

**CALIFORNIA COASTAL COMMISSION**

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# Th15a

DATE: April 23, 2020  
TO: Commissioners and Interested Public  
FROM: South Central Coast District Staff  
SUBJECT: **Notice of Impending Development No. UCS-NOID-0006-19 (Arnhold Tennis Center Project), Thursday, May 14, 2020**

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## SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, approve the Notice of Impending Development (NOID) UCS-NOID-0006-19, as conditioned. Staff is recommending four special conditions for the subject NOID to minimize adverse impacts to Environmentally Sensitive Habitat Areas (ESHA), water quality and coastal resources to the maximum extent possible. The standard of review for the proposed NOID is consistency with the policies of the certified University of California Santa Barbara (UCSB) Long Range Development Plan (LRDP).

The University of California at Santa Barbara has requested Commission certification of an amendment to the University's certified Long Range Development plan to allow for construction of the Tennis Center Project by revising Land Use Policy LU-13(b) to allow for the removal of four oak trees onsite. The LRDP amendment (LRDP-4-UCS-20-0001-1) was filed as complete pursuant to Section 13553 of the California Code of Regulations on April 6, 2020. The subject NOID for the Arnhold Tennis Center Project shall not be deemed filed as complete until the Commission has acted on the subject LRDP amendment. The impending development involves the redevelopment of the Intercollegiate Athletics Tennis Center, including reconfiguration and construction of new tennis courts, bleachers, a scoreboard, and Tennis Center building on UCSB's Main Campus. The proposed building is to be named the Arnhold Tennis Center and is designed to be used by the UC Santa Barbara Intercollegiate Athletics Tennis Program. The proposed project would consolidate the Tennis Program into a two-winged building, joined by an overhang. Both wings would include a team room, restroom, and storage space. Wing A would also include a meeting room and Wing B would include an electrician room and custodial space. Six of the eight tennis courts would be removed and rebuilt in a different configuration. Two of the eight courts would remain and be

resurfaced. Seven trees would be removed to accommodate the reconfiguration of the courts, four of which are Coast Live Oaks.

The proposed project involves the removal of three non-native trees, which UCSB is proposing to replace at a 1:1 ratio on-site in accordance with the Campus Tree Trimming and Removal Program of the certified LRDP. Additionally, four native Coast Live Oaks are set for removal which will be replaced in a 1:1 ratio on-site in addition to a 10:1 ratio off site. The trees proposed for removal do not constitute Environmentally Sensitive Habitat Area (ESHA) or Open Space, and are not designated as such on Figure F.1 or Figure F.5 within the certified LRDP. They are located within the Main Campus Core Recreation Area, and are surrounded by development. 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 line. However, the University has determined that it is not feasible for the reconstruction of the courts to be sited outside of the tree driplines. Therefore, the proposed development would impact four Coast Live Oak trees, in addition to three non-native trees. In order for the project to be consistent with the LRDP, UCSB is proposing to mitigate for the impact to the oak trees by planting four replacement oak trees on the project site, in addition to 40 oak trees at a site on the North Campus. In addition to the 7 trees that are proposed to be removed and mitigated, Miniature Lupine currently occurs in a 8,200 sq. ft. area in a scattered distribution in a field area west of the tennis courts. The Miniature Lupine has no formal protected status but is considered locally sensitive by the campus. The eastern portion of the Miniature Lupine will be partially and permanently impacted by the construction of the relocated tennis courts. Approximately 4,600 sq. ft. of area with scattered appearance of Miniature Lupine will be permanently impacted. The University proposes to mitigate these impacts through a focused enhancement of the remaining 2,500 sq. ft. of habitat and restoration of 11,300 sq. ft. of sandy, somewhat bare soils at the East Bluff, adjacent to an existing small and scattered population of Miniature Lupine adjacent to Henley Gate. To ensure adequate implementation of the University's proposal for the replacement planting of the 7 trees and the Miniature Lupine, **Special Condition Three (3)** requires that a final landscaping plan be submitted and implemented. **Special Condition One (1)** requires the University to submit a tree and Miniature Lupine mitigation and monitoring plan to ensure that the replacement planting program is successful.

Biological surveys for this project indicate that the trees on the site proposed for removal do not support nesting raptors or other sensitive species. The University has submitted a Coastal Raptor Breeding Report, completed within the last year, to evaluate and document foraging and nesting activity within the proposed project site and 500 ft. buffer. Only one species of raptor, the red-tailed hawk, was observed within 500 feet of the project site across the five site visits. No raptor species listed under the federal Endangered Species Act or the California Endangered Species Act, and no raptor species designated as a California Species of Concern, a state Fully Protected Species, or a Watch List species was observed within 500 feet of the project site. However, due to the fact that the 7 trees proposed for removal have the potential to provide habitat for sensitive bird species, it is necessary to ensure that potential impacts to nesting bird species are avoided during tree removal activities. Thus, in order to avoid any potential

adverse impacts to raptor or sensitive bird species, **Special Condition Two (2)** requires that should construction activities, including tree removal, occur between February 15 and September 1 (bird breeding season), a qualified environmental resource specialist shall conduct pre-construction bird surveys to determine whether nesting or breeding behavior is occurring within 500 feet of the project site and adjust activities accordingly.

Additionally, the proposed project includes approximately 77,211 sq. ft. of grading, 300 cubic yards of cut, 1,800 cubic yards of fill and 1,500 cubic yards of imported soil. Grading, cutting, and filling has the potential to adversely impact the project site through sedimentation due to erosion of bare soils during construction. To mitigate this potential impact, the University has proposed an interim erosion control plan. **Special Condition Four (4)** requires the proposed erosion control plan as well as construction best management practices be implemented in order to protect the quality of the adjacent coastal waters as well as the long-term stability of the site.

The proposed project would also result in an increase in impervious surfaces by 8,500 square feet. In order to mitigate the impacts from the increased impervious surface area, the University will construct two bioretention basins. To ensure that stormwater runoff is managed, **Special Condition Five (5)** requires the University to comply with and incorporate the recommendations contained in the submitted hydrologic and geologic reports into all final design and construction.

Staff recommends that the Commission determine that the Notice of Impending Development is consistent with the certified LRDP only as conditioned with five special conditions to minimize adverse impacts to Environmentally Sensitive Habitat Areas, water quality and coastal resources to the maximum extent possible. The motion and resolution for Commission action can be found starting on **page 5**.

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Exhibit 3—Proposed Project Plans

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Exhibit 5 – Miniature Lupine Area; Restoration Site

## I. PROCEDURAL ISSUES

Section 30606 of the Coastal Act and Title 14, Sections 13547 through 13550 of the California Code of Regulations<sup>1</sup> 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 March 23, 2020, and the notice was filed as complete on April 6, 2020. The date by which the Commission would have had to take action on the NOID absent an extension of the time limit was May 6, 2020. In this case, UCSB has agreed to extend the 30-day processing time in order to make the May 2020 Commission meeting.

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 with the certified LRDP. After a public hearing, by a majority of its members present, the Commission determines whether the development is consistent with the certified LRDP and whether conditions are required to bring the development into conformance with the LRDP. No construction shall commence until after the Commission votes to impose any condition(s) necessary to render the proposed development consistent with the certified LRDP.

## II. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

### **Motion:**

I move that the Commission determine that the development described in the Notice of Impending Development UCS-NOID-0006-19 (Arnhold Tennis Center Project), as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan.

### **Staff Recommendation of Approval:**

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-0006-19 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 to Approve the Notice of Impending Development:**

The Commission hereby determines that the development described in the Notice of Impending Development UCS-NOID-0006-19, as conditioned, is consistent with the certified University of California at Santa Barbara Long Range Development Plan for the reasons discussed in the findings herein.

### **III. SPECIAL CONDITIONS**

#### **1. Final Tree and Miniature Lupine Mitigation and Monitoring Plan.**

- a. The removal of any ornamental tree requires 1:1 replacement with a native or ornamental tree. The removal of any oak tree requires at least 10 replacement oak seedlings, less than one year old, grown from acorns collected in the area, and 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 and Miniature Lupine replacement planting and monitoring plan. The tree and Miniature Lupine 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 and lupine locations, (2) tree or seedling and lupine size planting specifications; and (3) a five-year monitoring program with specific performance standards. An annual monitoring report on the replacement trees and lupine 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 and lupine 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 and lupine in relation to the interim performance standards and final success criteria. If the final report indicates the replacement tree(s) and lupine 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

- 2. Construction Timing and Sensitive Bird Species Surveys.** For any construction activities, including tree removal, between February 15<sup>th</sup> and September 1<sup>st</sup>, the University shall retain the services of a qualified biologist or environmental resources specialist (hereinafter, “environmental resources specialist”) to conduct raptor and other sensitive bird species surveys and monitor project operations. At least 30 calendar days prior to commencement of any project operations, the University shall submit the name and qualifications of the environmental resources specialist, for the review and approval of the Executive Director. The environmental resources specialist shall ensure that all project construction and operations shall be carried out consistent with the following:
- a. The University shall ensure that a qualified environmental resources specialist with experience in conducting bird surveys shall conduct bird surveys 30 calendar days prior to the construction activities, including any tree removal, to detect any active bird nests in all trees within 500 feet of the project. A follow-up survey must be conducted 3 calendar days prior to the initiation of clearance/construction, and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first.
  - b. If an active nest of any federally or state listed threatened or endangered species, species of special concern, or song bird species is found within 300 ft. of the project, or an active nest for any species of raptor is found within 500 ft. of the project, the University shall retain the services of an environmental resources specialist with experience conducting bird and noise surveys to monitor bird behavior and construction noise levels. The nest shall not be removed or disturbed. The environmental resources specialist shall be present at all relevant construction meetings and during all significant construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by construction related noise. The environmental resources specialist shall monitor birds and noise every day at the beginning of the project and during all periods of significant construction activities. Construction activities may occur only if construction noise levels are at or below a peak of 65 dB at the nest(s) site. If construction noise exceeds a peak level of 65 dB at the nest(s) site, sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigations measures do not reduce noise levels, construction shall cease and shall not recommence until either new sound mitigation can be employed or the birds have fledged.
  - c. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species or raptor is found during the bird surveys, the University shall notify the appropriate State and Federal Agencies within 24 hours, and shall develop an appropriate action specific to each incident.

The University shall notify the California Coastal Commission in writing by facsimile or e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.

- d. The environmental resources specialist shall be present during all tree removal activities and shall be present during all subsequent construction activities during the bird nesting/breeding season if an active nest is identified, until the birds have fledged.
- e. The environmental resources specialist shall require the University to cease work should any breach in compliance occur, or if any unforeseen sensitive habitat issues arise. The environmental resources specialist shall immediately notify the Executive Director if activities outside of the scope of the subject Notice of Impending Development occur. If significant impacts or damage occur to sensitive habitats or to wildlife species, the applicants shall be required to submit a revised or supplemental program to adequately mitigate such impacts. Any native vegetation which is inadvertently or otherwise destroyed or damaged during implementation of the project shall be replaced in kind at a 3:1 or greater ratio. The revised, or supplemental, program shall be processed as a new Notice of Impending Development.

**3. Final Landscaping Plan.** The University shall submit and implement a Final Landscape Plan, pursuant to the criteria below:

- a. All disturbed areas on the project site shall be planted and maintained for erosion control purposes within (60) days after construction is completed. All native plant species (including the four oak trees planted onsite) shall be of local genetic stock. All plants used on the project site shall be drought-tolerant. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized or maintained within the property.
- b. Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- c. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- d. The University shall undertake development in accordance with the approved final landscape plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this notice of impending development unless the Executive Director determines that no amendment is legally required.

**4. Final Interim Erosion Control Plan and Construction Responsibilities.** Prior to commencement of construction activities, the University shall submit to the Executive Director two (2) sets of the Final Interim Erosion Control and Construction Best Management Practices Plan that is prepared by a qualified, licensed professional, and is in substantial conformance with the Preliminary Erosion Control Plan submitted on October 21, 2019, and the requirements below:

a. Erosion Control Plan

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
- 2) The plan shall include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
- 3) The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
- 4) The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. The University shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, and silt fencing, and shall stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes, and close and stabilize open trenches as soon as possible. Basins shall be sized to handle not less than a 10-year, 6-hour duration rainfall intensity event.
- 5) The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
- 6) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing, temporary drains, swales and sediment basins. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume. The plans shall also specify that all disturbed areas shall be planted and maintained for erosion control purposes within (60) days after construction is completed.

- 7) All temporary, construction related erosion control materials shall be comprised of bio-degradable materials (natural fiber, not photo-degradable plastics) and must be removed when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

b. Construction Best Management Practices

- 1) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wind or rain erosion and dispersion.
- 2) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to Environmentally Sensitive Habitat Areas, streams, wetlands or their buffers.
- 3) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- 4) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- 5) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- 6) The University shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- 7) Debris shall be disposed of at a permitted disposal site or recycled at a permitted recycling facility authorized to receive the debris materials. If the disposal site is located in the coastal zone, the disposal site must have a valid coastal development permit, or Notice of Impending Development as applicable, for the disposal of fill material. If the proposed disposal site is not authorized to receive fill, a coastal development permit or Notice of Impending Development, as applicable, will be required prior to the disposal of material.
- 8) All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
- 9) Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- 10) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- 11) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction

materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

- 12) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.
- 13) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

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

### **A. Project Description and Background**

The University of California, Santa Barbara (UCSB) proposes the redevelopment of the Intercollegiate Athletics Tennis Center, including demolition of existing tennis courts, and construction of new tennis courts, bleachers, a scoreboard, and Tennis Center building on UCSB's Main Campus. The proposed building is to be named the Arnhold Tennis Center, and would be a 1,860 gross square foot (GSF), one-story, two-winged building, joined by an overhang. Both wings would include a team room, restroom, and storage space. Wing A would also include a meeting room and Wing B would include an electrician room and custodial space. As mentioned above, six of the existing eight tennis courts would be removed and rebuilt in a different configuration. Two of the eight courts would remain and be resurfaced. Bleachers to accommodate approximately 300 spectators would also be constructed. The project site is approximately 91,143 square feet and includes seven mature trees (four Coast Live Oak and three non-natives) that would be removed to accommodate the reconfigured tennis courts. A lawn area, children's play area, and an undeveloped field which contains a mix of weeds and native plants including Miniature Lupine (*Lupinus bicolor*) are also located adjacent to the project site.

The Tennis Center Project site is located in the Main Campus Core Recreation area, north of the Intercollegiate Athletics Building, east of Pauley Track, and west of basketball courts (Exhibits 1 and 2). The Recreation Center fields, softball, and baseball stadiums are located to the north of the site. The existing Intercollegiate Athletics tennis courts were constructed in the 1950s-1960s before the University was established, and do not meet the National Collegiate Athletics Association (NCAA) standards. The tennis program currently holds games on the Recreation Center courts, which were designed for student recreation. The Arnhold Tennis Center Project would create a central meeting place and locker rooms for the men's and women's tennis teams and provide

six new tennis courts meeting all technical and programmatic requirements for the United States Tennis Association NCAA intercollegiate play.

The proposed Tennis Center building would be 1,860 square feet, one-story, and 12 feet high. A scoreboard would be built onto the west wall of the building, facing the tennis courts, and would be 22 ft. high (10 feet higher than the building). The building would be constructed in two separate wings joined by an overhang and sidewalk. The entryway to the building would align with the sidewalk and entryway to Rob Field to the north. Approximately 150 bicycle parking spaces would remain at the Rob Field entrance to accommodate both the Tennis Center and Rob Field. Both wings would include a team room, restroom, and storage. Additionally, wing A would include a meeting room and wing B would include an electrical room and custodial space.

In addition to the Tennis Center building, the proposed project includes the installation of new bleachers. The bleachers would be constructed of metal (aluminum and/or steel) and would be installed on the north side of the relocated tennis courts. Smaller bleachers would be constructed to the east and west of the middle courts. The northern bleachers would be 10 feet high with a 3 foot guardrail. There would be approximately 260 seats throughout, five of which would be designated wheelchair spaces. Lastly, an existing 300 square foot children's play area, located to the east of the tennis courts, would be dismantled and relocated adjacent to the lacrosse field approximately a quarter mile west of the project site.

### **Landscaping and Restoration**

The proposed project involves the removal of seven trees, four of which are native Coast Live Oak and three of which are non-native (one Hakea and two Tipuana Tipu). The trees proposed for removal do not constitute Environmentally Sensitive Habitat Area (ESHA) or Open Space, and are not designated as such on Figure F.1 or Figure F.5 within the certified LRDP. The University has determined that it is not feasible for the reconstruction of the courts to avoid the subject trees. To ensure the project is consistent with the Campus Tree Trimming and Removal Program of the certified LRDP, UCSB is proposing to mitigate the tree impacts at a 10:1 ratio for the mature oaks and 1:1 for the non-native trees. As such, 40 Coast Live Oak saplings would be planted at a site on North Campus adjacent to the Ellwood Marine Terminal. Oak seedlings would be planted, maintained, and monitored for 5-years. The non-native trees would be replaced 1:1 on the project site. A minimum of four oak trees would also be planted on the project site as part of the project site landscaping.

In addition to the seven trees located on the project site, a scattered distribution of Miniature Lupine is present within a 8,200 square foot area located west of the tennis courts. Approximately 4,600 square feet of this area would be permanently impacted. The University proposes to mitigate these impacts through a focused enhancement of the remaining 2,500 square feet of habitat at the project site, in addition to the restoration of an 11,300 square foot area at the East Bluff, adjacent to an existing population of Miniature Lupine adjacent to Henley Gate (Exhibit 5).

The project site would be landscaped with primarily drought tolerant plants.

### **Utilities**

Utilities (electrical, sewer, and water) would be installed on the project site to serve the new building and provide electricity to the scoreboard. New utilities would connect to existing infrastructure. No nighttime lighting is proposed to be installed within the Tennis Center Project site, other than security lighting. 12 LED walkway light poles would be installed around the perimeter of the tennis courts. The walkway lights would be 14 feet high, dark skies compliant, and would be in compliance with the LRDP lighting plan requirements. Low flow plumbing fixtures would be installed in the restrooms and recycled water would be used for the proposed landscaping. Approximately 12,743 gallons of water would be used at the project site per year.

### **Drainage and Runoff**

The proposed project would result in an increase in impervious surface area by approximately 8,500 square feet. To help manage stormwater runoff at the project site, the University is proposing to construct two bioretention basins. To construct the basins, the project site would be divided into two subareas, both of which would be used to retain, infiltrate, and detain stormwater. Both subarea 1 and subarea 2 would drain to their own detention basins to the west of the project site. The detention provided by both basins would reduce peak runoff from the site to pre-construction conditions for the 2-10 year storm events. The systems have been designed to retain and infiltrate a 95<sup>th</sup> percentile rainfall event.

### **Grading**

Approximately 2,100 cubic yards of grading is proposed, and includes 300 cubic yards of cut, 1,800 cubic yards of fill. 1,500 cubic yards of soil would also be imported. All excavated soil would be deposited back on-site and no soil would be exported. Approximately 980 cubic yards of primarily concrete demolition debris would be recycled. The site would be cleared, grubbed, and the existing hardscape would be demolished. Construction would then begin on the Tennis Center building, and then the six new tennis courts would be constructed (Exhibit 3).

## **B. Consistency Analysis**

The standard of review for a Notice of Impending Development is consistency with the certified Long Range Development Plan (LRDP). The 2010 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, water quality, raptor habitat and public access.

### **1. New Development, Recreation, and Parking**

The 2010 LRDP provides the basis for the physical and capital development needed to achieve UCSB's academic goals and stewardship of the campus environment through

2025. The LRDP describes the University's strategy for managed growth of the student population from the current cap of 20,000 to 25,000 in the 2024/2025 academic year. To accommodate the growth of the student population, new development of no more than 3.6 million square feet of new structural improvements throughout the University's campuses is also planned for in the LRDP. Additionally, the LRDP requires that new development shall be located within, contiguous with, or in close proximity to existing development areas able to accommodate it and where the developments will not have a significant adverse impact, either individually or cumulatively, on coastal resources including public access. Additionally, the LRDP contains several policies to prevent cumulative and direct impacts of new development.

Policy LU-01, in relevant part, states:

A maximum of 3.6 million gross square feet (GSF) of additional academic and support uses may be developed on the UCSB campus where designated on Figure D.3, Potential Development Areas, and provided that it is consistent with all other policies and provisions of the LRDP. The University shall maintain a running account of the changes to Academic and Support (A&S) build-out in gross square feet and account for new A&S structural area, additions to existing A&S structures, demolition of existing A&S structural area, and any other changes that affect the GSF of A&S development. The A&S build-out documentation shall include a running annual total and shall provide the current build-out in relation to the Academic and Support "baseline." The baseline shall be the total build-out of A&S campus-wide as of the date of the certification of the 2010 LRDP. The A&S build-out documentation shall be submitted with each NOID or Exemption Request that adds or removes A&S build-out...

Policy LU-05 states:

Development shall be planned to fit the topography, soils, geology, hydrology, and other conditions existing on the site so that grading is kept to a minimum. Campus development shall protect, and where feasible restore, natural hydrologic features such as natural stream corridors, groundwater recharge areas, floodplains, vernal pools, and wetlands.

Policy LU-06 states:

New campus development shall be located within, contiguous with, or in close proximity to existing development areas able to accommodate it and where it will not have significant adverse effects either individually or cumulatively, on coastal resources.

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, with the exception of the four oak trees located at the north edge of the ICA Tennis Center Project site.
- 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 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 PA-12 states:

Motor vehicle traffic generated by new development shall not restrict or impede public access to or along the coast by exceeding the roadway capacity of existing coastal access routes on Campus. Should any proposed development significantly impact the roadway capacity of existing coastal access routes on Campus, the University shall implement or pay its fair share of costs to the City of Goleta and/or County of Santa Barbara to implement improvements to roadways and intersections or other traffic control measures necessary to mitigate the impacts.

Policy TRANS-19 states:

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

The proposed project site is located within a potential development area designated for recreation, as shown on Figure D.3 of the LRDP. The Recreation land use designation allows for existing recreational facilities within the Recreation designation to be expanded or renovated to serve new students, faculty, staff, and the community. The broad permitted uses allowed under the Recreation land use designation are further refined for each recreation area by assigning additional parameters for build-out within the recreation and site-specific land use policies. In adherence to Policy REC-01, the Tennis Center Project is in the Main Campus Core Recreation area. The courts would be used primarily by the ICA competitive men's and women's tennis teams from January through May, and would be used for tennis camps in the summer months.

The project site is located within an area with a building height restriction of 45 feet, as described in Policy LU-13 and depicted in Figure D.4 of the LRDP. Policy LU-01 states that a maximum of 3.6 million gross square feet (GSF) of additional academic and support uses may be developed on the UCSB campus, and requires new structures within the Recreation land use designation to be counted toward the academic and support development cap. In conformance with Policy LU-01, UCSB submitted a running account of the existing and proposed campus-wide GSF with the subject NOID. The running account of GSF shows that there has been an increase of 125,117 GSF of total development since the certification of the 2010 LRDP in November 2014. If the 1,860 sq. ft. Tennis Center is built, the total academic and support development build-out over the entire campus would be 126,977 GSF. This would leave 3,473,023 GSF of academic and support remaining after the Tennis Center building is constructed.

In addition to limiting the total GSF developed on campus, Policy LU-06 requires new development to be located within, contiguous with, or in close proximity to existing development and where it would not have significant adverse effects, either individually or cumulatively, on coastal resources. Additionally, Policy LU-05 requires that grading for new development be kept to a minimum. The proposed project would be located on the Main Campus Recreation Core, surrounded by existing development, and would be directly adjacent to and in close proximity to other buildings on campus. The Tennis Center building and bleachers would be compatible with surrounding uses and topography. Land uses in the vicinity of the project site are generally recreation uses, such as recreational playing fields, courts, and athletic support buildings. The project site is bordered by the softball fields, sand volleyball courts, artificial turf playing fields, basketball courts, Pauley Track, Robertson Gymnasium, and the Intercollegiate Athletics building. Due to the fact that the proposed project site is an existing, relatively flat area, a minimal amount of grading will be necessary to reconstruct the tennis courts and construct the proposed building. UCSB proposes to 300 cubic yards of cut, 1,800 cubic yards of fill, and 1,500 cubic yards of imported soil.

The LRDP also contains provisions regarding new development's impact on transportation and parking on campus. Policy PA-12 requires motor vehicle traffic generated by new development to not exceed the roadway capacity of existing coastal access routes on Campus so as not to restrict or impede public access to or along the coast. Additionally, Policy TRANS-19 requires the University to provide and maintain parking to serve the recreational needs of the Main Campus Core Recreation Area. There would be minimal new motor vehicle traffic generated from the Tennis Center Project as it is designed to serve the existing student population. Existing staff and faculty would utilize the building and there would be no new staff or faculty hired on campus. There would be a small periodic increase in traffic and parking demand during tennis match competitions. It is anticipated that visiting tennis teams would arrive by bus and spectators would arrive in personal vehicles. The University has determined there is ample parking in nearby Parking Lot 30 and Parking Lot 22, and there would be no long-term impact from the increase in visitors.

For the above reasons, the Commission finds the subject NOID, as conditioned, is consistent with the land use, recreation, public access, and transportation policies of the LRDP.

## **2. Water Quality, Water Supply, and Coastal Waters**

The LRDP contains several policies regarding the protection of water quality and coastal waters. Section 30231 of the Coastal Act, which has also been included as part of the University's LRDP, mandates that the biological productivity and quality of coastal waters be maintained and where feasible restored. Furthermore, the LRDP contains several additional policies that require the protection of water quality. Policy WQ-10 of the LRDP requires that wetlands and coastal waters be protected from increased sedimentation or contamination associated with new development. Policy WQ-11 of the LRDP states that projects shall be designed to minimize soil erosion and, where possible, to direct surface runoff away from coastal waters, ESHA, and wetlands. Policy WQ-13 of the LRDP states that drainage and runoff shall not adversely affect the Campus wetlands and that pollutants shall not be allowed to enter wetlands through drainage systems.

Policy PS-01, in relevant part, states:

In recognition of the need to conserve and manage its water resources to achieve the LRDP land use planning objectives, the University shall implement a water conservation program as follows:

A. Water consumption in existing and new development shall be minimized by using the best available water-conserving plumbing fixtures.

B. Landscaping practices shall minimize potable water use by: planting locally native plant species and/ or non-invasive, drought tolerant species; using reclaimed water for landscaping to the maximum extent feasible; designing efficient irrigation systems that use the minimum amount of water necessary for the applicable landscaping; and maintaining and managing irrigation systems to ensure continued water efficiency.

C. The University shall maintain a public awareness campaign on campus and in campus residential facilities for saving water. All dormitory residents shall be required to receive annual training on water conservation.

Policy WQ-01 states:

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

Policy WQ-07 states:

New development shall be designed to minimize the extent of new impervious surface area, especially directly-connected impervious surfaces, and where feasible to increase the area of pervious surfaces, to reduce runoff.

The LRDP requires the University to manage and conserve its water resources throughout all development on campus. Policy PS-01 requires water consumption to be minimized through the use of the best available water-conserving plumbing fixtures, efficient irrigation systems, the use of native and/or non-native, drought-tolerant plant species, and the use of reclaimed water for landscaping. Low-flow plumbing fixtures, the use of recycled water for irrigation, a drought-tolerant planting palette, and a water conserving irrigation system have all been incorporated into the proposed project in order to reduce the project's water consumption.

Policy WQ-01 requires new development to be sited, designed, and managed to prevent adverse impacts from stormwater or dry weather runoff to coastal waters and Environmentally Sensitive Habitat Areas. Runoff from the Tennis Center project area will ultimately drain to the Goleta Slough, which is defined as an Environmentally Sensitive Habitat Area within the LRDP. To minimize the effects of stormwater runoff at the project site, the project is designed with low impact development systems to retain and treat stormwater runoff before it is transported.

Policy WQ-07 requires that new development is designed to minimize the extent of new impervious surface area. Permeable surfaces will be used at the Tennis Center project site where feasible, however the proposed project will increase the impervious surface area by approximately 8,500 square feet. To mitigate for the increase in impermeable surface area, two stormwater bioretention basins will be constructed to the east of the tennis courts to retain, infiltrate, and treat stormwater runoff from the project site. The project site will be divided into two subareas, both of which drain west to a detention basin used for retention, infiltration, and detention of stormwater. Detention provided by these basins will reduce peak runoff from the site to pre-construction conditions for the 2 through 10-year storms and the basins have been designed to retain and infiltrate the entire 95<sup>th</sup> percentile rainfall event.

Grading activities during construction also have the potential to adversely impact the quality of coastal waters. Specifically, disturbed areas on the project site could lead to a potential increase in the volume and velocity of storm water runoff, which could cause erosion of bare soils and lead to sedimentation of the Goleta Slough. Although the University has proposed an interim erosion control plan, the Commission finds it necessary to require **Special Condition 4** to ensure that construction best management practices and the proposed interim erosion control plan are implemented in order to protect long-term site stability and protect water quality that would otherwise be impaired by uncontrolled runoff. Therefore, the Commission finds the subject NOID, as conditioned, is consistent with the water quality, supply, and demand policies of the LRDP.

### 3. Environmentally Sensitive Habitat Areas

The LRDP contains several policies regarding the protection of sensitive habitat areas and scenic and visual resources. Section 30240 of the Coastal Act, which is incorporated into the University's certified LRDP, mandates that Environmentally Sensitive Habitat Areas (ESHA) shall be protected against any significant disruption of habitat values and that development in areas adjacent to ESHA shall be sited and designed to prevent impacts that would significantly degrade such areas. 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 sensitive habitat areas, and tree and bird species.

Policy ESH-11 states:

The use of any noxious and/or invasive plant species listed as problematic, a 'noxious weed' and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, the State of California or the U.S. Federal Government shall be prohibited in all campus landscaping.

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:

..... 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....

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-30 states:

New development shall avoid all special-status plant species, including Southern tarplant, to the greatest extent feasible. This policy applies to isolated individual plants that do not meet the definition of ESHA. Special-status species that are ESHA shall be afforded full protection under the ESHA provisions of the LRDP. Where the individual(s) do not meet the definition of ESHA and cannot be feasibly avoided, then it may be relocated provided that the impact to individual species shall be fully mitigated.

As previously stated, the project site is located within a highly developed area on the Main Campus that is not designated as open space and that does not contain ESHA. Although development activities are not proposed to occur in ESHA, the construction of new development has the potential to adversely impact nearby ESHA, coastal waters, and sensitive species through disturbance from light pollution, sedimentation due to erosion during construction, polluted runoff once the project is complete, as well as directly impact sensitive bird species through the removal or trees used for nesting and/or roosting.

UCSB proposes to adhere to Policy ESH-15 in order to minimize light disturbance on nearby ESHA. There would be no nighttime lighting for the tennis courts. Exterior lighting for the Tennis Center Project would consist of safety and security lighting along walkways and at various locations throughout the courts. The security lighting will be full cut off, dark skies compliant, and in accordance with the LRDP Outdoor Lighting and Replacement Plan (OLRRP). All lighting in the area has been retrofitted and there is no outdated lighting identified in the OLRPP in the project vicinity.

Along the perimeter of the existing tennis courts, several mature trees exist. The proposed project includes the removal of seven trees, including four Coast Live Oak, three non-native trees (two Tipuana Tipu, and one Hakea). The University has requested Commission certification of an amendment to the University's certified Long

Range Development plan to allow for the removal of four oak trees onsite, by revising Land Use Policy LU-13(b). Land use policy LU-13(b) states that the remaining individual oak trees within the Main Campus Core Recreation Area shall be protected and preserved. The amendment would modify the policy to allow for the removal of the four oak trees located within the Tennis Center Project site. 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. The University analyzed alternatives for the siting of the tennis courts to avoid the removal of the oak trees. However, the University's project engineer indicated that there was no feasible alternative location or design alternative that could avoid the removal of the oak trees onsite. Three of the four oak trees at the project site are within five to 10 feet of the existing tennis courts, and the oak tree driplines are also within five feet, or under, the existing courts. Demolition and construction of the new courts, whether it is reconstruction in their current location or relocation/reconfiguration will require significant site disturbance that would adversely impact the existing oak trees. As such, there is no feasible alternative location or design that would avoid the removal of the oak trees onsite.

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 the removal of the four Coast Live Oaks, two Tipuana Tipu, and one Hakea, the University is proposing to replace the removed trees at a 10:1 ratio for the oaks and at a 1:1 ratio for the non-natives, in accordance with the Campus Tree Trimming and Removal Program of the certified LRDP. The current landscaping plan calls for eight trees to be planted at the project site, in addition to 40 Coast Live Oak tree saplings on North Campus adjacent to the Ellwood Marine Terminal. Therefore, in order to implement the University's proposal, **Special Condition 1** requires the University to submit a tree and Miniature Lupine mitigation and monitoring plan, which shall include the replacement tree and Miniature Lupine locations, tree or seedling size and Miniature Lupine planting specifications, and a five-year monitoring program with specific performance standards to ensure that the replacement planting program is successful.

Furthermore, the University is proposing to plant at least four Coast Live Oaks and four Western Redbud trees on the project site. Other species proposed in the conceptual landscaping plan include the following: Red Buckwheat, Sticky Monkey Flower, Weird Manzanita, Blue Bedder, Canyon Prince Wild Rye Grass, Deer Grass, Common Yarrow, Emerald Carpet Manzanita, Yankee Point, Pacific Mist Manzanita, Santa Barbara Ceanothus, Clustered Field Sedge, California Fuchsia, Common Rush, Blue-eyed Grass, Bush Anemone, and Bitter Gooseberry. In compliance with policy ESH-11, no noxious and/or invasive plant species listed as problematic, a 'noxious weed' and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, the State of California or the U.S. Federal Government shall be used in any campus

landscaping. Additionally, **Special Condition 3** requires the University submit a final landscaping and restoration plan, to ensure that no noxious or invasive species are planted onsite.

The University has submitted a raptor survey and habitat assessment, completed within the last year, to evaluate and document foraging and nesting activity within the Tennis Center Project site. The submitted raptor survey, "Coastal Breeding Season Raptor Surveys and Raptor Habitat Assessment for University of California, Santa Barbara, Tennis Court Relocation Project" dated July 11, 2019, prepared by Dudek, did not find any raptor nesting activity within the trees proposed for removal. Although the raptor survey did not find any nesting activity, the seven trees proposed for removal still have the potential to provide habitat for sensitive bird and raptor species, and therefore it is necessary to ensure that potential impacts to nesting bird species are avoided during tree removal activities. **Special Condition Two (2)** requires that a qualified environmental resource specialist conduct preconstruction bird surveys to determine whether nesting or breeding behavior is occurring within 500 feet of the project site should tree removal activities occur during the bird breeding season between February 15 and September 1, as consistent with Policy ESH-28. Further, Special Condition 2 requires that a qualified environmental resources specialist be present during all tree removal activities and shall require the University to cease work should any breach in compliance occur, or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive habitats or to wildlife species, UCSB shall be required to submit a revised or supplemental program to adequately mitigate such impacts.

In addition to the seven trees set for removal along the perimeter of the tennis courts, Miniature Lupine currently occurs within a 8,200 square foot field area west of the courts. Although the Miniature Lupine has no formal protected status, it is considered locally sensitive by the campus. The Tennis Center project will result in a permanent net impact to approximately 4,600 square feet of the Miniature Lupine area. In accordance with Policy ESH- 30, when special status species do not meet the definition of ESHA and their removal cannot be feasibly avoided, then the species may be removed or relocated provided that the impact to the individual species is fully mitigated. The University has proposed to mitigate for the impact to the Miniature Lupine through focused enhancement of the remaining 2,800 square foot of habitat on the project site, in addition to restoring an 11,300 square foot area of bare soils with Miniature Lupine at the East Bluff, adjacent to Henley Gate.

Therefore, the Commission finds the subject NOID, as conditioned, is consistent with the ESHA policies of the LRDP.

#### **4. 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.

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.

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

University of California, Santa Barbara, 2010 Long Range Development Plan.

Applied Earthworks, 2019. Phase 1 Archaeological Study for the University of California, Santa Barbara Arnhold Tennis Center Project.

Byrom Davey, Inc., July 8, 2019. 100% Schematic Design Submittal. University of California, Santa Barbara Arnhold Tennis Center.

Dudek, July 11, 2019. Coastal Breeding Season Raptor Surveys and Raptor Habitat Assessment for University of California, Santa Barbara, Tennis Court Relocation Project.

Jensen Design & Survey Inc., June 17, 2019. UCSB Tennis Courts Post-Construction Stormwater Design.

Pacific Materials Laboratory, March 13, 2019. Preliminary Geotechnical Investigation. Proposed Tennis Court Facility Building, Grandstand, Tennis Court Repositioning, and Scoreboard. UC Santa Barbara, Santa Barbara County, California.

Schmittgen, Ed., 2019. Personal Communication with Ed Schmittgen, University Representative. Design and Construction Services, University of California, Santa Barbara.

Stratton, Lisa, July 19, 2019. Miniature Lupine Enhancement and Oak Replanting Plan. Competitive Tennis Court and Clubhouse Project.

Stratton, Lisa, 2019. Preliminary Biological Assessment of Proposed Tennis Facility, UCSB.