

**CALIFORNIA COASTAL COMMISSION**

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# Th14a

**DATE:** November 30, 2017

**TO:** Commissioners and Interested Persons

**FROM:** Steve Hudson, Deputy Director  
Barbara Carey, District Manager  
Shana Gray, Planning and Regulation Supervisor  
Denise Venegas, Coastal Program Analyst

**SUBJECT:** **Proposed Major Amendment No. LRDP-4-UCS-16-0001-1 Part A to the University of California Santa Barbara Certified Long Range Development Plan (LRDP), for Public Hearing and Commission Action at the December 14, 2017 Commission Meeting in Dana Point.**

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## DESCRIPTION OF THE SUBMITTAL

The University of California at Santa Barbara (UCSB or University) is proposing an amendment to its certified 2010 Long Range Development Plan (LRDP) to: incorporate additional land uses into the LRDP Coal Oil Point Reserve Overlay, modify LRDP Policies LU-33 and LU-34 to incorporate site-specific development policies and standards, amend Policy ESH-31 to include ESHA buffer width requirements for future development within the Field Station potential development area, and make associated revisions to LRDP Figures and text to reflect the policy revisions above. The subject amendment is required by LRDP Policy LU-33 which states that the University must submit a Coal Oil Point Reserve Coastal Management Plan to the Coastal Commission as an amendment to the 2010 LRDP in order to address future development, including Reserve programs, and ensure protection of public access and coastal resources.

The proposed amendment is Part A of a two-part Amendment. As such, Part B will be processed separately. This staff report and recommendation only deals with Part A of the amendment request.

## SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission, after public hearing, **approve** Long Range Development Plan Amendment No. LRDP-4-UCS-16-0001-1 Part A to the certified Long Range Development Plan as submitted. No modifications are necessary because the proposed amendment to the certified LRDP, as submitted, conforms with the Chapter 3 policies of the Coastal Act. The motions to accomplish this recommendation are found on Page 6 of this staff report.

Coal Oil Point Reserve (COPR) is located on portions of both North and West Campuses and includes Devereux Slough. A majority of the Reserve lies within the jurisdiction of the Long Range Development Plan (LRDP) for UCSB. However, Devereux Slough and the slough mouth lie within the retained jurisdiction of the Coastal Commission. Coal Oil Point Reserve is one of

the 39 University of California (UC) reserves administered by the University-wide Natural Reserve System (NRS). The purpose of the Reserve System is to protect and manage specific University-owned natural areas for the public trust and to provide protected natural areas for research and teaching. Coal Oil Point Reserve is managed by an ecologist/reserve manager, who resides at the Reserve. The Reserve provides for coastal wetland and wildlife habitat conservation and restoration, university-level teaching ecological research, public education and public access. The beach, perimeter trails and an internal pedestrian nature trail (The Dune Pond) are open to the public for nature study and passive recreation. The entirety of the Reserve is designated Environmentally Sensitive Habitat Area (ESHA) pursuant to the certified LRDP, except for a 1.4-acre area on the Reserve known as the Field Station, additionally the Reserve is covered by an LRDP overlay (Coal Oil Point Reserve Overlay).

The Reserve consists of 170 acres of protected coastal habitats, including rare native habitat and wildlife. The Slough provides a freshwater marsh environment during the rainy season and a brackish salt marsh environment during the dry season. COPR “species lists” identify at least fifty rare vertebrate species observed at the Reserve, including breeding populations of the threaten Western Snowy Plover and endangered California least tern and Belding’s savannah sparrow. The Reserve has one of the most pristine remnants of dunes and Coastal Dune Scrub in Santa Barbara County, and contains a number of rare plant species, several types of wetlands such as vernal pool, dune swale, salt flat and salt marsh. Existing development at the Reserve includes buildings, greenhouses and utilities at the Field Station and auxiliary equipment, culverts, fences, trails and roads out on the Reserve for research and education.

The proposed amendment incorporates additional land uses into the LRDP Coal Oil Point Reserve Overlay to allow for additional types of land uses within the Reserve, such as associate grading for the purpose of habitat restoration, parking, boardwalks/stairways and restrooms for public coastal access amenities, the installation, repair or upgrading of utilities, and drainage and water quality improvements. These proposed land uses are appropriate for the nature and purpose of the Reserve, and the development of these uses are also subject to all other policies and provision of the LRDP to ensure, which restrict development in environmentally sensitive areas and reduce the disturbance of sensitive habitat, as required by Coastal Act Sections 30230, 30233, 30240, and 30250.

Moreover, the subject amendment includes modifications to incorporate specific development policies and standards for new development, reserve management and educational programs, and habitat restoration and preservation while protecting and enhancing of natural resources and maintaining public coastal access. Some policy revisions assist in the siting of buildings and other improvements while also protecting and enhancing of natural resources standards at the Field Station. The proposed amendment does not propose any new development within any areas that would result in the direct loss of any ESHA or conversion of delineated ESHA to development. The certified LRDP requires a minimum native vegetation buffer of 100-ft from all ESHA and freshwater wetlands from new development. In this case, the existing footprint of development on the west side of the Field Station encroaches within the 100-foot buffer from the restored Southern Dune Scrub ESHA area, which was previously disturbed and restored by the Reserve. The certified LRDP allows for exceptions to the applicable ESHA buffers widths when there are significant benefits to clustering development, and enhancing and restoring ESHA.

The University is not proposing to expand the western footprint of development at the Field Station. Specifically, the University is proposing a site-specific development requirement that states the 100-foot buffer from restored Southern Dune Scrub ESHA immediately adjacent to the west side of the Field Station shall not be required. This results in a static buffer for the western edge of existing development and allows for the development to remain in its existing footprint. Further, the University proposes to memorialize the retention of the existing footprint by incorporating language to allow for the exception to the applicable 100-ft ESHA buffer width requirement. The proposed policies above will not result in the elimination or degradation of areas of environmentally sensitive habitat because future redevelopment of the west side of the Field Station is restricted to the footprint of existing development. These proposed policies provide and ensure the protection of environmentally sensitive habitat areas, wetlands, and the marine environment while also allowing limited development in existing developed areas, consistent with Sections 30240, 30230, 30233, and 30250 of the Coastal Act.

Furthermore, the University's proposed amendment is consistent with the requirement to maximize public access to and along the coast. Specifically, the proposed LRDP amendment includes site-specific development requirements for the Reserve and the Field Station that are intended to ensure the permanent protection and enhancement of public access on the Reserve. The proposed policies specifically provide that public access shall be maintained and enhanced and also require the University to continue to maintain and improve trails through the site to link the Reserve and coastal access parking with the surrounding trails, open space areas, and the beach. The policies also require the University to maintain vertical pedestrian access from the Reserve to the Sands Beach entrance to ensure beach access from the Reserve to the beach is always available to coastal visitors. Moreover, Reserve trails must be maintained, marked, and signed for safety and interpretation of the Reserve's ecology.

The University also proposes to update LRDP figures to reflect the policy revisions above and update the biological resources mapping on the Reserve with current biological surveys; and associated revisions to the LRDP text to reflect additional details regarding Coal Oil Point Reserve and to provide for internal consistency within the LRDP.

The standard of review for the proposed LRDP amendment is the Chapter 3 policies of the Coastal Act. The LRDP amendment, as submitted, is consistent with the Chapter 3 policies of the Coastal Act. Therefore staff is recommending approval of the subject amendment, as submitted.

The University submitted LRDP Amendment No. LRDP-4-UCS-16-0001-1 Part A to the Commission on January 5, 2016. After the submittal of additional information requested by Commission staff, the amendment proposal was deemed complete on May 5, 2017. At the June 7, 2017 hearing, the Commission granted a one year time extension to act on the subject amendment pursuant to Coastal Act Section 30517 and California Code of Regulations, Title 14, Section 13535(c).

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## **APPENDICES**

Appendix 1 Substantive File Documents

## **EXHIBITS**

- Exhibit 1. Vicinity Map
- Exhibit 2. Coal Oil Point Reserve Aerial
- Exhibit 3. COPR Field Station Aerial
- Exhibit 4. University of California Santa Barbara Long Range Development Plan Amendment Submittal (strikeout and underline)
- Exhibit 5. University of California President Approval Letter
- Exhibit 6. LRDP Amendment Proposed LRDP Pages
- Exhibit 7.A LRDP Amendment Proposed LRDP Figure D.1 (Land Uses)
- Exhibit 7.B LRDP Amendment Proposed LRDP Figure D.2 (Land Use Overlays)
- Exhibit 7.C LRDP Amendment Proposed LRDP Figure D.3 (Potential Development Areas)
- Exhibit 7.D LRDP Amendment Proposed LRDP Figure F.2 (Historic and Current Biological Resources)
- Exhibit 7.E LRDP Amendment Proposed LRDP Figure F.5 (ESHA Buffers)
- Exhibit 8. Field Station Historic Aerials
- Exhibit 9. Field Station Restoration Aerial Photo Progression

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## **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 and Section 13540 of the Commission's regulations, 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 Commission's regulations, the University resolution for the 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. In this case, if the Commission certifies the LCP amendment as submitted, no further University action will be necessary. Should the Commission deny the LRDP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the University, and the LRDP amendment is not effective.

### **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.

## **II. STAFF RECOMMENDATION: MOTION AND RESOLUTION**

### **A. LRDP AMENDMENT LRDP -4-UCS-16-0001-1 PART A: APPROVAL AS SUBMITTED**

#### **Motion I:**

*I move that the Commission certify the University of California at Santa Barbara Long Range Development Plan Amendment No. LRDP-4-UCS-16-0001-1 Part A as submitted.*

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Long Range Development Plan Amendment No. LRDP-4-UCS-16-0001-1 Part A and the adoption of the following resolution and findings. The motion to certify passes only by affirmative vote of a majority of the Commissioners present.

#### **Resolution I:**

*The Commission hereby approves certification of the University of California at Santa Barbara Long Range Development Plan Amendment No. LRDP-4-UCS-16-0001-1 Part A as submitted and adopts the findings stated 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 mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the plan on the environment.*

## **III. FINDINGS FOR THE APPROVAL OF THE LONG RANGE DEVELOPMENT AMENDMENT AS SUBMITTED**

The following findings support the Commission's approval of the LRDP amendment as submitted. The Commission hereby finds and declares as follows:

### **A. BACKGROUND AND SETTING**

The 1,117-acre UCSB campus, located in southern Santa Barbara County, is divided into four principal campuses: Main Campus (419-acres), Storke Campus (191-acres), West Campus (269-acres), and North Campus (238-acres). West Campus consists of approximately 269 acres largely characterized by open space, including Devereux Slough (which is estimated at 70 acres in size) and other natural areas within the Coal Oil Point Reserve as well as West Campus Bluffs Park. The Coal Oil Point Reserve (COPR or Reserve) is located within both North and West Campus, the varied eastern boundary of North Campus cuts through the open space at Coal Oil Point

Reserve (Exhibit 2). Access to the Reserve is provided via a public road from the north entrance of the West Campus at the intersection of Storke and El Colegio Roads.

Coal Oil Point Reserve is one of the 39 University of California (UC) reserves administered by the University-wide Natural Reserve System (NRS). The NRS is responsible for managing research, education, and stewardship of the Reserve. The purpose of the Reserve System is to protect and manage specific University-owned natural areas for the public trust and to provide protected natural areas for research and teaching to contribute to the understanding and wise management of the Earth and its natural systems. A majority of the Reserve lies within the jurisdiction of the Long Range Development Plan (LRDP) for UCSB. However, Devereux Slough and the slough mouth lie within the retained jurisdiction of the Coastal Commission.

The Reserve provides for coastal wetland and wildlife habitat conservation and restoration, university-level teaching ecological research, and public education. To preserve its natural resources, the Reserve maintains active Restoration and Endangered Species Programs. Routine activities include (1) mapping natural resources, (2) managing public access to protect sensitive habitats, (3) controlling and eradicating exotic weeds, and (4) restoring degraded habitats. The Reserve also supports and hosts research projects, college level classes, natural resource conservation and land stewardship educational programs.

The Reserve consists of 170 acres of protected coastal habitats, including rare native habitat and wildlife, along the south coast of Santa Barbara County in the lower drainage area of the Devereux Creek Watershed, south of North Campus Open Space (Exhibit 2). The COPR beach is a breeding ground for the Pacific coastal populations of the threatened Western Snowy Plover and the endangered California Least Tern. The Belding Savanna sparrow breeds in the pickle weed habitat of Devereux Slough. Rare invertebrates such as the Globose Dune beetle (*Coelus globosus*), Dune spider (*Aptostichus simus*), and the Sand Tiger Beetle (*Cicindela theatina*) share the beach and dunes with the Snowy Plovers. The Slough provides a freshwater marsh environment during the rainy season and a brackish salt marsh environment during the dry season. The Reserve has one of the most pristine remnants of dunes and Coastal Dune Scrub in Santa Barbara County, and contains a number of rare plant species. The Reserve actively enhances natural habitats through weed control, restoration, re-introduction of extirpated species, control of nuisance predators attracted to the Reserve by public activities, trash removal, and management of public access and pets.

Access to the Reserve is from Slough Road on West Campus and through a locked gate at the Reserve's eastern perimeter with Isla Vista. Portions of the beach, perimeter trails and an internal pedestrian nature trail (the Dune Pond trail) are open to the public. Developed areas to the east of the Reserve include the Orfalea Family Children's Center, West Campus Faculty Housing, the Devereux School, and the Cliff House conference facility. The entirety of the Reserve is designated Environmentally Sensitive Habitat Area (ESHA) pursuant to the certified LRDP, except for a 1.4-acre area on the Reserve known as the Field Station. Additionally, COPR is covered by an LRDP overlay (Coal Oil Point Reserve Overlay) which restricts development and uses on the Reserve in order to protect the sensitive habitats and species located on site. Lastly, soils within the Field Station include Conception fine sandy loam. The area of the Field Station is mostly flat and storm water drains into (infiltrates) the immediate sandy soil.

**Existing Development**

Existing infrastructure at the Reserve includes buildings, sheds, greenhouses, utility lines, communications, culverts, fences, trails and roads, parking area, and research equipment. The buildings, greenhouses and utilities are located at the COPR Field Station on Coal Oil Point within the Reserve and provide support for operations, maintenance and programs at the Reserve. In addition to these structures, the COPR Reserve Director lives onsite at the field station, as a condition of employment. The Reserve Director’s residence has an adjacent fenced yard with a garden and small green house that are for the private use of the Reserve Director and the Reserve Director’s family. The Field Station is fenced with a 6-foot high wood fence. In addition, the Reserve contains research equipment routinely used and maintained by researchers at the Reserve. Current equipment includes two weather stations, USGS earthquake antenna, internet radios, and air monitoring equipment installed by Santa Barbara County Air Pollution Control District to monitor air quality from the operation of the Ellwood Marine Terminal (EMT) oil facility. However, the EMT is currently decommissioned and awaiting demolition.

The existing buildings, size and function at the Field Station are listed in Table 1.

<b>Table 1 List of Facilities at the COPR Field Station</b>		
<b><u>Building</u></b>	<b><u>Size (sq. ft.)</u></b>	<b><u>Function</u></b>
Director’s Residence	1,246	Residence for Reserve Director’s and family
Staff Office	416	Office for Reserve staff; researchers, volunteers, and interns
Snowy Plover Shed	120	Support of Snowy Plover Management Program
Shed #1, #2, & #3	224, 224, & 480	Storage & Workshop
Garden shed	120	Storage of restoration supplies
Docent Office	300	Office for decent program staff and volunteers
Greenhouse – plant nursey	220	Growing of native plants for research and restoration
Shade hut	900	Growing of native plants for research and restoration

**B. AMENDMENT DESCRIPTION**

The University of California at Santa Barbara is proposing an amendment to its certified 2010 Long Range Development Plan (LRDP) which includes: (1) additions to the LRDP Coal Oil Point Reserve Overlay to allow for additional types of land uses within the Reserve, (2) replacement of Land Use Policy LU-33 with entirely new language to incorporate specific development policies and standards for new development, reserve management and educational programs, and habitat restoration and preservation while protecting and enhancing of natural resources and maintaining public coastal access, (3) revisions to Land Use Policy LU-34 to include specific development policies and standards for the Field Station that are intended to assist in the siting of buildings and other improvements while protecting and enhancing of natural resources standards, (4) additions to Environmental Sensitive Habitat Area Policy ESH-31 to include ESHA buffer width requirements for future development within the Field Station potential development area, (5) revisions to LRDP Figures D.1 (Land Use), D.2 (Land Use



Overlays), D.3 (Potential Development Area), F.2 (Historic and Current Biological Resources) and F.5 (ESHA Buffers) to update the LRDP figures to reflect the policy revisions above and update the biological resources mapping on the Reserve with current biological surveys, and (6) associated revisions to the LRDP text to reflect additional details regarding Coal Oil Point Reserve. These proposed changes are described in detail below, and the proposed amendment language is attached as Exhibit 4.

The proposed amendment is LRDP policy driven. Specifically, the University's proposed amendment expressly implements Land Use Policy LU-33, which states that the University must submit a Coal Oil Point Reserve Coastal Management Plan to the Coastal Commission within two years of the effective date of certification (December 11, 2014) of the 2010 LRDP as an amendment to the 2010 LRDP. The purpose of the Plan is to comprehensively identify existing and planned development, maintenance, and programs at the Reserve. Specifically, LU-33 requires the Coal Oil Point Reserve Coastal Management Plan to identify: a baseline of all existing development on the Reserve (including confined animal facilities); the development's date of installation; permitting history; existing Reserve programs (e.g., the snowy plover management); existing maintenance operations such as location, timing and methods of fuel modification; and status of habitat restoration activities. Furthermore, the plan is required to provide a detailed description of all development, maintenance, and programs that are proposed to continue on the Reserve. Lastly, the certified LRDP requires the COPR Management Plan to augment the biological resources mapping (LRDP Figure F.2) effort on campus, both on and off the Reserve, based on current and historic resource surveys for all areas within 300 feet of proposed Reserve development, maintenance, or management programs. The plan must evaluate the consistency of the proposed development activities with the Coastal Act.

In response to LRDP Policy LU-33, the University submitted a Coal Oil Point Reserve Coastal Management Plan consistent with the plan requirements of LRDP Policy LU-33, as detailed above. Specifically, the submitted COPR Management Plan includes: (1) mission and goals of the Coal Oil Point Reserve (2) detailed list of existing development at the Reserve, including all the buildings at the Field Station and auxiliary equipment on the Reserve for research and education along with their approximate date of installation/permitting, (3) summary of future Reserve improvements, (4) summary of existing and future Reserve management programs, including Reserve Users and Visitors, Habitat Conservation, Stewardship, Administration, Animal Damage Control, Vector Control, and Infrastructure and Facilities Programs, (5) detailed description of the Reserve's Restoration Plan, Public Access Plan, and Snowy Plover Management Plan, and (6) updated LRDP Figure F.2 (Historic and Current Biological Resource) to include recent biological resource surveys at the Reserve. The COPR Management Plan guided the development of the proposed amendment, which includes land use policy additions and revisions, revised LRDP figures to reflect updated biological resources mapping, and additional land uses to the Reserve's Overlay to accommodate future development and management programs at the Reserve.

### **Coal Oil Point Reserve Overlay**

The certified 2010 LRDP includes a Coal Oil Point Reserve Overlay to delineate the area of campus that is managed and preserved as part of the University of California's Natural Reserve System. The Reserve Overlay covers the entire 170 acres of the Coal Oil Point Reserve. Unlike conventional open spaces, the COPR functions as an outdoor classroom and laboratory for the

long-term field study of wild land ecosystems, so public access is managed within the reserve consistent with the preservation of its natural resources. With the exception of the Reserve Field Station, the Reserve is also designated within the ESHA Overlay (Exhibit 7.B). The amendment proposes to add additional land uses to the Reserve's Overlay to accommodate future development and management programs at the Reserve. The University's proposed language is shown in straight type and language proposed by the University to be deleted in ~~strikeout~~ and language to be added in underline.

## Reserve Overlay

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Allowed uses within the Reserve Overlay shall be limited to:

- Environmental interpretation/educational displays/scientific and education study
- Fences, signs, or other wildlife permeable, natural barriers to protect public safety, manage space areas, and direct public access
- Habitat creation, restoration and/or enhancement activities, including vegetation management for habitat restoration purposes consistent with Policy ESH-12, and including associated grading for such purposes
- Parking for Reserve personnel, users and volunteers
- Public coastal access, including public coastal access trails, boardwalks/stairways, ADA parking, benches, restrooms, and bicycle racks
- Reserve Director's residence, including a yard and septic system to serve the residence
- Reserve Field Station facilities such as workshops, storage sheds, offices, garages, greenhouses and shade hut
- Weather stations, observation blinds, or other similar small structures to enhance the Reserve's objectives as a natural study area
- Installation, repair or upgrading of utilities, including sewer lines, storm drains, water lines, irrigation lines, and similar facilities
- Drainage and water quality improvements

## LRDP Policies

As mentioned above, the University's amendment modifies three certified 2010 LRDP policies. First, LRDP Land Use Policy LU-33 would be modified with entirely new language to delete the requirement of preparing and submitting a Coal Oil Point Reserve Management Plan to the Commission as an LRDP amendment, (which is being satisfied through this LRDP amendment) and will incorporate specific development policies and standards for new development, reserve management and educational programs, and habitat restoration and preservation while protecting and enhancing of natural resources and maintaining public coastal access. The University's proposed language is shown in straight type and language proposed by the University to be deleted in ~~strikeout~~ and language to be added in underline.

### LRDP Policy LU-33:

~~Within two years of the effective date of certification of the 2010 LRDP, the University shall prepare and submit a Coal Oil Point Reserve Coastal Management Plan to the Coastal Commission as an amendment to the 2010 LRDP. No new structures shall be approved on the Reserve until the Plan is certified by the Coastal Commission.~~

~~The purpose of the Plan shall be to comprehensively identify existing and planned development, maintenance, and programs at the Reserve that are consistent with coastal resource protection under the Coastal Act and the certified LRDP. The COPR Coastal Management Plan shall specifically identify: a baseline of all existing development on the Reserve (including confined animal facilities); the development's date of installation; permitting history; existing Reserve programs (e.g., the snowy plover management, wetland restoration, native plant species cultivation); existing maintenance operations such as location, timing and methods of fuel modification; and status of habitat restoration activities.~~

~~The Plan shall provide a detailed description of all development, maintenance, and programs that are proposed to continue on the Reserve. The Plan shall augment the biological resource mapping (Figure F.2) effort on campus, both on and off the Reserve, based on current (within 1 year) and historic resource surveys for all areas within 300 feet of proposed Reserve development, maintenance, or management programs. The Plan shall evaluate the consistency of the proposed development and activities within the Coastal Act.~~

**Proposed LRDP Policy LU-33:**

The Coal Oil Point Reserve shall be used for the purpose of land preservation, coastal wetland and wildlife habitat conservation and restoration, the university-level teaching, ecological research, an public education to contribute to the understanding and wise stewardship of the Earth and its natural systems. Development on the Coal Oil Point Reserve site shall be consistent with the following standards:

- a. Development at the COPR shall include the enhancement, maintenance, and restoration of the natural resources on site. Areas that provide or support endangered, threatened, or valuable species or habitats (because of their special nature or roll in an ecosystem and which could be easily disturbed or degraded by human activities and developments) shall continue to be protected.
- b. The Reserve shall continue to protect Western Snowy Plover at the Reserve with the goal to reduce disturbance by beach users by increasing public awareness of snowy plover issues by maintaining a rope fence around the beach roost and nesting area to keep foot traffic away from sensitive snowy plover habitat, consistent with Policy ESH-50. The rope must be aligned in a manner in which public access would be maintained at all times, including, at a minimum, maintaining access through and along the wet sand area.
- c. Public coastal access shall be maintained and enhanced consistent with Policy PA-13. The University shall continue to maintain and improve trails through the site to link the Coal Oil Point Reserve site and coastal access parking with the surrounding trails and open space on South Parcel, North Campus Open Space and the beach. Vertical pedestrian access at the Sands Beach entrance from Coal Oil Point Reserve shall be maintained by the Reserve and the University. The Dune Pond Trail through Coal Oil Point Reserve shall be maintained by the Reserve. Coal Oil Point Reserve trails shall be maintained, marked, and signed for safety and interpretation of the Reserve's ecology.

d. The University shall provide 3 ADA accessible parking spaces at Coal Oil Point consistent with Policy TRANS-23.

e. The Reserve shall prepare a phased tree removal and restoration plan, subject to a NOID and/or CDP, to ensure that the tree masses serving as raptor habitat or monarch butterfly habitat on the reserve have a phased restoration that ensures there is no interim loss of available habitat, serving the same habitat function, when the existing tree masses reach senescence or for any reason that such tree masses must be removed, including habitat management objectives. Tree species adequate to replace the function of the existing trees shall be planted in and around the existing tree masses with the intended purpose of reaching maturity as the older trees are lost. Locally native tree species such as the coastal live oak and sycamore that offer suitable nesting habitat upon maturation shall be preferentially planted in appropriate locations. Other tree species that are native to other coastal California areas may also be planted where such species will provide the same habitat function as the habitat it is intended to replace. Raptor foraging areas of particular importance for the conservation of raptors shall be considered ESHA, and shall not be converted to other habitat types if the net area of similarly located raptor foraging habitat would be reduced. Coastal habitats will continue to be restored on the Reserve to support healthy native ecosystems of the region. All tree removal shall follow the provisions and protocols of the certified Campus Tree Trimming and Removal Program in Appendix 2.

f. The University and the Reserve Director shall work with the City of Goleta, the County of Santa Barbara, and other interested parties to ensure that the Reserve is managed within the larger context of its watershed and to ensure that potential impacts to COPR from surrounding new development are mitigated appropriately.

g. The Reserve Director shall consult with the University to determine when a proposed research project or related scientific activity or program and/or new development is subject to obtaining a NOID and/or CDP. Reserve management programs, research projects and scientific activities authorized by the Reserve Director shall be consistent with the need to protect COPR natural resources and habitat values from disruption and degradation consistent with the provisions and policies of the LRDP.

h. Dogs are not permitted on the Reserve including on the Pond Trail.

Additionally, the amendment proposes to modify LRDP Land Use Policy LU-34, which currently restricts the development of new structures within the Reserve Field Station until a LRDP amendment is certified by the Commission pursuant to Policy LU-33. The University proposes to replace the certified language with new language to include specific development policies and standards for the Field Station that are intended to assist in the siting of buildings and other improvements while protecting and enhancing of natural resources standards. The University's proposed language is shown below with certified LRDP language shown in straight type and language proposed by the University to be deleted in ~~strikeout~~ and language to be added in underline.

**LRDP Policy LU-34:**

Development at the Coal Oil Point Reserve Field Station site shall be located within the approximately 1.4-acre (61,524 square feet) potential development envelope designated as Academic and Support in Figure D.3 and shall be consistent with the following build-out provisions standards shall apply:

- 1 Reserve Director's residence, 1,246 sq. ft.
- Up to 2,000 GSF development (The director's residence and any easily removable temporary development such as shade huts, greenhouses, etc. shall not be counted toward the GSF development cap);
- Heights shall not exceed 20 feet on the site as shown in Figure D.4;
- Site coverage up to 50 percent;
- Development shall be consistent with the allowable uses under the Coal Oil Point Reserve Land Use Overlay;

a. No new structures shall be approved within the Reserve Field Station until the Coal Oil Point Reserve Coastal management Plan is certified by the Coastal Commission pursuant to Policy LU-33. Academic and support build-out on this site shall not exceed 2,000 GSF. New academic and support build-out on this site shall be counted towards the 3.6 million GSF campus-wide Academic and Support development cap consistent with Policy LU-01.

b. Vehicular access to the site shall be from West Campus Point Lane after vehicular restrictions are placed on Slough road consistent with Policy TRANS-12.

c. Bicycle parking serving the development shall be provided on the site. Vehicular parking serving the entire site shall be provided on-site to the extent feasible. The 3 designated ADA coastal access parking space on the Field Station site shall be retained on the site in a location that is accessible and convenient to serve its intended coastal access purpose.

d. The 100-foot buffer from restored Southern Dune Scrub ESHA immediately adjacent to the west side of the Field Station shall not be required; the existing Coal Oil Point Reserve Field Station footprint may be maintained on West Campus consistent with the allowed buffer reductions in Policy ESH-31.

e. Fire reduction/fuel modification activities around the existing footprint of structures can be maintained. Fuel modification activities shall consist of hand trimming and thinning vegetation out to a maximum of 30 feet from the edge of structures.

f. Non-native, non-sensitive trees (that do not provide habitat for sensitive species) shall be replaced with native trees at a 1:1 ratio.

The third LRDP Policy proposed to be modified is LRDP Environmentally Sensitive Habitat Area Policy ESH-31 which outlines exceptions to the applicable 100-ft, 200-ft, or 300-ft ESHA/wetland buffers (these exceptions are represented on LRDP Figure F.5), and identifies static buffers for existing development to remain in the existing footprints. In this case, the University is proposing to allow the existing development at the Field Station (which is not 100-ft from ESHA) to remain in its existing footprint (instead of achieving a 100-foot buffer from Southern Dune Scrub ESHA and Southern Coastal Bluff Scrub ESHA). Thus, the University is

proposing to modify ESH-31 to allow for an exception to the applicable 100-ft buffer in order to maintain the existing footprint of development at the Field Station. The University's proposed language is shown below with certified LRDP language shown in straight type and language proposed by the University to be deleted in ~~strikeout~~ and language to be added in underline.

**LRDP Policy ESH-31:**

A. In light of the significant benefits of clustering LRDP development in specific locations on Main Campus, Storke Campus, and West Campus; of enhancing and restoring ESHA, ESHA buffers, and compensatory off-site ESHA/Wetland habitat restoration to provide valuable habitat connections in accordance with Policy OS-04; of minimizing vehicle miles traveled by locating housing, services, and campus facilities in areas easily accessible via walking, biking, or bus service; of providing a permanent open space connection from Goleta Slough, Storke Wetlands, and Devereux Slough to ensure long-term protection of habitat values; of restoring the habitats on the approximately 64- acre North Campus Open Space – Ocean Meadows site while providing coastal access pursuant to Policies OS-04 and LU-19; and of providing adequate housing stock to accommodate all future student, faculty, and staff, the University may construct development with an ESHA buffer or Wetland buffer width less than required in Policy ESH-19 consistent with the following:

...

7. In lieu of the 100-foot buffer from the restored Southern Dune Scrub ESHA immediately adjacent to the west side of the Field Station, the existing Coal Oil Point Reserve Field Station (see Policy LU-34) footprint may be maintained on West Campus, as approximately delineated on Figure F.5. The minimum 100-foot buffer from Southern Coastal Bluff Scrub to the south and east side of the Field Station shall not be eliminated or reduced, as reflected in Figure F.5.

~~7.~~ 8. Where no other feasible siting and design alternatives exist, West Campus roadways improvements and a new road alignment may intrude within ESHA buffers provided that the road is designed to be the minimum necessary to accommodate a two-lane road that meets Fire Department standards.

**LRDP Figures**

The proposed amendment also includes revisions to LRDP Figures D.1 (Land Uses) and D.2 (Land Use Overlays) to revise the ESHA Overlay to update the ESHA mapping to reflect updated biological resources surveys; D.3 (Potential Development Area) to add a potential development area at the COPR Field Station to allow for future improvements or redevelopment of the site; and F.2 (Historic and Current Biological Resources) and F.5 (ESHA Buffers) to update the biological resources mapping on the Reserve with current biological surveys and to reflect an exception to the applicable 100-ft buffer in order to maintain the existing footprint of development at the Reserve Field Station.

**LRDP Text**

Furthermore, the amendment makes text changes to the 2010 LRDP in the following sections to include further details regarding the purpose and management of the Coal Oil Point Reserve: Section B. Context, Habitat Plans, Coal Oil Point Reserve Management (2006) (Page B-23); Section D. Land Use and Development, Land Use Overlays, Reserve Overlay (Page D-6);

Section D. Land Use and Development, West Campus, Coal Oil Point (Page D-13); and Section F. Open Space, Natural Areas, Coal Oil Point Reserve (Page F-4) and is attached in Exhibit 4.

### C. CONSISTENCY ANALYSIS

The standard of review for the proposed LRDP amendment is that Chapter 3 policies of the Coastal Act.

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

This section analyzes habitat-related issues, including those related to ESHA and wetlands. Pertinent Coastal Act polices are set forth below.

Coastal Act Section 30240 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 park and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The Coastal Act defines environmentally sensitive area:

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 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:

*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 in part:

- (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 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.*
  - (4) *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.*
  - (5) *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
  - (6) *Restoration purposes.*
  - (7) *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.*



Section 30250 of the Coastal Act, which has been incorporate 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 proximately 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.*

In addition, the Long Range Development Plan contains other policies and provisions which provide extensive requirement for the protection of ESHA, wetlands, and trees. These policies require protection of ESHA, wetlands, and trees wherever these resources are mapped or subsequently delineated or detected on campus in the future. Policy ESH-17 sets the overarching protective standard for the protection and restoration of ESHA:

Policy ESH-17 states:

Environmentally sensitive habitat areas (ESHA) on campus shall be protected and, where feasible, enhanced and restored. Only uses dependent on such resources shall be allowed within such areas. Where ESHA has been degraded through habitat fragmentation, colonization by invasive species, or other damage such areas shall be restored.

Policy ESH-19 states, in part:

Development adjacent to ESHA shall be sited and designed to minimize impacts to habitat values and sensitive species to the maximum extent feasible. A native vegetation buff shall be required between the development and the ESHA to serve as transitional habitat and provide distance and physical barriers to human intrusion. The buff shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA. The minimum buffer (setback) from Environmentally Sensitive Habitat Area or freshwater wetland shall be 100 feet from the outermost edge of the ESHA or wetland, except as specifically authorized by the Commission in Policy ESH-33 and ESH-31. ...

Policy ESH-31 states, in part:

A. In light of the of the significant benefits of clustering LRDP development in specific locations on Main Campus, Storke Campus, and West Campus; of enhancing and restoring ESHA, ESHA buffers, and compensatory off-site ESHA/Wetland habitat restoration to provide valuable habitat connections in accordance with Policy OS-04; of minimizing vehicle miles traveled by locating housing, services, and campus facilities in areas easily accessible via walking, biking, or bus service; of providing a permanent open space connection from Goleta Slough, Storke Wetlands, and Devereux Slough to ensure long-term protection of habitat values; of restoring the habitats on the approximately 64- acre North Campus Open Space – Ocean Meadows site while providing coastal access pursuant to

Policies OS-04 and LU-19; and of providing adequate housing stock to accommodate all future student, faculty, and staff, the University may construct development with an ESHA buffer or Wetland buffer width less than required in Policy ESH-19 consistent with the following:

...

The Coastal Act policies set forth above, and summarized here, establish the legal standard of review used by the Commission to determine whether the proposed amendment is consistent with the Coastal Act policies that protect sensitive coastal resources, including wetlands and ESHA.

Environmentally sensitive habitat area (ESHA) is defined by the Coastal Act 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.” Coastal Act Section 30240(a) protects ESHA and states that only development that is dependent on the resource itself may be authorized. Coastal Act Section 30240(b) in pertinent part further protects ESHA by requiring that development proposed adjacent to sensitive resources must be sited and designed to prevent the degradation of those resources, and requires that such development be undertaken in a manner compatible with the continuance of the resources. Coastal Act Section 30233 protects wetlands (defined above) and subparagraph (a) of Section 30233 limits development in wetlands to a few limited categories where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

Coastal Act Section 30250 has been included above because this policy addresses the overarching Coastal Act requirement for locating new development. Section 30250 requires that development be sited within existing developed areas, or where existing areas cannot accommodate proposed new development, in other locations where it would not have significant adverse effects on coastal resources.

### **COPR environmental setting**

Coal Oil Point Reserve (COPR), located on portions of both North and West Campuses, includes Devereux Slough. As previously mentioned, the Reserve is managed by an ecologist/reserve manager, who resides at the Reserve. The Reserve consists of 170 acres of protected coastal habitats, including rare native habitat and wildlife. The Slough provides a freshwater marsh environment during the rainy season and a brackish salt marsh environment during the dry season. COPR “species lists” identify at least fifty rare vertebrate species observed at the Reserve, including breeding populations of the threaten Western Snowy Plover and endangered California least tern and Belding’s savannah sparrow. Specifically, Sands Beach near the Devereux Slough mouth is a wintering and breeding site for the threatened Western Snowy Plover, and occasionally the endangered California Least Tern. The Reserve has one of the most pristine remnants of dunes and Coastal Dune Scrub in Santa Barbara County, and contains a number of rare plant species. Several types of wetlands such as vernal pool, dune swale, salt flat and salt marsh can also be found on the Reserve. The Reserve has a number of habitat types within a relatively small area. Existing biological resources at the Reserve are shown on Exhibit 7.D.

Existing development at the Reserve includes buildings at the Field Station and auxiliary equipment out on the Reserve for research and education. Existing infrastructure at the Reserve includes buildings, greenhouses, utility lines, communications, culverts, fences, trails and roads, and research equipment. The buildings, greenhouses and utilities are located at the COPR Field Station on Coal Oil Point within the Reserve. The Field Station is fenced with a 6-foot tall wood fence. Additionally, the COPR Reserve Director lives at the Field Station, as a condition of employment. The Reserve Director's residence has an adjacent fenced yard with a garden and small green house.

### **Historic use of the COPR Field Station**

The COPR Field Station at Coal Oil Point was the site of a former summer camp more than 50 years ago. The summer camp facilities included the Cliff House, which housed the kitchen, dining area and restrooms, and a number of rustic wooden cabins that were used as bunkhouses for campers. The cabins were constructed on concrete slab foundations. As shown on Exhibit 8, this entire area was cleared of vegetation for the development of the summer camp facilities. Exhibit 8 also demonstrates that in 1967 (prior to the effective date of the Coastal Act) no native habitat remained within the Field Station site. The grounds for the summer camp and approximately 20 acres surrounding the facilities were landscaped with *Acacia longifolia*, an exotic invasive shrub that eventually spread into adjacent native habitats in the Reserve.

By the late 1960s, the summer camp had ceased operation. Around the same time, the Devereux Slough and the dunes to the west of Coal Oil Point were recognized as important coastal habitats by UCSB faculty and researchers using the area for research and field studies. This led to the establishment and the incorporation of the Coal Oil Point Reserve into the UC Natural Reserve System (UC NRS) in 1970. The UC Natural Reserve System is charged with the stewardship of and preservation of native habitats. Thus, the Reserve began to restore degraded habitats, remove exotic species, and restore previously disturbed areas. The Reserve has progressively removed all of the invasive *Acacia longifolia* and revegetated the area with native plant species. Exhibit 9 depicts an aerial photo progression of the restoration efforts surrounding the Field Station between the years 1967-2013. As shown on Exhibit 9, the area surrounding the Field Station has been completely revegetated. As depicted on Exhibit 7.D, this area now supports Southern Coastal Bluff Scrub and Southern Foredune, and is designated environmentally sensitive habitat area.

### **Coastal Act Consistency Overview**

The Coastal Act policies set forth above place critical importance on the protection and long term stewardship of ESHA and wetlands, and limit allowable development within or near such resources in accordance with the particular requirements of the applicable policies. Coastal Act Section 30230(a) prohibits development within areas of environmentally sensitive habitat unless dependent upon the resource itself; Coastal Act Section 30240(b) in pertinent part further protects ESHA by requiring that development proposed adjacent to sensitive resources be sited and designed to prevent the degradation of those resources, and undertaken in a manner compatible with the continuance of the resource. Coastal Act Section 30233 protects wetlands (defined above), and subparagraph (a) limits development in wetlands to a few limited categories where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Coastal Act

Section 30250 requires the location of new development within existing developed areas, and in areas elsewhere only if significant adverse impacts on coastal resources would not result.

The Reserve's land use designation under the certified LRDP is Open Space. The emphasis within open space lands is the enhancement, restoration, and permanent conservation of a mosaic of sensitive habitat areas while still allowing for the provision of low-intensity public access and recreation, including trails and public parking for access to coastal and open space areas. To limit human intrusion into sensitive habitat areas on the Reserve, public access through the Reserve is limited to perimeter trails and an internal pedestrian nature trail (The Dune Pond). The entirety of the Reserve is designated Environmentally Sensitive Habitat Area (ESHA) pursuant to the certified LRDP, except for a 1.4-acre area on the Reserve known as the Field Station. Additionally, the Reserve is covered by an LRDP overlay (Coal Oil Point Reserve Overlay) which restricts development and uses on the Reserve in order to protect the sensitive habitats and species located on site.

The proposed amendment does not include new development within any areas that would result in the direct loss or conversion of ESHA. LRDP Policy ESH-19 requires a minimum native vegetation buffer of 100-ft from all ESHA and freshwater wetlands from new development. In this case, the existing footprint of the development envelope on the west side of the Field Station encroaches within the 100-foot buffer from the restored Southern Dune Scrub ESHA area, which was previously disturbed and restored by the Reserve as discussed above. All other surrounding edges of the Field Station footprint provide for a 100-foot buffer from designated ESHA. The certified LRDP allows for exceptions to the applicable ESHA buffers widths required in Policy ESH-19, to accommodate redevelopment, when there are significant benefits to clustering development, and enhancing and restoring ESHA (LRDP Policy ESH-31, stated above).

In this case, the University is not proposing to expand the western footprint of development at the Field Station. However, the University is proposing a site specific development requirement (Policy LU-34(d)) for the Field Station for the existing footprint that states the 100-foot buffer from restored Southern Dune Scrub ESHA immediately adjacent to the west side of the Field Station shall not be required. This results in a static buffer for the western edge of existing development and allows for the development to remain in its existing footprint. Additionally, the University proposes to memorialize the retention of the existing footprint by incorporating language into existing LRDP Policy ESH-31, to specifically allow for the exception to the applicable ESHA buffer width requirements. Specifically, proposed policy ESH-31(A)(7) states that "in lieu of the 100-foot buffer from the restored Southern Dune Scrub ESHA immediately adjacent to the west side of the Field Station, the existing Coal Oil Point Reserve Field Station footprint may be maintained on West Campus". The University also proposes to update LRDP Figures D.1 (Land Use), D.2 (Land Use Overlays), D.3 (Potential Development Areas), F.2 (Historic and Current Biological Resources) and F.5 (ESHA Buffers) to reflect the modifications above, and to provide for internal consistency within the LRDP (Exhibits 7.A-7.E).

The proposed policies above will not result in the elimination or degradation of areas of environmentally sensitive habitat because future redevelopment of the west side of the Field Station is restricted to the footprint of the existing development envelope. Additionally, the proposed amendment retains the requirement that all other edges of the Field Station adjacent to sensitive resources must be sited and designed to prevent the degradation of those resources, consistent with Sections 30240, 30233, and 30250 of the Coastal Act and LRDP Policy ESH-19.

Moreover the Field Station's existing fire reduction/fuel modification activities (hand trimming and thinning vegetation out to a maximum of 30 feet from the edge of structures) around the existing footprint of structures are not changing and are also memorialized in LU-34(e). Furthermore, Reserve development and programs are also subject to all other policies and provisions of the LRDP to ensure adequate and consistent protection of the University's coastal resources.

Consistent with Coastal Act Section 30240, the amendment also incorporates a site specific development policy (Policy LU-33(b)) which requires the continued protection of Western Snowy Plovers at the Reserve with the goal to reduce disturbance by beach users by increasing public awareness of snowy plover issues. Additionally, the proposed amendment includes a policy that requires the University to submit a phased tree removal and restoration plan (Policy LU-33(e)), to ensure that the tree masses serving as raptor habitat or monarch butterfly habitat on the Reserve are restored in phases that ensure there is no interim loss of available habitat. Policy LU-33(e) also restates that any tree trimming or tree removal on the Reserve shall follow the provisions and protocols of the LRDP certified Campus Tree Trimming and Removal Program found under appendix 2 of the 2010 LRDP. Under the Campus Tree Trimming and Removal Program, trees located within ESHA or designated Open Space shall not be trimmed or removed unless determined by a certified arborist to pose a substantial hazard to life or property and must be authorized pursuant to an emergency permit, or where the proposed removal is part of a habitat restoration plan. These policies ensure the protection of sensitive species and conserve the long term habitat values of existing sensitive habitat areas, as required by Coastal Act Section 30233 and 30240.

The subject amendment also incorporates additional land uses into the Reserve's Overlay to accommodate future development and management programs at the Reserve. The certified 2010 LRDP includes a Coal Oil Point Reserve Overlay to delineate the area of campus that is managed and preserved as part of the University of California's Natural Reserve System. Unlike conventional open spaces, the COPR functions as an outdoor classroom and laboratory for the long-term field study of wild land ecosystems, so public access must be managed within the reserve in a manner consistent with the preservation of its natural resources. With the exception of the Reserve Field Station, the Reserve is also designated within the ESHA Overlay (Exhibit 7.B). The following land uses are proposed to be added to the COPR overlay: (1) associated grading for the purpose of habitat creation, restoration and/or enhancement activities, (2) parking for Reserve users, (3) boardwalks/stairways and restrooms for public coastal access amenities, (4) garages to serve the Field Station, (5) the installation, repair or upgrading of utilities, including sewer lines, storm drains, water lines, irrigation lines, or similar facilities, and (6) drainage and water quality improvements. These proposed land uses are appropriate for the nature and purpose of the Reserve, and the development of these uses are also subject to all other policies and provisions of the LRDP, which restrict development in environmentally sensitive areas and reduce the disturbance of sensitive habitat, as required by Coastal Act Sections 30230, 30233, 30240, and 30250.

Moreover, the subject amendment includes a site-specific policy that restricts academic and support development on the Field Station not to exceed 2,000 gross square feet (GSF) (Policy LU-34(a)) Additionally the amendment proposes additional parameters regarding the kind, size, level of intensity and location of development. Specifically, these parameters limit the height of

structures at the Field Station up to 20 feet, site coverage up to 50 percent, one reserve director's residence is allowed and development shall be consistent with the allowable uses under the COPR Land Use Overlay (LU-34). Furthermore, Policy LU-34 restricts development at the Field Station to be sited within the approximately 1.4-acre potential development envelope designated as Academic and Support on LRDP Figure D.3 (Exhibit 7.C). A key Coastal Act policy that drives the siting of new development is Coastal Act Section 30250 which requires new development to be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Consistent with Coastal Act Section 30250, the proposed amendment clusters the potential development site in an area within the Field Station that is already developed, and restricts future development from further encroaching into any environmentally sensitive habitat areas. Additionally, the amendment proposes to cap the amount of academic and support development (Policy LU-34(a)) to ensure that the scale of development is in-keeping with the COPR Reserve environment and goals, and that the density and intensity of development does not have adverse impacts to coastal resources.

Lastly, the amendment also includes revisions to LRDP Figures D.1 (Land Uses) and D.2 (Land Use Overlays) to revise the ESHA Overlay to update the ESHA mapping to reflect updated biological resources surveys; D.3 (Potential Development Area) to add a potential development area at the COPR Field Station to allow for future improvements or redevelopment of the site; and F.2 (Historic and Current Biological Resources) and F.5 (ESHA Buffers) to update the biological resources mapping on the Reserve with current biological surveys and to reflect an exception to the applicable 100-ft buffer in order to maintain the existing footprint of development at the Reserve Field Station. The Commission's biologist Dr. Jonna Engel, has participated in a site visit with Coastal Commission staff to examine existing conditions at the Field Station, and has confirmed the mapping of vegetation types and delineations of ESHA at the Field Station.

These proposed policies provide and ensure the protection of environmentally sensitive habitat areas, wetlands, and the marine environment while also allowing limited development in existing developed areas. For the above reasons, the Commission finds that the proposed amendment to the LRDP, as submitted, is consistent with the Chapter 3 policies of the Coastal Act, and applicable policies of the LRDP, with regards to protection of wetlands and environmentally sensitive habitat and resources.

### **PUBLIC ACCESS**

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) Maximum 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 Section 30210 states:

*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.*

Coastal Act Section 30211 states:

*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.*

Coastal Act Section 30212 states in part:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Coastal Act Section 30212.5 states:

*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.*

Coastal Act Section 30214 states in part:

*(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...*

Coastal Act Section 30221 states in part:

*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.*

Coastal Act Section 30252 states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provisions 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 provisions of onsite recreational facilities to serve the new development.*

In addition, the Long Range Development Plan contains other policies which also require the protection of public access within the Reserve.

Policy PA-13 states:

Public access shall be maintained on Coal Oil Point consistent with the Coastal Access Program (Figure E.4). New development to facilitate public access opportunities shall include, at a minimum: establishment of three disabled public coastal access parking spaces, bike racks, picnic table(s), and ADA-compliant trail improvements to the bluff and overlook. The feasibility of a restroom and drinking fountain should also be considered. These public access features shall be included in the development proposed for the first Notice of Impending Development for a significant West Campus or Reserve development that is submitted subsequent to the date of effective certification of the 2010 LRDP. The public coastal access improvements approved by the Commission pursuant to the pertinent NOID shall be installed in conjunction with the other construction proposed in the NOID. The design and location of the parking shall facilitate an ADA-accessible connection to the trail corridor along the West Campus Bluffs and, if feasible, to a portion of the Slough Road trail/road corridor.

Policy TRANS-23 states, in part:

A. The University shall provide and maintain a minimum of 70 dedicated coastal access parking spaces on the North and West Campuses:

- twenty (20) spaces at the north entrance to West Campus at Cameron Hall until relocated to West Campus Mesa;
- twenty (20) spaces at the western terminus of Phelps Road;
- twenty-seven (27) spaces on the Devereux South Knoll site; and
- three (3) ADA accessible spaces at Coal Oil Point.

These dedicated coastal access parking spaces shall be permanently maintained on North and West Campuses in close proximity to coast access and trails;

...

Policy TRANS-24 states:

Public access shall be allowed within and around the Coal Oil Point Reserve, consistent with the Coastal Access Program and Trails Maps (Figures E.3 and E.4). Fences, signs and information maps delineating the perimeter of the Reserve shall be provided and maintained to restrict unauthorized access by pedestrians, dogs, motor vehicles and off-road bicycles (except essential service and emergency vehicles) for the purpose of protecting the Reserve's sensitive resources by encouraging and directing the public to remain on the authorized trails. Restrictions placed on coastal access, such as limits on timing or location of access, require



authorization pursuant to an LRDP Amendment, except for temporary closures for emergencies or to protect fragile coastal resources consistent with Policy PA-06.

One of the basic mandates of the Coastal Act is to maximize public access and recreational opportunities along the coast. The public possesses ownership interest 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 the Coastal Act policies requiring 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 of new development maintains and enhances public access and recreational opportunities to and along the coast.

In addition, Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities must be provided and that development not interfere with the public's right to access the coast. Section 30212 of the Coastal Act 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. Further, Section 30214 of the Coastal Act provided that the implementation of the public access policies take into account the need to regulate the time, place, and manner of the public access depending of such circumstances as topographic and geologic characteristics, the need to protect natural resources, proximity to adjacent residential uses, etc. Moreover, Section 30211 ensures protection of oceanfront land for recreational use and development.

The University of California, Santa Barbara campus is situated along 2 ½ miles of coastline in Santa Barbara County. Public pedestrian access is available to and along the entire 2 ½ miles of coastline contiguous to the campus. In addition, the campus is developed with an extensive bicycle and pedestrian path network that is available for public use. The bicycle and pedestrian path on campus connects to a regional bicycle/pedestrian network which provides access to Goleta County Beach, Goleta, and the City of Santa Barbara. There are also multiple beach access points on campus including a bluff stairway on the eastern side of Main Campus and several smaller trails which provide pedestrian access to the sandy beach on Main Campus and Coal Oil Point.

The Reserve is accessible by vehicular access from Slough Road on West Campus and through a locked gate. Pedestrian access points to the Reserve include: (1) from the UCSB West campus Beach east of the Reserve, (2) from the Sands Beach entrance near the Cliff House, (3) from the southern terminus of the Dune Pond Trail, (4) from the bluffs between the Reserve and Ellwood Bluffs, and (5) from Ellwood Beach, west of the Reserve. Additionally, the Reserve provides parking for approved users and volunteers in a parking lot at the COPR Field Station, including three (3) ADA accessible parking spaces, adjacent to the entrance of the California Coastal Trail segment within the Reserve, that traverses the scenic West Campus Bluffs.

The beach, perimeter trails and an internal pedestrian nature trail (The Dune Pond) are open to the public for nature study and passive recreation. The Dune Pond Trail is the designated pedestrian trail that provides access from Venoco Road to Sands Beach. In addition, there are

numerous smaller connector trails located in adjacent open space areas on and off campus which link the above referenced trails and provide access to the beach. Additionally, the public can access Sands Beach from two additional locations: (1) adjacent to the eastern boundary of the Reserve near the Cliff House and (2) at the western boundary of the Reserve adjacent to the Ellwood Bluffs. Sands Beach is also accessible by walking along the beach from the east or west.

The University's proposed amendment is consistent with the requirement to maximize public access to and along the coast. A number of LRDP policies, including those listed above, address public access and public coastal access parking at the Reserve. Specifically, the proposed LRDP amendment includes site specific development requirements for the Reserve and the Field Station that are intended to ensure the permanent protection and enhancement of public access on the Reserve. For instance, proposed Land Use Policy LU-33(c) specifically provides that public access shall be maintained and enhanced and requires the University to continue to maintain and improve trails through the site to link the Reserve and coastal access parking with the surrounding trails, open space areas, and the beach. Moreover, LU-33(c) requires Reserve trails to be maintained, marked, and signed for safety and interpretation of the Reserve's ecology.

Furthermore LU-33(c) requires the University to maintain vertical pedestrian access from the Reserve to the Sands Beach entrance to ensure beach access from the Reserve to the beach is always available to coastal visitors. This vertical access may be allowed in the form of an engineered public access stairway, as necessary in the future, pursuant to LRDP Transportation Policy TRANS-21. Moreover, Policy LU-33(d) requires the University to provide 3 Americans with Disability Act (ADA) compliant parking spaces at Coal Oil Point consistent with certified LRDP Transportation Policy TRANS-23 (see above). Lastly, LU-33(b) requires the University to align Western Snowy Plover protection rope fencing in a manner in which public access would be maintained at all times, including, at a minimum, maintaining access through and along the wet sand.

In addition, the University proposes a new subsection to Land Use Policy LU-34 to ensure the protection and enhancement of public access and coastal access parking at the Field Station. Specifically, proposed subsection (c) requires bicycle parking serving the Field Station development to be provided on-site to the extent feasible. LU-34(c) reiterates the requirement to retain three ADA designated parking spaces on the Field Station in a location that is accessible and convenient to serve its intended coastal access purpose.

These proposed policies provide and ensure that adequate public access parking and public access amenities are permanently available to coastal visitors at the Coal Oil Point Reserve, including ADA compliant access.

The University's proposed amendment maximizes public access to and along the coast consistent with the public access policies of the Coastal Act, and consistent with the relevant policies of the certified LRDP. Therefore, for the reasons discussed above, the Commission finds that the proposed amendment to the LRDP, as submitted, is consistent with the Chapter 3 policies of the Coastal Act with regards to public access.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to Section 21080.9 of the California Environmental Quality Act (“CEQA”), the Coastal Commission is the lead agency responsible for reviewing Long Range Development Plans and Notices of Impending Development for compliance with CEQA. In addition, Section 13096 of the Commission's administrative regulations requires Commission approval of 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)(I) 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 consistent with the intent of the applicable policies of the Coastal Act policies and no feasible alternatives are available which would substantially lessen any significant adverse effect which the approval would have on the environment. Therefore, the Commission finds that the LRDP amendment, as submitted, is consistent with CEQA.

## **APPENDIX 1**

University of California, Santa Barbara 2010 Long Range Development Plan; Coal Oil Point Reserve Management Plan, Revised 2015, prepared by Dr. Cristina Sandoval and Dr. Susan Swarbrick; UCSB NOID 1-10 and UCSB NOID 4-07