

## CALIFORNIA COASTAL COMMISSION

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# Th9a

**DATE:** March 28, 2019

**TO:** Commissioners and Interested Persons

**FROM:** South Central Coast District Staff

**SUBJECT:** **Notice of Impending Development No. UCS-NOID-0005-18** (Baseball Stadium Lighting), Thursday, April 11, 2019

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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-0005-18, as conditioned. Staff is recommending 5 Special Conditions for the subject NOID to remove unpermitted development within a wetland buffer and restore the buffer to natural conditions, provide revised plans to replace all outdated lighting within and directly adjacent to Parking Lot 30, and mitigate impacts to trees.

The University of California Santa Barbara (UCSB) is proposing to install eight 90 to 100 foot tall stadium light poles to allow for night games at the Caesar Uyesaka baseball stadium on the University's Main Campus as well as lighting of the bleachers, concession area, restrooms, and walkways. Four light poles are proposed to be installed along the outfield perimeter of the stadium where several mature oaks and other trees are located. The LRDP requires native trees to be preserved and protected to the greatest extent feasible by siting new development a minimum of five feet from the outer edge of the tree's canopy dripline. However, the University has determined that it is not feasible for one of the proposed poles to be sited outside of the dripline of an oak tree, and therefore, the proposed pole would impact the mature oak. In order for the project to be consistent with the LRDP, UCSB is proposing to mitigate for the impact to the oak tree by planting 10 replacement oaks within the project site and at a site on the North Campus if there is not enough room at the project site. Therefore, Special Condition 3 requires the University to submit a tree mitigation and monitoring plan to ensure that the replacement planting program is successful.

The LRDP also requires each NOID that involves outdoor lighting to implement part of the LRDP's Outdoor Lighting Replacement and Retrofit Program. Parking Lot 30, which is adjacent to and serves the baseball stadium, contains several outdated lights that are inconsistent with the lighting standards of the Outdoor Lighting Replacement and Retrofit Program. In order to offset the proposed outdoor sports lighting, the University is proposing to replace all of the lighting within and directly adjacent to Parking Lot 30. However, the University has not submitted a

lighting plan that is consistent with this proposal. Therefore, Special Condition 1 requires the University to submit revised project plans that include a lighting plan for Parking Lot 30, which shows replacement/retrofit of all outdated lights within and adjacent to the parking lot.

Further, Parking Lot 30 was expanded sometime between 1977 and 1980 without the benefit of a NOID, and then further improved, also without the benefit of a NOID, during the 1990's. A portion of the expanded parking lot is located within 100 feet of a wetland. This unpermitted development was discovered during the review process for the 2010 LRDP update, and a policy to resolve the violation was added to the LRDP. To resolve this violation and comply with the LRDP, the University is proposing to remove the portion of the parking lot within the 100 foot wetland buffer, including all parking spaces, asphalt and concrete, curbing, and lighting, and is requesting after-the-fact approval of the remaining portion of the expanded parking lot that is located outside of the buffer. Therefore, Special Condition 1 requires the University to submit revised project plans that show removal of the unpermitted as-built portion of Parking Lot 30 within the 100 foot wetland buffer, and Special Condition 2 requires the University to submit a wetland buffer enhancement plan for restoring/replanting the buffer area. Additionally, Special Condition 4 requires the removal of the unpermitted parking lot area to be conducted within 180 days of approval of the subject NOID.

Finally, to ensure that the University fulfills all of the Special Conditions of this NOID within a timely manner, Special Condition 5 requires the University shall satisfy all requirements specified in the conditions hereto within 180 days of Commission action on this NOID.

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-0005-18, subject to 5 special conditions, is consistent with the certified LRDP. The Motion and Resolution for the staff recommendation can be found on Pages 4-5 of this staff report.

**Additional Information:** For further information, please contact Michelle Kubran at the South Central Coast District Office of the Coastal Commission at (805) 585-1800. The UCSB Notice of Impending Development No. UCS-NOID-0005-18 is available for review at the Ventura Office of the Coastal Commission.

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**EXHIBITS**

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[Exhibit 3 – 100 ft. Wetland Buffer](#)

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[Exhibit 5 – Outdoor Lighting Replacement and Retrofit Program](#)

## 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. The items necessary to provide a complete notice of impending development for the project at issue in this report were received in the South Central Coast Office on November 13, 2018, and the notice was filed as complete on February 22, 2019.

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.

The notice of impending development at issue in this case was filed complete on February 22, 2019. The Executive Director would normally need to report the pendency of the proposed development to the Commission by March 22, 2019. The University has submitted a letter dated February 25, 2019, waiving the 30 day right to a Commission determination pursuant to Section 13550 (b) of the regulations to allow for additional time for staff review. Thus, this notice of impending development is being reported at the first available meeting following March 22, 2019.

## I. MOTION & RESOLUTION

The staff recommends that the Commission adopt the following resolutions:

### **Motion:**

*I move that the Commission determine that the development described in the Notice of Impending Development UCS-NOID-0005-18, 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-0005-18 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:**

*The Commission hereby determines that the development described in the Notice of Impending Development UCS-NOID-0005-18, 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.*

**II. SPECIAL CONDITIONS**

**1. Final Revised Project Plans**

A. ***Prior to commencement of the development subject to the notice of impending development***, the University shall submit, for the review and approval of the Executive Director, two sets of final revised project plans. All plans must be drawn to scale with dimensions shown. Said plans shall be in substantial conformance with the preliminary plans dated December 26, 2018, but shall be revised to include the following:

1. **Removal of Unpermitted Portion of Parking Lot 30.** The final revised project plans shall include plans for the demolition and removal of the unpermitted portion of Parking Lot 30, including all asphalt or concrete pavement, curbs, and light poles located within the 100 foot wetland buffer. The plans shall show the 100 foot wetland buffer as well as the location of new curbing to delineate the new edge of the parking lot located outside of the buffer.
2. **Lighting Plan.** The final revised project plans shall include a lighting plan for the replacement/retrofit of all 33 lights within and adjacent to Parking Lot 30, except for those that would be removed because they are located within the 100 foot wetland buffer.

B. The University shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No change to the approved final plans shall occur without a new notice of impending development, unless the Executive Director determines that no new notice of impending development is needed.

**2. Wetland Buffer Enhancement Plan**

***Prior to commencement of the development subject to the notice of impending development***, the University shall submit, for the review and approval of the Executive Director, a wetland buffer enhancement plan for the buffer area where the portion of Parking Lot 30 will be removed. The wetland buffer enhancement plan shall be prepared by a qualified biologist or other resource specialist and shall include locally native species that are

appropriate to protect and enhance the adjacent wetland. The plan shall include the number and location of plants to be installed and a five-year monitoring program with specific performance standards. The wetland buffer enhancement plan shall include interim erosion control measures in order to stabilize the exposed soil at the site while the restoration plants become established. An annual monitoring report on the wetland buffer enhancement shall be submitted for the review and approval of the Executive Director for each of the five years. Each report shall be cumulative and shall summarize all previous results. Each report shall document the condition of the wetland buffer enhancement 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 wetland buffer enhancement in relation to the interim performance standards and final success criteria. If the final report indicates the wetland buffer enhancement is not in conformance with or has failed to meet the performance standards specified in the monitoring plan approved pursuant to this notice of impending development, the University shall submit within 90 days a revised or supplemental planting plan for the review and approval of the Executive Director. The revised enhancement plan shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan following all procedures and reporting requirements as outlined for the initial plan until the success criteria are met.

### **3. Tree Mitigation and Monitoring Plan**

- A. The removal of any ornamental tree requires 1:1 replacement with a native tree. The encroachment of development into the dripline or the area within 5 ft. of the dripline of any oak tree requires at least 10 replacement oak seedlings, less than one year old, grown from acorns collected in the area. All replacement trees shall be planted on-site, or if not feasible due to site constraints, shall be planted in ESHA or Open Spaces areas near the project site. Oak tree planting shall be supplemented with a mycorrhizal inoculant, preferably oak leaf mulch or from clippings of locally-indigenous species lawfully removed from the site or from sites within the vicinity of the planting site, at the time of planting to help establish plants.
- B. ***Prior to commencement of the development subject to the notice of impending development***, the University shall submit for the review and approval by the Executive Director, a tree replacement planting and monitoring plan. The tree replacement planting and monitoring plan shall be prepared by a qualified biologist, arborist, or other resource specialist. The tree replacement planting plan shall include the following: (1) replacement tree locations, (2) tree or seedling size planting specifications; and (3) a five-year monitoring program with specific performance standards. An annual monitoring report on the replacement trees shall be submitted for the review and approval of the Executive Director for each of the five years. Each report shall be cumulative and shall summarize all previous results. Each report shall document the condition of the replacement trees 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 replacement trees in relation to the interim performance standards and final success criteria. If the final report indicates the replacement tree(s) are not in conformance with or

has(have) failed to meet the performance standards specified in the monitoring plan approved pursuant to this notice of impending development, the University shall submit within 90 days a revised or supplemental planting plan for the review and approval of the Executive Director. The revised planting plan shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan following all procedures and reporting requirements as outlined for the initial plan until the success criteria are met.

#### **4. 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 expansion of Parking Lot 30 within the 100 foot wetland buffer, including all materials and lighting within the buffer consistent with the final plan required by Special Condition 1, and restore the area to native habitat in conformance with the wetland buffer enhancement plan as required by Special Condition 2.

#### **5. Condition Compliance**

Within 90 days of Commission action on this NOID, or within such additional time as the Executive Director may grant for good cause, the University shall satisfy all requirements specified in the conditions hereto, unless a different time period is provided in a particular condition.

### **III. FINDINGS FOR THE APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT**

The Commission hereby finds and declares:

#### **A. PROJECT DESCRIPTION**

The University of California, Santa Barbara (UCSB) is proposing to install eight stadium light poles with LED luminaries to allow for night games at the Caesar Uyesaka baseball stadium on the University's Main Campus. Additional lighting of the bleachers, concession area, restrooms, and walkways is also proposed. The stadium light poles would have cast in place 42-inch diameter pole bases set in caissons, and the poles themselves would be 90 to 100 feet tall. The LED luminaries would be placed at multiple heights and would meet NCAA best lighting practices and general illumination specifications. Lighting would operate up to 11:00pm during events, and no more than 50 nighttime events would occur in a calendar year. The nighttime lighting would primarily be used during baseball season between February and May and would occasionally be used during the summer.

The stadium light poles are proposed to be located on the perimeter of the stadium ([Exhibit 2](#)). All utility connections would use horizontal boring to connect the new transformer to each light pole. Approximately 106 cubic yards of soil would be excavated for the eight light poles and the

transformer, and the soil would be exported to the Tajiguas Landfill. Approximately 104 cubic yards of concrete would be installed for the light pole caissons.

One of the stadium light poles (S3) would be installed within the dripline of one oak tree ([Exhibit 2](#)). The University is proposing to mitigate for the encroachment of the pole into the protected zone of the tree by planting 10 oak trees within the vicinity of the impacted tree or a nearby ESHA/Open Space area if there is not enough space at the project site. Additionally, one mature ornamental tree (*Pittosporum undulatum*) would be removed to install light pole S2. The University is proposing to replace this tree at a 1:1 ratio as required by the certified 2010 Long Range Development Plan (LRDP).

Located adjacent to the baseball stadium is Parking Lot 30, which serves the stadium and the other sports facilities in the vicinity. Parking Lot 30 currently contains 33 outdated lights that do not comply with the LRDP's Outdoor Lighting Replacement and Retrofit Program that was certified by the Commission in 2017. As a component of each Notice of Impending Development (NOID) that involves outdoor lighting, the LRDP requires the University to implement part of the Outdoor Lighting Replacement and Retrofit Program. Therefore, the University is proposing to replace the outdated lights within and directly adjacent to Parking Lot 30 with lights that are compliant with the Outdoor Lighting Replacement and Retrofit Program.

Parking Lot 30 was also expanded without the benefit of a NOID sometime between 1977 and 1986. A portion of this expansion encroaches into the 100 foot wetland buffer of the wetland habitat area that exists between the baseball stadium and the Facilities Management site to the north ([Exhibit 3](#)). To resolve the unpermitted development, UCSB is proposing to remove the portion of the parking lot within the 100 foot wetland buffer and is requesting after-the-fact approval for the remainder of the expanded parking lot that is located outside of the buffer area.

## **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, and wetlands.

### **1. Environmentally Sensitive Habitat Area and Wetlands**

The University's certified LRDP incorporates by reference several Coastal Act policies including: Section 30240, which 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 the resources in those areas, and shall be compatible with the continuance of those habitat areas; Section 30231 requires the protection of coastal waters, such as wetlands, by controlling runoff and maintaining natural vegetation buffer areas to protect such habitats; Section 30250(a), which requires new development to be located within, contiguous with, or in close proximity to existing development in order to not have significant adverse effects, either individually or cumulatively, on coastal resources; and Section 30213, which



requires lower cost visitor and recreational facilities to be protected, encouraged, and where feasible, provided. To provide for recreational opportunities and associated development while also protecting coastal resources, the LRDP includes several policies to specifically address provisions of such development and protection of ESHA and open space.

Policy LU-09 states:

*With the exception of the constructed drainage feature, the as-built expansion of Parking Lot 30 within 100 feet of wetland and/or oak woodland habitat shall be removed.*

Policy LU-13 states:

*Development within the **Main Campus Core Recreation Area** site shall be located within the approximately 43-acre potential development envelope designated as Recreation on Figure D.3 and shall be consistent with the following build-out provisions:*

- a. Recreation facilities serving organized sports and recreational programs are allowed in the Main Campus Core Recreation Area. Outdoor lighting of the recreational facilities shall be determined as allowed in Policy ESH-15.*
- b. The lupine restoration area shall be avoided and protected. The remaining individual oak trees shall be protected and preserved.*
- c. Development shall not exceed 35 feet in height along Mesa Road and 45 feet in the remainder of the area as shown in Figure D.4.*

Policy REC-01, in relevant part, states:

*A. Recreation facilities serving organized sports and recreational programs are allowed in the Recreation-designated areas on Main Campus (Policy LU-13), Harder Stadium, and Storke Field (Policy LU-29). Outdoor lighting of these recreational facilities shall be determined as allowed in Policy ESH-15.*

...

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 ESH- 15, in relevant part, states:

*The University shall replace and/or retrofit all outdoor lighting within ten (10) years following the date of effective certification of the 2010 LRDP to minimize the campus lighting footprint/envelope consistent with the following:*

...

**B.** *The University shall prepare and submit an Outdoor Lighting Replacement and Retrofit Program as an LRDP Amendment for Commission approval within 18 months after the updated LRDP is certified. The Program shall:*

...

**6.** *Be implemented as part of each campus development that includes an outdoor lighting component; additionally, the Program may be implemented through a series of separate projects as necessary to achieve full Program implementation in the given time-frame.*

**C.** *All outdoor lighting shall be designed to avoid, or minimize to the maximum extent feasible, all forms of light pollution, including light trespass, glare, and sky glow, and shall at a minimum incorporate the following:*

- 1.** *Best available visor technology to minimize light spill and direct/focalize lighting downward, toward the targeted area(s) only;*
- 2.** *The minimum standard (pole) height and height of the light mounting necessary to achieve the identified lighting design objective;*
- 3.** *The best available technology and a lighting spectrum designed to minimize lighting impacts on sensitive species and habitat; and*
- 4.** *Measures to minimize light trespass onto ESHA and open space areas.*

**D.** *As part of the routine maintenance and replacement of outdoor light fixtures and bulbs, including repair and maintenance of fixtures attached to buildings, the University shall use new materials that meet or exceed the standards set forth in Subparagraph C.*

**E.** *New or retrofitted lighting of outdoor sports facilities shall be limited to the Recreation-designated lands at Harder Stadium, the two approved tennis courts on Storke Campus, and within the Main Campus recreational complex as it exists as of the date of certification of the 2010 LRDP within the area delineated on the "Limits of Outdoor Sports Lighting Map" in Appendix 4. New outdoor lighting for sports purposes outside of the limits shown on the "Limits of Outdoor Sports Lighting Map" shall be prohibited. Existing night lighting of sports facilities elsewhere on campus shall be considered a non-conforming use/structure. New or retrofitted sports lighting shall require a Commission-approved Notice of Impending Development, which shall not be processed until the Commission certifies the Outdoor Lighting Replacement and Retrofit Program required pursuant to Subparagraph B above, and shall meet the standards set forth in Subparagraph C above and the following additional requirements:*

- 1.** *Shall not exceed the minimum level of power and brightness necessary for the proposed level of collegiate or intramural use; and*
- 2.** *Shall mitigate the impact of new lighting by retrofitting or removing existing sports lighting and other outdoor lighting sources consistent with the identified priorities in Subparagraph B above.*

**F.** *Development with an outdoor lighting component shall comply with the standards set forth in Subparagraph C of this policy. In addition, the NOID for each development with an outdoor lighting component shall implement a portion of the Outdoor Lighting Replacement and Retrofit Program consistent with the provisions of Subparagraph B above. Prior to the approval of the Outdoor*

*Lighting Replacement and Retrofit Program, each NOID with an outdoor lighting component shall include outdoor lighting retrofits/replacements in the nearest feasible location(s) to the proposed development. The NOID shall include a lighting plan and lighting specifications that identify the location of lights, the light fixture type, the light spectrum/bulb, the direction of light, and any special measures or treatments to control light spill for all on-site and off-site replaced/retrofitted outdoor lighting. The replacement schedule/map shall be updated and submitted in support of each NOID to track the progress of the Program implementation.*

...

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 buffer shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA. The minimum buffer (setback) from an Environmentally Sensitive Habitat Area or freshwater wetland shall be 100 feet from the outermost edge of the ESHA or wetland...*

Policy ESH-20 states:

*New development sited adjacent to ESHA buffers shall include provisions for the enhancement of the buffer with appropriate native vegetation pursuant to Policy ESH-32. Except for development that is otherwise consistent with the LRDP and approved pursuant to a NOID, existing development that is located within an ESHA buffer shall be removed and restored to an enhanced natural area at the time of redevelopment. A buffer enhancement plan shall be submitted as part of the NOID that authorizes the adjacent development. Where restoration of a non-ESHA area within a required buffer area is restored pursuant to an approved NOID, additional development setbacks shall not be required from the area of restoration.*

Policy ESH-22, in relevant part, states:

*Buffer areas from environmentally sensitive habitat areas (ESHA) and wetlands shall be maintained in a natural condition, except for the following potential uses:*

- A. Habitat restoration;*
- B. Bio-swales or other bioengineered water quality features;*
- C. Discharge of clean water;*
- D. Erosion control measures (e.g., energy dissipaters before water is dispersed);*

...

*The potential uses listed above shall only be undertaken within buffer areas where the University has demonstrated, as part of the Notice of Impending Development submittal, that:*

1. *No other less environmentally damaging alternative exists that would avoid the need to undertake the proposed development within a buffer area;*
2. *The intrusion of the development into the buffer is the minimum necessary; and*
3. *A qualified biologist has determined that:*
  - *The development will not adversely impact habitat values and that the remaining buffer will be sufficient to protect the adjacent coastal resources; and*
  - *The specific measures to be undertaken by the University to mitigate the impacts of the development are sufficient to enhance the protective features of the remaining buffer area (such as, but not limited to, removal of non-native species, plantings of locally native species, removal or replacement of nearby outdoor lighting contributing to light pollution).*

Policy ESH-28, in relevant part, states:

...

*C. To preserve roosting habitat for bird species and monarch butterflies, tree(s) associated with new development, re-development, or renovation that are either native or have the potential to provide habitat for raptors or other sensitive species shall be preserved and protected to the greatest extent feasible. Where native, or otherwise biologically significant, trees are retained, new development shall be sited a minimum of five feet from the outer edge of that tree's canopy drip-line. The removal of such trees shall be evaluated pursuant to the Notice of Impending Development for the new development. Prior to the removal of any native and/or sensitive tree for development purposes, the University shall conduct biological studies to show whether the tree(s) provide nesting, roosting, or foraging habitat for raptors and sensitive bird species, aggregation or significant foraging sites for monarch butterflies, or habitat for other sensitive biological resources. The Commission may condition the subject Notice of Impending Development to secure the seasonal timing restrictions and mitigation requirements otherwise set forth in the Campus Tree Trimming and Removal Program in Appendix 2.*

Policy ESH-32 states:

*ESHA buffers and wetland buffers shall be planted with locally native species that are appropriate to protect and enhance the adjacent ESHA or wetland.*

Policies LU-13 and REC-01 provide for recreational development within the Main Campus Core Recreation Area as designated in the certified LRDP and require outdoor lighting of those facilities to be compliant with the provisions of Policy ESH-15, which sets specific standards for outdoor lighting on campus. The proposed stadium lighting is adjacent to designated open space which contains wetland ESHA. Policy OS-06 requires designated open space areas to be protected from disturbances, such as noise and light pollution, while policies ESH-19, ESH-20, ESH-22, and ESH-32 provide requirements for the protection of ESHA through appropriate siting and design of new development and ESHA buffer requirements. The baseball field is also surrounded by oaks and other trees, and Policy ESH-28 requires native trees to be preserved and protected to the greatest extent feasible by siting new development a minimum of five feet from

the outer edge of the tree's canopy dripline. Further, Policy LU-09 specifically applies to the unpermitted expansion of Parking Lot 30, which is located directly adjacent to the baseball stadium, and requires the removal of the expanded area that is within the 100 foot wetland buffer.

Policy ESH-15 required the University to create and implement an outdoor lighting program for the entire campus. The Commission certified the Outdoor Lighting Replacement and Retrofit Program in 2017, which delineates the areas on campus where outdoor sports lighting is allowed. The subject stadium lighting is proposed within the limits of the outdoor sports lighting area ([Exhibit 4](#)). The proposed LED luminaries on each stadium light pole would be consistent with the requirements of the Outdoor Lighting Replacement and Retrofit Program in the certified LRDP, which requires athletics and recreational sports facilities lighting to be compliant with dark sky technologies and other specific standards in order to avoid, or minimize to the maximum extent feasible, light pollution, including glare, sky glow, and light trespass into sensitive habitats and open space. Such standards include, but are not limited to, the best available visor technology to minimize light spill and direct/focalize lighting downward toward the targeted area only, the minimum standard pole height and height of the light mounting necessary to achieve the identified lighting design objective, the best available technology of the luminaire, and a lighting spectrum designed to minimize lighting impacts on sensitive species and habitat. The other proposed lights for the stadium (bleachers, concession area, etc.) are also proposed to be consistent with the standards of Policy ESH-15 and the Outdoor Lighting Replacement and Retrofit Program. The proposed lights are the minimum necessary to provide adequate field lighting and comply with the NCAA requirements as well as provide adequate lighting of the stadium facilities. Therefore, the proposed project lights are consistent with Policy ESH-15 and OS-06.

Additionally, Policy ESH-15 requires the NOID for each development with an outdoor lighting component to implement a portion of the Outdoor Lighting Replacement and Retrofit Program, which requires existing outdoor lights on campus that do not comply with dark sky technologies to be retrofitted or replaced within a specific timeframe. Therefore, in order to approve the installation of field lighting at the baseball stadium, the University is required to offset the new night lighting by replacing existing non-compliant lighting in nearby areas with dark sky compliant lighting. Parking Lot 30, which is adjacent to and serves the baseball stadium, contains 33 outdated lights as shown on Figure 5 of the Outdoor Lighting Replacement and Retrofit Program ([Exhibit 5](#)). Approval of the baseball stadium lights would substantially increase night lighting in the area and failure to replace all of the lighting within and adjacent to Parking Lot 30 would not appropriately offset the new lighting from the stadium; therefore, all of the lighting in Parking Lot 30 must be replaced in order to offset the proposed stadium lighting. In the revised project description, dated March 27, 2019, the University proposes to replace all of the lights within Parking Lot 30; however, the proposed project plans, which only depict replacement of a portion of the lights within the parking lot, are inconsistent with this proposal. Therefore, Special Condition 1 requires the University to submit revised project plans that include a lighting plan for Parking Lot 30, which shows replacement/retrofit of all outdated lights within and adjacent to the parking lot.

The certified LRDP also includes Policy LU-09, which requires removal of the as-built expansion of Parking Lot 30 that is located within 100 feet wetland habitat. Prior to 1977, Parking Lot 30 consisted of a dirt lot, and sometime between 1977 and 1986, the dirt lot was expanded without the benefit of a NOID. This expansion included buildout within 100 feet of the wetland habitat located to the north of the parking lot and baseball stadium ([Exhibit 3](#)). This wetland is identified as ESHA in the certified LRDP. Sometime during the 1990's the dirt lot was paved, also without approval of a NOID, which further improved the existing unpermitted development located within the 100 foot wetland buffer. During the review of the 2010 LRDP update, this unpermitted development was discovered, and Policy LU-09 was added to the LRDP. To resolve this violation and comply with LRDP Policy LU-09, the University is proposing to remove the portion of the parking lot that is located within the 100 foot wetland buffer, including all parking spaces, asphalt and concrete, curbing, and lighting, and is requesting after-the-fact approval of the remaining portion of the expanded parking lot that is located outside of the buffer area. In order to implement the University's proposal, Special Condition 1 is necessary to require revised project plans that show removal of the unpermitted as-built portion of Parking Lot 30 within the 100 foot wetland buffer, and Special Condition 2 is necessary to require the University to submit a wetland buffer enhancement plan for restoring/replanting the buffer area where the parking lot will be removed. Additionally, Special Condition 4 requires the removal of the unpermitted parking lot area to be conducted within 180 days of approval of the subject NOID.

Along the perimeter of the outfield, several mature trees exist. The proposed project would remove one ornamental tree due to the proposed location of pole S2. The LRDP protects oak trees and other native or biologically significant trees on campus that may not be considered ESHA through Policy ESH-28, by requiring development to be sited to the maximum extent feasible a minimum of 5 feet from the outer edge of the tree's canopy dripline. As originally proposed, stadium light poles S1 and S3 were sited within 5 feet of the dripline of mature oaks. UCSB then modified their proposal to move pole S1 so that it would be located more than 5 feet from the dripline of the oak tree, and also proposed to remove an oak tree in order to install pole S3. Commission staff then asked the University to analyze alternatives for the siting of pole S3 in order to avoid removal and encroachment into the dripline or the area 5 feet from the dripline of the oak tree. However, the University's project engineer indicated that there was no feasible alternative that could avoid the oak trees adjacent to the proposed location for pole S3 due to the fact that the poles could only be moved 15 feet in either direction in order to properly light the field and comply with the NCAA requirements. In this case, pole S3 would not be able to be moved 15 feet in either direction because other mature oak trees exist in those locations. Further, the pole would not be able to be moved onto the field or behind the oak trees, because such placement beyond the trees would result in inadequate lighting of the field. Therefore, the least environmentally damaging alternative which would meet the project's objective would be to install pole S3 in the proposed location within the dripline of one mature oak and mitigate for this encroachment since the encroachment is likely to result in significant impacts to the health of the subject tree.

The certified LRDP's Campus Tree Trimming and Removal Program requires mitigation for the removal of any tree on campus. In order to mitigate for encroachment into the dripline of the oak

tree adjacent to the proposed location for pole S3, the University has proposed to plant 10 oak trees within the vicinity of the project or at a site on North Campus. Such plantings will mitigate the project's impacts to the health of the oak tree next to pole S3. Therefore, in order to implement the University's proposal, Special Condition 3 requires the University to submit a tree mitigation and monitoring plan, which shall include the replacement tree locations, tree or seedling size planting specifications, and a five-year monitoring program with specific performance standards to ensure that the replacement planting program is successful.

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, wetlands, and open space.

## **2. 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 expansion of a dirt parking lot (Parking Lot 30) adjacent to the existing baseball stadium and improvements to the parking lot, including paving and installation of lighting. The subject NOID proposes to resolve the issue of unpermitted development as it relates to Parking Lot 30 by (1) removing the portion of the parking lot and parking lot lighting within the 100 foot wetland buffer and restoring the area with native habitat, and (2) including after-the-fact approval of the portion of the parking lot located outside of the wetland buffer area. 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 Parking Lot 30 going forward.

In order to ensure that the unpermitted portion of the parking lot within the 100 foot wetland buffer is removed and the site is restored in a timely manner, Special Condition 4 requires removal of the as-built parking lot expansion and implementation of the wetland buffer enhancement 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 Parking Lot 30, is resolved in a timely manner, the Commission finds it necessary to require the University to fulfill Special Conditions 1 through 3 of this NOID, within 90 days of Commission action, pursuant to Special Condition 5, Condition Compliance. Special Condition 5 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.

## **3. 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 conditioned, is consistent with the governing LRDP and its coastal zone protection policies, so long as the unpermitted portion of Parking Lot 30 and associated lighting within the 100 foot wetland buffer is removed and restored in a timely manner, the lighting within Parking Lot 30 is replaced/retrofitted, and the tree mitigation and monitoring plan is implemented. 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. 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, is consistent with the applicable policies and provisions of the certified Long Range Development Plan, the Coastal Act, and CEQA.