

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



Th5d

Filed: 3/23/10
49th Day: 5/11/10
180th Day: 9/19/10
Staff: MA-SD
Staff Report: 4/12/10
Hearing Date: 5/12-14/10

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-10-028

Applicant: University of California **Agent:** Milton Phegley

Description: Construction of a 20 ft. high, 15 foot wide, 7 ft. below grade seawater effluent holding tank that will involve the removal of 4-5 Eucalyptus trees, 195.25 cu. yds. of cut grading to be exported outside the coastal zone and the paving of a 256 sq. ft. area. Associated boring and trenching will also be necessary in order to install piping connecting the holding tank with sewer mains, effluent pipes, discharge pipes, and a power source.

Lot Area	300 sq. ft.
Zoning	Unzoned
Plan Designation	Academic

Site: Seaweed Canyon, South of the Stephen Birch Aquarium, on the Scripps Institution of Oceanography campus, La Jolla, San Diego, San Diego County. APN 344-090-07

Substantive File Documents: Updated draft UCSD Long Range Development Plan

Standard of Review: Chapter 3 policies of the Coastal Act.

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. Proposed is the construction of a Seawater Holding Tank at the Stephen Birch Aquarium. The 20 ft. tall, 15 ft wide, 7 ft. below grade holding tank will occupy a 300 sq. ft. surface area and will require the removal of 4-5 eucalyptus trees as well as associated trenching and boring. The proposed grading for the instillation of the seawater holding tank and drilled pipeline will consist of 195.25 cubic yards of material to be exported outside of the coastal zone. The construction of the Seawater Holding tank is necessary in order for the Birch Aquarium at Scripps (BAS) to comply with the directives of the National Pollution Discharge Elimination System (NPDES), which requires that sea water filter backwash from the aquaria life support systems at BAS must be discharged to the sewer and not returned to the ocean, as is the current procedure. The Seawater Holding tank project is designed to hold excess sea water filter backwash from the aquaria life support systems until the hours between 11:00 pm and 6:00 am when the City of San Diego Municipal Waste Water Department has the downstream capacity to accept such discharges.

The associated boring and trenching for the proposed project will consist of four different installations. The first includes the horizontal directional drilling of a borehole large enough to accommodate a 6" pipeline (for discharge) and a 2" pipeline (for controls) from the subject site in Seaweed canyon to the northwest corner of the BAS facility where a standard sewer manhole will be constructed. In the second installation two connecting laterals of 35 ft. and 26 ft. will be trenched to the holding tank to provide tie-ins for the backwash and shark tank discharges. The third sector of piping consists of a 35 ft. trenched lateral connecting the proposed holding tank to the existing sewer main, while the fourth instillation of piping connects a 70 ft. lateral from the Warehouse to the proposed holding tank and will provide power for the valve actuator and timer. None of the proposed trenching or boring will encroach upon or disturb any environmentally sensitive habitat areas.

The Stephen Birch Aquarium is located on the SIO campus, the latter of which is one of the oldest, largest, and most important centers for global science research and graduate training in the world. SIO is also known for the Stephen Birch Aquarium which serves as a public education and exploration center for SIO. The Aquarium has numerous exhibits

of sea life with a variety of education and research programs. The Stephen Birch Aquarium was originally permitted on 9/12/88 pursuant to CDP #6-89-188 which was for the construction of a new aquarium in a new location on the SIO campus. The older aquarium was previously located on the main SIO campus, west of La Jolla Shores Drive which, over time, had proven to be too small of a site to accommodate the expanding needs of the facility. As such, the much larger and improved aquarium facility was constructed on the east side of La Jolla Shores Drive where it presently exists today. The aquarium facility overlooks the main SIO campus and provides panoramic ocean views of La Jolla Shores (public beach). The proposed seawater holding tank is located east of the Stephen Birch Aquarium in Seaweed Canyon, which currently contains various storage facility buildings for the Scripps Institute and is restricted from public access. As such, the proposed tank will be visually compatible in scale and design with nearby buildings and it will not be visible from La Jolla Shores Drive to the west nor from any other public roadways.

The project site consists of a slightly sloping vegetated area which is dominated by Eucalyptus woodland. As the proposed seawater holding tank would disturb a small area (256 sq. ft.) of eucalyptus woodland and involves the removal of 4-5 non-native eucalyptus trees, which range in diameter from 5 -36", there will not be any impacts to sensitive native vegetation. The proposed development will not result in any adverse visual impacts, consistent with Coastal Act policies. However, the proposed project includes the removal of established eucalyptus trees, which could potentially function as nesting or roosting locations for raptors. As such, the applicants have recently conducted a biological survey of the eucalyptus trees to determine if any raptors or raptor nests persist within the scope of the tree. No evidence of raptors or raptor nests was discovered in the existing eucalyptus trees during the biological survey.

UCSD has informally submitted to staff a draft Long Range Development Plan (LRDP), EIR and topographic maps as an aid in analyzing development proposals, but the Coastal Commission has not yet formally reviewed the LRDP, and the University has not indicated any intention of submitting the LRDP for formal Commission review in the future. The appropriate standard of review for this project is thus Chapter 3 policies of the Coastal Act.

B. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the Commission finds the project, as conditioned, consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Community Character /Visual Quality. The development is located within an existing developed area and will be compatible with the character and scale of the

surrounding area. The proposed project primarily consists of the construction of a 12,000 to 15,000 gallon seawater holding tank. The project site is located in the interior part of the SIO campus which is not visible from the shoreline and, as such, will not result in any impacts to public views to the ocean. Therefore, the Commission finds that the development conforms to Section 30251 of the Coastal Act.

D. Public Access/Parking. The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. The proposed development is not located between La Jolla Shores Drive (the first coastal road) and the sea where public access issues are a concern and, in any case, does not require the provision of parking. Therefore, the Commission finds the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

E. Local Coastal Planning. The City of San Diego does have a certified LCP for most of its coastal zone. However, the UCSD campus segments in La Jolla are not part of that program and remain an area of deferred certification where the Commission retains coastal development permit authority. UCSD does have a draft Long Range Development Plan (LRDP), but does not plan to submit it for certification. The proposed development is consistent with Chapter 3 of the Coastal Act, the legal standard of review, and also with the draft LRDP which is used as guidance. Approval of the project will not prejudice the ability of the university to prepare and implement an LRDP that is in conformity with the provisions of Chapter 3.

F. California Environmental Quality Act. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

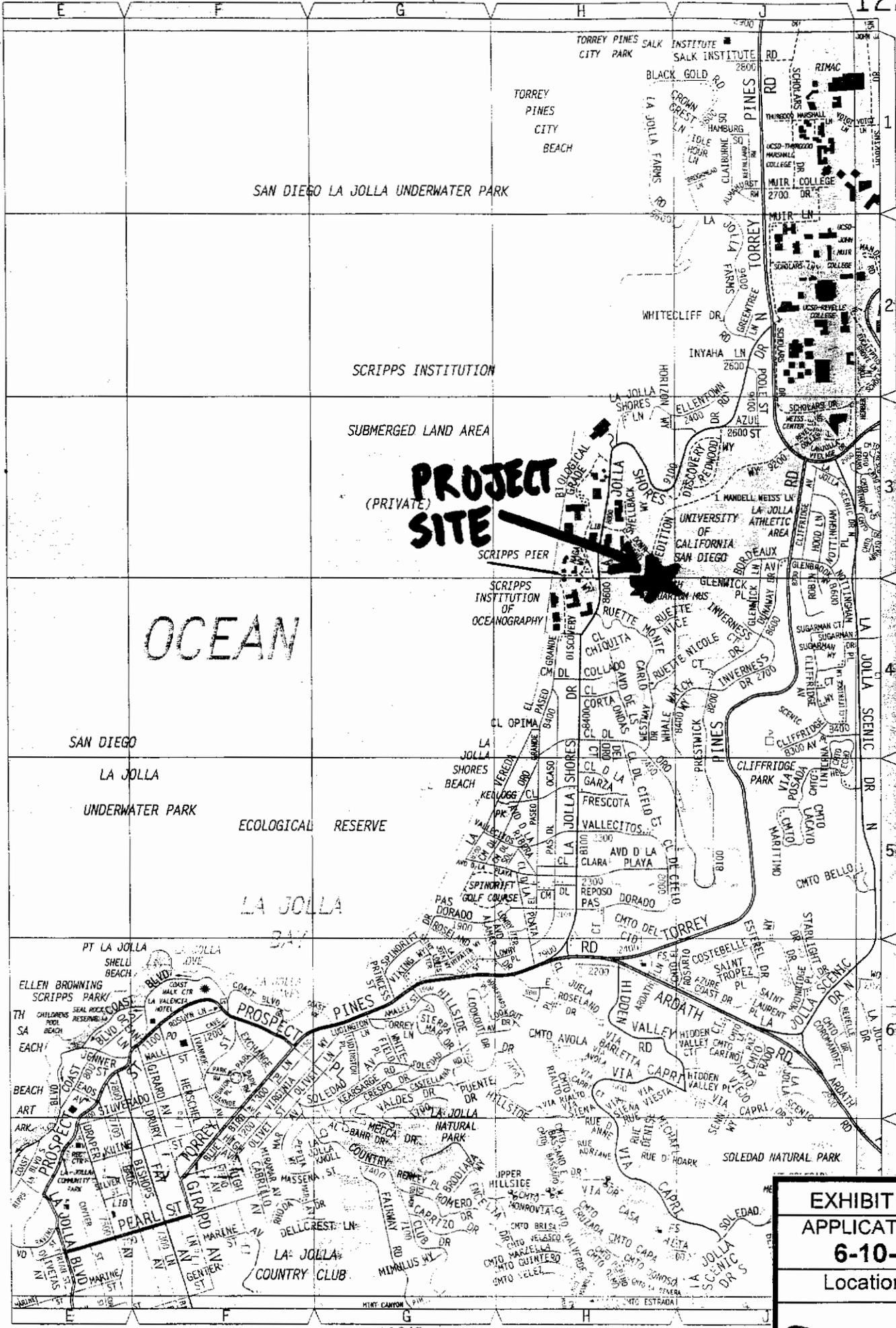
1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

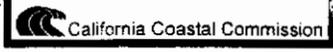
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SAN DIEGO CO.



SEE 1228 MAP

EXHIBIT NO. 1
APPLICATION NO.
6-10-028
Location Map



CDP Application No. 6-10-028

Area of Inlet Connection

Birch Aquarium

Route of Microtunneled Pipeline Between Inlet & Storage Tank

Area of Storage Tank and Discharge Connection to Sewer System

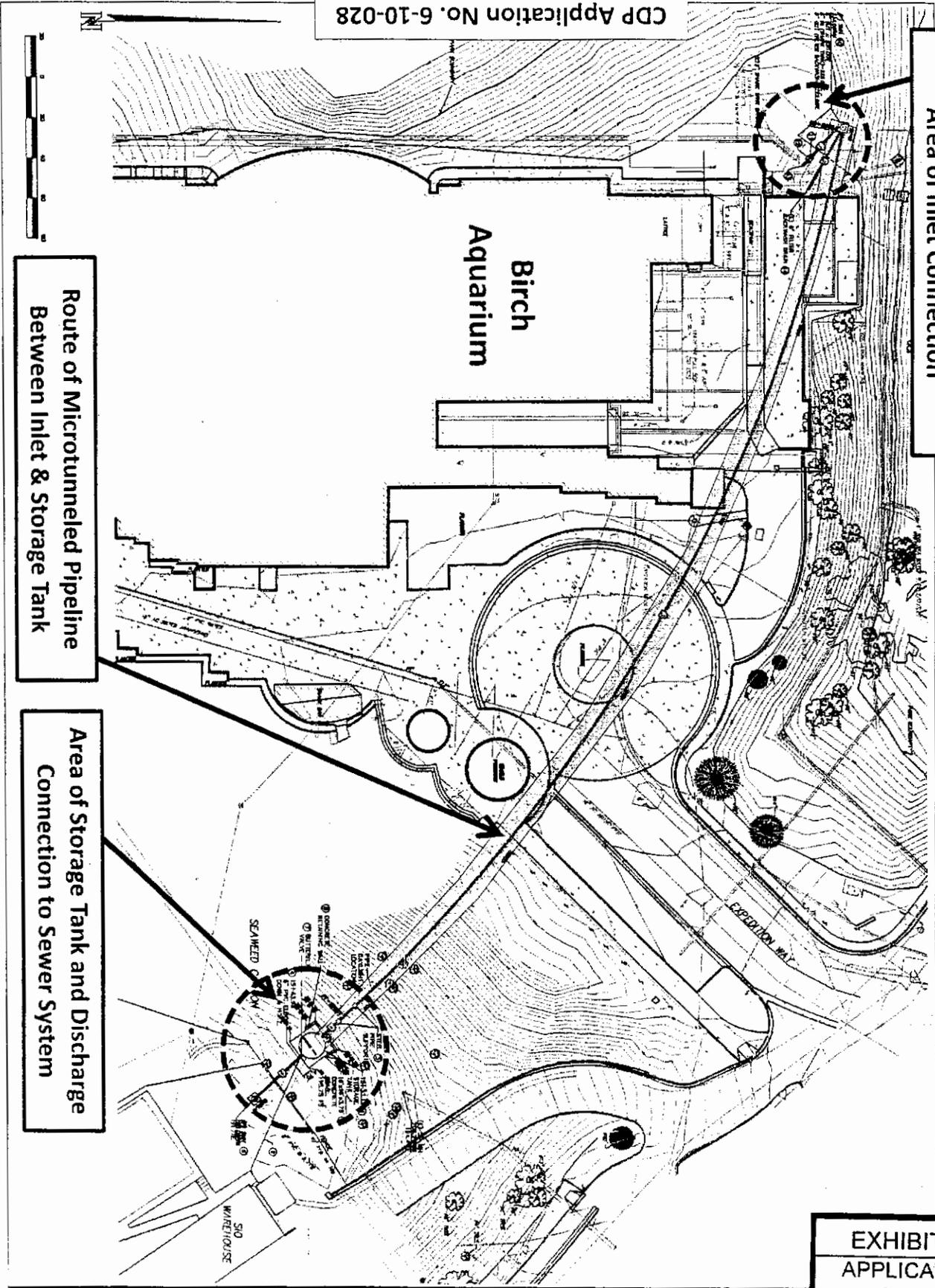
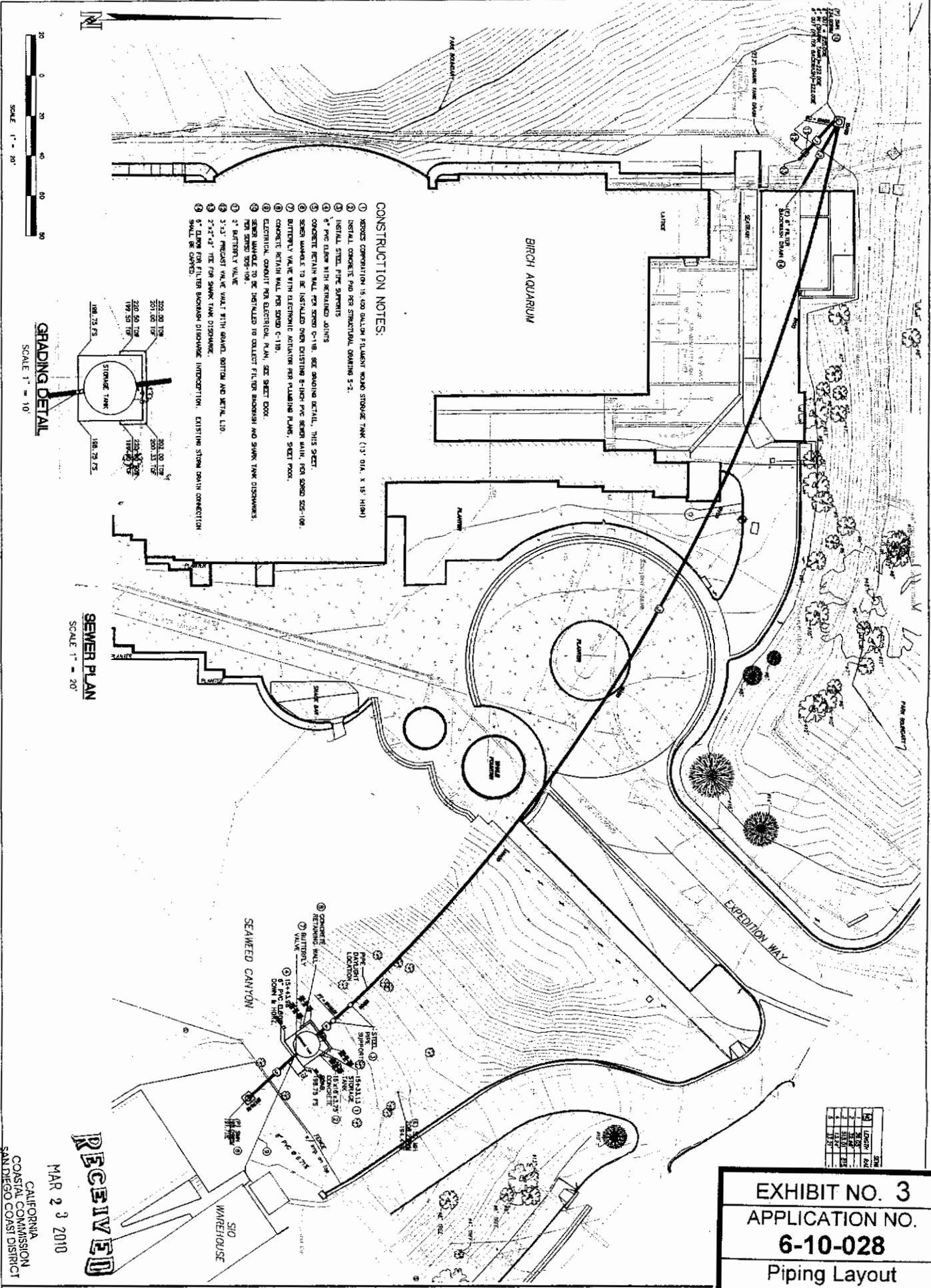


EXHIBIT NO. 2
APPLICATION NO.
6-10-028
Site Plan
California Coastal Commission



CONSTRUCTION NOTES:

- 1) SEWER CONNECTION IS 400 GALLON FILTRATION WASTE STORAGE TANK (13' DIA. X 15' HIGH)
- 2) INSTALL CONCRETE PAD FOR STRUCTURAL, DRAWING S-2.
- 3) INSTALL STEEL PIPE SUPPORTS
- 4) 8" PVC ELDER WITH RETRIEVED JOINTS
- 5) CONCRETE RETAIN WALL FOR SEWER C-118. SEE GRADING DETAIL. THIS SHEET
- 6) SEWER UNABLE TO BE INSTALLED OVER EXISTING 8-INCH PVC SEWER MAIN. PER SOND 202-106.
- 7) BATTERY VALVE WITH ELECTRONIC ACTUATOR PER PLUMBING PLAN, SHEET P-003.
- 8) CONCRETE RETAIN WALL PER SOND C-118.
- 9) ELECTRONIC CONDUIT PER ELECTRICAL PLAN, SEE SHEET E-003.
- 10) SEWER UNABLE TO BE INSTALLED TO COLLECT FILTER BACKWASH AND SHOWN TANK DISCHARGES.
- 11) PER SOND 202-106.
- 12) 2" BATTERY VALVE
- 13) 3/4" PRECAST VALVE WALL WITH BRASS BOTTOM AND METAL LID.
- 14) 2"x2" 4" TEE FOR SHOWN TANK DISCHARGE.
- 15) 4" TEE FOR FILTER BACKWASH DISCHARGE INTERCEPTION. EXISTING STEEL DRAIN CONNECTION SHALL BE CAPED.

GRADING DETAIL
SCALE 1" = 10'

SEWER PLAN
SCALE 1" = 20'

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	11/17/10
2	ISSUED FOR CONSTRUCTION	11/17/10
3	ISSUED FOR RECORD	11/17/10

EXHIBIT NO. 3
APPLICATION NO.
6-10-028
Piping Layout

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NASILA ENGINE

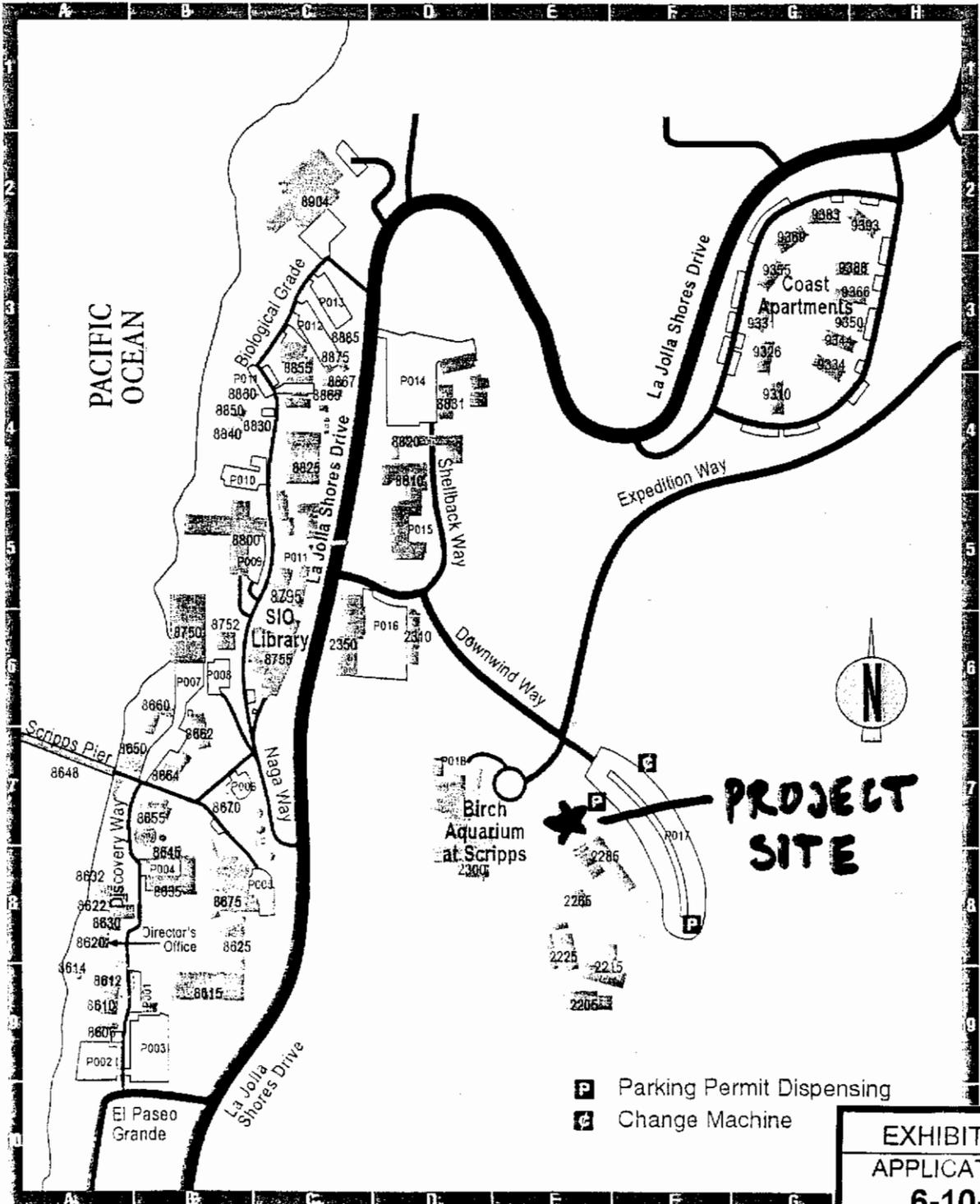
ISSUED FOR...
Checked By: B. H. H.
Date: 4/04

REGISTERED PROFESSIONAL ENGINEER
No. 4404

EXISTING PLAN
C-4



University of California, San Diego
**SCRIPPS INSTITUTION
OF OCEANOGRAPHY**
parking.ucsd.edu



- P** Parking Permit Dispensing
- C** Change Machine

EXHIBIT NO. 4
APPLICATION NO.
6-10-028
UCSD Site Map
California Coastal Commission