

## CALIFORNIA COASTAL COMMISSION

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# Th9a

**DATE:** August 24, 2017

**TO:** Commissioners and Interested Persons

**FROM:** South Central Coast District Staff

**SUBJECT:** **Notice of Impending Development No. UCS-NOID-0003-17** (Green Waste Recycling Facility), Thursday, September 14, 2017

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## SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, approve Notice of Impending Development (NOID) UCS-NOID-0003-17, as conditioned. Staff is recommending six special conditions for the subject NOID to minimize impacts to wetlands and environmentally sensitive habitat and ensure timely implementation of the proposed project.

In 2014, a violation notice (V-4-14-0044) was issued to the University of California Santa Barbara (UCSB) for the construction of a recycling center between Harder Stadium and Los Carneros Road on the University's Storke Campus sometime between 1994 and 2003 without the benefit of a Notice of Impending Development (NOID). The location of the unpermitted site is designated as Open Space in the 2010 LRDP. Given that the recycling facility is not a compatible use in an Open Space area, retaining the facility at the existing site was not a feasible alternative. The subject NOID proposes to resolve the issue of the unpermitted recycling center by decommissioning the waste recycling center, removing the physical development associated with the facility, and restoring the area with native habitat. UCSB is also proposing to install a new green waste recycling facility at an 11,340 sq. ft. fenced area at the west end of Parking Lot 38 on Storke Campus ([Exhibits 2](#) and [3](#)). The University evaluated alternative sites on campus that could accommodate green waste storage and recycling and found the proposed site to be a feasible location to continue to provide this function in a developed part of campus and in a manner that would not have adverse impacts to resources.

The University is proposing to restore the approximately 1.3 acre decommissioned recycling site with native species to create a mosaic of habitats that will include oak woodland, coastal sage scrub, shade tolerant shrubs, and native grassland ([Exhibits 5](#) and [6](#)). The area surrounding the existing facility supports raptor nesting and roosting. Thus, the overall goal of the restoration is to restore native plants characteristic of the types of vegetation communities that existed on the site and in the vicinity prior to installation of the green waste recycling facility in order to create a site that will increase and support raptor nesting and foraging habitat. The University has

submitted a restoration plan, but the submitted plan includes oak trees to be planted as mitigation for NOID No. UCS-NOID-0004-16. Since the existing green waste facility is a violation, the restoration of the site is required to resolve the violation itself. No additional credit can be applied as mitigation for other campus projects. Therefore, [Special Condition One \(1\)](#) requires UCSB to submit a final restoration and monitoring plan for the decommissioned facility site within 30 days of NOID approval that removes all reference to mitigation trees. Additionally, to ensure that the existing facility is removed and the site restored in a timely manner and the unpermitted development component of this NOID is resolved in a timely manner, [Special Condition Five \(5\)](#) requires removal of the unpermitted development and restoration implementation within 180 days of NOID approval and [Special Condition Six \(6\)](#) requires the University of fulfill all of the Special Conditions of this NOID within 180 days of Commission action.

At the proposed new green waste recycling site, mulch generated from landscaping work on campus would be stored and reused for campus landscaping and restoration projects and excess mulch would be collected by Marborg Inc. for recycling. While the current green waste facility has also been used for stockpiling and recycling construction and demolition debris in addition to green waste, the new facility will not include storage or stockpiling of construction or other similar materials or debris. Best Management Practices are proposed to prevent mulch and other green waste from migrating off the site and into the adjacent wetlands and open space area. To ensure that the proposed project does not adversely impact coastal waters, [Special Condition Two \(2\)](#) details the BMPs that are required to be implemented. Additionally, the University is not proposing to install lighting at the facility; however, the proposed site is adjacent to the San Clemente Wetlands and lighting the facility may cause adverse impacts to the adjacent wetlands and environmentally sensitive habitat. Therefore, to ensure that lighting is not installed in the future, [Special Condition Four \(4\)](#) prohibits all permanent and temporary lighting of the site.

Campus vehicles and Marborg trucks currently access the existing green waste recycling facility via the dirt road north of Parking Lot 38. Policy LU-28 requires that UCSB restrict use of the road to bicycle and pedestrian users concurrent with the phasing out of vehicles on the portion of the road between the west end of Parking Lot 38 and Los Carneros Road with the exception of vehicles requiring access during an emergency. However, the road has remained open to vehicular use due to the continued use of the existing green waste recycling facility. Once the green waste facility is moved to Parking Lot 38, trucks and other vehicles will no longer be able to use the road, and use of the dirt road will only be allowed for pedestrian and bicycle use. Vehicles accessing the proposed new green waste recycling facility would enter the site through the parking lot ([Exhibit 4](#)). To keep vehicles from accessing the road, [Special Condition Three \(3\)](#) requires signage and bollards or other barrier designed to allow emergency vehicles access during response to an emergency to be installed at the east end of the dirt road.

The standard of review for the subject NOID is consistency with the policies of the certified LRDP. Staff recommends that the Commission determine that NOID No. UCS-NOID-0003-17, subject to six special conditions, is consistent with the certified LRDP. The Motion and Resolution for the staff recommendation can be found on Page 5 of this staff report.

**Additional Information:** For further information, please contact Michelle Wagner at the South Central Coast District Office of the Coastal Commission at (805) 585-1800. The UCSB Notice of Impending Development No. UCS-NOID-0003-17 is available for review at the Ventura Office of the Coastal Commission.

**TABLE OF CONTENTS**

**I. PROCEDURAL ISSUES.....5**

**II. MOTION & RESOLUTION.....5**

**III. SPECIAL CONDITIONS.....6**

1. Final Restoration and Monitoring Plan for the Decommissioned Facility. ....6

2. Best Management Practices .....7

3. Signage and Vehicular Barrier for Dirt Road .....7

4. Lighting.....8

5. Removal of Unpermitted Development and Restoration Implementation .....8

6. Condition Compliance .....8

**IV. FINDINGS FOR THE APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AND NOTICE OF IMPENDING DEVELOPMENT .....8**

A. PROJECT DESCRIPTION AND BACKGROUND..... 8

B. CONSISTENCY ANALYSIS ..... 10

1. Environmentally Sensitive Habitat Area and Open Space .....10

2. Wetlands and Water Quality .....15

3. Scenic & Visual Resources .....17

4. Land Use and Public Access.....19

5. Unpermitted Development.....21

6. California Environmental Quality Act.....22

**APPENDICES**

[APPENDIX A: SUBSTANTIVE FILE DOCUMENTS](#)

**EXHIBITS**

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Unpermitted and Proposed Green Waste Recycling Facility Sites Aerial](#)

[Exhibit 3 – Proposed Green Waste Recycling Facility Site Plan](#)

[Exhibit 4 – Access Route Plan](#)

[Exhibit 5 – Restoration Site Boundary](#)

[Exhibit 6 – Restoration Planting Plan](#)

[Exhibit 7 – Restoration Projects Map](#)

[Exhibit 8 – Raptor Nests Map](#)

## I. PROCEDURAL ISSUES

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

Pursuant to Section 13550(b) of the regulations, within thirty days of filing the notice of impending development, the Executive Director is to report to the Commission on the nature of the development and make a recommendation regarding the consistency of the proposed development within the certified LRDP. After a public hearing, by a majority of its members present, the Commission determines whether the development is consistent with the certified LRDP and whether conditions are required to bring the development into conformance with the LRDP. No construction shall commence until after the Commission votes to impose any condition(s) necessary to render the proposed development consistent with the certified LRDP.

## II. MOTION & RESOLUTION

The staff recommends that the Commission adopt the following resolutions:

### **Motion I:**

*I move that the Commission determine that the development described in the Notice of Impending Development UCS-NOID-0003-17 (Green Waste Recycling Facility), as conditioned, is **consistent** with the certified University of California at Santa Barbara Long Range Development Plan.*

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development UCS-NOID-0003-17 as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **Resolution I:**

*The Commission hereby determines that the development described in the Notice of Impending Development UCS-NOID-0003-17, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan for the reasons discussed in the findings herein.*

### III. SPECIAL CONDITIONS

#### 1. Final Restoration and Monitoring Plan for the Decommissioned Facility.

Within 30 days of approval of the subject NOID, the University shall submit a final restoration and monitoring plan for the decommissioned facility that removes all references to mitigation trees for UCS-NOID-0004-16 and is consistent with the following requirements:

- a) Sixty (60) coast live oak (*Quercus agrifolia*) trees shall be planted. The coast live oaks shall be grown from seeds collected in the area. Twelve hundred (1,200) seedlings of native coastal sage scrub species shall be planted. Eight thousand (8,000) native grass and herb seedlings shall be planted. Nine hundred (900) native shade tolerant larger shrub species shall be planted.
- b) The restoration site shall be weeded and maintained in order to ensure success. The following success criteria shall be used: a maximum of 25% cover for annual non-native grasses; establishment of 40 oak trees at the end of three years, and a minimum of 80% cover for all shrub species.
- c) Shrub species shall be irrigated for two years. Oak trees shall be irrigated for five years to encourage rapid growth.
- d) The site shall be monitored on a quarterly basis for the first two years and then annually for five years. Monitoring of the sites shall include plant survivorship, inspection of the irrigation system, disturbance by humans, herbivory, and wildlife observations or signs of wildlife using the sites. Photo points shall be established and the site shall be photographed from these points during the monitoring events.

Annual reports of monitoring results shall be submitted to the Executive Director for review for the duration of the required monitoring period. Each report shall be cumulative and shall summarize all previous results. Each report shall document the condition of the restoration with photographs taken during monitoring. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the restoration project in relation to the interim performance standards and final success criteria. The final monitoring report must evaluate whether the restoration site conforms to the goals and success criteria set forth in the Restoration Plan.

If the final report indicates that the restoration project has been unsuccessful, in part or in whole, based on the approved success criteria, the University shall submit within 90 days a revised or supplemental restoration plan to compensate for those portions of the original plan which did not meet the approved success criteria. The permittee shall undertake mitigation and monitoring in accordance with the approved final, revised restoration plan following all procedures and reporting requirements as outlined for the initial plan until the success criteria are met. The revised restoration plan shall be processed as a new

Notice of Impending Development unless the Executive Director provides a written determination that no NOID is legally required.

## **2. Best Management Practices**

The University shall agree to comply with the following Best Management Practices:

- a) Green waste shall be defined as vegetative debris, free of film plastic, and with minimal mineral soil content.
- b) No green waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wind or rain erosion and dispersion. No stockpiling shall be allowed within 20 feet of the eastern fence line. No stockpiles shall encroach within 5 feet of the north, south, or west fence lines.
- c) Construction materials or other types of debris shall be prohibited within the green waste facility boundaries. No facility equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
- d) The site shall be fence and geotextile silt-control filter fabric shall be fastened to the bottom of the north, south, and west fence and secured to the ground to keep green waste from migrating offsite.
- e) Natural fiber gravel bags shall be placed to form a continuous barrier along the outside perimeter of the chain link fence on the downslope side of the current parking area to be used for green waste handling.
- f) The site shall be swept regularly and kept clean.
- g) Vehicles and equipment shall not be stored, maintained, or cleaned on the green waste facility site.
- h) Within 48 hours of any likely precipitation event forecast of 50% or greater probability, any piles of green waste shall be confined/placed in the roll-off containers, and the pavement area shall be swept or vacuumed clean. During rain events, green waste shall not be placed on the ground and shall be stored within the roll-off containers.

## **3. Signage and Vehicular Barrier for Dirt Road**

The University shall install a sign at the east end of the dirt road north of Parking Lot 38, which notifies the public that the dirt road is strictly for pedestrian and bicycle use. The University shall also install bollards, or other vehicular barrier designed to allow emergency vehicles access during response to an emergency, at the east end of the dirt road to restrict vehicular access. The bollards may be removed to allow necessary emergency vehicle access.

**4. Lighting**

Permanent and temporary lighting of the green waste recycling facility for the purpose of green waste recycling activities or for any other purpose shall be prohibited.

**5. Removal of Unpermitted Development and Restoration Implementation**

Within 180 days of approval of the subject NOID, or within such additional time as the Executive Director may grant for good cause, the University shall decommission and remove the unpermitted green waste recycling facility, including all materials and structures associated with the facility, and restore the site of the facility by, among other things, restoring native habitat to the site in conformance with the final restoration plan.

**6. Condition Compliance**

Within 180 days of Commission action on this NOID, or within such time as the Executive Director may grant for good cause, the University shall satisfy all requirements specified in the conditions hereto.

**IV. FINDINGS FOR THE APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AND NOTICE OF IMPENDING DEVELOPMENT**

The Commission hereby finds and declares:

**A. PROJECT DESCRIPTION AND BACKGROUND**

The University of California, Santa Barbara (UCSB) is proposing to move the University's green waste recycling facility from its current unpermitted location north of Parking Lot 38 to the west end of Parking Lot 38 on the Storke Campus. In 2014, a violation notice (V-4-14-0044) was issued to UCSB for the construction of a recycling center between Harder Stadium and Los Carneros Road sometime between 1994 and 2003 without the benefit of a Notice of Impending Development (NOID). In order to resolve this violation, the University evaluated alternative sites on campus that could accommodate green waste storage and recycling. The University found the proposed site to be a feasible location to continue to provide this function in a developed part of campus in a manner that would not have adverse impacts to resources. While the current green waste facility has also been used for stockpiling and recycling construction and demolition debris in addition to green waste, the new facility will not include storage or stockpiling of construction or other similar materials or debris.

The location of the unpermitted site is designated as Open Space in the 2010 LRDP. Given that the green waste recycling facility is not a compatible use in an Open Space area, retaining the facility at the existing site was not a feasible alternative. The existing facility must be removed and the site fully restored in order to resolve the violation. The subject NOID proposes to resolve the issue of the unpermitted waste recycling center by decommissioning the waste recycling



center, removing the physical development associated with the facility, and restoring the area with native habitat.

The proposed new green waste recycling facility would be an 11,340 sq. ft. fenced area on the west end of the paved Parking Lot 38 ([Exhibit 2](#)). The site will consist of two 22 ft. long roll-off containers, a 3 to 4 ft. tall, 2 ft. wide, and 4 ft. long push wall, and areas for stockpiling mulch ([Exhibit 3](#)). Mechanical equipment, other than vehicles to haul and move the green waste, is not proposed for use at the facility. Mulch generated from landscaping work on campus would be stored and reused for campus landscaping and restoration projects. Excess mulch would be collected by Marborg Inc. for recycling. The site would only be used for green waste, and construction and demolition debris would not be permitted at the site. The proposed fencing for the site would be an 8 ft. tall black chain link fence with dark plastic inserts. All of the components of the site (e.g. fencing, roll-off containers, and push wall) are temporary in nature in that they can easily be removed or relocated. To the west of the proposed green waste site is designated Open Space and the San Clement Wetlands. In addition, northwest of the proposed site are delineated wetlands that are part of the East Storke Wetlands complex. Best Management Practices are proposed to prevent mulch and other green waste from migrating off the site and into the adjacent wetlands and open space area. Campus vehicles and Marborg trucks would enter the site through the parking lot ([Exhibit 4](#)). Currently, a dirt road between the existing green waste recycling facility/open space area and Parking Lot 38 is used by University employees and Marborg trucks to access the green waste recycling facility as well as students accessing the student gardens that are adjacent to the existing facility. Once the green waste recycling facility is moved to Parking Lot 38, trucks and other vehicles will no longer be able to use the road, and use of the dirt road will only be allowed for pedestrian and bicycle use. Students authorized to access the student gardens by vehicle will be required to drive through Parking Lot 38 to a driveway apron on the northwest end of the parking lot in order to cross the dirt road and drive onto the student gardens site.

After removal of the unpermitted green waste recycling facility ([Exhibit 5](#)), the University will restore the approximately 1.3 acre site with native species to create a mosaic of habitats ([Exhibit 6](#)). The existing green waste facility site is on a raised mesa adjacent to a remnant slough that supports a diversity of birds, reptiles, and small mammals. A topographic survey from 1870 shows that both oak woodland and grassland previously existed on the site. Evidence from remnant areas of bluff by the coast show that coastal sage scrub is a natural and normal component of coastal bluffs along with interspersed grassland and oak woodland. Restoration on the decommissioned green waste site will provide cohesion with the surrounding open space area, which consists of restoration sites to the east, a native plant buffer, student gardens, and the Cheadle Center for Biodiversity and Ecological Restoration greenhouse and nursery areas to the west, and a row of senescing Blue gum eucalyptus, which support roosting and nesting of great-horned owls, red-tailed and red-shouldered hawks, and occasional white-tailed kites, among other species, to the north ([Exhibits 7 and 8](#)).

Half an acre of the site would be planted with 60 coast live oaks from acorns or small seedlings. An additional 0.2 acre would be planted with coastal sage scrub species, which would provide nectar, pollen and seed resources, and structure and diversity to the site. Native grasses would be

planted on a 0.45 acre portion of the site to provide open foraging areas for raptors as well as seed resources and variation in the structural complexity of the site. The remaining 0.2 acre of the site would be planted with shade tolerant larger shrub species, such as Santa Barbara honey suckle, elderberry, lemonade berry, and toyon. These species would provide more structure and fruit resources to the site. The overall goal of the restoration is to restore native plants characteristic of the types of vegetation communities that existed on the site and in the vicinity prior to installation of the green waste recycling facility in order to increase and support raptor roosting, nesting, and foraging habitat.

## **B. CONSISTENCY ANALYSIS**

The standard of review for a Notice of Impending Development (NOID) is consistency with the certified Long Range Development Plan (LRDP). UCSB's LRDP was certified by the Commission in 2014 and contains policies and provisions that identify areas for campus development while protecting coastal resources including environmentally sensitive habitat areas, open space, wetlands, water quality, scenic and visual resources, and public access.

### **1. Environmentally Sensitive Habitat Area and Open Space**

Section 30240 of the Coastal Act, incorporated by reference into the University's certified LRDP, mandates that environmentally sensitive habitat areas (ESHA) shall be protected and that development adjacent to such areas must be designed to prevent impacts which could degrade those resources, and shall be compatible with the continuance of those habitat areas. Additionally, the LRDP includes several policies and provisions which include extensive requirements for the protection of ESHA.

Policy ESH-06, in relevant part, states:

*Operational noise levels shall not exceed state standards. The following operational noise sources are not subject to the maximum sound levels:*

- (a) Noise of safety signals, warning devices and emergency pressure relief valves; and*
- (b) Noise from moving sources such as tractors, automobiles, trucks, airplanes, etc....*

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-16 states:

*Night lighting shall be prohibited in environmentally sensitive habitat areas (ESHA) buffer and wetland buffer areas, except as required for public safety where an approved Notice of Impending Development specifically authorizes*

*development within buffer areas pursuant to Policy ESH-22. In such cases the lighting shall be the minimum necessary to ensure public safety and shall be designed and implemented consistent with the lighting requirements of Policy ESH-15. Where lighting in a buffer area is proposed pursuant to this policy, the University shall submit a plan to screen nearby sensitive habitat from the effects of light pollution through landscaping with appropriate native plants or other measures.*

Policy ESH-18 states:

*Natural Open Space Areas and Environmentally Sensitive Habitat areas on campus shall be restored with native plant species of local genetic stock, appropriate to habitat types, such as riparian, wetland, and coastal sage scrub plant community.*

Policy ESH-19, in relevant part, states:

*Development adjacent to an ESHA shall be sited and designed to minimize impacts to habitat values and sensitive species to the maximum extent feasible. A native vegetation buffer shall be required between the development and the ESHA to serve as transitional habitat and provide distance and physical barriers to human intrusion...*

The certified LRDP also includes policies which provide protection of Open Space lands for the purpose of buffering sensitive coastal resources from potential disturbance generated from off-site land uses.

Policy OS-02, in relevant part, states:

*The campus lands designated “Open Space” (OS) on the Land Use Map (Figure D.1) shall be set aside and permanently preserved and protected from development and disturbance for the primary purpose of providing spatially and ecologically connected areas and corridors in perpetuity. OS lands shall be managed to enhance, restore, preserve and expand wetlands, grasslands, raptor habitat, rare species habitat, and other significant habitat areas.*

Policy OS-06 states:

*Development undertaken on lands near OS-designated lands shall be sited and designed to minimize disturbance of Open Space including noise and light pollution as perceived by wildlife, to the maximum extent feasible consistent with the provision of public safety.*

Policy OS-07 states:

*New outdoor lighting within Open Space shall be limited to the minimum necessary to protect public safety where Class I bikeways are developed on the periphery of Open Space... Other new outdoor lighting within Open Space shall be prohibited unless authorized pursuant to an amendment to this LRDP.*

Policy OS-08 states:

*Except for the purpose of habitat restoration and emergency vehicles responding to an emergency, motorized vehicles shall not be allowed on paths and trails located within OS-designated lands. New pedestrian or bicycle facilities within Open Space shall be located and designed in a manner to minimize potential impacts to environmentally sensitive habitat areas to the maximum extent feasible.*

The certified LRDP policies ESH-17 through ESH-19 provide requirements for the protection of ESHA. Policy OS-02 permanently protects designated areas from development and disturbance and mandates that these areas are enhanced, restored, preserved, and expanded, while policies OS-06 through OS-08 protect Open Space areas from disturbances such as noise and light pollution.

#### Proposed Green Waste Recycling Facility

As previously described, the proposed development consists of installation of a green waste facility at the west end of Parking Lot 38 on the Storke Campus. Parking Lot 38 was initially developed as a temporary parking lot in 1997 to address short-term loss of parking during construction of the Mesa Parking Structure on the University's Main Campus. In 1999, the Commission approved UCSB's proposal to make the parking lot permanent as well as expand the lot to the west. At that time, the San Clemente Wetlands between Los Carneros Road and Parking Lot 38 had not yet been identified. These wetlands were first delineated in December of 2000. Additional wetlands west of the parking lot were delineated in subsequent wetland surveys and added to the maps in the 2010 LRDP.

All of the wetlands within the Open Space west of the parking lot are considered ESHA in the certified LRDP, and one of the wetlands is within 100 feet of the existing parking lot. Thus, the proposed project site is partially within a wetland and ESHA buffer. Policy ESH-19 requires that development adjacent to ESHA shall be sited and designed to minimize impacts to the habitat and sensitive species that use the habitat, and Policy OS-02 mandates that designated Open Space on campus shall be permanently preserved and protected from disturbance in order to provide spatially and ecologically connected areas and corridors in perpetuity. Although the new green waste facility is proposed to be sited within a buffer and adjacent to ESHA, the proposed facility would not modify the foundation of the existing parking lot, nor would it extend the footprint of development outside of the existing developed parking area. The proposed facility would utilize the existing asphalt parking surface to temporarily place green waste materials until the materials can be reused or properly disposed. The proposed project includes a fence that

would be installed on the perimeter of the site to delineate the site's boundary and prevent facility activities from entering the ESHA or Open Space area. Essentially, this project consists of outdoor storage of materials in a fenced area of the parking lot. In addition, the University is proposing Best Management Practices (BMPs) to ensure that no materials inadvertently leave the site. Given that the project will not expand the existing development footprint and the operation and design would contain all materials on-site, there are no anticipated adverse impacts to ESHA from the implementation of this facility. Additionally, the designated land use for Parking Lot 38 in the certified LRDP is Recreation and sited outside of any designated Open Space. Green waste recycling is an allowed use under the Recreation designation. For the above reasons, the proposed project is consistent with Policies ESH-19 and OS-02 to ensure that adjacent open space and ESHA are protected.

In addition to potential physical impacts, the Commission also acknowledges that this type of development has the potential to create noise and light pollution. Since truck traffic will increase at the proposed project site, noise caused by vehicles will also increase. The 2010 LRDP anticipated the potential for noise pollution from campus development and operations and regulates operational noise through Policy ESH-06, which requires operational noise levels to not exceed state standards with the exception of noise from safety signals, warning devices, emergency pressure relief valves, and moving sources, such as tractors, automobiles, and trucks. Policy OS-06 also regulates noise and light pollution near Open Space designated lands by requiring development undertaken near Open Space to be sited and designed to minimize such disturbances. The facility would be operated five days per week, and campus vehicles would visit the site two to eight times per day to dump green waste or pick up mulch. Additionally, Marborg trucks would collect green waste from the site two times per week, and a front end loader would be used to move the green waste around the site. Since the site is currently used as a parking lot, noise associated with vehicular use already occurs at the subject site. For the most part, sources of noise at the facility would be from the front end loader and campus vehicles, which is similar to vehicular traffic that is already allowed, and noise from the Marborg trucks would be limited to two times per week. Therefore, the facility operation would not serve as a significant source of noise on the surrounding environment, and the facility and operation is consistent with Policies ESH-06 and OS-06. Lighting is not a component of the proposed project; however, due to the project's proximity to Open Space lands, the Commission finds it necessary to require [Special Condition 4](#) to ensure that lighting is not installed once the green waste recycling facility is developed.

#### Existing Green Waste Recycling Facility

Along with installation of the new green waste recycling facility, the proposed project includes decommissioning and removing the existing unpermitted facility and restoring the site to natural habitat. The existing green waste facility is within designated Open Space and this type of facility is not an allowed activity in this land use designation. The project site is approximately 1.3 acres and sits amid a matrix of habitat previously impacted by agriculture use and plantings of non-native eucalyptus and non-local Monterey cypress trees. There are two known raptor nests located within the eucalyptus trees north of the site ([Exhibit 8](#)). In addition to nesting, these eucalyptus trees support roosting by great-horned owls, red-tailed and red-shouldered hawks, and other raptors. To the east of the site thirty-five coast live oak trees were planted as mitigation for

removal of trees elsewhere on campus. Further east is the West Harder Restoration Area where more than 50 native oaks and riparian species were established ([Exhibit 7](#)). To the west of the existing facility is a native plant buffer and the Cheadle Center for Biodiversity and Ecological Restoration (CCBER) and community greenhouse and garden/nursery areas, which support restoration work on campus and a diversity of wildlife due to moist year-round conditions and plant food resources. Monterey cypress line the dirt road to the south of the site. The existing green waste facility site is on a raised mesa adjacent to a remnant slough that supports a diversity of birds, reptiles, and small mammals. A topographic survey from 1870 shows that both oak woodland and grassland previously existed on the site. Evidence from remnant areas of bluff by the coast show that coastal sage scrub is a natural and normal component of coastal bluffs along with interspersed grassland and oak woodland. Restoration on the decommissioned green waste site will provide cohesion with the surrounding open space area as well as foraging areas for raptors that roost and nest in the adjacent eucalyptus trees.

The goal of the proposed planting plan for the site is to establish an oak woodland with open areas to support foraging by raptors with five main structural components: grassland, shrubland, oak woodland, senescing eucalyptus woodland overstory, and open ground. To create the oak woodland, approximately 60 coast live oak trees would be planted from acorns or small seedlings. The oak trees would be planted on half an acre of the site. On 0.2 acre of the site, species that are adapted to loamy soils, such as California bush sunflower (*Encelia californica*), seacliff buckwheat (*Eriogonum parvifolium*), California sagebrush (*Artemisia californica*), purple sage (*Salvia leucophylla*), and saltbush (*Atriplex lentiformis*), would be planted to create a coastal sage scrub community. Native grassland and wildflower species, such as creeping wild rye (*Leymus triticoides*), woodland brome (*Bromus carinatus*), giant wild rye (*Leymus condensatus*), salt grass (*Distichlis spicata*), California poppy (*Eschscholzia californica*), miniature lupine (*Lupinus bicolor*), and toadflax (*Comandra umbellata subsp. californica* and/or *Nuttallanthus texanus*), would be planted on 0.45 acre of the site to create open foraging areas and provide seed resources and variation in the structural complexity of the site. The remaining area of the site (0.2 acre) would be planted with shade tolerant shrub species, such as Santa Barbara honey suckle (*Lonicera subspicata var. subspicata*), elderberry (*Sambucus sp.*), lemonade berry (*Rhus integrifolia*), toyon (*Heteromeles arbutifolia*), and poison oak (*Toxicodendron diversilobum*). The grassland and shrub vegetation communities will provide cover and seed resources for small rodents that raptors forage on, thereby increasing the raptor foraging habitat in the area. In addition, restoration of the entire site will further buffer the raptor habitat from nearby human disturbances. Although the University has submitted a restoration plan that describes the restoration as proposed above, the submitted restoration plan includes oak trees to be planted as mitigation for NOID No. UCS-NOID-0004-16. Since the existing green waste facility is a violation, the restoration of the site is required to resolve the violation itself. No additional credit can be applied as mitigation for other campus projects. Therefore, the Commission finds it necessary to require [Special Condition 1](#), which requires that a final restoration plan that removes all reference to mitigation trees be submitted within 30 days of NOID approval.

Once the existing construction and demolition debris, green waste, and equipment are removed, the site would be graded smooth and tilled in preparation for restoration. A 4 inch layer of wood

chips and/or mulch would then be spread on a majority of the site to reduce weed germination and provide an opportunity for native seedlings to get established. Mulch will also add organic matter to the impacted soils and increase soil moisture by promoting infiltration and reducing evaporation from the soil surface. Plants would be established from seedlings and irrigated as needed, and the site would be maintained and monitored for five years. To ensure that the existing green waste site is decommissioned and restored in a timely manner, [Special Condition 5](#) requires restoration of the site to be implemented within 180 days of approval. This timeline for facility removal and restoration is necessary to ensure the timely implementation of the project in order to resolve the outstanding violation.

For the above reasons, the Commission finds that the NOID, as conditioned, is consistent with the applicable policies of the certified 2010 LRDP with regards to ESHA and open space.

## **2. Wetlands and Water Quality**

The University's certified LRDP incorporates by reference Section 30231 of the Coastal Act, which mandates that the biological productivity and quality of coastal wetlands and coastal water shall be maintained and where feasible restored through controlling runoff and maintaining natural vegetation buffer areas that protect riparian habitats. LRDP Policy ESH-25 specifies that the biological productivity and quality of campus wetlands, including Storke Wetlands, shall be maintained and where feasible restored. To further protect wetlands and water quality, the 2010 LRDP includes a comprehensive Water Quality Program that consists of water quality protection policies (Policies WQ-01 – WQ-17) and implementation standards (Appendix 3 Water Quality Protection Program). Applicable policies for the proposed development include the following:

Policy ESH-25 states:

*The biological productivity and the quality of campus wetlands, including Storke Wetlands and Devereux Slough, shall be maintained and, where feasible, restored.*

Policy WQ-01 states:

*New development shall be sited, designed, and managed to prevent adverse impacts from stormwater or dry weather runoff to coastal waters and environmentally sensitive habitat areas. Sources of inflow to coastal wetlands shall be maintained so that the quality, volume and duration of flows do not diminish wetland hydrology.*

Policy WQ-02, in relevant part, states:

*A. Proposed campus development shall be sited, designed, constructed, operated and managed in accordance with the water quality protection requirements set forth in this LRDP, including Appendix 3, Water Quality Protection, ... Appendix 3 requires new development, which entails construction or other activities or land uses that have the potential to release pollutants into coastal waters, to submit a water quality protection plan... with the NOID...*

*E. Site plans and designs for new development shall include source control measures which can be structural features or operational actions, to control pollutant sources, minimize runoff, and keep pollutants segregated from stormwater. Site plans and designs for new development shall concurrently emphasize runoff management, integrating existing site characteristics that affect runoff (such as topography, drainage, vegetation, soil conditions, and infiltration properties) with strategies that minimize post-project runoff, control pollutant sources, and where necessary remove pollutants. Site plans and designs shall be in compliance with the water quality protection plans required in Appendix 3, Water Quality Protection Program... Sufficient evidence to demonstrate compliance of the proposed project with the requirements of Policy WA-02 shall be submitted in support of the Notice of Impending Development and the NOID may be conditioned by the Commission to ensure that these requirements are met.*

Policy WQ-06, in relevant part, states:

*The University shall design, construct and manage campus development to minimize the introduction of pollutants, including trash and sediment, into coastal waters.*

#### Proposed Green Waste Recycling Facility

Policy ESH-25 of the certified LRDP requires that the biological productivity and quality of campus wetlands shall be maintained and, where feasible, restored, while Policies WQ-01, WQ-02, and WQ-06 require development to be sited, designed, and managed to prevent adverse impacts from stormwater and the introduction of pollutants into wetlands and coastal waters. The proposed green waste facility is adjacent to the San Clemente Wetlands, which were restored in 2006 as mitigation for the San Clemente Village development. The new green waste facility is proposed to be developed on the west end of the existing Parking Lot 38, which drains northwest. Bioswales exist on the northern perimeter of the parking lot; however, runoff has the potential to drain into the wetlands directly west of the parking lot. Since the proposed project includes moving and stockpiling green waste, the Commission recognizes that the proposed development has the potential to adversely impact wetlands and water quality through sedimentation caused by green waste material that may become mobilized by stormwater. Another potential impact to the adjacent wetlands is the introduction of pollutants, such as petroleum and cleaning products from the vehicles used on site as well as pesticides and fertilizers from the collected green waste.

In order to maintain the quality of the restored wetlands and comply with the water quality policies and standards of the certified LRDP, the proposed project includes a Best Management Practices (BMPs) Plan to keep mulch and green waste debris from migrating offsite and reduce the potential for pollutants to be introduced into the adjacent wetlands. Proposed BMPs include fastening silt-control geotextile filter fabric to the bottom of the perimeter fence, sweeping the site regularly, not storing or maintaining vehicles within the fenced area of the facility, and moving all green waste into the roll-off containers when rain is predicted. To ensure that the proposed BMPs are properly implemented and to ensure that adverse effects to coastal water



quality do not result from the proposed project, the Commission finds it necessary to require [Special Condition 2](#), which outlines the required BMPs for the proposed project.

#### Existing Green Waste Recycling Facility

The proposed removal of the existing green waste facility also has the potential to impact wetlands and coastal waters. The site currently consists of extensive areas of exposed soil, and after removal of the facility, the site would continue to consist primarily of bare ground because the University removed vegetation at the existing site in order to develop the existing green waste recycling facility. The Commission recognizes that through the removal of vegetation, development has the potential to adversely impact coastal water quality through increased runoff, erosion, and sedimentation. These impacts have the potential to reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, reduce optimum populations of marine organisms, and may contribute to adverse impacts on human health. Increased runoff and erosion also have the potential to directly impact potential habitat onsite by carrying away nutrients in the soil as well as the topsoil itself.

The existing project site drains towards Storke Wetlands to the north; therefore due to the lack of soil stabilizing vegetation, the potential for sedimentation of Storke Wetlands currently exists and the threat would remain until the site is restored. Thus, the existing green waste site must be planted and restored in a timely manner to allow for the proposed saplings, shrubs, and grasses to establish and thereby reduce erosion and runoff potential to adjacent coastal waters. Therefore, the Commission finds it necessary to require [Special Condition 5](#) to ensure that the existing green waste recycling facility site is removed and restored within 180 days of approval of the subject NOID to reduce the potential for runoff and erosion on the site and sedimentation of the Storke Wetlands.

For the reasons stated above, the Commission finds that the project, as conditioned, is consistent with the water quality protection requirements of the LRDP.

### **3. Scenic & Visual Resources**

Section 30251 of the Coastal Act is incorporated into the LRDP and requires scenic and visual qualities to be considered and preserved. Section 30251 also mandates that development be sited and designed to protect views of scenic areas, minimize alterations of landforms, and be visually compatible with the surrounding area. The certified LRDP also contains policies to ensure that the scenic and visual qualities of coastal and public viewing areas are considered and protected as a resource of public importance.

Policy SCEN-01 states:

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

Policy SCEN-03, in relevant part, states:

*New development shall be sited and designed to minimize adverse impacts to the greatest extent feasible on scenic resources, including places on, along, within, or visible from public viewing areas such as public parklands, public trails, beaches, and state waters that offer scenic vistas of mountains, coastline, beaches, and other unique natural features, as identified as viewpoints, scenic routes, and trails on Figure F.4...*

#### Proposed Green Waste Recycling Facility

Policy SCEN-01 mandates that development on campus be in conformance with the scale and character of the surrounding development and encourages clustering of such development. Policy SCEN-03 requires new development to be sited and designed to minimize adverse impacts to scenic resources including views from public trails. The proposed green waste recycling site is visible from the bicycle/pedestrian trail north of the parking lot, the parking lot itself, and the nearby soccer field. The San Clemente Restoration area directly adjacent to the site partially screens the proposed site from Los Carneros Road, which is the closest public road to the site. The majority of Parking Lot 38 is covered with existing solar panels that are 17 feet tall at their maximum height. The proposed green waste recycling facility would be screened from the surrounding area with an 8 feet tall chain link fence with dark plastic inserts. Therefore, except for vehicles entering and exiting the site, the roll-off containers and mulch piles within the facility would not be visible from the surrounding area. Additionally, the fence would be dark in color and shorter than the existing solar panels, and thereby blend in with the remaining solar covered parking lot. Furthermore, although the site is visible from the adjacent public trail, the proposed facility would be within an existing developed location that does not provide any scenic views. Therefore, the proposed project will not result in any adverse impacts to public views or scenic resources.

#### Existing Green Waste Recycling Facility

The existing green waste recycling facility is sited in a designated Open Space area, which is inconsistent with the allowable uses and Open Space policies of the certified 2010 LRDP. The existing facility is publicly visible from the dirt road south of the site, which will exclusively become a bicycle/pedestrian trail after the existing facility is decommissioned. The University is proposing to plant the project site with oak trees, native shrubs, and native grasses in order to restore the site to open space and provide cohesion with the surrounding habitats. Additionally, this restoration component of the proposed project would improve the visual character of the site from a non-compatible use in a designated Open Space area to a site that supports a diversity of native plants species and wildlife, specifically raptors that roost and nest in the nearby trees. To ensure that the site is decommissioned and restoration is properly implemented, the Commission requires [Special Conditions 1](#) and [5](#), which require the University to restore the site to native habitat within 180 days of approval of the subject NOID. Therefore, as conditioned, and consistent with Coastal Act Section 30251 and the scenic and visual resource policies of the LRDP, the restoration component of the project would improve, restore, and enhance the visual character of the existing green waste recycling facility site.

Therefore, for the reasons stated above, the Commission finds that the proposed NOID, as conditioned, is consistent with the applicable policies of the LRDP with regards to visual resources.

#### 4. Land Use and Public Access

Section 30250a of the Coastal Act, as incorporated into the certified LRDP, requires that new residential, commercial, or industrial development be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it, or in other areas with adequate public service, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources, including public access. Section 30210 of the Coastal Act, which is also incorporated into the certified LRDP, requires that maximum public access and recreational opportunities be provided. The LRDP also contains specific policies to regulate the use of the dirt road north of Parking Lot 38 and the Storke Field Recreation site, which contains Parking Lot 38, as well as parking in relation to recreational needs on campus and to ensure that maximum public access, including trails, is provided on the Campus consistent with Section 30210 of the Coastal Act.

Policy LU-28, in relevant part, states:

*The road between Parking Lot 38 and Los Carneros Road through the Open Space shall be restored and limited to use as a bicycle and pedestrian path within 18 months of the certification of the 2010 LRDP...At the time of restoration, vehicular use of the road connection between Parking Lot 38 and Los Carneros Road through the Open Space shall be prohibited, except for emergency vehicles responding to an emergency...The bicycle/pedestrian path may include lighting for safety reasons provided lighting is the minimum necessary, designed with a minimal footprint and low-profile such as bollard design, and consistent with Policy ESH-15. Concurrent with the restoration, measures shall be installed to ensure that vehicles are unable to access this road. Such measures may be designed to allow necessary emergency vehicle access...*

*Concurrent with the phasing out of vehicles on the road connecting Parking Lot 38 to Los Carneros Road as described above, the remaining dirt road immediately north of Parking Lot 38 shall also be limited to bicycle and pedestrian access, thereby restricting vehicular use of that portion of the road. Vehicular access to the gardens and greenhouses shall be through Parking Lot 38 with vehicles exiting via the road apron in the northwestern portion of the parking lot. This access would necessarily require crossing the bicycle path to access the garden facilities.*

Policy LU-29, in relevant part, states:

*Development at the Storke Field Recreation site shall be located within the approximately 19-acre potential development envelope designated as Recreation on Figure D.3 and shall be consistent with the following build-out provisions...*

*...d. Development, including recreation facilities and parking, shall not extend any*

*further north or west of the existing Parking Lot 38 footprint. The dirt road and bicycle path north of Parking Lot 38 may be retained within its current developed footprint for the purpose of providing bicycle and pedestrian access. Vehicular use shall be prohibited.*

- e. Parking to serve recreational uses shall be available on the site in Parking Lot 38. However, recreational parking may be dispersed during peak events where allowed pursuant to Policy TRANS-19...*

Policy TRANS-19 states:

*The University shall provide and maintain parking to serve the typical recreational needs of the Storke and Main Campus Core Recreation Areas, including but not limited to locations within Parking Lot 38 and Parking Structure 18. Parking for peak recreational events may be distributed to other locations on Main Campus using signage and/or other system (e.g., flag person) to direct traffic to intended spaces.*

Policy PA-11 states:

*Public access trails and bicycle routes shall be provided to maximize access to the coast and provide recreational opportunities. Figures E.2 and E.3 identify existing and planned routes for bicycle and trail routes, including trail type, allowed users, and locations. The alignment shown in Figures E.2 and E.3 are approximate. The final alignments shall be designed based on topographic constraints and shall be sited to minimize impacts to coastal resources to the maximum extent feasible. Where such trails or routes are in or near ESHA or natural open spaces areas, the siting and design of such routes shall be subject to Policy ESH-03.*

#### Proposed Green Waste Recycling Facility

The new green waste recycling facility is proposed to be located at the west end of Parking Lot 38, which is part of the designated Storke Field Recreation area. The certified 2010 LRDP lists the land uses allowed in each land use designation, and green waste recycling is an allowable use under the Recreation designation. Therefore, a green waste recycling facility is consistent with the land use designation at the proposed location. Additionally, Policy LU-29 of the certified LRDP requires development at the Storke Field Recreation site to not extend any further west or north than Parking Lot 38, and the proposed site plan for the new green waste facility is in conformance with this policy as the facility is not proposed to extend beyond the boundaries of the parking lot.

Policy LU-29 also requires parking for recreation uses to be provided on site in Parking Lot 38, and Policy TRANS-19 requires the University to provide parking for typical recreational needs at the Storke Field Recreation area, including but not limited to Parking Lot 38. The University provided a parking analysis, which shows that the proposed green waste facility will permanently remove 32 vehicle parking spaces from Parking Lot 38. The parking lot currently accommodates

488 parking spaces, not including the 3 parking stalls along Harder South Road in front of Harder Stadium. Parking Lot 38 is used for student parking, soccer and other sports club events, and events at Harder Stadium, and does not contain designated coastal access parking. In the fall of 2016, the University conducted a parking survey for the entire campus. Parking surveys are conducted at the time of the quarter and day that are typically most occupied, i.e. during peak occupancy. At the time of the fall 2010 survey, Parking Lot 38 was closed due to installation of solar panels approved under UCS-NOID-0004-16. Despite the temporary closure of Parking Lot 38, the parking survey data showed that the campus had an overall parking occupancy of 60 percent. The two closest lots for student parking to Lot 38 are Parking Lot 30 and Structure 50, which were 48 percent and 70 percent occupied respectively during the survey. Parking Lot 38 serves as recreational parking as well as “C” parking spots open to any commuter or visitor. The University’s data indicates that there remains an adequate supply of parking for recreational uses in this area and the loss of 32 parking spaces would have minimal impact to the University’s ability to accommodate parking demand. Therefore, removal of 32 vehicle spaces would not impact available parking in Lot 38, and since Parking Lot 38 does not contain any coastal access parking, the proposed project specifically would not impact coastal access parking.

#### Existing Green Waste Recycling Facility

Once the existing green waste facility is decommissioned, the existing dirt access road between Parking Lot 38 and the Open Space area to the north will be closed to vehicles in order to comply with LRDP Policies LU-28 and LU-29, which require the dirt road to be limited to bicycle and pedestrian use with the exception of emergency vehicles. Closure of the dirt road to vehicle access will decrease disturbance, such as noise and dust disturbance, adjacent to the Open Space north of the road. Vehicles accessing the new green waste facility would be required to drive through Parking Lot 38 ([Exhibit 4](#)). Students authorized to access the student gardens by vehicle will also be required to drive through Parking Lot 38 to the road apron on the northwestern end of the parking lot and then cross the bicycle/pedestrian path to access the garden facilities. To keep vehicles from accessing the road, [Special Condition 3](#) requires signage and a vehicular barrier to be installed at the east end of the dirt road. Restricting vehicular traffic will enhance the experience of bicyclists and pedestrians while maintaining public access.

For the reasons stated above, the Commission finds that the proposed project, as conditioned, is consistent with the public access policies of the LRDP.

### **5. Unpermitted Development**

Development has occurred on the subject site without the required authorization under the Coastal Act in violation of the Coastal Act. The unpermitted development includes installation of a recycling center on campus adjacent to the student gardens, between Harder Stadium and Los Carneros Road sometime between 1994 and 2003. The subject NOID proposes to resolve the issue of unpermitted development as it relates to the green waste recycling center by decommissioning the green waste recycling center, removing the physical development associated with the facility, and restoring the area with native habitat. Approval of this NOID and compliance with all of the terms and conditions of this NOID will result in resolution of the aforementioned violations of the Coastal Act as they relate to the green waste recycling facility going forward.

In order to ensure that the unpermitted green waste recycling facility is removed and the site restored in a timely manner, [Special Condition 5](#) requires removal of the facility and implementation of the final approved restoration plan within 180 days of Commission action on this NOID. In addition, in order to ensure that the unpermitted development component of this NOID, as it relates to the green waste recycling facility, is resolved in a timely manner, the Commission finds it necessary to require the University to fulfill all of the Special Conditions of this NOID, within 180 days of Commission action, pursuant to [Special Condition 6](#), Condition Compliance. Special Condition 6 is required to assure the project's consistency with all applicable LRDP policies, and Chapter 3 policies of the Coastal Act as incorporated into the LRDP.

## **6. California Environmental Quality Act**

Section 13096 of the Commission's administrative regulations requires Commission approval of Notices of Impending Development (NOID) to be supported by a finding showing that the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Pursuant to CEQA, the University of California is responsible for preparing any necessary environmental documents for its project (Pub. Res. Code § 21080.09). When carrying out its review as a responsible agency, the Commission has a certified regulatory program that it generally uses in lieu of preparing environmental impact reports and negative declarations under CEQA.

Section 21080.5(d)(2)(A) of CEQA prohibits the Commission from approving a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect which the activity may have on the environment. For the reasons discussed in this report, the project, as submitted, is consistent with the governing LRDP and its coastal zone protection policies, so long as the restoration component of the project is implemented in a timely manner, vehicular use of the dirt road north of Parking Lot 38 is prohibited concurrent with the decommissioning of the existing green waste recycling facility, Best Management Practices are used, and lighting is not installed at the proposed green waste recycling facility. The Commission has, therefore, conditioned the proposed NOID to require implementation of the project within a feasible timeframe to ensure that all significant environmental impacts of the proposed development are avoided or mitigated to the extent feasible. As conditioned, the proposed project does not have any remaining significant effects within the meaning of CEQA.

The Commission incorporates its findings on LRDP consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in the preceding sections, the proposed development approved by this NOID, as conditioned, is consistent with both the policies and provisions of the certified 2010 LRDP. Feasible mitigation measures that will minimize all significant adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, that would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the Notice of Impending Development, as

conditioned herein, are consistent with the applicable policies and provisions of the certified Long Range Development Plan, the Coastal Act, and CEQA.

## **APPENDIX A**

### **SUBSTANTIVE FILE DOCUMENTS**

1. University of California, Santa Barbara, 1990 Long Range Development Plan.
2. University of California, Santa Barbara, 2010 Long Range Development Plan.
3. Storke Campus-Former Greenwaste Recycling area Restoration Plan, prepared by Lisa Stratton, Ph.D., dated May 2017.
4. Fields Devereaux Architects & Engineers UCSB Lot 38 Grading and Drainage Plan.