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# Th12a

**Prepared August 29, 2018 (for September 13, 2018 hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** Susan Craig, Central Coast District Manager  
Sarah Carvill, Coastal Planner

**Subject:** **UCSC Marine Science Campus Coastal Long Range Development Plan (CLRDP) Notice of Impending Development Number 9 (SCZ-NOID-0004-18) (Younger Lagoon Reserve Beach Area Public Access Plan).** Coastal Commission consideration of UCSC's notice regarding its intent to implement its updated beach area public access management plan within Younger Lagoon Reserve pursuant to the certified CLRDP.

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## SUMMARY OF STAFF RECOMMENDATION

The University of California at Santa Cruz's (UCSC's) Marine Science Campus (Campus) Coastal Long Range Development Plan (CLRDP) was certified by the Commission on January 7, 2009. UCSC is now pursuing its ninth project pursuant to the CLRDP, has submitted the above-referenced notice of impending development (NOID) to the Commission, and is requesting that the Commission concur that the proposed project is consistent with the certified CLRDP.

This NOID affects Younger Lagoon Beach, a relatively small pocket beach with a back-beach lagoon system within which UCSC's research and resource protective efforts are focused (through the UC Reserve System's Younger Lagoon Reserve program). Although historically a popular beach for general public access, Younger Lagoon Beach has been off-limits to such general use since 1981 when the Commission authorized a CDP for a temporary beach closure to protect UCSC's Long Marine Lab research program in the lagoon area inland of the sandy beach itself, as well as coastal resource values in the lagoon/beach area overall. That original beach closure was only allowed by the Commission based on a required periodic reevaluation, which ultimately occurred in 2001 when the Commission again allowed for continued beach closure for similar reasons. Subsequently, in 2009, the periodic beach access reevaluation tool was codified into the certified CLRDP. Consequently, the CLRDP requires that the amount and level of intensity of beach access be reevaluated every five years via authorization of a Younger Lagoon Beach Public Access Management Plan through the NOID process. That reauthorization process is designed to allow UCSC and the Commission to reassess the context and conditions associated

with the level of public beach access at Younger Lagoon Beach, and to potentially make changes in the degree of public beach access provided to the beach area (i.e., to increase it, decrease it, or leave it as is) for the next five years.

CLRDP Implementation Measure (IM) 3.6.3 requires that the public have “supervised access” to Younger Lagoon Beach, but does not specify the level of supervision. Rather, this question is subject to the periodic reevaluation identified above. IM 3.6.3 also requires that a monitoring program be implemented to document the condition of native flora and fauna within Younger Lagoon and the back beach area at five-year intervals, and that UCSC prepare a report at the end of each five-year period that presents the results of the monitoring and includes a discussion of the potential effects of sandy beach public access on Younger Lagoon resources, and whether beach access changes should be implemented. At the end of each five-year period, UCSC must submit a NOID to the Commission to implement a beach access plan for the next five years.

In March 2010, the Commission approved UCSC’s NOID 2 to implement a beach access management plan through 2015 that allowed for supervised access to Younger Lagoon Beach through a docent-led beach tour program and implemented a five-year monitoring program, as required by IM 3.6.3. UCSC began implementing the beach access plan and monitoring program in spring of 2010, and submitted the report on the results of the monitoring to the Commission in February of 2016. In 2017, UCSC submitted their required beach access NOID (to cover the period between 2015 and 2020), which described a plan to continue the beach access program that had been in place under NOID 2 for the next five-year period (i.e., through 2020). That NOID was presented to the Commission at its July 2017 meeting, but UCSC withdrew it prior to any Commission action in order to consider and incorporate feedback from Commissioners regarding the adequacy of its proposed public access parameters. UCSC now proposes a revised beach access management plan in the current NOID.

This revised NOID again proposes to keep the beach closed to general public access, and to continue the existing docent-led beach tour program as the allowed form of public beach access through 2020, with some changes (relative to the previous program) designed to provide additional opportunities for the public to access the beach and to reduce the cost of access for younger visitors. Specifically, UCSC now proposes to offer public beach tours four times a month during the spring and summer season (March through September), and twice monthly during other times of the year, thus increasing the number of beach tours offered during that summer season compared to the twice per month beach tours provided year-round under the previous program. UCSC also proposes to increase the number of participants allowed on each beach tour from 12 to 14, and to allow those under the age of 16 to participate in the beach tours for free. All others will be required to pay admission to the Seymour Marine Discovery Center (SMDC)<sup>1</sup> for a tour, where current admission prices are \$9 for those over 16.<sup>2</sup> UCSC has also identified a suite of advertising outlets that it indicates are currently being used to promote the tours, including press releases, local papers and event calendars, social media, and new and

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<sup>1</sup> SMDC is a Campus marine science education center located adjacent to Long Marine Laboratory on the bluff downcoast of Younger Lagoon Beach. SMDC offers daily tours of its own facility and the laboratory in addition to the tours of Younger Lagoon Beach that are the focus of this NOID.

<sup>2</sup> Currently, admission to the Discovery Center is \$9 for adults, \$7 for children between the ages of 3-16, and free for children younger than 3.

existing interpretive signage on Campus.

As under the previous beach access program, tours would be led by SMDC docents, and would include a narrative history of the UC Natural Reserve System, a discussion of the lagoon and its habitats, a walk through a restored coastal scrub habitat with opportunities to view the rear dune, and would culminate with a walk on the sand at Younger Lagoon Beach. As set forth in this proposed NOID, UCSC would also continue to monitor for potential coastal resource and research impacts as required by, and described in, IM 3.6.3, and would continue to submit a NOID to the Commission every five years that reports on the previous five years of the docent-led beach access program, includes a monitoring report that evaluates beach conditions, and proposes beach access parameters for the next five years. The next NOID to implement a Younger Lagoon Beach Access Plan will be due in 2020.<sup>3</sup>

Staff believes that the proposed project needs to be modified in order for it to be found CLRDP consistent. First, in order to meet the CLRDP's free public access requirements (which allow only "modest fees" to be charged to visitors on Campus, and only when the fees are for "access to the Seymour Marine Discovery Center and similar University facilities"), **Condition 1** requires that beach tours be free for all who sign up, whether one pays for SMDC access or not. **Condition 1** also requires UCSC to track the number of tour requests that are denied due to lack of tour availability in order to help identify the optimum number of tours and participants moving forward. Second, although UCSC has identified a suite of measures to promote the beach tour program, UCSC has not actually committed to any specific frequencies of use for those measures. In order to ensure that the proposed measures are adequately utilized to inform the public of the availability of beach tours, **Condition 2** requires that UCSC provide a schedule for each type of outreach, with the goal of reaching as many potential audiences as possible, including audiences that might not be reached through traditional local means (e.g., inland communities). Third, to ensure that users who are already onsite are informed of the beach tours, **Condition 3** also requires that UCSC provide signage at Campus overlooks and outside and inside of the SMDC that describe tour availability, including "day of" signs to ensure maximum notice is provided. Fourth, while UCSC has proposed a goal of continuing to offer four beach tours per month from March to September and two beach tours per month for the remainder of the year, resulting in 38 beach tours per year overall, it has not committed to actually offering 38 beach tours per year. **Condition 4** commits UCSC to this tour schedule as a minimum. Additionally, in order to assess the effectiveness of outreach pursuant to **Condition 2** and ensure that future decisions regarding access to Younger Lagoon Beach are based on complete information about utilization of the tour program, **Condition 4** requires UCSC to prepare and submit a report regarding compliance with these conditions (including outreach activities, tour subscription, and data collected on the number of persons turned away) and recommendations regarding how the tour program might be best modified to better meet public demand. Finally, in order to ensure that UCSC meets the CLRDP requirement for five-year review of beach access at Younger Lagoon Beach on the original time schedule required by the Commission through the

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<sup>3</sup> NOID 2 covered the five-year period from 2010 to 2015, and no NOID for the next five-year period (2016 to 2020) has thus far been approved. If the Commission finds this NOID consistent with the CLRDP, UCSC will have obtained approval through the 2020 period. A new NOID must be submitted and approved for the 2021 to 2025 period to meet the CLRDP requirement that the beach access parameters and a Beach Access Plan be reviewed and authorized every five years.

CLRDP (and in order to avoid a situation in which the program that has been operative since 2015 is not covered by CLRDP authorization, as is the case currently), **Condition 5** specifies that this NOID is effective through December 31, 2020 only, and requires UCSC to submit a NOID for the January 1, 2021 to December 31, 2025 period by July 1, 2020.

In this case, and for similar reasons as the Commission has found in the past with respect to beach access at Younger Lagoon Beach, staff believes that the proposed program as conditioned can be found CLRDP consistent, and further believes that the balance being struck here (i.e., between research and resource protection on the one hand, and general beach public access on the other) through the docent-led beach tour program is appropriate in this case. Staff notes that the beach access situation at Younger Lagoon Beach is an anomaly in coastal California, including inasmuch as public beach access is of critical importance, and ensuring it is maximized and provided to all is a critical component of the Commission's coastal program under the Coastal Act. It is only because of the historical context here, namely the Commission's involvement in setting access limits for this particular pocket beach as part of UCSC's research program dating back to 1981, that limitations on general public beach access in this location can be found appropriate given that larger context. It is incumbent on UCSC to recognize that same dynamic in terms of the type of access program it provides to the general beach going public *in return for* that concession on the part of the Commission on behalf of those beachgoers, and staff believes that conditions are necessary to push UCSC's program towards being more accommodating to the general public. Public beach access is the cornerstone of the Commission's access program, and regulations on its use are not to be taken lightly. The conditions applied here will help to better provide such access, in staff's view, and staff intends to continue to work with UCSC to improve the program for the public moving forward, both to inform this iteration of the program as well as future beach access plans and NOIDs.

Staff therefore recommends that the Commission determine that the NOID project, as conditioned, is consistent with the certified CLRDP. The necessary motion and resolution to find the proposed development consistent with the certified CLRDP are found on page 5 below.

**Staff Note - NOID Action Deadline:** This NOID was filed as complete on August 24, 2018. The 30-working-day hearing deadline is October 8, 2018. Thus, unless UCSC agrees to extend the hearing deadline (as allowed by CLRDP Section 8.4.2<sup>4</sup>), the Commission must take action on the NOID by October 8, 2018 or it will be deemed consistent with the CLRDP.

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<sup>4</sup> CLRDP Section 8.4.2 provides that the hearing deadline may be extended if, on or before the deadline, the Director of Campus Planning waives UCSC's right to a hearing within 30 working days, and agrees to an extension to a date certain that is no later than three months from the hearing deadline (in this case, no later than January 8, 2019).

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### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

Exhibit 1: Location Map

Exhibit 2: Photos of Campus and Younger Lagoon Beach Area

Exhibit 3: UCSC’s Proposed NOID 9

Exhibit 4: CLRDP Figures 3.11 and 5.6

### I. MOTION AND RESOLUTION

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in a determination that the development described in the UCSC NOID 9 (SCZ-NOID-0004-18) is consistent with the certified UCSC CLRDP as conditioned, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that the development described in UCSC Notice of Impending Development Number 9, if conditioned as identified in this report, is consistent with the certified University of California at Santa Cruz Coastal Long Range Development Plan, and I recommend a yes vote.*

***Resolution:** The Commission hereby determines that the development described in UCSC Notice of Impending Development Number 9, as conditioned as identified in this report, is consistent with the certified University of California at Santa Cruz Coastal Long Range Development Plan for the reasons discussed in the findings herein.*

## II. CONDITIONS

- 1. Free Beach Tours.** All beach tours shall be offered for free, and UCSC shall not require that beach tour users pay any separate admission fee to any other facility in order to take the beach tour. This condition shall not be construed as affecting existing already allowed admission fees for UCSC's Seymour Marine Discovery Center. Beach tour signups may be provided online (e.g., at UCSC Marine Science Campus and Seymour Marine Discovery Center websites) but shall at a minimum be made available by phone and at the Seymour Marine Discovery Center front desk. UCSC shall also identify and implement a mechanism for tracking the number of tour requests that are denied due to lack of tour availability or because tours are fully booked. All UCSC materials referencing the beach at Younger Lagoon and/or beach tours shall be required to be modified as necessary to clearly identify that access to the beach is available for free via beach tours. Within 30 days of this approval (i.e., by October 13, 2018), UCSC shall provide evidence to the Executive Director identifying the manner in which (1) free beach tour signups are made available, (2) tour request denials are quantified and recorded, and (3) UCSC materials have been modified to reflect that beach access is available for free via beach tours, all consistent with this condition.
- 2. Beach Tour Outreach Plan.** Within 30 days of this approval (i.e., by October 13, 2018), UCSC shall submit two copies of an Outreach Plan for Executive Director review and approval, where such Plan shall identify all measures and venues to be used to advertise and increase awareness of the free beach tours (e.g., UCSC Marine Science Campus and Seymour Marine Discovery Center websites, press releases, calendar listings with UCSC Events and local media (e.g., *Good Times* newspaper), ads on radio (e.g., public radio station KAZU), print ads, social media (including Facebook, Twitter, and Instagram), etc.). The Plan shall identify the language to be used in describing the free beach tours (where said language shall be required to be consistent with the terms and conditions of this approval), and shall provide a schedule for each type of outreach, with the goal being to reach as many potential free beach tour audiences as possible, including audiences that might not normally be reached through traditional and local means (e.g., inland communities). UCSC shall implement the approved Outreach Plan as directed by the Executive Director.
- 3. Beach Tour Signs.** Within 30 days of this approval (i.e., by October 13, 2018), UCSC shall submit two copies of a Beach Tour Sign Plan for Executive Director review and approval, where such Plan shall provide for installation of signage outside of the Seymour Marine Discovery Center and inside at its front desk, at Campus overlooks, and at other appropriate public access locations on the Marine Science Campus that describe free beach tour availability, including "day of" signs for each day beach tours are offered to ensure maximum notice is provided. All such signs shall be sited and designed to be visually compatible with the area, shall be consistent with the Campus sign program (and CLRD sign requirements), and shall provide clear information in a way that minimizes public view impacts. UCSC shall implement the approved Beach Tour Sign Plan as directed by the Executive Director.
- 4. Beach Tour Availability and Monitoring.** UCSC shall offer at least four beach tours per month (of which at least one per month is a weekday tour and at least two per month are

weekend tours) from March 1st through September 30th each year, and shall provide at least two beach tours per month (of which at least one per month is a weekday tour and at least one per month is a weekend tour) otherwise (a minimum of 38 total beach tours per year). UCSC may limit the number of beach tour participants to 14 persons per tour, but this number may be exceeded per tour on a case by case basis, and beach tours shall not require any minimum number of participants to be provided (i.e., if at least one person signs up, the tour shall be provided). UCSC shall document the date/time and number of participants for each beach tour, as well as the number of tour requests that are denied due to lack of tour availability or because tours are fully booked (see also **Condition 1**).

At least every six months (i.e., by June 30th and December 31st each year), UCSC shall submit two copies of a Beach Tour Monitoring Report for Executive Director review and approval, where the Report shall at a minimum provide information regarding compliance with these conditions of approval, including a section identifying UCSC's activities under the approved Beach Tour Outreach Plan (see **Condition 2**), as well as the required information described in the previous paragraph. Each such Monitoring Report shall include a section that identifies recommendations about whether user data suggests that beach tours should be increased in terms of frequency of tours and/or number of tour attendees, or otherwise modified to better respond to user demand, including the potential to offer a more limited beach area tour (e.g., designed to allow participants to access just the sandy beach area itself in a shorter amount of time) as a means of offsetting demand. UCSC shall implement any Executive Director-approved recommendations from each Beach Tour Monitoring Report.

- 5. Beach Access Management Plan Duration.** This approval for UCSC's public beach access management plan at Younger Lagoon Beach shall be effective through December 31, 2020. UCSC shall submit a complete NOID, consistent with all CLRDP requirements, to implement its next public beach access management plan at Younger Lagoon Beach (for the period from January 1, 2021 to December 31, 2025) no later than July 1, 2020. Such complete NOID shall at a minimum summarize the results of the Beach Tour Monitoring Reports (see **Condition 4**), and shall identify the manner in which UCSC's proposed management plan responds to such data, including with respect to opportunities to increase public access to the beach area (when considered in light of potential impacts to UCSC research and coastal resources). If such complete NOID has not been submitted by July 1, 2020, then UCSC shall allow supervised (via beach and trail monitors only) general public access to Younger Lagoon Beach during daylight hours (i.e., one hour-before sunrise to one-hour after sunset) until such NOID has been submitted.

### **III. FINDINGS AND DECLARATIONS**

#### **A. UCSC CLRDP**

##### **General CLRDP Background**

As an alternative to project-by-project coastal permit review, Coastal Act Section 30605 allows for, among other things, universities to develop long-range development plans for Commission certification. Once certified, each university is the primary entity responsible for ensuring that future development on the site is consistent with the certified coastal long range development plan (CLRDP), subject to ongoing Commission oversight.

##### **UCSC's Marine Science Campus**

The University of California at Santa Cruz (UCSC) Marine Science Campus (Campus) site is located directly adjacent to the Monterey Bay National Marine Sanctuary just within the western border of the City of Santa Cruz in Santa Cruz County (see **Exhibit 1** for a location map).<sup>5</sup> Agricultural land extends to the west (upcoast) along the coast beyond the Younger Lagoon Reserve and the western Campus boundary. To the north (inland) are the Santa Cruz Branch Line rail corridor, the Raytek industrial facility, a City of Santa Cruz corporation yard, and Highway One. To the south (seaward) lies the Sanctuary and the Pacific Ocean, and to the east (downcoast) is Antonelli Pond (north of Delaware Avenue) and the densely packed De Anza Mobile Home Park (south of Delaware Avenue), beyond which is Natural Bridges State Park and, past that, West Cliff Drive in the City of Santa Cruz.

The Campus site is primarily made up of a relatively flat terrace area (roughly 73 acres) sloping gently from north to south (to the ocean) with the remainder occupied by a large arroyo feature (roughly 25 acres) on the west of the site, at the base of which lies Younger Lagoon, an estuarine lagoon that connects (at times) to the ocean. A sandy beach area fronts Younger Lagoon below the terrace. The lagoon, the pocket beach, the arroyo and a portion of the terrace make up Younger Lagoon Reserve, a component of the UC Reserve System. The terrace portion of the site includes within it a NOAA Fisheries Lab and related development on a 2.5 acre federally-owned parcel that is completely surrounded by UCSC property. Altogether, the Campus (including the federal in-holding and the Younger Lagoon Reserve) is about 100 acres.<sup>6</sup>

##### **UCSC'S Marine Science Campus CLRDP**

The CLRDP was certified by the Commission on January 7, 2009. The CLRDP provides a blueprint for future development of the site, including a maximum increase of about 600,000 square feet of new Campus facilities (including outdoor research and support areas), mostly within four distinct development zones (occupying about one-third of the terrace area). The CLRDP provides for roughly 340,000 gross square feet of potential new facilities within the four

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<sup>5</sup> The main UCSC campus is located roughly two miles inland of the Marine Science Campus, in the rolling foothills northwest of downtown Santa Cruz. The main campus is located almost entirely outside of the coastal zone.

<sup>6</sup> As required by the CLRDP, the terrace areas located outside of the allowed development footprint on the Marine Science Campus were added to Younger Lagoon Reserve in 2009. Thus, when added to the original 25-acre Reserve area, Younger Lagoon Reserve now occupies 72 acres of the almost 100-acre Marine Science Campus.



development zones in new one- and two-story buildings up to 36 feet tall,<sup>7</sup> with the remainder in outdoor research and support areas. The CLRDP also accounts for additional areas of roads, and natural drainage features and related water quality BMPs that extend outside of the four development nodes. Overall, and at full buildout, the CLRDP allows for the Campus to grow by about three times its size at the time of CLDRP certification in 2009. In addition to the building program, the CLRDP also provides for an expanded public access trail system and natural habitat restoration in the roughly 47 acres of wetlands and open space on the terrace that are not part of the proposed development zones (and which have been added to Younger Lagoon Reserve per the CLRDP). UCSC recently completed several large construction projects, including installation of the CLRDP-required Campus-wide access trail system and the Campus-wide system of natural drainage features. See **Exhibit 2** for Campus area photos, including of Younger Lagoon Beach.

## **B. UCSC NOID 9**

### **Notices of Impending Development**

Under a certified CLRDP, university development of specific projects contained in a CLRDP can proceed without a coastal permit, provided UCSC sends a Notice of Impending Development (NOID) to the Commission and other interested parties prior to undertaking development, and either the Commission deems the identified development project consistent with the CLRDP (with or without conditions to make it so) within 30 working days after the NOID is filed with the Commission. The development is deemed consistent if the Commission fails to act upon the NOID in a timely manner.<sup>8</sup> Pursuant to Coastal Act Sections 30605 to 30607 and Section 13550(d) of Title 14 of the California Code of Regulations (CCR), the Commission may impose conditions on such development project proposals, but only in order to ensure consistency with the Coastal Act and the certified CLRDP.

### **Younger Lagoon Beach Access**

Younger Lagoon Beach is not unlike other sandy pocket beaches along the northern Santa Cruz County coast that include inland lagoon and brackish features, and it was a popular and well-used area for general beach activities for many years before UCSC acquired the property in the 1970s. The beach was closed to general public access on a temporary basis in 1981 in order to protect UCSC research as well as Younger Lagoon and related habitat resources, and to provide UCSC marine lab security more generally.<sup>9</sup> Although some unauthorized access continued to

<sup>7</sup> Several new buildings were recently completed pursuant to NOID 6.

<sup>8</sup> Coastal Act Section 30606 requires that universities provide a NOID at least 30 working days prior to pursuing the development. Title 14 of the California Code of Regulations (CCR) Section 13549(b) provides that a NOID is only deemed filed following Executive Director review of the NOID and any supporting materials to ensure there is sufficient information for making the consistency determination, where such filing review must be completed within ten working days after receiving the NOID submittal. CCR Section 13548 requires that the Commission take action on the notice within 30 working days of filing of the NOID or else the development is deemed consistent with the CLRDP. In sum, if the Commission does not take action within 30 working days of filing of the NOID, the identified development project is deemed consistent and can proceed. In the case of the UCSC CLRDP, the action deadline may be extended by UCSC for up to three months (per CLRDP Section 8.4.2).

<sup>9</sup> This general public beach access closure was only allowed by the Commission on a temporary basis in 1981, and that approval required periodic reevaluation, which ultimately occurred in 2001 when the Commission again allowed for continued beach closure for similar reasons. The temporary nature of the closure was based on the

occur (i.e., primarily, surfing and skim-boarding use across the wet sandy fore-beach), the general beach access closure remained in effect, limiting beach access to UCSC researchers and personnel only between 1981 to 2010, or for nearly three decades. As indicated, the initial closure in 1981 was conditioned by Commission CDP for periodic reevaluation, and that reevaluation mechanism was ultimately built into the CLRDP when it was certified in 2009. The CLRDP Younger Lagoon Beach Access Plan is structured to be reevaluated every five years, and the reauthorization process is designed to allow UCSC and the Commission to reassess the context and conditions associated with the level of public beach access at Younger Lagoon Beach, and to potentially make changes in the degree of public beach access provided to the beach area (i.e., to increase it, decrease it, or leave it as is) for the next five years.

### **NOID 9 – Younger Lagoon Reserve (YLR) Beach Public Access Management Plan**

In March 2010, the Commission approved the UCSC’s initial NOID as required by Implementation Measure 3.6.3 (NOID 2). NOID 2 provided for the public to access the beach via docent-led tours only (consistent with the initial CLRDP when it was certified in 2009) for the first five-year period (i.e., through the end of 2015). These docent-led tours provided the first opportunities for the general public to physically access the beach in nearly thirty years. UCSC began implementing the Beach Access Plan and its associated monitoring program in the spring of 2010, and provided the results of the monitoring program to the Commission in February of 2016 as part of the CLRDP-required Younger Lagoon Annual Report. UCSC submitted their required beach access NOID (to cover the period between 2016 and 2020) in 2017, which described a plan to continue the beach access program that had been in place under NOID 2 for the next five-year period (i.e., through 2020). That proposal was presented to the Commission at its July 2017 meeting, but UCSC ultimately withdrew the NOID before the Commission took any action in order to consider and incorporate feedback from Commissioners regarding the adequacy of its proposed public access parameters. This resubmitted NOID (i.e., NOID 9) is UCSC’s revised and modified proposal for public access at Younger Lagoon Beach, and the associated monitoring program, through 2020.

#### *Current Tour Background and Monitoring Report Results*

Currently, docent-led public beach tours of Younger Lagoon Beach are provided through the Seymour Marine Discovery Center (SMDC)<sup>10</sup> and are included with the cost of admission to the SMDC (i.e., tours are not available unless one purchases admission into the SMDC).<sup>11</sup> These tours began in the spring of 2010, and until 2017 they were offered twice monthly, including one

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premise that the Commission would continue to reevaluate the beach access issue on a regular basis in order to ensure that the balance being struck and the trade-offs (i.e., between research and resource protection on the one hand, and general beach public access on the other) remained appropriate under the Coastal Act.

<sup>10</sup> SMDC is a marine science education center located on the UCSC Marine Science Campus, adjacent to Long Marine Laboratory on the bluff downcoast of Younger Lagoon Beach. SMDC offers daily tours of its own facility and the marine laboratory in addition to the tours of Younger Lagoon Beach that are the focus of this NOID.

<sup>11</sup> Admission to SMDC is currently \$9 for adults, \$7 for children between the ages of 3-16, and free for children younger than 3. Thus, since UCSC currently requires tour-goers to purchase SMDC admission regardless of whether or not they intend to enter the SMDC, the de facto cost of a beach tour is \$7-\$9 (for those above 3 years old), depending on the age of the participant.

tour on a weekday and one on a weekend.<sup>12</sup> UCSC indicates that tours were advertised on the SMDC website,<sup>13</sup> and via press releases, calendar listings, print and public radio ads, and social media postings. Members of the public may only book spaces on the tours by phone. Tours are limited to 12 persons and are advertised as being best suited for adults in good physical condition and children over 10 years of age. The SMDC allocates spaces on the tours and keeps track of all participant data.

UCSC indicates that the beach tours are designed to provide an interpretive experience for visitors. They are led by SMDC docents trained in the natural history and ecology of the YLR, who can give visitors detailed information about flora, fauna, geology, and the UC Natural Reserve System (UCNRS). The tour curriculum focuses on the ecology of Younger Lagoon and its fronting beach. While walking to the beach, participants are provided with a narrative history of the UCNRS and a discussion of the lagoon and its habitats. The tour proceeds through restored coastal scrub habitat, and participants are given opportunities to view the rear dune. The tour culminates with a walk on the sandy beach. The extent of the beach area that may be accessed during the tours varies depending on tidal conditions and the location of plants, because foot traffic is only permitted seaward of the dune vegetation. Thus, the exact beach access area may vary slightly from the areas depicted in Figure 1 of the NOID based on on-the-ground conditions (see **Exhibit 3**, p. 12, and **Exhibit 4** (CLRDP Figures 3-11 and 5-6).

Members of the public who enter YLR are required to adhere to the UCNRS use guidelines. Because beach tours are limited to groups with trained docents who interpret the natural history of the YLR and ensure that visitors remain in areas authorized for access, installation of additional signage and fences has not been necessary in the Reserve. The trail consists of a simple dirt/mulch path with steps that lead down the bluff to the beach and dune area, and is maintained by clipping overgrown vegetation and maintaining the earthen path and timber steps as needed.

In addition to monitoring Younger Lagoon Beach as required under the CLRDP, UCSC also voluntarily monitored nearby beaches that allow for varying intensities of use (i.e., Natural Bridges State Beach and Sand Plant Beach) during the five-year period starting in 2010 in order to examine differences in the flora, fauna, and human use among the three sites. According to UCSC, this effort required hundreds of hours of their staff and student time, as well as coordination with State Parks staff. The annual survey results were included in the CLRDP-required Younger Lagoon Reserve annual reports submitted to the Commission from 2011 to 2016. The Younger Lagoon Natural Reserve Beach Monitoring Report (Monitoring Report) describes the monitoring program in detail and presents the results of the entire beach monitoring program (**Exhibit 3**, pp. 37-96).<sup>14</sup>

<sup>12</sup> In addition, all of the docent-led daily tours run by the SMDC (i.e., other SMDC facility tours that do not stop at the beach) include an informational stop regarding the YLR.

<sup>13</sup> Information on the tour program is provided on a page titled “Behind-The-Scenes Tours” (<http://seymourcenter.ucsc.edu/visit/behind-the-scenes-tours>), which can be accessed by clicking on a link under the “visit” tab on the main SMDC page.

<sup>14</sup> UCSC discontinued monitoring on Natural Bridges State Beach and Sand Plant Beach after the 2015 monitoring season; however, data from the 2010-2015 monitoring seasons (including all three beaches) are included in the NOID 9 monitoring report.

Data from the monitoring reports indicate that Younger Lagoon Beach supports a variety of native flora and fauna, provides habitat for sensitive and threatened species, supports a back-beach dune community, and is frequently used for teaching and research. In general, native plant species richness was greatest at Younger Lagoon and Natural Bridges Beaches compared to Sand Plant Beach; however, there was significant annual variation among the sites. A parameter that was quantified in 2012, which is also evident from visual observation and photo documentation, is the presence of dune hummocks and downed woody material at Younger Lagoon Beach, both of which are almost entirely absent at other local beaches due to human use according to UCSC. These features provide habitat for plant species such as the native succulent plant *Dudleya sp.*, which grows on downed woody material and dune hummocks, as well animal species such as the burrowing owl (*Athene cunicularia*), which uses burrows in the dune hummocks and seeks shelter beneath downed woody material. The relatively natural state of Younger Lagoon Beach and its associated dune vegetation is unique among most pocket beaches in Santa Cruz County and likely represents a glimpse into what many of the pocket beaches in the greater Monterey Bay area looked like prior to significant human disturbance. Again, general public access to Younger Lagoon Beach was discontinued in 1981, and the beach area has been subject to only limited UCSC researcher and other authorized use since then. Broadly, the results of the monitoring program suggest that allowing general public access to the beach at Younger Lagoon (as allowed at Natural Bridges State Beach and Sand Plant Beach) could result in damage to the ecological characteristics of the beach area, which could reduce its effectiveness as a research area for scientific study, and could have a negative impact on sensitive species and habitats.

#### *NOID 9 - Proposed Tour Changes*

NOID 9 again proposes to keep the beach closed to general public access, and to continue the existing docent-led beach tour program as the allowed form of public beach access through 2020, with some changes relative to the previous program designed to provide additional opportunities for the public to access the beach and reduce the cost of access for younger visitors. Specifically, UCSC is proposing to continue the docent-led Younger Lagoon beach tour program with the following changes:

- The maximum number of persons per beach tour would be increased from 12 to 14.
- UCSC proposes to increase the number of beach tours offered in the spring and summer seasons (March through September) from two to four tours per month, while twice-monthly tours would remain the standard from October through February. UCSC has set a goal of maintaining tours at this level for the term of this Beach Access Plan, weather and docent availability permitting. Weekday and weekend tours would be offered in each month.
- Children under the age of 16 may participate in the beach tour program without paying the SMDC admission fee (though a fee will still be charged for anyone under the age of 16 who wishes to enter the SMDC in addition to taking a beach tour, and adults will continue to be charged the SMDC admission fee to participate in the Younger Lagoon Beach tour).

UCSC will also continue to monitor the beach and lagoon area, and to submit beach access

NOIDs to the Commission at five-year intervals<sup>15</sup> that report on the previous five years' of beach access management, including (in each NOID) the required monitoring report that evaluates beach conditions and all necessary supporting information for a development project to implement the next five-year beach access management plan, as outlined in the CLRDP.

See **Exhibit 1** for a location map and a site plan; see **Exhibit 2** for photos of the Campus, including Younger Lagoon Beach; and see **Exhibit 3** for the complete NOID and supporting materials.

## C. CLRDP CONSISTENCY ANALYSIS

### Applicable CLRDP Provisions

The CLRDP includes multiple provisions that regulate YLR in general, as well as public beach access specifically. IM 3.6.3 governs public beach access within YLR and provides as follows:

***Implementation Measure 3.6.3 - Public Beach Access within YLR (Original YLR).***

*Supervised beach access to Younger Lagoon beach shall be provided to the general public consistent with and pursuant to a management plan for such access that is based on the best possible assessment of the capacity of the beach area to sustain use and the level of intensity of such use when considered in light of the fragility of the beach area and adjacent resources and ongoing research. Within six months of CLRDP certification, and at five-year intervals post-certification after that, the University shall submit a Notice of Impending Development to the Coastal Commission with all necessary supporting information for a development project to implement such a beach access management plan for the next five years. Each such management plan shall at a minimum include:*

- *A regular schedule of guided, educational tours to the beach area that is coordinated with and similar to other Marine Science Campus education and docent programs and designed to introduce visitors to the special aspects of beach ecology without causing deterioration of that ecology or loss of opportunity for feeding or breeding of beach dependent species. These tours may be weekly weather permitting, but shall be offered a minimum of two times per month.*

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<sup>15</sup> The original NOID covered the five-year period from 2010 to 2015, and no NOID for the next five-year period (2016 to 2020) has thus far been approved. If the Commission finds this NOID consistent with the CLRDP, UCSC will have obtained approval through 2020. A new NOID must be submitted and approved for the 2021 to 2025 period to meet the CLRDP requirement that the Beach Access Plan be reviewed and authorized every five years.

- *Identification of all parameters for beach access, including a clear depiction of the area within which such access is allowed, and a clear description of all related implementing measures (e.g., trail alignments, trail design, barriers/fencing, signage, timing restrictions, supervision requirements, etc.). Access shall be by way of controlled access trails shown on Figure 5.6. Trails shall be maintained, marked, and signed for safety and interpretation of YLR ecology.*
- *A monitoring program that evaluates trends in beach area conditions, where at a minimum such program shall include: user data (including identification of all user types and specific data on size and composition of beach tour groups); a selected set of repeatable photo points to be taken seasonally to show all major areas of the beach; presence/absence of tidewater goby and evidence of breeding activity; species composition and coverage of beach dune vegetation from the lowest (nearest to the mean high tide line) occurring terrestrial plant to 10 meters inland into the strand vegetation; evidence of seed production by beach strand species in this zone; species composition and abundance of animal tracks (vertebrate and invertebrate) on the beach and adjacent beach dune area; and regular counts of feeding shorebirds on the beach.*
- *An assessment of beach area resources and the effect of beach area use and activities (including authorized and unauthorized uses, research use, YLR activities, etc.) on such resources in the time since the last five-year review and overall in the time since at least CLRDP certification;*
- *A description of existing public access opportunities on the Campus, and the way in which such opportunities relate to the amount and type of supervised access provided to the beach area.*

***Policy 6.1 Public Access to the Marine Science Campus***

*Maximum public access to the coastal resources of the Marine Science Campus and the adjacent shoreline and coastal area shall be provided consistent with public safety, fragile coastal resources, implementation of the educational and research missions of the Campus, and security of sensitive facilities and research activities on the site.*

***Implementation Measure 6.1.1 – Free Public Access for Visitors***

*Free public visitor access to the Marine Science Campus shall be provided during at least daylight hours (i.e., one hour before sunrise until one-hour after sunset). Modest fees may be charged only for access to the Seymour Marine Discovery Center and similar University facilities with developed educational and/or visitor-oriented programs.*

**Consistency Analysis**

UCSC is proposing to continue to keep the beach closed to general public access, and to continue the docent-led beach tour program as the allowed form of public beach access through 2020, with some changes relative to the prior program (as described above). Additionally, the NOID includes new information on the means by which UCSC has been promoting and advertising the beach tour program. No changes are proposed for the substance of the tours; they would still be

led by SMDC docents, and would include a narrative history of the UCNRS, a discussion of the lagoon and its habitats, and a walk through a restored coastal scrub habitat with opportunities to view the rear dune, and would conclude on the sandy beach itself.

In an effort to respond to Commissioner comments at the July 12, 2017 hearing regarding the potential for increased beach tour availability and reduced fees, UCSC analyzed historic beach tour data and determined that tour availability met or exceeded public demand in the slower fall and winter months (October through February), but that demand for tours was higher in the spring and summer months. Based on these observations, in 2018 SMDC began offering four beach tours per month during the March through September season, increasing the overall number of annual tours from 24 to 38. UCSC has proposed that SMDC will continue to offer beach tours between two and four times per month (a minimum of four times per month during the March through September season, and a minimum of two times per month otherwise) with the goal of offering 38 tours per year, weather and docent availability permitting. To ensure UCSC is accountable for its proposal, this NOID is conditioned to make that number (i.e., 38 tours per year) the annual *minimum* number of tours (see **Condition 4**). SMDC will also continue to ensure that weekday and weekend beach tours are offered each month. In addition, **Condition 4** requires that at least two beach tours will be offered on weekends in months when four beach tours are offered, while maintaining UCSC's commitment to offering at least one weekday tour each month. This modification ensures that the public has opportunities to access the beach on both weekdays and weekends, while also ensuring that at least half of all beach tours are offered on weekend days when more people may be available to take them. UCSC also proposes to increase the maximum number of persons per beach tour from 12 to 14. Subject to the following discussion, these changes are generally appropriate in light of the information gathered from the Monitoring Report for the initial five-year period, and should increase beach access availability while ensuring adequate protection of coastal resources consistent with the CLRDP, including IM 3.6.3.

With respect to beach tour fees, UCSC has eliminated them for users age 16 and under, but has otherwise not modified its fee proposal from that presented to the Commission in July 2017.<sup>16</sup> IM 3.6.3 does not reference potential fees, and the CLRDP is clear that general public access to the Campus is meant to be free, other than for access to developed facilities (see also below). As indicated above, the beach access program as operated between 2010 and 2016 required that tour users pay for the cost of admission to the SMDC (ranging up to \$9 per adult) in order to access the beach via docent tour, even if beach visitors did not actually go to the SMDC. Under the proposed plan, children ages 16 and under will be allowed to take the beach tour without paying for SMDC admission. Tours would therefore be free to those ages 16 and under, but those older than 16 would be required to pay the \$9 SMDC adult admission in order to access the beach. Of course, that admission would allow the user access to the SMDC in addition to the beach, but the fee of \$9 would be required for beach access even if the user does not want to enter the SMDC.

UCSC has not to date agreed to allow visitors over 16 to take beach tours for free if they do not also want to access the SMDC. As is, a \$9 per person beach tour fee for individuals over 16 is

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<sup>16</sup> SMDC admission fees have increased since the beach access program was last considered by the Commission, however. The current rates for adults and children 16 and under are \$1 higher than they were in July of 2017.

relatively expensive, particularly for those least able to afford such fees. Given the concessions that the public is already required to make with respect to beach access here (i.e., limited supervised access to allow protection of Younger Lagoon-area research and ecology), it appears clear that a different fee structure for the beach tour program would be more consistent with CLRDP IM 6.1.1. In addition, IM 6.1.1 only allows for “modest fees,” and only when the fees are for “access to the Seymour Marine Discovery Center and similar University facilities.” The sandy beach at issue in this case is not a “facility” (which connotes a human-made edifice<sup>17</sup>), but rather a natural area under University control and management. As such, it is not clear that fees for beach access are even allowed by the CLRDP. Thus, this NOID is conditioned to allow for free beach access tours for all who sign up, whether one pays for SMDC access or not (see **Condition 1**). Beach tour participants who drive to Campus may still need to pay parking fees, however.<sup>18</sup>

UCSC indicates that in recent years it has raised awareness of the beach tour program via press releases, calendar listings with UCSC Events and the *Good Times* (a local weekly newspaper), ads on public radio station KAZU, print ads, and social media (including Facebook, Twitter, and Instagram). UCSC proposes to continue to engage in this suite of outreach and advertising activities, though the proposed plan does not make any commitments with respect to how or how often the tour program would be promoted on each platform. UCSC indicates that the tours would also be advertised on a “Behind-the-Scenes Tours” page on the SMDC website and on interpretive signage in public areas on Campus, consistent with how they have been promoted in those venues in the past. In order to ensure that these measures are adequately utilized to inform the public of the availability of beach tours, this NOID is conditioned to require that UCSC prepare an Outreach Plan for Executive Director review and approval that describes the language that will be used to promote the beach tour program and how often each type of outreach will be used. The Plan shall be prepared with the goal of reaching as many possible audiences as possible, including audiences that might not normally be reached through traditional local means (e.g., inland communities) (see **Condition 2**). Furthermore, to ensure that users that are already onsite are informed of the beach tours, **Condition 3** requires that UCSC provide signage at Campus overlooks and inside and outside of the SMDC that describe tour availability, including “day of” signs to ensure maximum notice is provided.<sup>19</sup> Together, **Conditions 2 and 3** ensure

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<sup>17</sup> For example, the Merriam-Webster Dictionary defines “facility” as “something (such as a hospital) that is built, installed, or established to serve a particular purpose.” (See definition 4.b at <https://www.merriam-webster.com/dictionary/facility>.)

<sup>18</sup> Currently, paying SMDC visitors may have their parking validated to avoid the \$1.50 per hour parking fee for public spaces in the Campus parking lot just north of SMDC (Lot 201). That fee, which was approved as part of NOID 6 in 2013, applies between 8 a.m. and 5 p.m. on non-holiday weekdays. Parking in Lot 201 is free on weekends, State holidays, and during weekday daylight hours before 8 a.m. and after 5 p.m. Free parking is also available in the new lot at the Campus’ entrance (Lot 207) and along Delaware Avenue west of the Campus entrance. Beach tour participants who do not wish to pay admission to SMDC may pay the \$1.50 per hour fee to park in Lot 201 (during the hours when fees are in effect) or utilize alternative, free parking in Lot 207 or off-Campus. A beach tour typically takes 1-1.5 hours, so the cost of onsite parking for Younger Lagoon Beach tour participants would not be expected to exceed \$3.

<sup>19</sup> UCSC already provides this information on at least some Campus overlooks and access areas, but it is not clear how many of the available overlooks and access areas currently offer tour information, and UCSC does not provide and has thus far not committed to providing “day of” signs (whether in the SMDC or otherwise)



that the tour program will be implemented successfully, including as structured under **Condition 4** (see below), by ensuring adequate public notice of the tour program.

It is expected that with increased awareness and eliminated fees for the beach tours, including via the conditions identified above, demand for access to the beach tours will likely increase. To assess changes in demand for beach tours and provide a mechanism for responding to any increases, this approval is conditioned to require UCSC to prepare and submit, on a semiannual basis, a report regarding compliance with these conditions, including outreach activities, beach tours offered, the number of people who sign up for each beach tour, and the number of persons turned away for lack of available spaces.<sup>20</sup> The report must also contain recommendations based on user data regarding whether beach tours should be increased (in terms of frequency of tours and/or number of tour attendees) or otherwise modified to better respond to user demand, and consider the potential to offer a more limited beach area tour (e.g., designed to allow participants to access just the sandy beach area itself in a shorter amount of time) as a means of offsetting demand. UCSC will be required to implement any such recommendations that the Executive Director approves (see **Condition 4**). Finally, in order to ensure that UCSC meets the CLRDP requirement for five-year review of beach access at Younger Lagoon Beach on the original time schedule required by the Commission through the CLRDP (and in order to avoid a situation in which the program that has been operative between 2015 and the present is not actually covered by CLRDP authorization, as is the case currently), **Condition 5** specifies that this NOID is effective through December 31, 2020 only, and requires UCSC to submit a NOID for the January 1, 2021 to December 31, 2025 period by July 1, 2020.

In addition to the beach tour components, UCSC proposes to continue to provide visual access into YLR and the beach via CLRDP-required overlooks. Specifically, the Commission required three overlooks into Younger Lagoon and the beach as part of the offsetting mitigation package built into the CLRDP to address UCSC building program impacts. Overlook C is the main campus overlook that provides views into the Campus' marine mammal pools (on the one side) and YLR and the sandy beach (on the other). This overlook is elevated atop the Younger Lagoon protective berm and it provides the best view to the beach area from the terrace portion of the Campus. Overlook C is accessible only through docent-led tours, and it is the main overlook visited on such tours through the SMDC.<sup>21</sup> Overlook D is located further inland and just north of the Campus Ocean Health Building on the Younger Lagoon side of the protective berm, and is developed with a partially enclosed observation blind that gives a more inland view of YLR, including a more distant view of the beach and ocean. As with Overlook C, Overlook D can only be accessed via docent-led tours. Finally, Overlook E is located even further inland and provides a view of the more interior parts of Younger Lagoon from a partially enclosed smaller space near the protective berm. Overlook E was completed recently and is open to the public; participation

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indicating that space is available in an upcoming tour. **Condition 3** requires submittal of a sign plan to ensure that UCSC provides adequate informational signage, including the provision of "day of" signs.

<sup>20</sup> UCSC does not currently track the number of individuals who are denied access to the beach because tours are not offered at the times they are sought or because the tours that are offered are booked. **Condition 1** requires UCSC to develop and implement a mechanism for gathering such data so that unmet demand for tours can be quantified and addressed.

<sup>21</sup> UCSC estimates that nearly 15,000 visitors took the general SMDC tour to Overlook C in 2017.

in a tour is not required to access the site. The updated Beach Access Plan includes continuing visual beach access through these overlook offerings, which is appropriate, as views are required to be made available in these ways per the CLRDP.

UCSC also notes that it has complementary public programs that help offset the lack of general access to the Younger Lagoon Beach. For example, in April 2018 UCSC hosted its third annual “Bioblitz” (i.e., a period of rapid, intensive biological surveying intended to develop an inventory of the living organisms found in a particular place, usually conducted by a wide variety of people, including those with formal training and “citizen scientists”) in the lagoon and beach area. The most recent Younger Lagoon Reserve Bioblitz was held during UCSC’s Alumni weekend, but UCSC indicates that it was also open to the public at large. Events like the BioBlitz are part of the suite of ongoing public educational activities that bring as many as 50,000 people to the SMDC each year. One of these programs, Watsonville Area Teens Conserving Habitats (WATCH), allows pre-college-age students to access the YLR; however, most youth programming at the Campus is based in the SMDC and at Long Marine Laboratory.

As required by the CLRDP, UCSC is also proposing to continue preparation of the Younger Lagoon Public Access Plan and Beach Monitoring Report, which complies with parameters set forth in IM 3.6.3, including by providing: (1) a regular schedule of guided, educational tours; (**Exhibit 3**, pp. 43-44); (2) identification of all parameters for beach access (**Exhibit 3**, p. 44; see also p. 12); (3) a monitoring program that evaluates trends in beach area conditions (**Exhibit 3**, pp. 46-52); (4) an assessment of beach area resources and the effect of beach area use and activities (**Exhibit 3**, pp. 52-86; and (5) a description of existing public access opportunities on the Campus, and the way in which such opportunities relate to the amount and type of supervised access provided to the beach area (**Exhibit 3**, pp. 44-45).

In addition, as set forth in the NOID, UCSC will also continue to monitor Younger Lagoon and the beach area as required by, and described in, IM 3.6.3; however, UCSC will no longer conduct monitoring at Natural Bridges State Beach or Sand Plant Beach (which is not required by IM 3.6.3) on the basis that the original five years of data collection have provided adequate information to help assess differences in beach resources. Going forward, the goal of the monitoring program will be to help document the presence and distribution of flora and fauna within YLR and evaluate changes in distribution and density over time in order to understand how any observed changes relate to changes in human use of the area. Specific details regarding the proposed monitoring program are set forth in the NOID (see **Exhibit 3**, pp. 7-8). UCSC will also continue to submit a NOID to the Commission at five-year intervals that (1) reports on the previous five years of beach access management, (2) includes a monitoring report that evaluates beach conditions, and (3) includes all necessary supporting information for a development project to implement a beach access management plan for the next five years as outlined in the CLRDP. Importantly, as indicated above, these every-five-year reevaluations represent the time when UCSC and the Commission are required by the CLRDP to assess whether more or less beach access is appropriate, building upon the Commission’s pre-CLRDP CDP history, as well as its certification of the CLRDP itself, during which process the Commission concluded that a permanent beach access ban or permanent set of beach access criteria were not appropriate and the level and intensity of beach access needed to be periodically reevaluated over time.

In this case, and for similar reasons as the Commission has found in the past with respect to public access at Younger Lagoon Beach, the docent-led tour program can be found CLRDP consistent provided it is modified as identified above. With these conditions in place, the NOID strikes an appropriate balance (i.e., between research and resource protection on the one hand, and general beach public access on the other) through the docent-led beach tour program. In making such finding, however, the Commission notes that the beach access situation here at Younger Lagoon Beach is an anomaly in coastal California, including inasmuch as public beach access is of critical importance, and ensuring it is maximized and provided to all is a critical component of the Commission's coastal program under the Coastal Act. It is only because of the historical context here, namely the Commission's involvement in restricting public access to this particular pocket beach as part of UCSC's research program dating back to 1981, that such limitations on general public beach access here can be found appropriate in that larger context. The Commission notes that it is incumbent on UCSC to recognize that same dynamic in terms of what type of access program it provides to the general beach going public *in return for* that concession on the part of the Commission on behalf of those beachgoers, and the Commission finds that conditions are necessary to push UCSC's program towards being more accommodating to the general public. Public beach access is the cornerstone of the Commission's access program, and regulations on its use are not to be taken lightly. The conditions applied here will help to better provide such access, including in terms of continued reassessment through monitoring of program provisions, both to inform this iteration of the program as well as future beach access plans and NOIDs. Thus, the Commission finds the proposed beach access management plan, as conditioned, consistent with the certified CLRDP.

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

Section 13096(a) of Title 14 of the California Code of Regulations requires the Commission to make a specific finding that a permit application is consistent with any applicable requirements of CEQA. This requirement also applies to the Commission's review of NOIDs, based on Section 13550(d) of the Regulations (incorporating by reference Coastal Act section 30607). 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.

UCSC, as the lead agency under CEQA, certified a Final EIR (FEIR) for the CLRDP in September 2004. In November 2006, UCSC certified an addendum to the FEIR to respond to changes in the CLRDP in the time since the original FEIR certification, including changes stemming from Commission review of the CLRDP prior to certification. Following UCSC certification of the FEIR and Commission certification of the CLRDP under the Coastal Act, UCSC subsequently found this proposed beach access management plan categorically exempt from further CEQA review.

The Coastal Commission's review and analysis of land use proposals, including NOIDs, has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA (14 CCR Section 15251(c)). The preceding CLRDP consistency findings discuss the relevant CLRDP coastal resource issues with the

proposal, and the NOID conditions identify appropriate modifications to avoid and/or lessen any potential for adverse impacts to said resources and to be able to find CLRDP consistency. The Commission finds that the proposed project, as conditioned, will avoid significant adverse effects on the environment, within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that conditioned approval of the proposed project would have on the environment within the meaning of CEQA. The proposed project, as conditioned, will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

**APPENDIX A – SUBSTANTIVE FILE DOCUMENTS<sup>22</sup>**

- UCSC CLRDP
- University of California at Santa Cruz Marine Science Campus Coastal Long Range Development Plan Final Environmental Impact Report (September 2004), and Addendum (November 2006).

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<sup>22</sup> These documents are available for review in the Commission's Central Coast District office.