

CALIFORNIA COASTAL COMMISSION

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Th11a

Prepared January 10, 2017 for January 12, 2017 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager

**Subject: Additional hearing materials for Th11a
Long Range Development Plan LRDP-3-SC6-0005-1 (Wetland Buffer and
Expansion Minor Changes)**

Where checked in the boxes below, this package includes additional materials related to the above-referenced hearing item as follows:

- ☒ Staff report addendum
- ☐ Additional correspondence received in the time since the staff report was distributed
- ☐ Additional ex parte disclosures received in the time since the staff report was distributed
- ☐ Other:

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Prepared January 10, 2017 for January 12, 2017 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, District Manager *SC*
 Ryan Moroney, Supervising Coastal Planner *RM*

Subject: STAFF REPORT ADDENDUM for Th11a
LRDP-3-SCZ-16-0005-1 (Expanded Wetland Buffer and Appendix A Clean-up)

The purpose of this addendum is to modify the staff recommendation for the above-referenced item. In the time since the staff report was distributed, staff has worked closely with the Applicant's representative to refine the Appendix A revisions discussed in the staff report to better clarify and reflect development that has occurred and is currently planned in relation to the berming and fencing along McAllister Drive near the Younger Lagoon Reserve (YLR). The Applicant is in agreement with these changes and is proposing to revise the application accordingly. As such, the changes do not modify the basic staff recommendation, which is still approval as submitted. In order to reflect these changes, the staff report is modified as shown below (where applicable, text in double underline format indicates text to be added, and text in double ~~strike through~~ format indicates text to be deleted):

1. Amend CLRDP Appendix A Resource Management Measure 30

a. Modify text at staff report page 5 as follows:

RMP MM 30. ~~Remove~~ The existing (at CLRDP certification) chain link fencing and install new solid fencing and/or additional berm along or just outside of the YLR boundary (see also Fencing Design in CLRDP Section 6.8) mesh wire fencing along McAllister Way which shall be sited and designed to allow through passage of native animal species on the site and to minimize visual impacts (including avoiding straight line forms, incorporating vegetation to help it blend into the surroundings, etc.) has been removed and replaced with a protective berm along the YLR boundary in order to protect research and resources in the YLR, including to provide noise screening. Screening and protection of research and resources provided by the berm may be augmented with fencing (which shall be sited and designed to allow through passage of native animal species on the site and to minimize visual impacts) and vegetative screening on the McAllister Way side of the berm such that YLR is screened from noise and activity consistent with RMP PS31 criteria. Plant windbreak and linear mass tall shrubs in a north-south orientation to enhance screening of terrace noise, lights, and activities from YLR (see also Landscape Design in CLRDP Section 6.5). Plant appropriate native shrub species (see Table A.3) to soften the appearance of any fencing and/or berming and to augment the screening capabilities of the fencing, and berming and tree screens.

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Th11a

Prepared December 23, 2016 (for January 12, 2017 hearing)

To: Coastal Commissioners and Interested Persons
From: Susan Craig, Central Coast District Manager
Ryan Moroney, Supervising Coastal Planner
Subject: **LRDP-3-SCZ-16-0005-1: University of California at Santa Cruz Coastal Long Range Development Plan Amendment Number 2 (Expanded Wetland Buffer and Appendix A Cleanup).**

SUMMARY OF STAFF RECOMMENDATION

The University of California at Santa Cruz (UCSC or the University) is proposing to amend its certified Coastal Long Range Development Plan (CLRDP) to expand the boundaries and associated buffers of a wetland to reflect a recent wetland delineation update, as required by the CLRDP, that was performed in conjunction with an expansion of the Seymour Marine Discovery Center (Seymour Center) proposed under Notice of Impending Development 8 (NOID-8).

In August 2016, UCSC conducted a new delineation of the wetland boundary of the portion of Wetland W5 that is adjacent to the proposed Seymour Center parking lot expansion area on the Marine Science Campus (Campus). The only change compared to the previous delineation performed in 2011 was found in the perimeter of the previously mapped colonies of an obligate wetland plant, resulting in a slight expansion of Wetland W5 and its associated buffer area. The University is thus proposing to amend CLRDP Figure 5.2 (Land Use Diagram) to reflect the expanded boundaries of Wetland W5 and its associated wetland buffer. Thus, the proposed amendment updates the CLRDP to reflect changing environmental conditions, including as explicitly required by the CLRDP to keep it updated and current, and which will result in expansion of wetlands protection on the Campus. In addition, the University is proposing to process a minor clean up amendment of the CLRDP to account for changes in allowable fencing types at the Campus that are related to the first CLRDP Amendment and NOID-6, which were previously approved but were not incorporated into the CLRDP document at that time.

Staff recommends that the Commission find the proposed CLRDP amendment consistent with and adequate to carry out the policies of the Coastal Act, and that the Commission approve the amendment as submitted. The necessary motion and resolution to effect this staff recommendation are found on page 2 of the staff report.

Staff Note: CLRDP Amendment Action Deadline

This proposed CLRDP amendment was filed as complete on December 8, 2016. The 90-day action deadline is March 8, 2017. (14 CCR §§ 13537(a), 13555(b).) Thus, unless the Commission extends the action deadline (it may be extended by up to one year per Pub. Res. Code § 30517), the Commission has until March 8, 2017 to take a final action on this CLRDP amendment.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1: Location Map and Site Plan

Exhibit 2: Current and Proposed CLRDP Figure 5.2

Exhibit 3: Updated Wetlands Delineation

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, approve the proposed CLRDP amendment as submitted. To implement this recommendation, Staff recommends a **YES** vote on the motion below. Passage of the motion will result in the certification of the CLRDP amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion: *I move that the Commission certify UCSC CLRDP Amendment Number 2 as submitted, and I recommend a yes vote.*

Resolution: *The Commission hereby certifies UCSC CLRDP Amendment Number 2 as submitted and adopts the findings set forth below on the grounds that the amendment as submitted is consistent with Chapter 3 of the Coastal Act. Certification of the amendment as submitted complies with the California Environmental Quality Act because there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts of the plan on the environment.*

II. FINDINGS AND DECLARATIONS

A. UCSC CLRDP

As an alternative to project-by-project coastal permit review, Coastal Act Section 30605 allows for, among other things, universities to develop long range development plans for Coastal Commission certification. Once certified, each university is the primary entity responsible for ensuring that future development on the site is consistent with the certified coastal long range development plan, subject to ongoing Commission oversight. (*See* Pub. Res. Code § 30606.) UCSC's Marine Science Campus CLRDP was certified by the Coastal Commission on January 7, 2009 and amended in August 2013.

UCSC's Marine Science Campus

UCSC's Marine Science Campus (Campus) site is located directly adjacent to the Monterey Bay National Marine Sanctuary (Sanctuary) just within the western border of the City of Santa Cruz in Santa Cruz County (see **Exhibit 1** for a location map and site plan). The Campus site has been known locally for many years as Terrace Point. The main UCSC campus is located roughly two miles inland of the Campus in the rolling foothills northwest of downtown Santa Cruz. The Marine Science Campus is located at the outskirts of the City, seaward of Highway One, at the transitional boundary between the urbanized City area to the east and the rural north coast of the unincorporated County to the west. The Santa Cruz County north coast area is known for its sweeping vistas of both coastal agricultural fields and natural landscapes framed by the undulating coastal range. Much of this area is in extensive State Park and other rural public land holdings, and all of it is traversed by a rural stretch of Highway One. Although there are some limited residential enclaves (e.g., Davenport along the coast, and Bonny Doon in the mountains) in these mostly pastoral areas, this north coast area is part of the stretch of largely agricultural and undeveloped coastal lands extending nearly 50 miles to Half Moon Bay upcoast. The Campus site is located at the beginning of this stretch of coast as one heads upcoast out of the City of Santa Cruz and, by extension, out of the urbanized portion of northern Monterey Bay.

The Campus site is primarily made up of a relatively flat terrace area (roughly 73 acres) sloping gently from north to south (to the ocean) with the remainder occupied by a large arroyo feature (roughly 25 acres) on the west of the site, at the base of which lies Younger Lagoon, an estuarine lagoon that connects (at times) to the ocean. A sandy beach area fronts Younger Lagoon below the terrace. The lagoon, the beach, the arroyo and a portion of the terrace make up Younger Lagoon Reserve. The terrace portion of the site includes within it a 2.5 acre federally-owned parcel completely surrounded by UCSC property. Altogether, the Campus (including the federal in-holding and the Younger Lagoon Reserve) is about 100 acres.

In the general Campus vicinity, agricultural land extends to the west along the coast beyond the Younger Lagoon Reserve and the western Campus boundary. To the north are the Union Pacific Railroad tracks, the Raytek industrial facility, and Highway One. To the south lies the Sanctuary and the Pacific Ocean, and to the east is Antonelli Pond (north of Delaware Avenue) and the densely packed De Anza Mobile Home Park (south of Delaware Avenue), beyond which is Natural Bridges State Park and past that West Cliff Drive in the City of Santa Cruz.

UCSC'S Marine Science Campus CLRDP

UCSC's Marine Science Campus CLRDP was certified by the Coastal Commission on January 7, 2009. The CLRDP provides a blueprint for future development of the site including a maximum increase of about 600,000 square feet of new Campus facilities mostly within four distinct development zones (occupying about one-third of the terrace area) for an expanded Marine Science Campus. The CLRDP provides for roughly 340,000 gross square feet of potential new facilities (some of which are currently under development) within the four development zones in new one- and two-story buildings up to 36 feet tall, with the remainder in outdoor research and support areas. The CLRDP also accounts for additional areas of roads, and some natural drainage ponds, outside of the four development nodes. Overall, and at full buildout, the CLRDP allows for the Campus to grow by about three times its size at certification. In addition to the building program, the CLRDP also provides for an expanded public access trail system and natural habitat restoration in those wetland and open space areas on the terrace that are not part of the proposed development zones.

In the time since CLRDP certification, one amendment and six NOIDs for development under the CLRDP have been acted on by the Commission. This is the second CLRDP amendment proposed by the University.

B. DESCRIPTION OF PROPOSED CLRDP AMENDMENT

The proposed amendment modifies Figure 5.2 to show the updated boundaries of Wetland W5 and its associated buffer area based on a recently updated wetland delineation. (See **Exhibit 2**) and also modifies language in the CLRDP regarding the type of fencing allowed along McAllister Way.

C. CONSISTENCY ANALYSIS

Standard of Review

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

Applicable Policies

The proposed amendment includes changes to the CLRDP that affect sensitive habitats on the site. The amendment thus implicates Coastal Act Section 30240 which establishes a high standard for protection of areas that are identified as environmentally sensitive, such as wetlands.

Consistency Analysis

1. Amend the CLRDP to update and expand the boundaries and associated buffers of Wetland W5 (and to correspondingly reduce allowable developable areas) to reflect an updated and revised wetland evaluation completed in 2016.

As noted above, the University is moving forward with NOID-8, which includes, among other things, an expansion of the Seymour Center parking lot. CLRDP Implementation Measure (IM)

3.3.1 requires a wetlands biologist to conduct a pre-development reevaluation of Campus wetlands that could be impacted by a proposed development project.¹ The University performed an updated delineation of Wetland W5, which is located adjacent to the Seymour Center parking lot that is proposed for expansion. According to the results of the wetland delineation, changes were found in the perimeter of the previously mapped colonies of the obligate wetland plant false willow (*Baccharis douglasii*), resulting in a slight expansion of Wetland W5 and its associated buffer area.² As required by CLRDP IM 3.3.1, the University is proposing to amend the CLRDP to reflect the newly identified wetlands and wetland buffers and to expand the wetland and its buffer area (approximately 100 square feet) into the Lower Terrace Development Zone 1. (See **Exhibit 2** for updated Figure 5.2 (Land Use Diagram) of the CLRDP reflecting the expanded wetlands and wetland buffer areas; see **Exhibit 3** for a comparison of the 2011 wetlands and the 2016 wetland boundaries see.) Thus, the proposed amendment updates the CLRDP, which results in expansion of wetlands protection on the Campus and enhances resource protection on the Marine Science Campus, consistent with Coastal Act Section 30240.

2. Amend CLRDP Appendix A, Resource Management Plan Management Measure 30 (RMP MM 30) to reflect changes approved by Commission in Amendment 1 and NOID-6.

In August 2013, the Commission approved the first amendment to the CLRDP, which included changes to RMP MM 30 related to fencing along the berm located adjacent to McAllister Way and the Younger Lagoon Reserve. Commission staff and UCSC staff disagreed on the type of fencing that should be used in this area, and UCSC agreed to remove the fencing language from the amendment until the Commission took action on NOID-6. Subsequent to the amendment, the Commission approved NOID-6, which also addressed the fencing along this berm. In NOID-6, Commission staff recommended that the fencing along the berm consist of roughhewn split-rail fencing no taller than three feet in height, or wood post and rope (or cable) barriers no taller than two feet in height. However, the Commission approved mesh wire fencing in this area, but the previously-amended CLRDP did not reflect the changes approved by the Commission in NOID-6 with respect to fencing. The Applicant is therefore also proposing to update RMP MM 30 as provided below:

RMP MM 30. Remove existing (at CLRDP certification) chain link fencing and install ~~new solid fencing and/or additional berm along or just outside of the YLR boundary (see also Fencing Design in CLRDP Section 6.8)~~ mesh wire fencing along McAllister Way which shall be sited and designed to allow through passage of native animal species on the site and to minimize visual impacts (including avoiding straight-line forms,

¹ To address the potential for wetlands to change in size and scope, and to avoid a “static” document that was unable to respond to changes since initial approval of the CLRDP, the CLRDP was structured to allow for re-evaluation of changes in wetland and ESHA to be accounted for at the time of impending development. Importantly, the CLRDP was and is structured such that such subsequent evaluation could only lead to reductions in developable area, and could not be used to expand into protected areas (i.e., an argument that wetlands and/or ESHA had contracted cannot be used to expand areas of development). Thus, the wetland changes identified in 2016 must be understood within that context, and the corresponding CLRDP changes to address them only propose to increase the size of delineated wetlands and therefore to reduce developable area on the Campus.

² The parking lot expansion (which will be addressed in NOID-8) does not extend into the expanded wetland bluffer, and the expanded wetland buffer does not otherwise affect any other development subareas on the Campus.

incorporating vegetation to help it blend into the surroundings, etc.) Plant windbreak and linear mass tall shrubs in a north-south orientation to enhance screening of terrace noise, lights, and activities from YLR (see also Landscape Design in CLRDP Section 6.5). Plant appropriate native shrub species (see Table A.3) to soften the appearance of any fencing and/or berming and to augment the screening capabilities of the fencing, berming and tree screens.

Again, the proposed language is simply intended to update the CLRDP to reflect previous Commission actions on both CLRDP Amendment 1 and NOID-6 with respect to allowable fencing. Both of these past Commission actions included an evaluation of project impacts and were found to be consistent with the Coastal Act. In other words, the minor amendment to RMP MM 30 does not authorize any new development.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Universities are not required to undertake environmental analysis of proposed CLRDPs or CLRDP amendments under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code § 21080.9), although the Commission can and does use any environmental information that the University has developed in carrying out its obligations under the Coastal Act and CEQA in certifying CLRDPs and CLRDP amendments. The Coastal Commission’s review process for CLRDP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, this staff report is adequate for the Commission to comply with its CEQA obligations in the review and certification of this CLRDP amendment.

CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake. As explained in this staff report, the proposed amendment to the CLRDP memorializes an increase in protected wetlands and buffer and reduces the amount of buildable area. The amendment also updates the CLRDP to reflect prior Commission action authorizing certain types of fencing for which impacts to coastal resources were already evaluated. The amendment does not propose or allow for any new development or impacts to coastal resources. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. CLRDP, including Appendix A – Resource Management Plan; Appendix B – Drainage Concept Plan
2. Terry Huffman, PhD., Huffman-Broadway Group, Inc. *Technical Letter Report, Reverification of CCC Wetlands and Corps Jurisdiction Boundaries, UCSC Marine Science Campus*, December 6, 2016.
3. Terry Huffman, PhD., Huffman-Broadway Group, Inc., *Technical Letter Report, Reverification of CCC Wetlands and Corps Jurisdictional Boundaries, UCSC Marine Science Campus*, January 2011
4. Winzer and Kelly, *Marine Science Campus Final Grading and Drainage Master Plan*, April 2012
5. University of California at Santa Cruz Marine Science Campus Projects Final Environmental Impact Report, November 2011
6. University of California Santa Cruz Addendum #1 to Marine Science Campus Projects EIR, Analyzing the Coastal Science Campus Parking Lots, June 2016

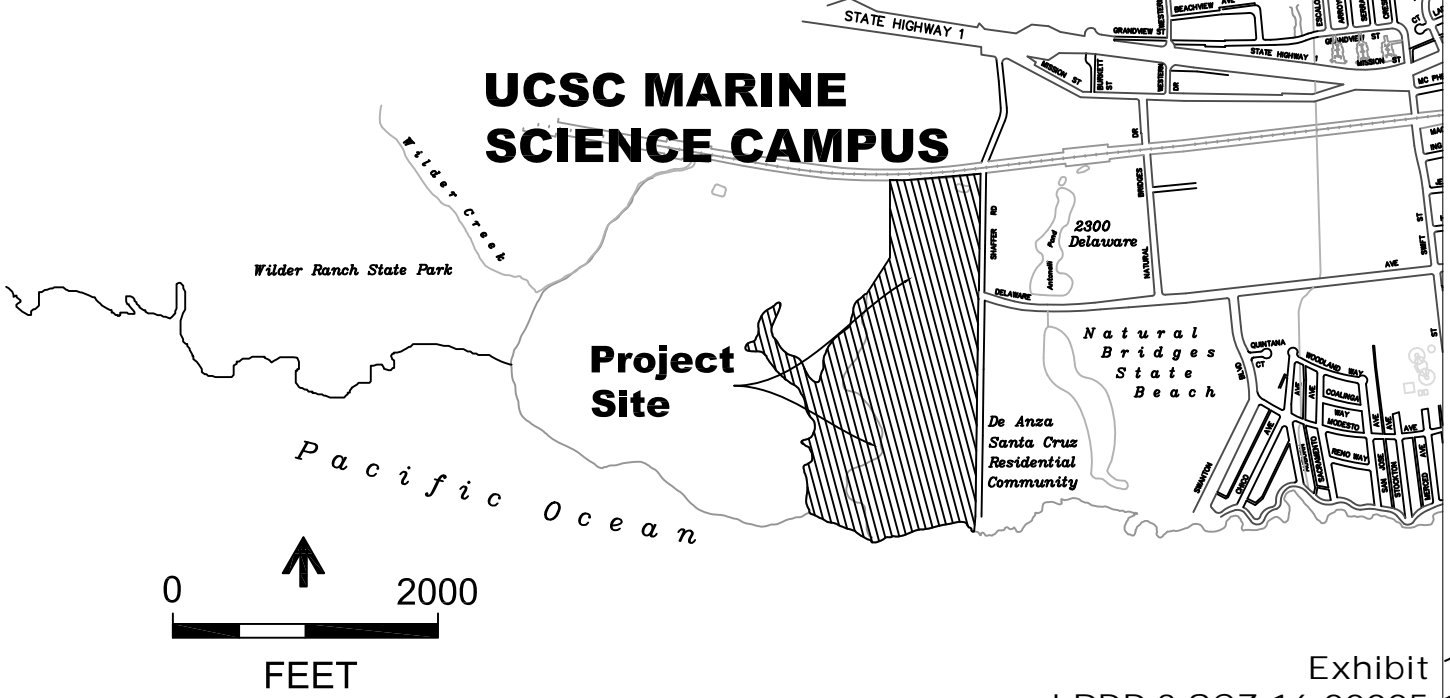
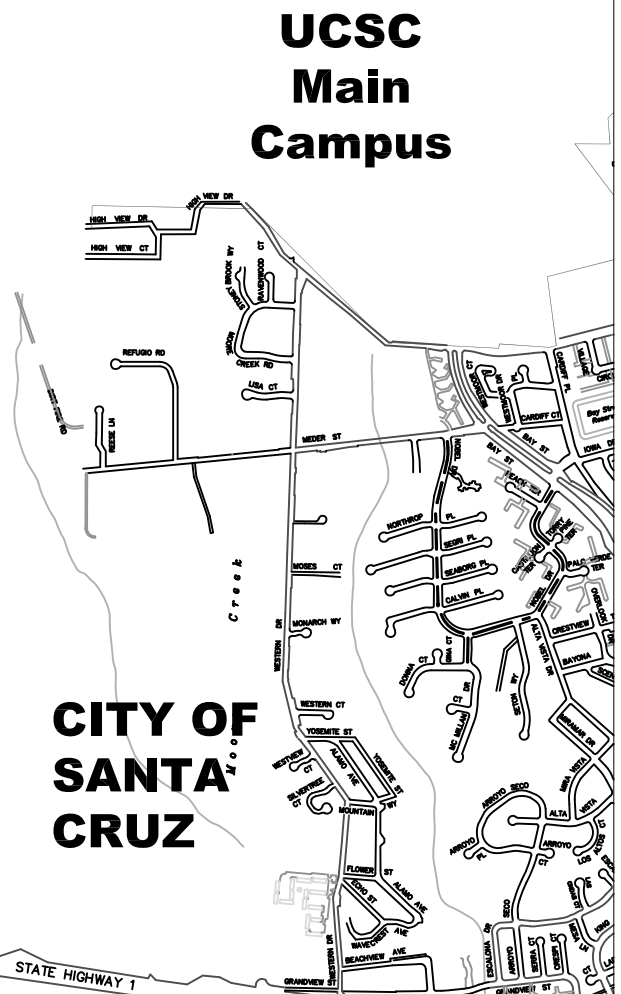
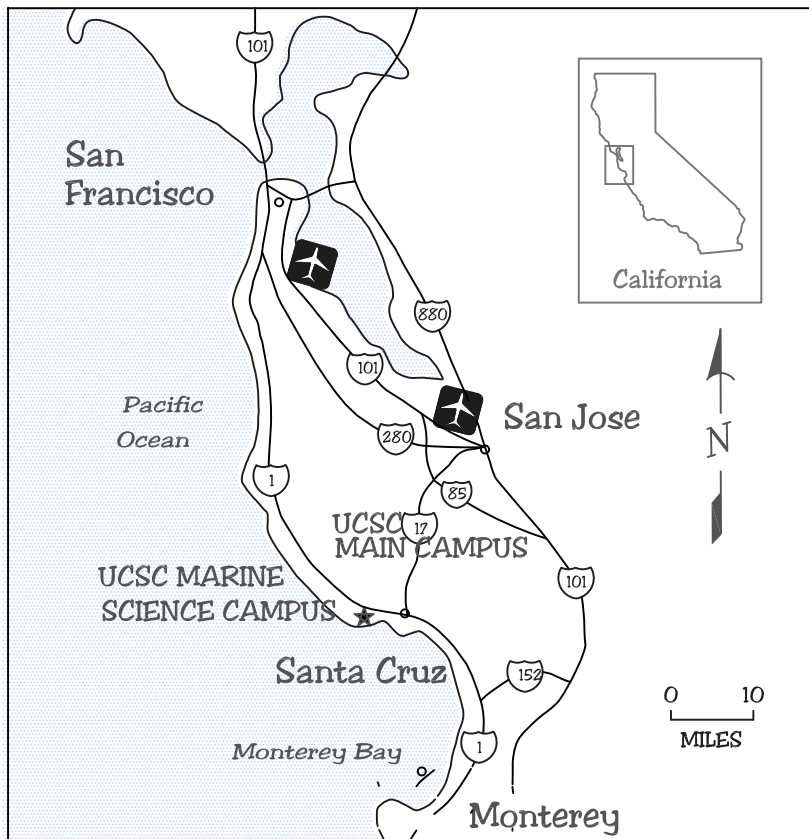


Exhibit 1
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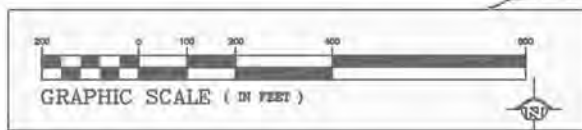
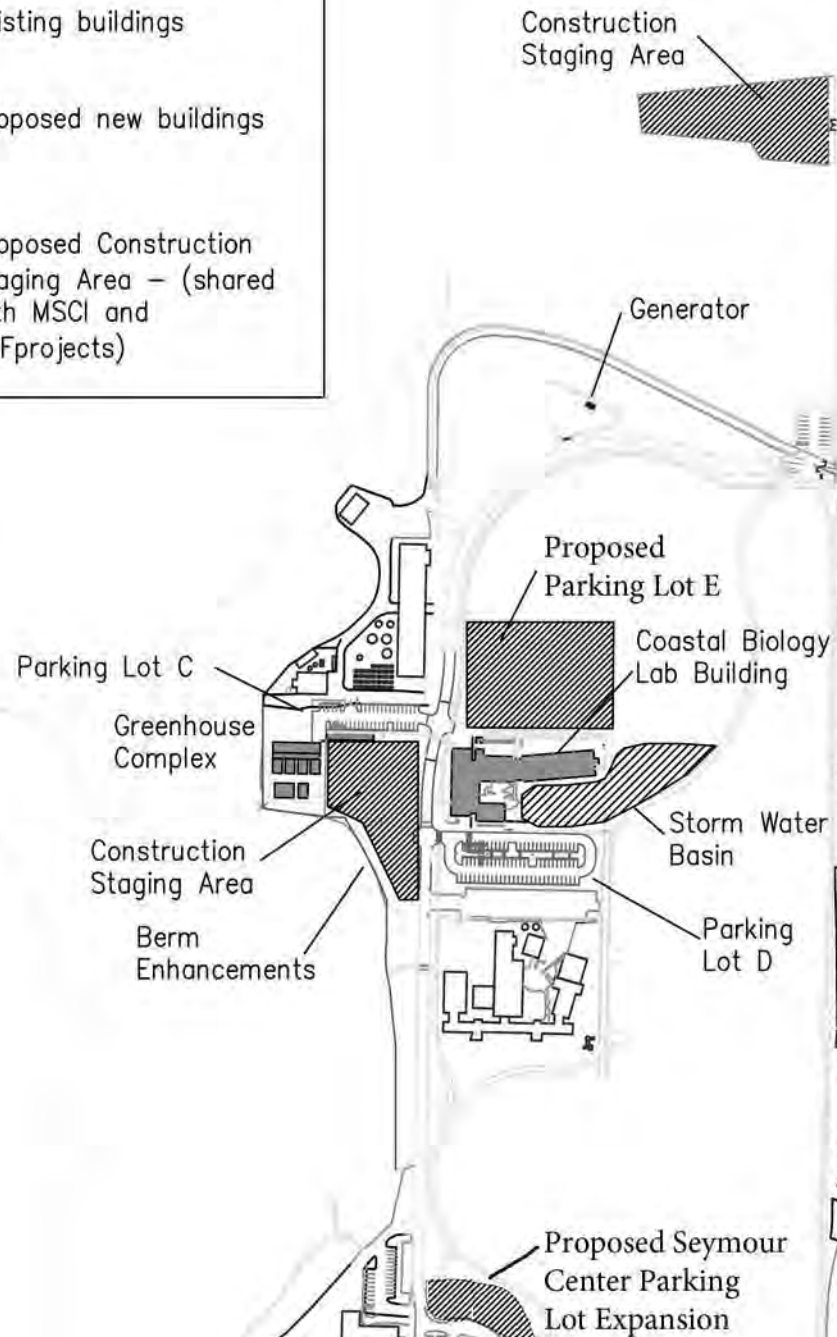
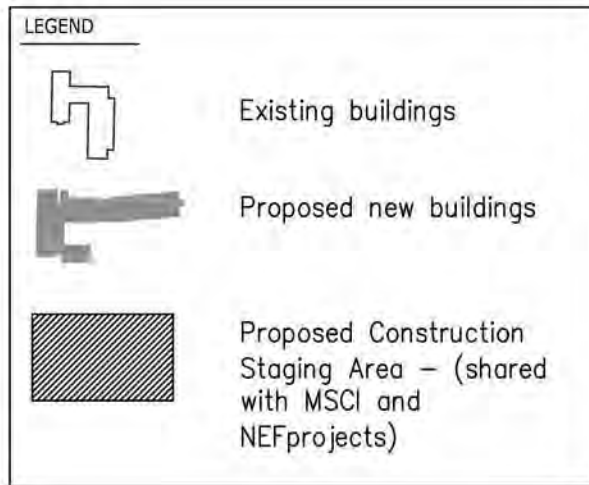


Exhibit 1
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Fig. 5.2 Land Use Diagram

Legend

-  Research and Education Mixed Use
-  Resource Protection
-  Resource Protection Buffer
-  Open Space
-  Wildlife Corridor

All non- Research and Education Mixed Use land area has been incorporated into the Younger Lagoon Natural Reserve

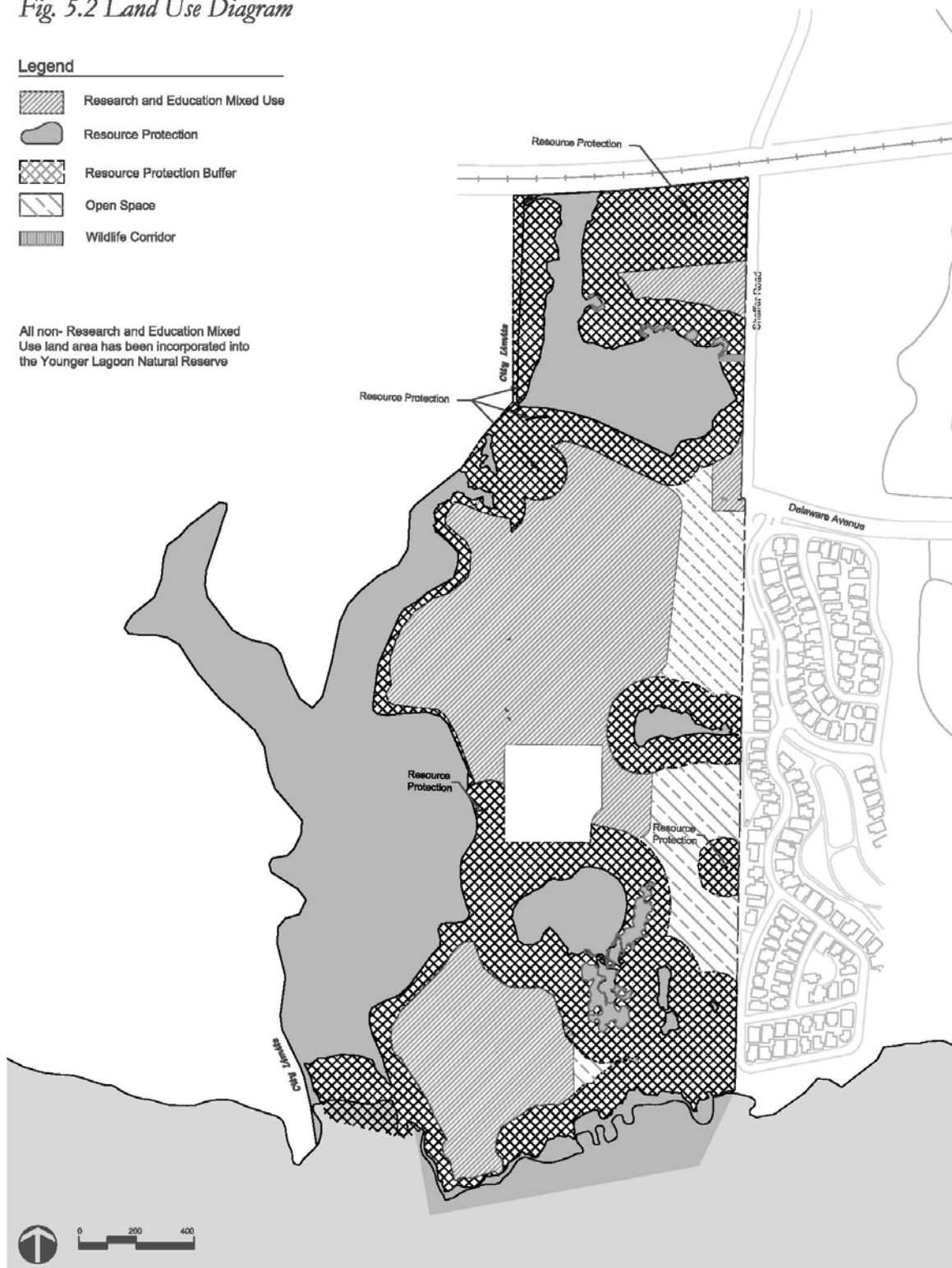
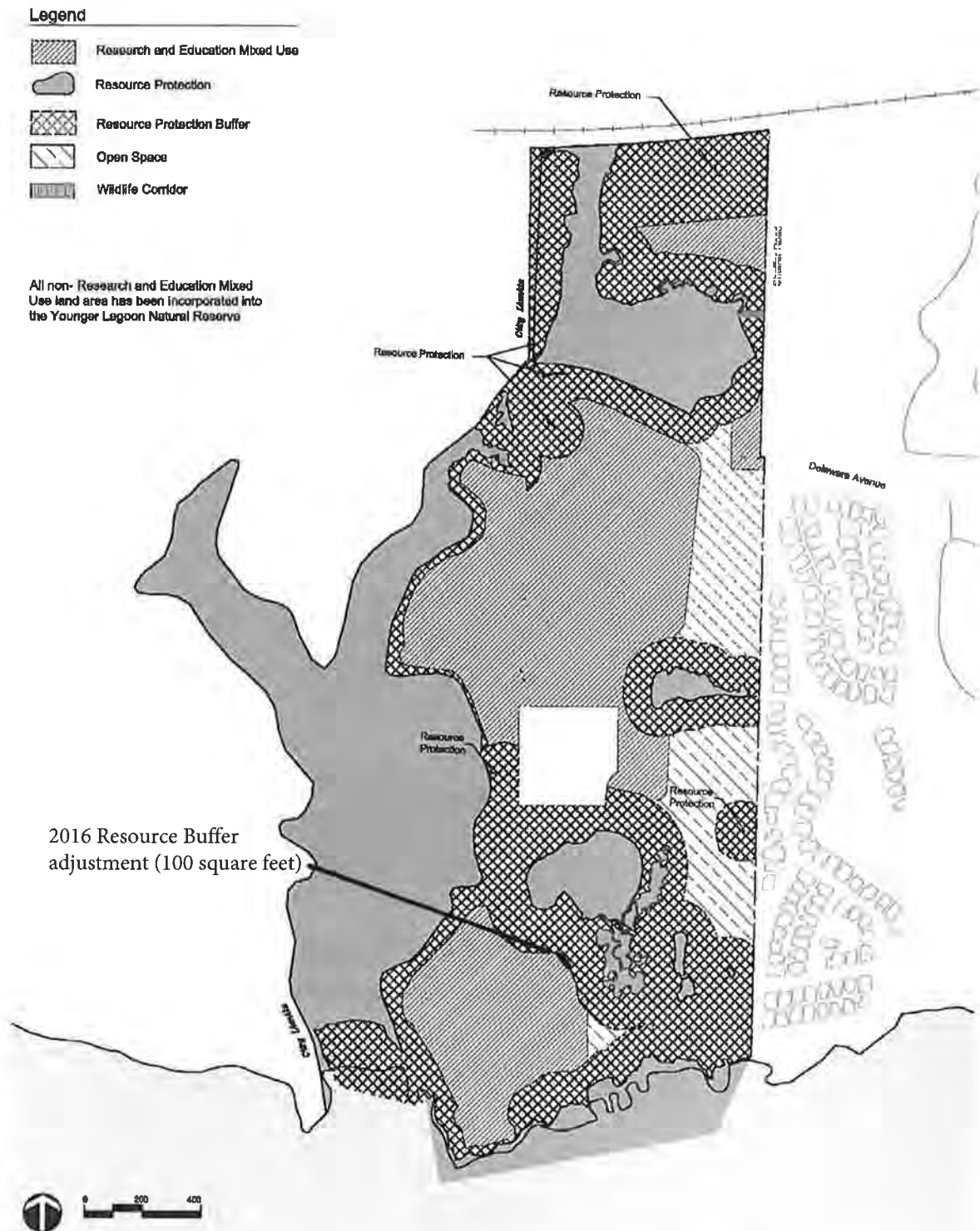
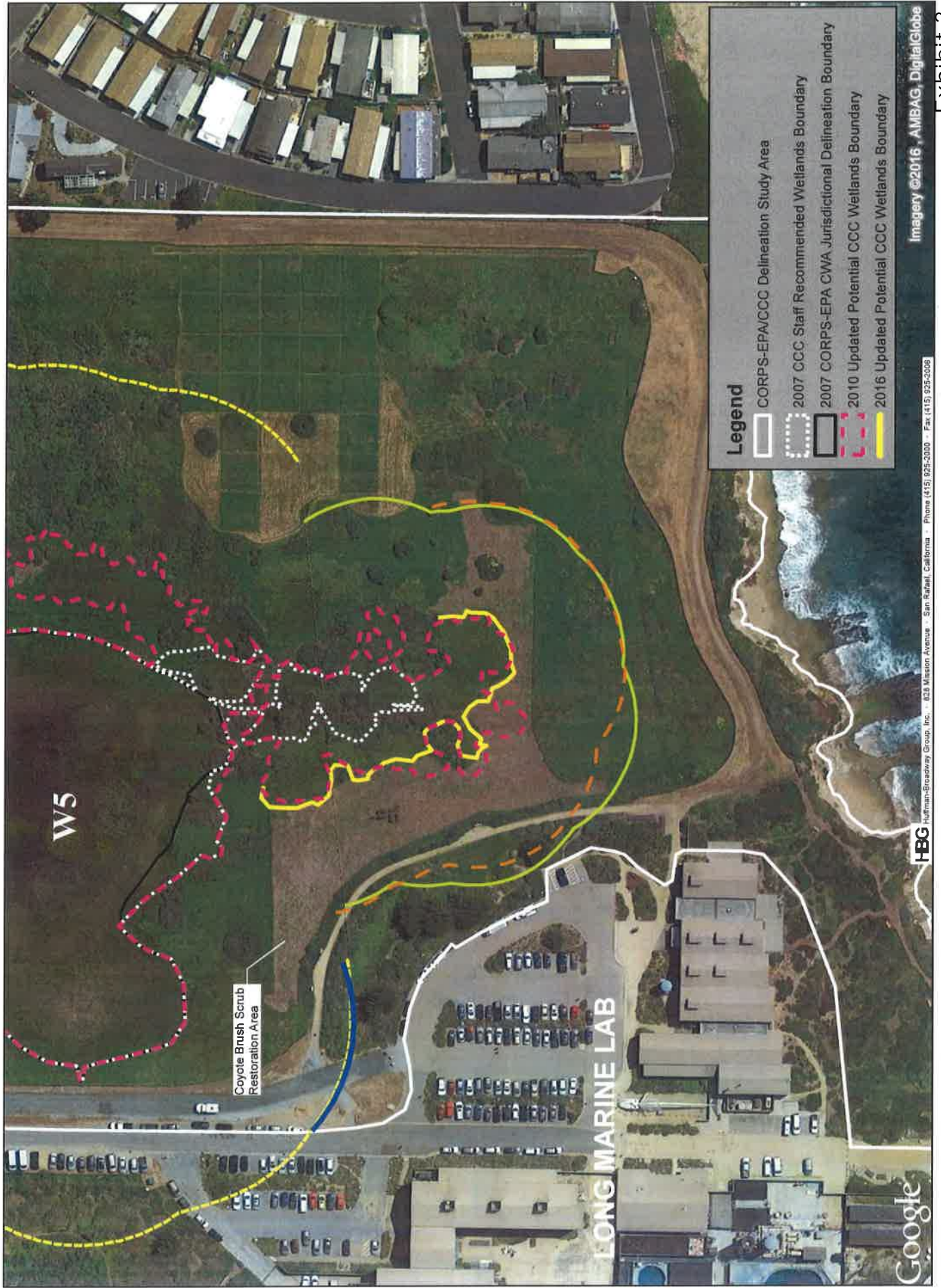


Fig. 5.2 *Land Use Diagram* (2016 verification)





Attachment 5. Comparison of 2016 and 2010 California Coastal Act Wetland Boundaries