

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



W16a

Addendum

August 8, 2011

[Click here to go to the original staff report.](#)

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W16a**, Coastal Commission Permit Application **6-11-032 (UCSD, San Diego)** for the Commission Meeting of August 10, 2011

Staff recommends the following changes be made to the above-referenced staff report:

1. On Page 3 of the staff report, Special Condition #1 shall be revised as follows:

1. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final plans for the development, that are in substantial conformance with the preliminary construction plans by IS Architecture for the University House Rehabilitation Project, dated 03/28/11, and include the following provision:

a. The applicant shall conform to the drainage and run-off control plan received by the Commission on May 28, 2010 showing all roof drainage and runoff directed to area collection drains and sub-drain systems on site for discharge to the street through piping without allowing water to percolate into the ground.

b. To the extent feasible to maintain the historic character of the structure, the colors of the any repair/replaced portions of the structure shall be compatible with the surrounding environment (earth tones) including shades of green, brown, and gray.

[...]

2. On Page 4 of the staff report, the first paragraph of Special Condition #4 shall be revised as follows:

4. Final Landscape Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final landscaping and fence plans to the Executive Director for review and written approval.

~~,final landscaping and fence plans approved by the City of San Diego.~~ The plans shall be in substantial conformance with the landscape plans submitted by WRT Planning and Design, dated 3/28/11, and shall include the following:

[...]

3. On Page 18 of the staff report, the first and second complete paragraphs shall be revised as follows:

7. Consistency with the California Environmental Quality Act (CEQA). UCSD is the lead agency and the Commission is a responsible agency for the purposes of CEQA review. The University prepared a ~~mitigated negative declaration~~ EIR for the project, concluding that, as mitigated, the project not would result in any significant adverse effects to the environment. Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

UCSD is the lead agency on this project for purposes of CEQA review. It issued a ~~Mitigated Negative Declaration~~ EIR for this project. The proposed project has been conditioned in order to be found consistent with the visual resource, public access and water quality policies of the Coastal Act. Mitigation measures, including conditions addressing biological resources, construction BMP's, archaeological resources, final plans, and landscaping will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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AUG 04 2011

CALIFORNIA
COASTAL COMMISSION
SANTA MONICA COAST DISTRICT
TESTIMONY IN OPPOSITION

COASTAL PERMIT APPLICATION 36-11-032

W16a

UCSD CHANCELLOR'S HOUSE

location [APN(s) 342-01-08] hearing date: {to be held at} Watsonville City Hall August 10, 2011 at 9 a.m.} I believe it is the second item on the agenda.

by Richard Thompson, alumnus and concerned citizen

Whereas, upon then-Director York's ukase, UC Livermore Laboratories had built the smallest nuclear weapon ever, and,

Whereas, York took a wooden mock-up of a miniaturized nuclear weapon to Washington, D.C., and,

Whereas, York carried this device in his luggage, on a regular commercial flight, coast to coast, and,

Whereas, York, while University of California at San Diego Chancellor, lived at 9630 La Jolla Farms Road; and,

Whereas, the fund at the UCSD, to which all alumni contribute when called upon (&able) to do so, is The York Legacy Fund.

Now, Therefore, the included removal of a 329 sq. ft. room added onto the historic structure in the 1970s, under coastal permit application 36-11-032 {UCSD CHANCELLOR'S HOUSE} the room being easily the most historic part of said domicile, since it was once occupied by First Chancellor York, the whole rehabilitative project ought to be removed from the consent agenda, and indeed a no-build option pursued.

Many times over the years I have heard UC officials say that it was important to remember that UC combined science and technology to help develop the atomic bomb during World War II. I would like to remind my UC Berkeley and UCSD fellow alumni generally and this honorable coastal commission in particular that 400 scientists at the Los Alamos government laboratory warned in a statement signed October 13, 1945 -- two months after Hiroshima and Nagasaki -- that to keep the secrets of nuclear fission to themselves would lead to "unending war WWII more savage than the last."

I already testified about sacred sites of North American Indians at the Environmental Impact Statement Hearing on renovations for the UCSD official residence of the chancellor held at the UCSD Faculty Club, February 24, 2011,

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Letter of opposition 3

including J. J. Audubon's statement of 1830 about how he was always happy to meet an Indian along the Mississippi, the Arkansas and Missouri Rivers, "for there I see the man naked from our Creator's Hand and yet free from acquired sorrow."

In 1770, English Explorer James Cook eulogized the original inhabitants on the shorelines of the Pacific Ocean who are "far happier than we Europeans being wholly unacquainted not only with the superfluous but the necessary Conveniences so much sought after in Europe; they are happy in not knowing the use of them. *They live in a tranquility which is not disturbed by inequality of condition:* the Earth and sea of their own accord furnish them with all things necessary for life; *they covet not magnificent houses*, household stuff, and so on, and *they live in a warm and fine climate* and enjoy a very wholesome air." I most emphatically oppose the project because bias will be shown against California aboriginals in the use of their graveyards for the construction of "*magnificent houses*" (as if this honorable Coastal Commission would grant its favor to \$19 million boondoggles).

Local philanthropist Audrey Geisel was awarded a Chancellor's medal as part of UCSD's 50th anniversary event this year. Shortly thereafter, she donated \$2 million to renovate the roof of University House, the UCSD Chancellor's official residence.

Basically, it was a quid pro quo.

I've seen many teepees in my day, but I've never seen a teepee with a \$2 million roof!

Besides, I think we're paying too much for certain people to stick around UC. The regents' autonomy has been used as a way to enrich people at the top. The most important thing, however, is the use for the greater benefit of all the stakeholders of the university, which may or may not include this chancellor or that chancellor having to languish in moated palaces.

Roger Revelle (after whom UCSD First College was named) compared himself to Prince Henry the Navigator. Operation *Wigwam* consisted of a single nuclear detonation conducted 400 nautical miles South West of San Diego [29 Degrees North and 126 Degrees West]. Here the Pacific Ocean is 16,000 feet deep. The radioactive cloud from the underwater detonation eventually made its way to shore. We three East San Diego siblings -- my two brothers and me -- aged 6, 11, and 13, respectively -- were exposed to radiation 10 to 20 times normal in May of '55 both in our home and in our schools.

Revelle was then U.S. Navy Chief Oceanographer and he was the man in charge of logistics during Operation *Wigwam*.

Edward Teller reported from Eniwetok Atoll May 8, 1951: "Few experiments have been conducted under conditions as exotic or in a place as beautiful as the Pacific setting for the first thermonuclear explosion."

The October 31, 1952 (November 1 in the United States) thermonuclear blast spread eighty million tons of radioactive earth, gases and water into the air and stratosphere. As Chancellor York later wrote (*Making Weapons, Talking Peace*, p 69): "Fission bombs, destructive as they might be, were thought of as being limited in power. Now, it seemed, we had learned how to brush even these limits aside and to build bombs whose power was boundless."

Herb York was in charge and he personally sent word to back to Teller in Berkeley: "It's a boy."

Revelle enticed many professors to La Jolla from other less beautiful places, e.g. the University of Chicago, MIT, and Bell Laboratories. Revelle admitted that his way effective way in hiring famous scientists for the new UC campus was by standing with them on a bluff overlooking the Pacific Ocean and then informing them they could garner sufficient consulting fees to make it worthwhile coming to balmy La Jolla (with its white, sandy beaches).

Nobel Laureate Harold Urey, who had been in charge of the gaseous-diffusion method of separating U-235 from U-238 during WWII, was thus recruited. The Soviet Union exploded their first nuclear device on August 29, 1949. Urey and Edward Teller were the chief proponents of the "Super" such as that exploded under the direct supervision of York on October 31, 1952 wiping the islet Elugelab off the face of the Earth.

Fictional Air Force Gen. Buck Turgidson in a 1968 novel co-authored by UC Berkeley Political Science Professor Eugene Burdick and played in the movie version by George C. Scott disparages the Soviets as "a bunch of ignorant peons" who are unable to "understand a machine like some of our boys." Teller jotted a short missive to his friend Maria Goeppert-Mayer (after whom Meyer hall on UCSD campus is named, and in whose honor the U.S. Postal Service recently issued a commemorative stamp): "I never felt so fishy in my life. Swimming not more than a hundred feet into the lagoon brought me to a group of coral reefs. The fish seemed to cluster around those reefs like birds in a tree, except more colorful, more numerous, and to human ears, silent. Some of them were always swimming from one reef to another, but their home seemed to be the corals."

Pity the little fishes: In 1960 the University of California named Teller Professor of Physics at Large. Teller received the Fermi Award from President Kennedy on December 2, 1962.

University House will be used for university-related events. Under previous administrations, it has been used to host functions even while serving as the chancellor's official residence. Previous occupants said they enjoyed living at the official residence despite the loss of privacy. "My spouse and I worked for the university 24 hours a day. It was not our house. We lived there so we could host people." Such would be the generic response.

The speed-dating of UCSD engineers, physicists and chemists with government officials and entrepreneurs can be seen in the case of Qualcomm. That corporation, headquartered in San Diego, which earned over \$10 billion last year, was said to have "rolled down the hill" from UCSD. The "launch customer" was NASA. The costs of the failed scientific experiments at UCSD and elsewhere in the University of California system were socialized by grants and fees paid into public higher education over the years by the federal and state governments, and by students and/or their parents -- while the profits were privatized by Irwin M. Jacobs, a Professor of Engineering at UCSD and founder of Linkabit, and also by former UCSD Chancellor and University President Emeritus Richard C. Atkinson. Both gentlemen together with their spouses have contributed a couple of million to the project at hand.

"If there is a model for me in academic life, it is Fred Terman," Atkinson wrote in 2004. "I was able to apply the knowledge I gained from Fred's work at Stanford years later when I became chancellor of UCSD. I sought to use the 'Terman Model' as a roadmap for UCSD's partnerships with the telecommunications and biotechnology industries that were beginning to spring up in the region."

One CEO of a for-profit college, also headquartered in San Diego, garnered \$20 million in salary last year.

.....
Q. What can a company do with a person's image?

A. Corporate rights are a matter of contract. Rosa Parks could absolutely be used to sell Soka University of America.*

*During Black History Month 2010 Parks was pictured together with the Soka Gokai cult leader in a San Diego State University Library display.

Q. What can a university do with a people's historical likeness?

In 1987, Soka University of America (SUA) was incorporated on a not-for-profit basis in the state of California. It initially was a small graduate-level institution located on a 588-acre property in Calabasas, California. The property was also at some point in the past the site of a settlement of Chumash people, so when the university tried to expand to accommodate its undergraduate program it met resistance from environmentalists seeking to protect the Chumash ancestral site and the wilderness terrain. The chanting of Nam-myoho-renge-kyo was established by Nichiren Daishonin on April 28, 1253. But in this instance, SUA prayers weren't answered, and it was coerced from that sacred site of North American Indians.

.....
Q. Who owns the Kuneyaays? Do decedents have the right to control how their identities are eventually used?

A. They do not. CMG Worldwide, which is one of the leading companies that own individuals' rights of identity, own people who would turn over in their graves if they knew they had become a corporate asset, people like Rosa Parks and Malcolm X.

Raising tuition "avoids the real issue, which is insufficient funding of public education," said Wafa Ben Hassine, 21, last year's president of the Associated Students at UCSD. "These ridiculous fee increases every year – since Gov. Schwarzenegger took office they've increased by a whopping 81 percent -- are a threat to the whole notion of a public university."

Indeed, why do certain members of the UC Regents (e.g. Dick Blum, whose investment company owns \$700 million of for-profit college stock) imply that low or free tuition is morally corrosive?

Building on the achievements of earlier grads like Bernard Baruch in finance and Felix Frankfurter in law, the Class of 1933 until 1950, City College of New York nurtured nine Nobel Prize winners, all of them Jewish, in economics, chemistry, physics and medicine (Julius Axelrod in the last category). All nine obtained their undergraduate degrees at CCNY. City College and Hunter in Manhattan, and Brooklyn and Queens Colleges, offered free tuition to qualified students. Nathan Glazer and Irving Kristol in politics, Ira Gershwin the lyricist, Bernard Malamud the writer, Andrew Grove in business and technology, and CCNY students turned actors including Edward G. Robinson, Judd Hirsch, Zero Mostel, and Eli Wallach received a super education for the cost of subway tokens. Blum himself paid what I paid at dear ol' Cal -- our joint alma mater -- nothing.

UCSD has yet to bring the entire residence at 9630 La Jolla Farms Road into compliance with the Americans with Disabilities Act. The proposed 100 ft. long, 13 ft. high (above grade) retaining wall consists of 11 to 13 piers to be drilled to a depth of 30 ft. and would function to provide gross and surficial stabilization to the existing residence. The work of gathering areas would have to be done to make the residence suitable for UCSD Plenipotentiaries and their guests including senior disabled people with attendant special needs. Also, the report highlights 20 public parking places at the site but UCSD parking is very expensive and controversial at this time.

Many of the Undergraduate Student parking spaces have gradually been vanishing even though they are constantly in use. Often this leads undergraduate students to drive around aimlessly looking for parking spaces, emitting more CO2 emissions. Many students, especially those living on campus, are forced to park far from their dormitories on campus and walk in dimly lit areas late at night. This petition was signed by 2856 undergraduate students whose demand is "replacement of our lost 'S' spaces, because who pays \$600 a year to not even have a parking spot?"



by Richard Thompson 3680 Moultrie San Diego CA 92117 (619) 519-9187
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California Coastal Commission
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San Diego, CA 92018

W/6a
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AUG 05 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

August 4, 2011

RE: University House Rehabilitation Project (Coastal Development Permit Application #6-11-032)

Honorable Members of the Commission:

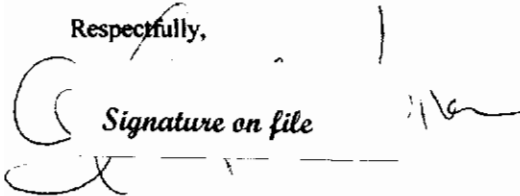
Please accept this letter on behalf of myself as an endorsement for the approval of CDP Permit Application #6-11-032. In my previous life, I was a Principal Planner for the City of San Diego, and had the pleasure of working with you and your staff in the development and ultimate adoption of the City of San Diego's Local Coastal Program and Plans. During that time, I found your staff to be thorough in their review of our work, and much of our coast and natural environment today is better for it. I always admired their fortitude and insight in their review and comments of our documents and projects, and in spite of our natural conflicts of viewing issues from different perspectives; I always enjoyed our work and remember it fondly.

As a now retired Urban Planner and resident of La Jolla for 50+ years, I have been involved with the La Jolla Historical Society, in preserving the Black House/University House site. Through much of 2006, we worked trying to preserve the historic house and the archaeological site, which we felt were worthy of preservation, specially being the property of an intellectual organization par excellence, as the University certainly is, and has to be. In 2007, the Society, along with the Kumeyaay Cultural Repatriation Committee, worked to have the site placed on National and California Register of Historic Places under Criteria A, C and D. We were successful in making this happen in November 2007. In 2008, the Native American Heritage Commission declared the site a sanctified cemetery.

Since summer of 2008, I have been part of the working group that has come up with a plan to preserve and rehabilitate the house as a home for the UCSD chancellor, making sure that the entire site is honored and respected as a place of important cultural value to the Kumeyaay. During this period the consultants hired by UCSD have worked tirelessly to ensure this project is done correctly as a truly Cultural Resource spanning a period of human habitation exceeding 10,000 years. This is a resource of National and International significance, and of value to UCSD and the entire community.

The site and its proposed restoration and rehabilitation will become the ultimate shining example of historic preservation that maintains, respects and honors Native American cultural values, which are our own society's. I believe you should approve this application as one that meets the letter and intent of the California Coastal Act, assuring that the site's important cultural values will be preserved for future generations to enjoy and honor. We are so fortunate that UCSD is working towards this same goal!

Respectfully,


Signature on file

Angeles Leira
Urban Planner, Retired
7535 Cabrillo Avenue
La Jolla, Ca. 92037

Cc:
La Jolla Historical Society
UCSD
Tome Stagle

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Letter of Support 9



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AUG 05 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

W162

August 3, 2011

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92018

RE: University House Rehabilitation Project (Coastal Development Permit Application #6-11-032)

Honorable Members of the Commission:

Please accept this letter on behalf of the La Jolla Historical Society as an endorsement of approval of CDP Permit Application #6-11-032.

The La Jolla Historical Society has been involved on preserving this site since it was closed to occupancy in June 2004. Through much of 2007, the Society – along with the Kumeyaay Cultural Repatriation Committee – worked to have the site placed on both the National and California Register of Historic Places under Criteria A, C and D. We were successful on making this happen in November 2007. In 2008, the Native American Heritage Commission voted to declare the site a sanctified cemetery.

In the summer of 2008, UCSD invited the Society to be part of a dynamic community working group to come up with a plan to preserve and rehabilitate the house as a home for the UCSD chancellor, as well as making sure that the entire site be honored and respected as a place of important cultural value to the Kumeyaay people. During the last three years, UCSD has included representatives of the Society in the decision-making process on how the site would be preserved. The working group has worked tirelessly to ensure this project is done correctly and would be a resource not only to the UCSD chancellor but to the entire community.

Approving this application will ensure that this site will be preserved for future generations as a shining example of historic preservation that maintains, respects and honors Native American cultural values. We urge approval of this application at your August 2011 meeting.

Respectfully,

Signature on file

John Bolthouse
Executive Director

cc: Brian Gregory, Assistant Vice Chancellor – Strategic Campus Resource Initiatives, UCSD

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Letter of support
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CALIFORNIA COASTAL COMMISSION

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



W16a

Filed: 4/21/11
49th Day: 6/9/11
180th Day: 10/18/11
Staff: MAhrens-SD
Staff Report: 7/22/11
Hearing Date: 8/10-12/11

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-11-032

Applicant: University of California, San Diego Agent: Anu Delouri

Description: Interior and exterior rehabilitation of the 12,161 sq. ft. historic UCSD Chancellor's house located on a 6.9 acre inland hillside lot to include removal of a 329 sq. ft. room added onto the historic structure in the 1970's, replacement and rehabilitation of existing degraded exterior eastern and western patio areas, landscape improvements, upgrade of existing drainage facilities and replacement/resurfacing of westward sloping roof area, fill of existing exterior pool area, and reconfiguration of some interior walls and living spaces, resulting in a 11,832 sq. ft. structure. Installation of a 100 ft. long and 13 ft. tall retaining wall is also proposed along a portion of inland hillside bordering the existing residence where an ongoing slope failure has been identified.

Lot Area	301,064 sq. ft.
Building Coverage	13,271 sq. ft. (4.4 %)
Pavement Coverage	25,194 sq. ft. (8%)
Landscape Coverage	44,799 sq. ft. (15 %)
Unimproved Area	217,800 sq. ft. (72.6 %)
Parking Spaces	20
Ht abv fin grade	25.4 feet

Site: 9630 La Jolla Farms Rd., La Jolla, San Diego, San Diego County
APN: 342-061-08

Substantive File Documents: University of California, San Diego "Draft" Long Range Development plan; Certified La Jolla – La Jolla Shores LCP Land Use Plan (2004); City of San Diego Land Development Code

STAFF NOTES:**Summary of Staff's Preliminary Recommendation:**

Staff is recommending approval of the proposed University House rehabilitation project and the associated retaining wall construction with special conditions including revisions to the proposed retaining wall plans. The project, as proposed and conditioned, will ensure protection of on-site biological and archaeological resources and will facilitate the restoration of a historically significant residence. To ensure no impacts to environmentally sensitive habitat areas (ESHA) will result from the subject project, a Special Condition concerning revisions to the plan for the proposed retaining wall is recommended to ensure that no direct impacts to ESHA result from the proposed retaining wall construction. Additionally, to ensure no impacts to cultural resources will result from the subject project, a special condition regarding protection of archaeological resources is recommended to minimize the amount of any ground disturbance. Special conditions are also recommended to ensure protection of surrounding downslope ESHA during construction activities. The proposed retaining wall will be located on an inland hillside adjacent to the house and is considered the minimum development necessary to remediate an existing slope failure threatening the historically designated site and residence. Adequate public parking is provided on site and no impacts to public beach access in the surrounding area will occur during or after completion of the proposed project. Limited views of the subject property are available from a distant public walking trail; however, no adverse visual impacts or encroachments into existing public ocean views will result from the project as proposed and conditioned.

Standard of Review: The proposed development is located on land owned by the University of California and is not included in the area subject to the City of San Diego's certified LCP. Thus, the standard of review is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-11-032 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned 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 PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final plans for the development, that are in substantial conformance with the preliminary construction plans by IS Architecture for the University House Rehabilitation Project, dated 03/28/11, and include the following provision:

- a. The applicant shall conform to the drainage and run-off control plan received by the Commission on May 28, 2010 showing all roof drainage and runoff directed to area collection drains and sub-drain systems on site for discharge to the street through piping without allowing water to percolate into the ground.

The applicant shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. As-Built Plans. **WITHIN 60 DAYS FOLLOWING COMPLETION OF THE PROJECT**, the permittee shall submit as-built plans of the approved project and submit certification by a registered civil engineer, acceptable to the Executive Director, verifying the project has been constructed in conformance with the approved plans for the project.

The permittee shall undertake the development in accordance with the approved plans submitted by IS Architecture, dated 3/28/11. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur

without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Revised Retaining Wall Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) sets of revised plans for construction of the proposed retaining wall and associated pier wall with representative cross-sections. The plans shall be prepared and stamped by a registered engineer. The revised plans shall include:

- a. An updated biological report demonstrating that the proposed retaining wall will not extend into or result in impacts to any ESHA habitat, including areas of the site that were previously mapped as “disturbed Maritime Succulent Scrub” that have more than a 25% ground cover of native species. The biological report shall identify the species present and document their percent ground cover within the footprint of the proposed development and shall include a map showing the development footprint and any areas within the disturbed maritime succulent scrub habitat areas that have at least 25% cover of native species.
- b. Construction and staging plans and provisions for delineating the areas of ESHA, including disturbed maritime succulent scrub with at least 25% native cover, using non-permanent materials such as stakes and flags during construction activities.

The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that an amendment is not legally required.

4. Final Landscape Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final landscaping and fence plans approved by the City of San Diego. The plans shall be in substantial conformance with the landscape plans submitted by WRT Planning and Design, dated 3/28/11, and shall include the following:

- a. All landscaping shall be drought tolerant and native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as ‘noxious weed’ by the State of California or the U.S. Federal Government shall be utilized within the property.
- b. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for review and written approval of the Executive Director, a

landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in compliance with the original approved plan.

- c. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

5. Assumption of Risk, Waiver of Liability and Indemnity Agreement

- a. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from hillside erosion, or earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- b. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property

(hereinafter referred to as the “Standard and Special Conditions”); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant’s entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

c. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

6. Area of Archaeological Significance. The applicant shall comply with the Archaeological Resources Mitigation Measures as outlined in the certified EIR for the University House Rehabilitation Project, dated 6/20/11. If an area of cultural deposits is discovered during the course of the project, all construction shall cease and shall not recommence except as provided in subsection (a) hereof; and a qualified cultural resource specialist shall analyze the significance of the find.

a. A permittee seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the Executive Director.

1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan’s recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after this determination is made by the Executive Director.

2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

7. Preservation of Biological Resources. The applicant shall comply with the Biological Resources Mitigation Measures as outlined in the certified EIR for the University House Rehabilitation Project, dated 6/20/11

8. Construction BMPs. The applicant shall comply with the pre and post construction BMPs and Mitigation Measures outlined in the certified EIR for the University House Rehabilitation Project, dated 6/20/11.

9. Monitoring Program. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval, a monitoring program prepared by a licensed civil engineer or geotechnical engineer to monitor the performance of the retaining wall which requires the following:

- a. The applicant shall maintain the visual treatment on the face of the retaining wall and, as more of the wall is exposed by natural bluff retreat, the visual facing will be extended to minimize exposure of the structural piers.
- b. An annual evaluation of the condition and performance of the retaining wall addressing whether any significant weathering or damage has occurred that would adversely impact the future performance of the structure
- c. Provisions for submittal of a report to the Executive Director of the Coastal Commission by May 1 of each year (beginning the first year after construction of the project is completed) for a period of three years and then, each third year following the last annual report, for the life of the approved retaining wall.
- d. An agreement that the permittee shall apply for a coastal development permit within 90 days of submission of the report required in subsection c. above for any necessary maintenance, repair, changes or modifications to the project recommended by the report that require a coastal development permit.

The permittee shall undertake monitoring in accordance with the approved monitoring program. Any proposed changes to the approved monitoring program shall be reported to the Executive Director. No changes to the monitoring program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project involves the rehabilitation and restoration of a 12,161 sq. ft. historic single family residence that has functioned as the UCSD Chancellor's house since the late 1960's. The subject residence is located on a 6.9 acre inland hillside lot in the La Jolla Farms neighborhood, near the main UCSD campus and north of La Jolla Shores and downtown La Jolla regions. The subject site is situated atop an elevated mesa in the southeastern portion of the La Jolla Farms neighborhood, which is largely comprised of expansive 5,000 sq. ft. to 25,000 sq.

ft. estate style residences. The proposed project will involve the demolition of 3% of the existing exterior walls resulting in a 11,832sq. ft. one story single family residence.

The Black family, who were the original owners of the 284 acre coastal La Jolla Farms property, commissioned construction of the subject structure in 1950 when the surrounding area was largely undeveloped barren land. The architect, William Lumpkins, designed the home in an architectural style classified as 'Pueblo Revival' and finalized construction of the home in 1952. The Black family sold the subject property to the University of California, San Diego in 1967, at which point it was utilized as both a residence for the chancellor and as a public venue for UCSD functions. The subject site is on the National Register of Historical Places as well as the California Register of Historical Resources list as the subject residence is the work of a master architect (William Lumpkins) and also because the site contains significant cultural resources that identify it as a sacred Indian burial site.

The initial 2007 plan for development on the project site included demolition of the subject historic structure and construction of a new residence. However, strong opposition emerged to any significant ground disturbance, impacts to biological resources, or damage to the historic residence on site. As such, since 2008 the applicant has been working closely with community stakeholders, the La Jolla Historical Society, Save Our Heritage Organization, and Native American and Kumeyaay representatives to develop a program for rehabilitation of the historic residence while ensuring structural stability, correcting ongoing drainage issues, and maintaining the integrity of biological, historic and cultural resources on the subject site. The current development proposal has been reviewed and developed in consultation with all interested parties to reflect what was determined to be the most appropriate solution for restoration of the historical residence with protection of Native American and Kumeyaay cultural values. The applicant has indicated that the cultural sensitivity of the site took precedence when formulating the current project designs and infrastructure improvements. As such, the majority of the proposed construction work on the site will consist of handwork, with no ground disturbance or grading proposed.

The only portion of the proposed project that will necessitate any sort of mechanized equipment is construction of a retaining wall. The proposed retaining wall structure will be installed through the use of handwork, with machinery used only for installation of the 36 foot to 42 foot-long pier supports. Additionally, the existing pool will be filled in and the applicant is proposing to establish an outdoor gathering area in its place with interpretive panels that describe the unique tribal history of the site and architectural significance of the residence. These project components and the revised rehabilitation project reflect the input of local interest group and community members.

The subject one story residence is comprised of a 5,317 sq. ft. south wing that forms the 'chancellor's residential quarters' portion of the structure, a 3,379 sq. ft. west wing that is utilized as a public gathering space for UCSD functions, and a 3,136 sq. ft. north wing which includes the main service areas and a guest suite. The existing uninhabited structure has been determined to require seismic safety improvements, new roofing, new

sewer and electrical infrastructure, fire safety upgrades, improved drainage and erosion control measures, and various interior remodels in order to restore the structure to a habitable condition. The footprint of the historic 1952 pueblo style structure has been expanded slightly since its initial development through the construction of various room and patio additions in the late 1950's, 1970's and 1980's. Through an extensive historical review discussed in the project's EIR; it was determined that the later additions constructed in the 70's and 80's detract from the overall historic character of the structure. As such, the applicant is proposing to remove these additions or alter them so as to increase the historic congruity throughout the residence. Specifically, the applicant proposes to remove the 329 sq. ft. family room addition in the south wing of the house and the large exterior columns and trellises associated with a 1985 reception room addition, to fill in an existing exterior pool area, and also to rework the trellis structures on the western and eastern patios so they are more historically consistent with the rest of the subject structure. Additionally, the western and eastern concrete patio areas, which were both later additions to the residence, are subject to ongoing subsidence that the applicant proposes to remediate through the use of fill material and resurfacing. No ground disturbance or removal of vegetation would occur as a result of these project components.

In addition to interior and exterior remodeling and rehabilitation of the historic structure, the applicant is also proposing to construct a pier-supported retaining wall along an active slope failure occurring slightly down slope from the existing western patio area. The proposed 100 ft. long, 13 ft. tall (above grade) retaining wall would consist of 11 to 13 piers and function to provide gross and surficial stabilization to the existing structure. The finish of the wall would be built up with shotcrete and sculpted and colored to match the surrounding native earth materials and sandstone hillside facings. Wall construction would involve trimming some disturbed non-native vegetation and minimal ground disturbance at the location for the wall installation. Construction activities would be primarily composed of hand work with some limited mechanized equipment to be used for installation of the pier wall. The exposed section of the retaining wall would be covered with a facing that mimics the natural bluff formations in the area; and, Special Condition #7 insures that as the bluff face continued to erode, the wall facing will be extended to cover any newly exposed piers. The currently proposed alignment of the subject retaining wall extends into 44sq. ft. of an area that has been identified by the project EIR as "disturbed maritime succulent scrub." Despite being classified as disturbed by the project consultants, the Commission's staff ecologist does not concur with this determination and finds that this area still constitutes ESHA. As such, staff is recommending Special Condition # 3, which will ensure that the wall is redesigned so that its alignment lies outside of any Commission delineated ESHA and also that no permanent impacts to ESHA result from the project.

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 subject site is not within the City of San Diego's LCP jurisdiction; and, as

such, the provisions of the City's LCP do not apply to the proposed project. The appropriate standard of review for this project is thus the Chapter 3 policies of the Coastal Act.

2. Geologic Conditions and Hazards. Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. [...]

The property site is situated atop an inland canyon hillside overlooking the paved access road to Black's Beach below and the entire La Jolla shoreline to the south. The portion of the property which has been developed is relatively flat with elevations ranging from 376 feet mean sea level (msl) near the primary residence to 362 feet msl near the western corner of the site. This region of La Jolla is not subject to the more aggressive coastal erosion forces commonly identified in other San Diego areas such as Solana beach or Encinitas. Additionally, as the subject site is not located on a coastal bluff top but rather on an inland hillside and is somewhat removed from the immediate beach or coast area, the erosion rate of the hillside is truncated. Erosion of the hillside bordering the subject residence can largely be attributed to rainfall events and the lack of efficient drainage systems on site, as opposed to storm wave action or sea level rise.

The applicant has submitted a geotechnical report ("Geotechnical Engineering, Building and Site Condition Assessment Design Recommendation Report," TerraPacific Geotechnical, May 28, 2010) that evaluated the geologic stability of the subject site in relation to the proposed development. Based on their evaluation of the site's geology and the proposed development, the consultants have found that the project site is suitable for the proposed project (with a couple of exceptions that are discussed below). The submitted geologic reports contain several recommendations to be incorporated into project construction, landscaping, and drainage to ensure the stability and geologic safety of the proposed project site.

The southern frontage of the subject residence borders Blacks Canyon below and includes separate eastern and western exterior patios. While there were no retaining walls or hillside stabilization devices installed with the initial 1952 construction of the home, in 1969, a masonry block wall was constructed along the southeastern half of the house to create a deck and patio. This structure varies from 5 ft. to 11 ft. in height and also functions as a retaining wall. The wall was stabilized with nine rebar "root anchors" installed in angled drill holes and embedded approximately 15 ft. into the hillside. No

work is proposed to this existing retaining wall structure, nor would it be connected or contiguously aligned with the proposed retaining wall. Specifically, two eastern and one western slope failures do not present a significant risk to the project site and the geotechnical analysis recommends that these three failures can be effectively remediated through improvements to the existing drainage system, re-sloping of the roof to direct drainage towards the street, and various erosion control measures. The existing retaining wall has effectively functioned to curtail the natural erosion forces in this region of the hillside; however, drainage issues associated with the roof angle and poorly-functioning storm water collection systems have led to three slope failures at the base of the existing eastern retaining wall and also along a more westerly portion of the southern hillside (Ref Exhibit #2). In order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the applicant to comply with the drainage and erosion control plans certified by the geotechnical engineer, as specified in Special Condition #1. Additionally, Special Condition #4 requires the applicant to submit a landscaping plan that utilizes and maintains native and noninvasive plant species on the upper mesa area near the subject residence compatible with the surrounding area in order to minimize the amount of irrigation water used anywhere the subject site.

An additional slope failure on the southwestern hillside of the subject property has been identified as a risk to the University House residence. Drainage improvements and erosion control improvements can minimize future slope failures, but cannot address the existing slope instability at the southwestern hillside area. The calculated factors of safety for the local slope stability analysis range from 1.03 for section A-A' to 1.36 for section D-D', while the deep seated stability analysis produced factors of safety ranging from 1.25 for section B-B' to 1.57 for section A-A'. The geotechnical report for the proposed project identifies this slope failure as an immediate threat to the stability of the historic site and residence and recommends the construction of either a tied-back shotcrete wall or a pier supported retaining wall to remediate the ongoing erosion problems.

Due to possible impacts to cultural resources from installation of the tie-back anchors, the pier supported retaining wall was found to be the preferred structure for this site. The proposed 100 ft. long, 13 ft. high (above grade) retaining wall would consist of 11 to 13 piers to be drilled to a depth of 30 ft. and would function to provide gross and surficial stabilization to the existing residence. The finish of the wall would be built up with shotcrete and sculpted and colored to match the surrounding native earth materials and surrounding sandstone bluff facings. The proposed retaining wall would be positioned near the top of the existing failure to minimize the volume of backfill needed to stabilize the wall. The piers would be designed to resist the loading from the slope and backfill soils. Therefore, impacts related to the unstable slope would be less than significant with the construction of the pier wall. Additionally, the proposed drainage improvements would prevent runoff from overflowing beyond the portion of the slope that presents an undermining risk to the University House. Limited amounts of runoff would continue to overtop the westernmost and easternmost portions of the slope; however, as described above, these areas do not present a slope failure risk to the University House.

Concerns regarding potential impacts to archaeological resources during construction of the proposed retaining wall were expressed by Native American and Kumeyaay representatives during the project review process. As a result, the design of the proposed retaining wall takes into account the cultural sensitivity of the subject site and will involve only the minimal ground disturbance necessary to install the proposed pier wall. Furthermore, construction of the proposed retaining wall will largely consist of handwork, with mechanized equipment to be utilized only for installation and drilling of the pier wall portion. The .003 acres of disturbed habitat vegetation in the area proposed for retaining wall construction will be cut to ground level with the root systems left intact to ensure optimal preservation of existing archeological resources.

The proposed retaining wall and associated drainage improvements will function to protect and preserve the historical site and residence. Currently, there are four active slope failures identified on the southern hillside of the subject site. Three of these failures are minor and can be remediated through erosion and runoff control measures; however, the fourth slope failure presents a danger to the structural stability of the historic site and residence. The Commission's Coastal Engineer, Lesley Ewing, has reviewed the project and concluded that the proposed retaining wall is necessary to protect the stability of the subject site and existing residence. Opportunities for alternate retaining wall locations or stabilization designs were constrained by the need to protect all archaeological remains on site. As such, the proposed retaining wall was sited where the least amount of archaeological remains are expected to occur. Additionally, the design of the retaining wall involves the least amount of ground disturbance while providing structural stability to the upslope historical site and residence. As such, the required grading is the minimum necessary; the proposed retaining wall will not result in substantial alteration of natural landforms and can be found as the minimum development necessary to ensure protection of the principal structure, consistent with Chapter 3 policies of the Coastal Act.

3. Biological and Cultural Resources. Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The subject site consists of a 6.9 acre parcel of land, about half of which is comprised of steeply sloping canyon hillsides. The approximately four acre developable portion of the subject site lies elevated above these slopes at an elevation of 370 feet above mean sea level. The project site is bounded by La Jolla Farms Rd. to the north, an open space native canyon to the south, and residential uses to the west and east. The developable portion of the lot is dominated by residential development, non-native ornamental vegetation and disturbed ground areas. The property starts to slope downward into the canyon areas below the southern side of the residence. The vegetation immediately below the southern side of the residence consists of disturbed maritime scrub habitat with various non-natives mixed in directly below the southwestern patio area. As identified by the project consultants, a total of 0.16 acres of disturbed maritime succulent scrub”, consisting of at least 40% cover of invasive non-native species, is concentrated adjacent to the southern portion of the subject residence, directly below the southwestern and southeastern patios.

As the property begins to transition down from the immediate area surrounding the residential structure, the landscape develops into a steeply sloping canyon with established native maritime succulent scrub habitat. This distinct and rare environmentally sensitive habitat community is dominated by low growing drought tolerant deciduous shrubs and includes a number of stem and leaf succulents. The maritime succulent scrub habitat within the sloping canyon areas of the property has been identified as active habitat for California gnatcatchers, a federally threatened species. The EIR Biological Resources report, described the areas of disturbed maritime scrub habitat immediately below the eastern and western patios and nearest to the existing residence as a disturbed habitat area, with a 40% cover of non-invasive plant species, that was not suitable for California Gnatcatcher habitat and did not constitute environmentally sensitive habitat area (ESHA). This determination is inconsistent with the Commission’s staff Ecologist’s determination and Coastal Act policies, as described below.

The rehabilitation components of the proposed project will occur on the upper developed portion of the lot and will not necessitate the clearing or removal of any disturbed or native habitat areas. However, the retaining wall that is proposed directly below the western patio area is expected to require the trimming of 0.003 acres or 130 sq. ft. of disturbed non-natives and disturbed maritime succulent scrub habitat. As portions of this disturbed maritime succulent scrub habitat constitute ESHA, minor impacts to ESHA could potentially be associated with this portion of the project. Specifically, the Commission’s Staff Ecologist has made the determination that of this 130 sq. ft. of vegetation to be removed, 44 sq. ft. of it actually constitutes ESHA. This specific 44 sq. ft. area is identified in the submitted biology report included in the project EIR as “disturbed Maritime Succulent Scrub”. Even though this area was classified as ‘disturbed habitat’ in the submitted biology report, it still contains 60% ground cover of endemic species and, as such, it constitutes ESHA. Coastal Act policy §30240(a) prohibits the disruption of ESHA for uses not considered to be resource dependant. As the proposed retaining wall would result in direct impacts to ESHA and cannot be found as a resource dependant use, the project, as currently proposed, cannot be found

consistent with the Coastal Act. To avoid permanent ESHA impacts, staff is recommending Special Condition #3, which requires the applicant to revise the plans for the proposed retaining wall to reflect that no impacts to ESHA, or more specifically any habitat areas with a ground cover of native species in excess of 25%. Additionally, Special Condition 3 requires the applicant to delineate, through the use of non-permanent devices such as flags and stakes, the location of any ESHA in relation to the boundaries of the proposed retaining wall construction site for the duration of all construction activities. Construction BMPs and biological mitigation measures are also required through Special Condition #s 7 and 8 and would be implemented during construction of the proposed retaining wall.

Through implementation of Special Condition #3, the proposed project is not expected to involve direct impacts to the ESHA on site. As noted above, however, the applicant must implement construction best management practices (Special Condition #8) and biological mitigation measures (Special Condition #7) to ensure the protection of on site biological resources. These biological mitigation measures will include noise reduction in areas of construction that take place within proximity to habitat areas, pre and post construction surveys of the environmentally sensitive habitat area, no storage or staging in or within 50ft. of ESHA, education of construction workers regarding the sensitivity of nearby habitat areas, prohibition of night lighting, and the requirement of a biological monitor to be present on site during all construction activities. Additionally, staff is recommending Special Condition #7, which will require that all construction activities occur consistent with the mitigation measures and BMP directives outlined in the submitted EIR document dated 6/20/2011.

In addition to the biological resources located on site, archaeological resources of statewide significance have also been identified throughout the subject property. In fact, the entire site has been identified as a sacred Native American site located in the Kumeyaay traditional territory. The archaeological significance of the University House property is unique as evident from the 29 full inhumations that have been removed from the site over the past history of the property, one with a radiocarbon dating of nearly 10,000 years old. Due to the sanctified nature and intrinsic heritage values of the subject site, modern Kumeyaay feel directly associated with the site itself and the many ancestors buried there. To ensure the proposed development is carried out with the utmost integrity and consideration of cultural values, the applicant has been in direct communication with Native American and Kumeyaay representatives throughout the project review process. Additionally, the proposed project has been designed so that minimal on site ground disturbance, only associated with installation proposed pier wall, will occur. Construction of the pier wall portion will necessitate drilling piers to a depth of 36-42ft., however, due to the sensitivity of the archaeological resources on site, the location and design of a retaining wall structure was constrained such that the proposed wall is the only feasible option that results in protection of the historical structure upslope and is expected to involve no impacts to archaeological resources. To further ensure that the integrity of all cultural resources on site is maintained, the proposed retaining wall will be situated primarily on top of the ground level and existing vegetation in this area will be trimmed but not completely removed, resulting in minimal ground disturbance during

retaining wall construction. Also, all newly proposed utility lines will be located above ground and will require no trenching or ground disturbance activities. Special Condition #6 is recommended to further ensure the protection of on site archaeological resources through compliance with all the archaeological resources mitigation measures as outlined in the Environmental Impacts and Mitigation Measures section and the Cultural Resources Section (4.2) of the certified project EIR. These measures include the requirement of a cultural monitor on site during construction activities, protocol to follow in the instance that remains are found present on site during construction activities, development of tribal access protocols, a pre-construction cultural resources education meeting with all construction workers, prohibition of any off-site soil exportation, and the restriction of construction storage and staging areas primarily to the existing paved driveway area.

As such, the proposed project components and associated retaining wall will not result in impacts to on-site archaeological resources and have been sited and designed in a manner that ensures protection for existing on-site archaeological remains. Additionally, the project has been designed and conditioned in order to ensure that no impacts to nearby ESHA areas result from the proposed project. Therefore the proposed project can be found consistent with Sections 30240 and 30244 of the Coastal Act.

4. Visual Resources. Section 30251 of the Act states, in part, the following:

“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas,…”

While the La Jolla region is renowned for its beautiful public ocean vistas, the subject site is located in a community of La Jolla where ocean views are not readily available from the main public coastal roadway, La Jolla Farms Road. The large lot sizes and scope of developments in this established community function to largely obstruct any potential public ocean views from La Jolla Farms Road. Nonetheless, public ocean views are available from a walking trails atop the bluffs in this area but require members of the public to park on La Jolla Farms Rd. and walk out to access them. Additionally, this community provides the main public access point to Black’s Beach; however, an approximately 5-10 minute walk down a steep road is necessary in order to reach the beach and enjoy views of the ocean.

There are currently no public ocean views available from La Jolla Farms road across the subject property. Additionally, the subject property is effectively tucked in an inland canyon area with natural hillsides and other neighboring residences blocking most views of the house or property from Black’s Beach access road or the public unimproved “La Jolla Farms” Scripps Knoll Trail; site located on a coastal cliffside across Black’s canyon approximately 1,000 ft. south of the subject site. Limited portions of the proposed

retaining wall could have the potential to be visible from a few points along the Scripps Knoll Trail, however, this public trail is located at such a distance from the subject site that any portions of the retaining wall that are visible will most likely be undistinguishable amongst the surrounding natural hillsides and vegetated canyon areas. The proposed retaining wall will be located on a 100 ft. long portion of the inland hillside directly below the subject residence, and will be built up with shotcrete and sculpted and colored to match the surrounding native earth materials and sandstone hillside facings. As such, the retaining wall will blend in with the native hillsides in the area and should not be visually obtrusive or even identifiable from any public vantage points along the subject walking trail.

Additionally, public views of the proposed retaining wall will only be available when facing away from the ocean in a northeasterly direction and thus will not result in any impacts to or obstructions of public ocean views in this area of La Jolla. The remaining elements of the proposed project, including the rehabilitation of the University House and associated drainage and landscaping improvements, will not result in an increase in height or square footage of the proposed structure and will not function to alter or impact any existing public views taken from La Jolla Farms Road or the nearby public walking trail. As such, the proposed project can be found consistent with Section 30251 of the Coastal act.

5. Public Access. The following sections of the Coastal Act are applicable and state:

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

[...]

(2) Adequate access exists nearby, or,

The main public beach access in this upper mesa region of La Jolla Farms consists of the Black's Beach access road. This road is located directly adjacent to the eastern upland boundaries of the subject property but is separated from the immediate residential development by steep canyon hillsides. The road is an improved paved road that only provides vehicular access to authorized personnel through a gated entrance. Otherwise, the road, which has open sides on either end of the entrance gate allowing for pedestrian entry, is kept open to the public at all times. However, to access the beach itself requires

a 5-10 minute walk down the steep access road . As such, while Black's Bach remains a popular public beach it is not as widely utilized as other public beaches in the area such as La Jolla Shores or Windandsea Bach, which provide parking adjacent to the immediate beach area. Public street parking along La Jolla Farms Rd. provided in close proximity to the Black's Beach access road. Beach access across or from any point along the subject property boundary is not feasible due to the steeply sloping canyon edges that border the southwestern and southeastern portion of the property. Adequate public beach access exists directly adjacent to the subject site via the Black's Beach access road and, as such, the provision of public beach access from the subject property would be unnecessary.

In addition to the Black's Beach access road, two public walking trails are located to the north and south of the project site. The northern public trail, which is an unimproved dirt path, is located approximately .5 miles from the subject site and is accessible from a portion of La Jolla Farms rd. where public street parking is available nearby. The southern public trail, identified in the La Jolla LUP as the "La Jolla Farms" Scripps Knoll Loop Trail, is located across the Black's Canyon area and is also a distance from the subject property. Public street parking is provided off La Jolla Farms Rd. adjacent to this trail entrance. Thus, adequate public access opportunities exist in the area.

The subject site currently provides 20 on-site parking spaces that provide ample parking for the uses of the property as a residence and as an intermittent gathering place for UCSD functions. The proposed project will result in a reduction of the existing square footage of the subject structure and will not involve any type of development of the subject property that would necessitate the addition of more parking spaces. As such, approval of the proposed project will not result in a reduction of available public parking in the area or restrict the circulation of vehicular or pedestrian traffic along La Jolla Farms Rd. or to and from any of the public access points, consistent with the public access policies of the Coastal Act.

6. Local Coastal Planning. The University of California campus is not subject to the City of San Diego's certified Local Coastal Program (LCP) UCSD does, however, have the option of submitting a Long Range Development Plan (LRDP) for Commission review and certification. While the subject site is geographical not directly connected to the UCSD campus proper, it is owned by the University and as such, is considered part of the University.

While UCSD has submitted a draft LRDP, its EIR and topographic maps to the Commission staff informally, as an aid in analyzing development proposals, 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 proposed development is consistent with the University's draft LRDP to accommodate campus growth.

As stated previously, Chapter 3 policies of the Coastal Act are the standard of review for UCSD projects, in the absence of a certified LRDP. Since the proposed development, as conditioned, has been found consistent with all applicable Chapter 3 policies, the

Commission finds that approval of the proposed project will not prejudice the ability of UCSD to prepare a certifiable Long Range Development Plan for its campus.

7. Consistency with the California Environmental Quality Act (CEQA). UCSD is the lead agency and the Commission is a responsible agency for the purposes of CEQA review. The University prepared a mitigated negative declaration for the project, concluding that, as mitigated, the project not would result in any significant adverse effects to the environment. Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

UCSD is the lead agency on this project for purposes of CEQA review. It issued a Mitigated Negative Declaration for this project. The proposed project has been conditioned in order to be found consistent with the visual resource, public access and water quality policies of the Coastal Act. Mitigation measures, including conditions addressing biological resources, Construction BMP's, archaeological resources, final plans, and landscaping will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

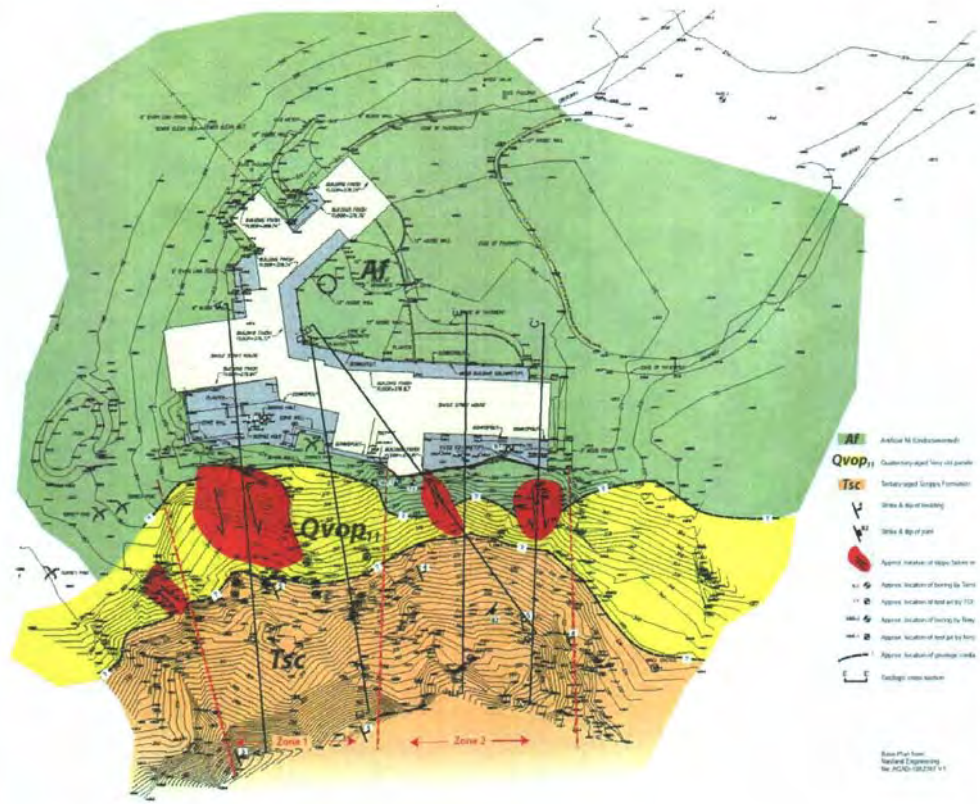
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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.



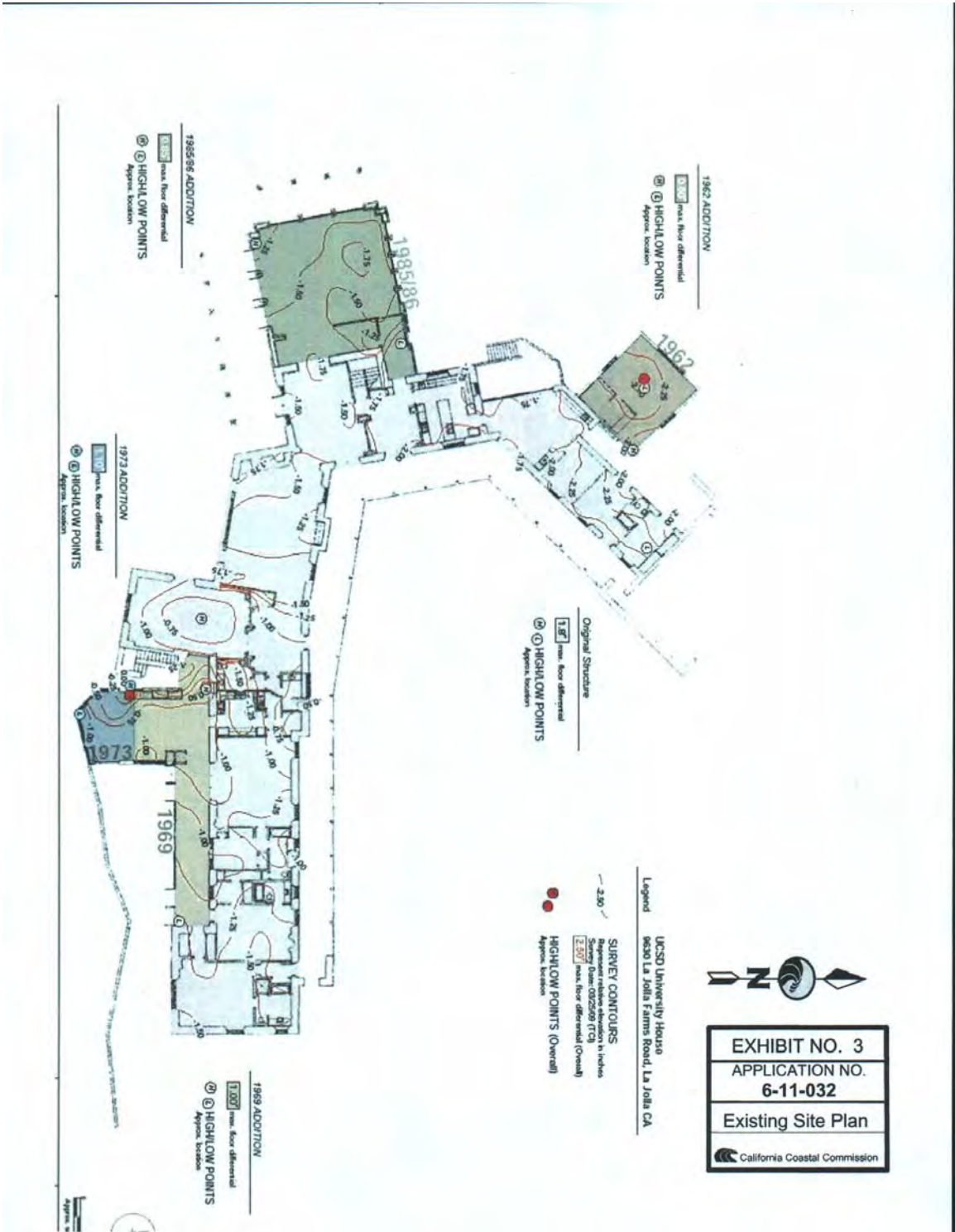


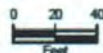
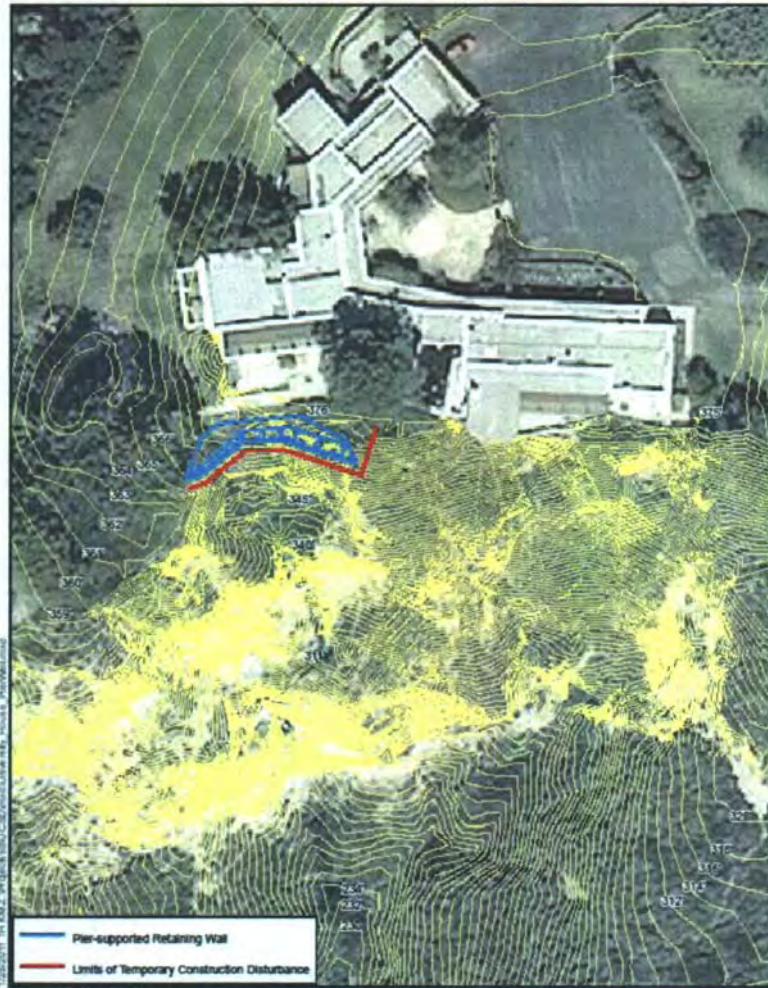


Identified Slope Failures In RED



EXHIBIT NO. 2
APPLICATION NO.
6-11-032
Slope Failures
California Coastal Commission





LIMITS OF SLOPE DISTURBANCE FOR PIER WALL
FIGURE

UCSD UNIVERSITY HOUSE REHABILITATION PROJECT

EXHIBIT NO. 4
APPLICATION NO. 6-11-032
Proposed Retaining Wall
California Coastal Commission