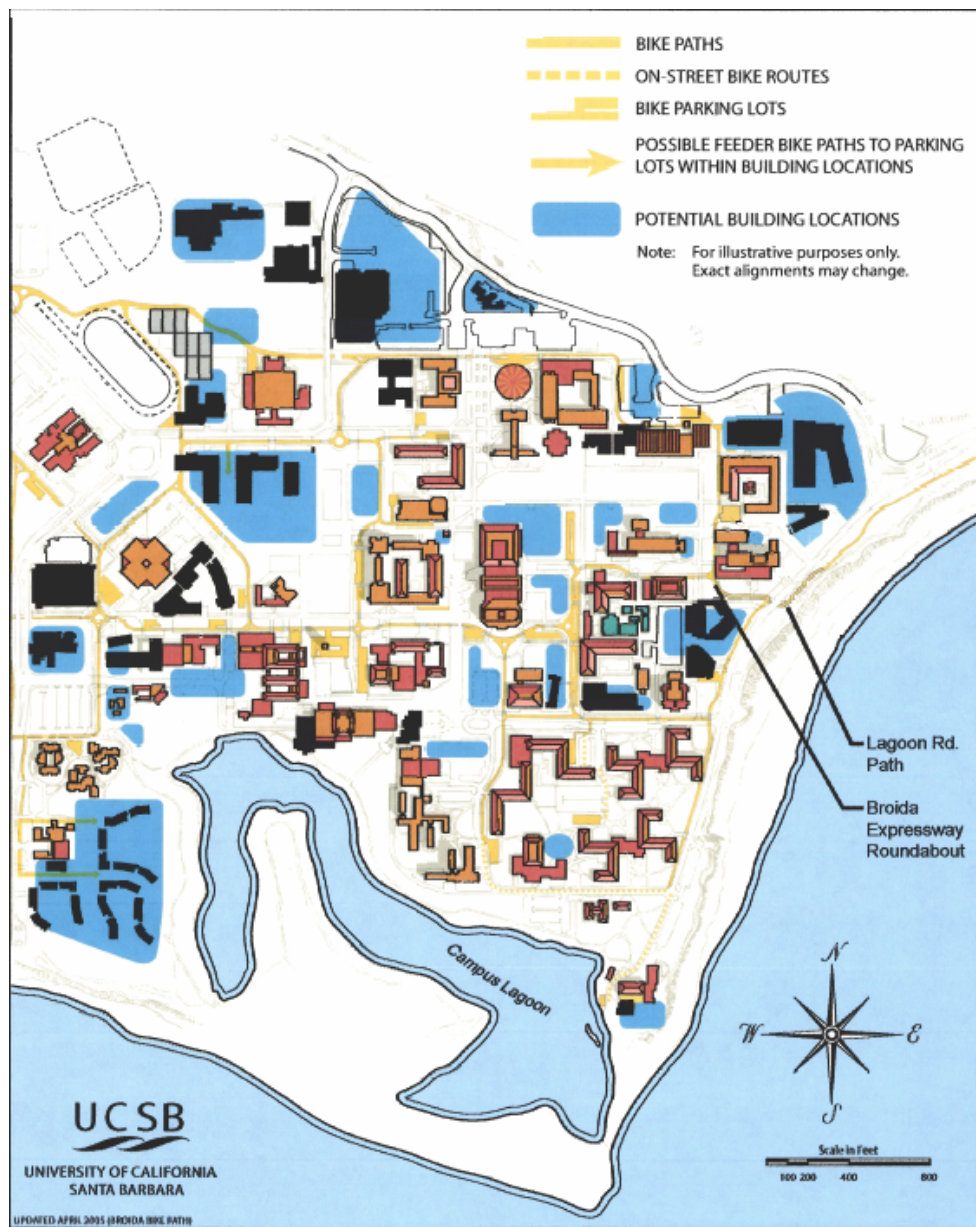
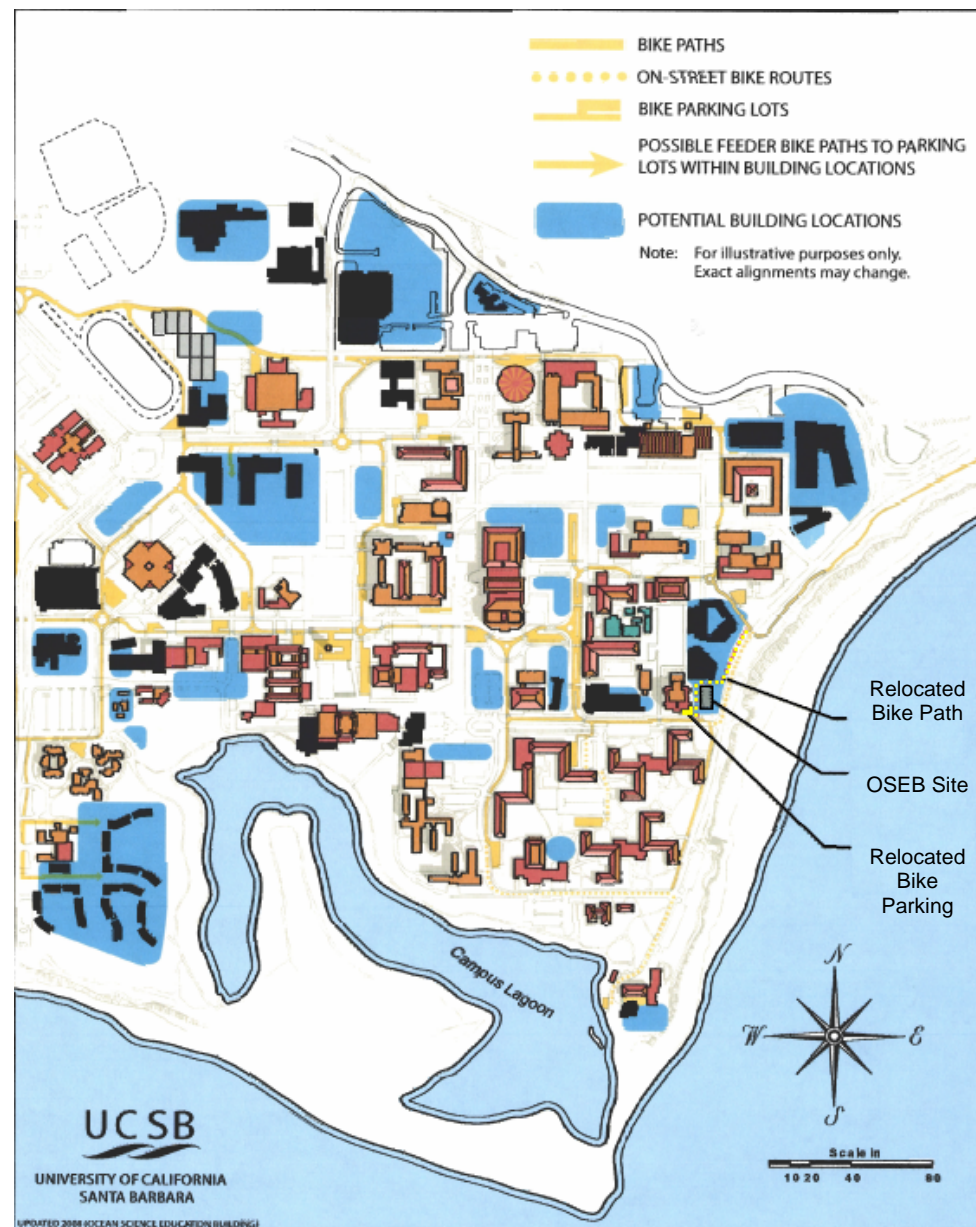


Figure 20 Bicycle Network



Amended Figure 20 Bicycle Network

Exhibit No. 4
UCSB LRDPA 1-09 & NOID 1-09
Amended Bicycle Route Network

LICEN ROAD
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Stamp

Printing	Date
CONCEPT DEVELOPMENT	02/2
100% SCHEMATIC DESIGN	01/3
100% 3D W/TAC REV	02/1
100% DESIGN DEVELOPMENT	10/2

Revisions	Date
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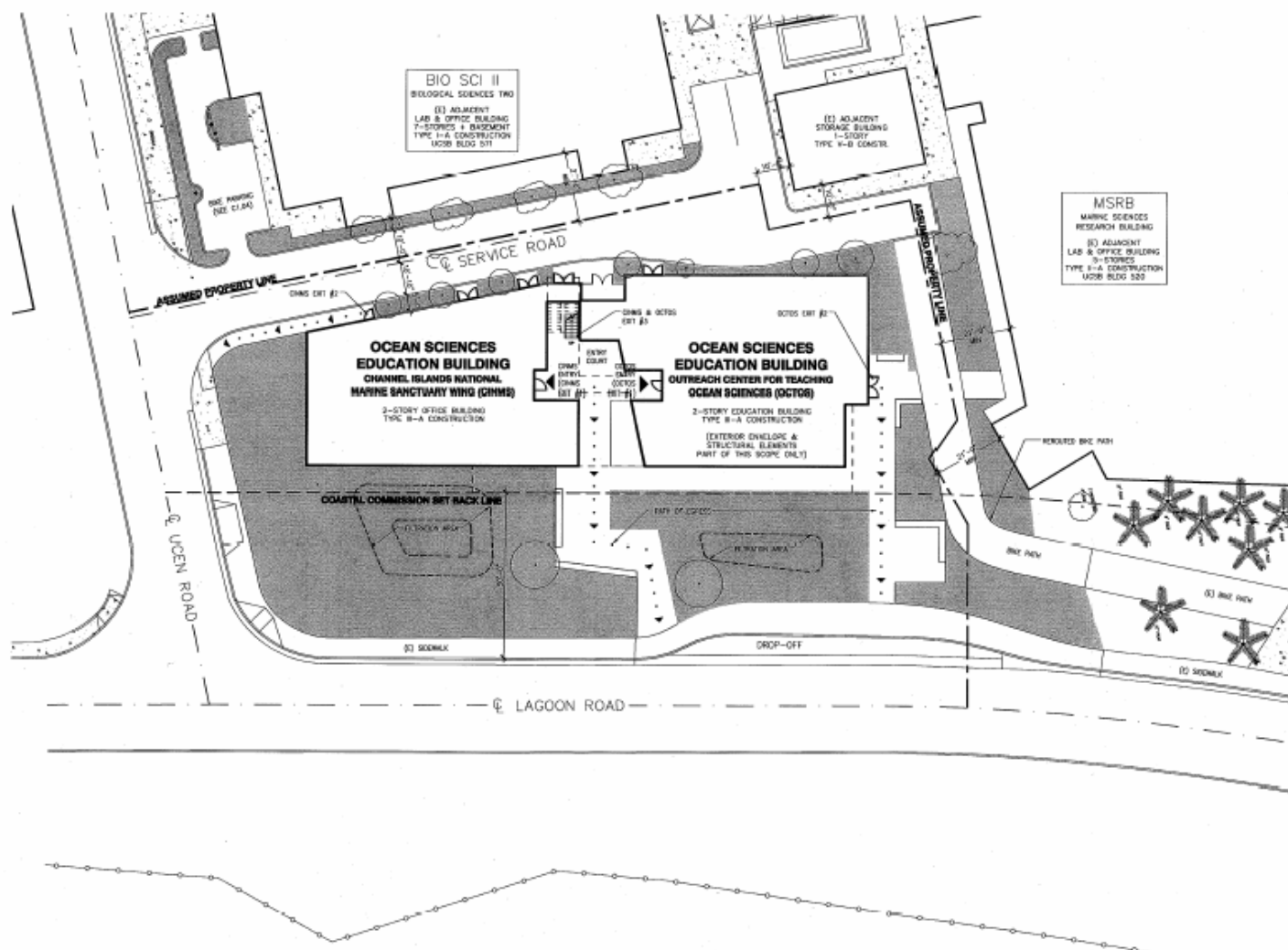
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Sheet Title
**Architectur
Site Plan**

Sheet Number

A1.12

Site Plans



1 Site Plan
A1.12 1/8" = 1'-0"



**UNIVERSITY OF
CALIFORNIA,
SANTA BARBARA
OCEAN SCIENCE
EDUCATION
BUILDING**

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Stamp

Printing Date
CONCEPT DEVELOPMENT MAY 26, 2009
SCHEMATIC DEVELOPMENT JUN 23, 2009
DESIGN DEVELOPMENT SEP 15, 2009
FINAL DESIGN DEVELOPMENT OCT 23, 2009

Revisions Date

Scale
1"=10'
Drawn by

EHDD Job Number
07011

Sheet Title
**PRELIMINARY
GRADING AND
DRAINAGE PLAN**

Sheet Number

C1.03

Penfold & Smith
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Construction Management
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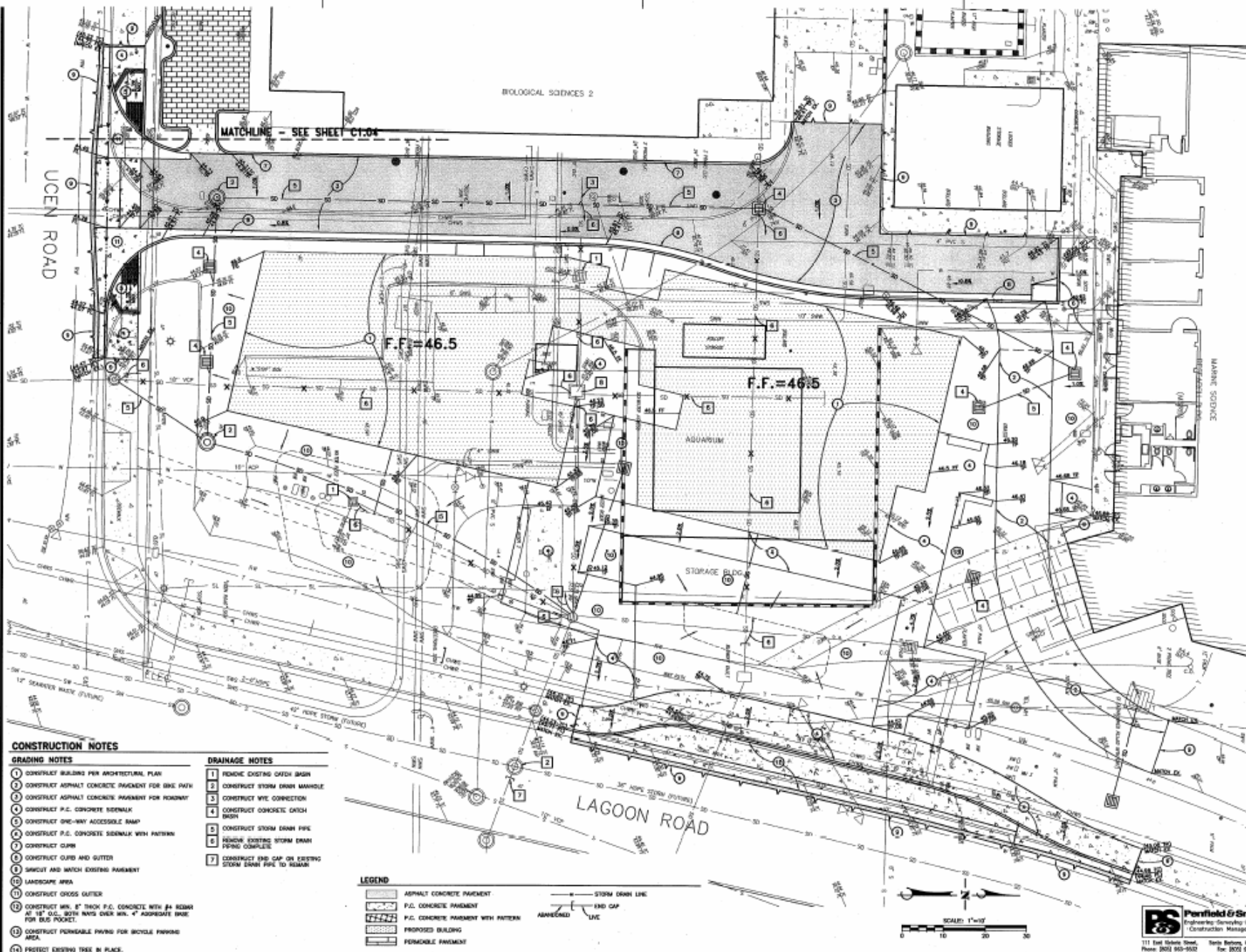
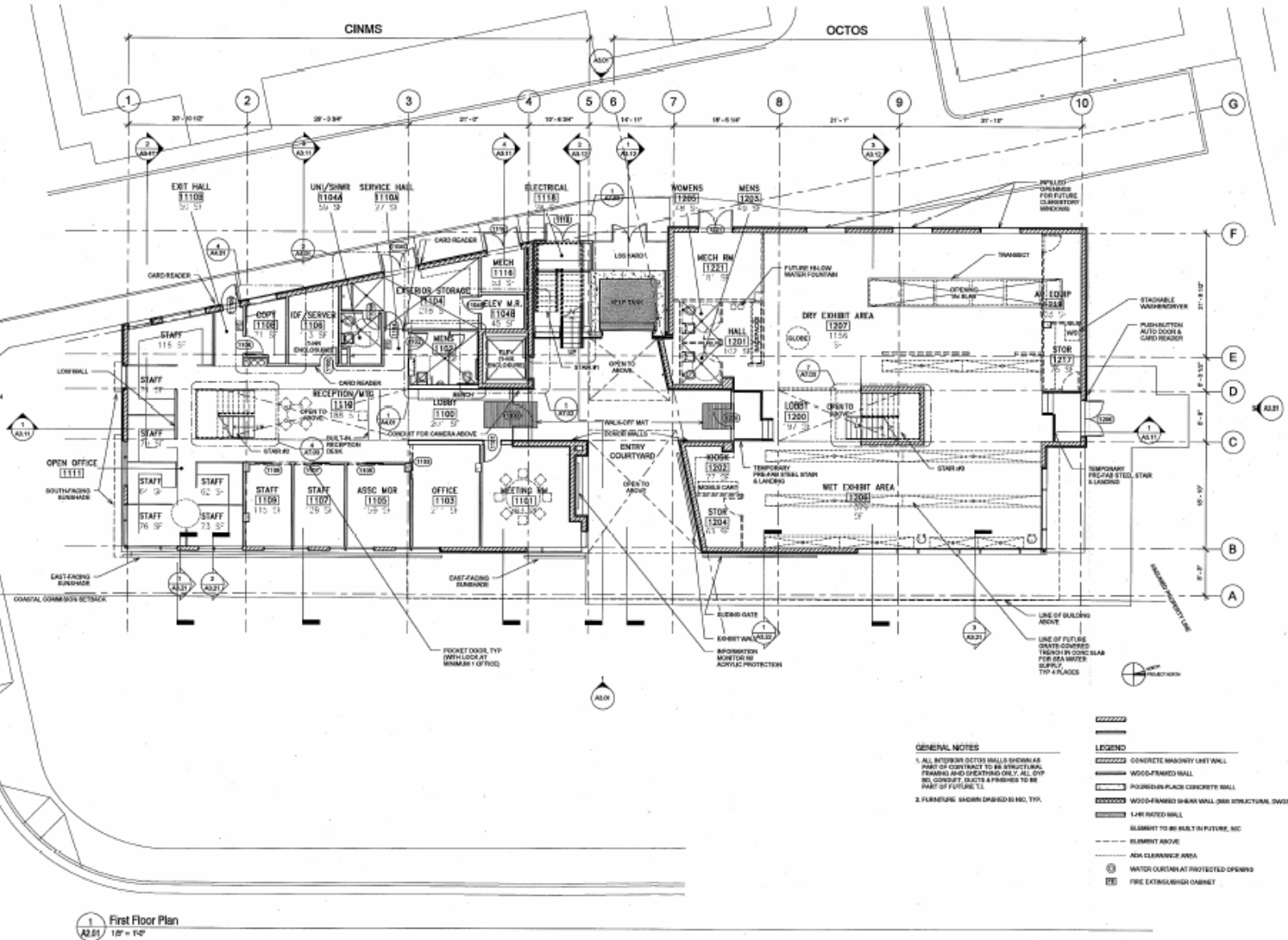
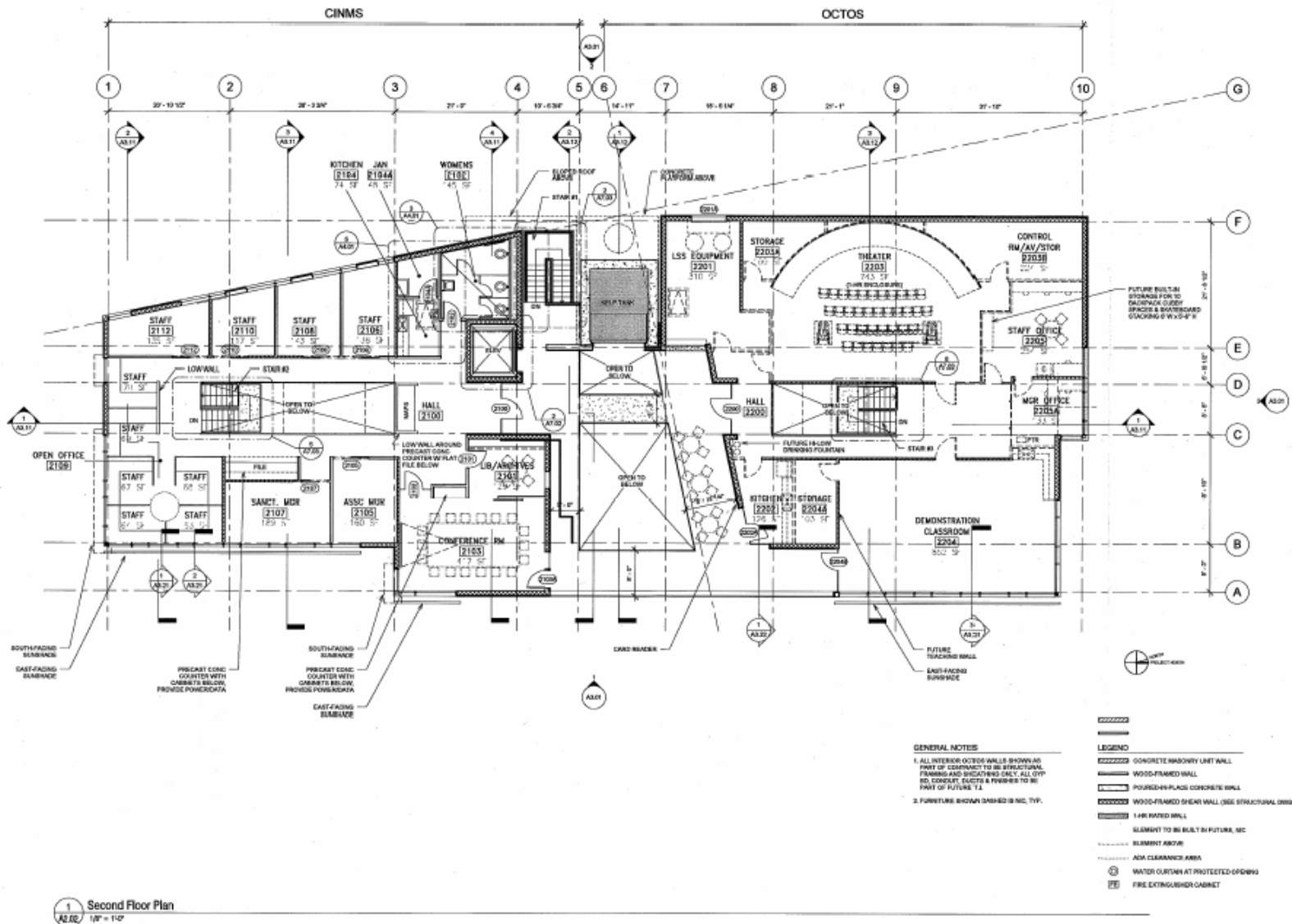


Exhibit No. 6
UCSB LRDP 1-09 & NOID 1-09
Grading & Drainage Plans





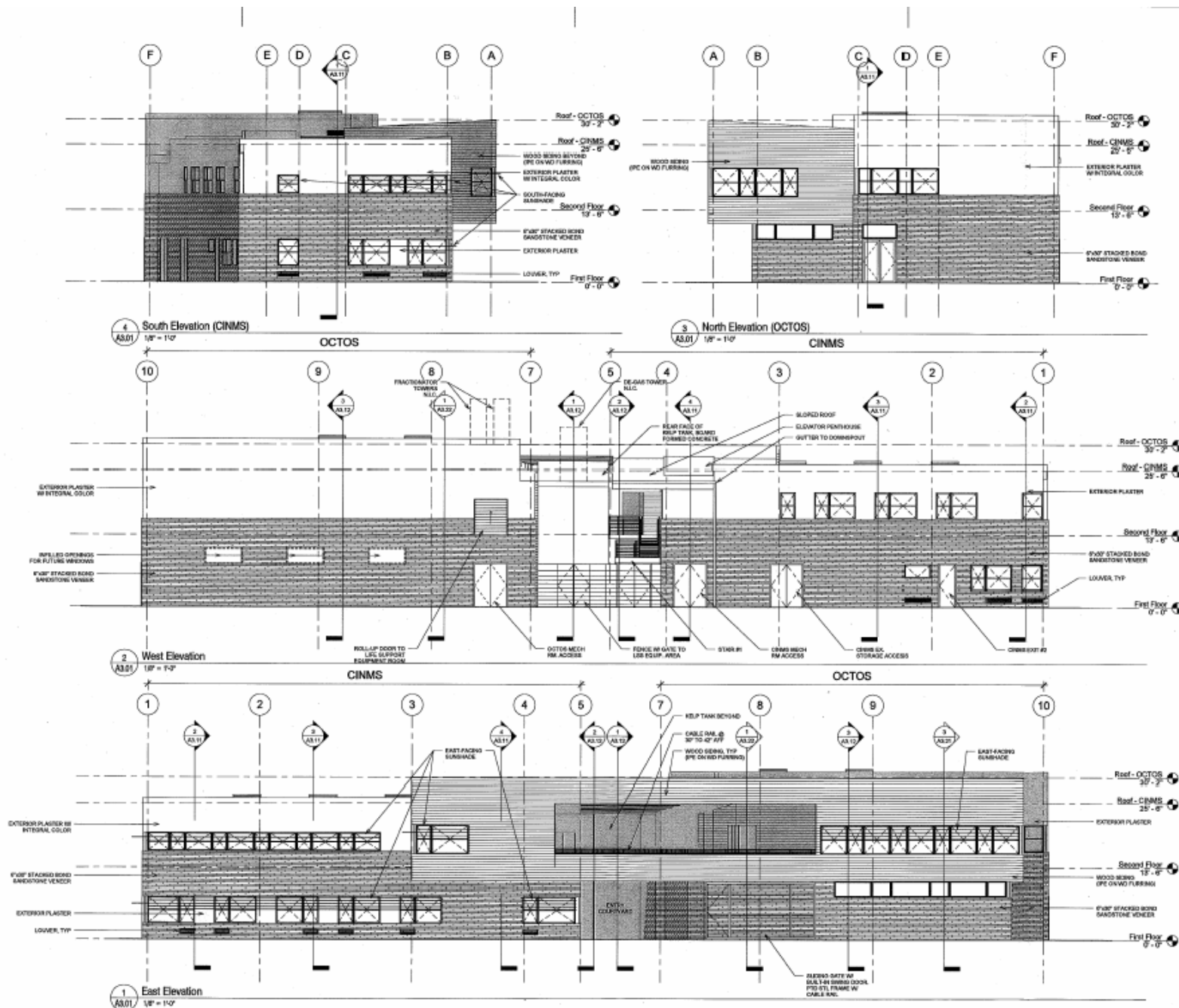


Exhibit No. 8

UCSB LRDPA 1-09 & NOID 1-09

Building Elevations