

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Hearing Date: 4/13-16/99

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-99-25

Applicant: University of California, San Diego Agent: Milton Phegley

Description: Construction of a new 60,000 gallon, 30-ft. diameter, 14'3" high seawater tank, replacement of two existing 57,000 to 60,000-gallon, 13 1/2-ft. high seawater tanks with two new 60,000 gallon, 30-ft. diameter, 17-foot high tanks, installation of two 6-inch distribution pipelines and landscaping.

Site: Scripps Institute of Oceanography, La Jolla, San Diego, San Diego County. APN 344-090-07

Substantive File Documents: Draft UCSD Long Range Development Plan (LRDP); Final Initial Study and Mitigated Negative Declaration 1/27/99

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. Special emphasis shall be placed on the planting trees and other shrubs that will visually screen the proposed seawater tanks from public roadways. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director.

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

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed development involves the construction of a new 60,000 gallon, 30-ft. diameter, 14'3" high seawater tank, replacement of two existing 57,000-60,000 gallon, 13 1/2-ft. high seawater tanks with two new 60,000 gallon, 17-foot high tanks, installation of two 6-inch distribution pipelines and landscaping at Scripps Institute of Oceanography (SIO) campus which is part of the University of California, San Diego campus in the community of La Jolla. The total amount of grading proposed for the development is 1,000 cu. yds. of cut and 750 cu. yds. of fill with 250 cu. yds. proposed to be exported to a location outside of the coastal zone. The proposed tank replacement project will take place in three locations on the SIO campus. The proposed new "Upper Level" seawater tank is proposed to be located in an undeveloped area approximately 3,600 sq.ft. in size on the east side of La Jolla Shores Drive just west of Expedition Way and approximately 425 feet north of Downwind Way. The location where the tank will be placed is on a slope that descends in elevation from east to west. The slope where the tank is proposed to be installed and its immediate surrounding area is unvegetated.

The replacement of two existing "Mid Level" tanks will occur on the west side of La Jolla Shores Drive at Naga Way. At this location, there are three existing 57,000-60,000 gallon, 30 ft. diameter, 13 1/2-foot high seawater tanks. Currently only two of the tanks are in operation. The tank that is presently out of operation will remain. The other two tanks will be replaced with two new 60,000 gallon, 30-ft. diameter, 17-foot high tanks. The new tanks will be tucked into the hillside below Naga Way in the same location as

the existing tanks. In addition, substantial landscaping is also proposed to buffer the tanks from public view from adjacent or nearby roadways. The tanks are also proposed to be painted to match the existing natural setting or to have a textured concrete surface.

Also proposed is the installation of dual 6-inch pipelines which will connect the Upper Level Seawater tank to the Scripps Aquarium. The pipelines will be placed parallel to the west side of Expedition Way which is located in a disturbed area west of the existing sidewalk. The total length of the pipelines will be approximately 940 linear feet.

As noted in the Final Initial Study and Mitigated Negative Declaration for the proposed project, the SIO campus was originally constructed in 1913 and predates the UCSD campus by up to 40 years. As such, much of the infrastructure is presently deteriorating. Seawater supplies are an important element of the daily operations at the institute which includes the Hydraulics Laboratory, the Southwest Fisheries Science Center operated by the National Marine Fisheries Service, Hubbs Hall and the Birch Aquarium. The seawater supply for these operations is currently pumped from the Scripps Pier to three Mid-Level storage tanks located at the southwest corner of La Jolla Shores Drive and Naga Way. From the Mid-Level tank site, seawater is either pumped to, or flows by gravity to, various SIO facilities. The purpose of the project is to improve the seawater supply and distribution reliability to aquarium operations throughout SIO. The proposed improvements will assure that no significant consequences (e.g. fish deaths) are suffered at the Aquarium, or elsewhere, in the event of a prolonged power failure.

The University of California, San Diego (UCSD), where the Scripps Institute of Oceanography is located, remains subject to the Coastal Commission's permit jurisdiction until such time that the Commission reviews and certifies a Long Range Development Plan for the university.

2. Visual Resources. Section 30251 of the Act provides for the protection of scenic coastal areas and the compatibility of new and existing development. The SIO campus is largely located between La Jolla Shores Drive and the ocean. La Jolla Shores Drive is a major coastal access route and scenic roadway of statewide significance since it affords panoramic ocean views while traveling along the upper portion of the roadway. As such, it is important that the any structures to the west of this roadway be sensitively designed so as not to adversely affect public views to the west.

With regard to the proposed Upper Level tank, approximately 60 percent of the tank will be buried into the slope with only the deairator (air removal component) and safety railing visible above the surface on the eastern side of the tank. The deairator will be approximately four feet high and the safety railing will be approximately 38-inches high which will encircle the top of the tank. Approximately 8 ½ feet will be above ground and visible on the west side of the tank. The north and south sides of the tank will have a berm which will partially obscure the visibility of the tank. No public views to the ocean will be affected by this structure. In addition, the perimeter of the tank will be landscaped with a variety of screening shrubs which will attain heights of 8 to 10 feet.

Also, the tank is proposed to be painted, to match the existing natural setting or will have a textured concrete surface. With implementation of the color treatment and proposed landscaping, the proposed tanks will be adequately screened and will not result in any adverse visual impacts or encroachment into any public viewsheds along this scenic roadway. Special Condition #1 has been attached, however, for the submittal of final landscape plans with special emphasis on installation of trees or shrubs to adequately screen the proposed seawater tanks from public roadways.

With regard to the Mid Level Tanks, currently there is no landscaped screening downslope of the tanks. Landscaping on the eastern roadway side is minimal due to the narrow width between an existing chain link fence and Naga Way. The tops of the tanks are partially visible from Naga Way. The proposed project will include the construction of a maximum six-foot high redwood fence that will run alongside the roadway to provide for additional planting space. The new proposed landscaping will include a variety of plant elements which will not exceed a height of six feet. Some existing trees in this area will be retained including existing pine trees and Toyon species. Due to the presence of an existing structure (Ritter Replacement Facility) and existing landscaping, coastal views from Naga Way and La Jolla Shores Drive are currently limited and will remain the same with the proposed tanks. In addition, the proposed tanks will also be color treated or will have textured cement to reduce their contrast. As such the proposed tanks will not result in any adverse visual impacts nor will they impact public views to the west from public roadways.

There are also other structures immediately surrounding the location of the proposed tanks. With regard to the Upper Level tank, the nearest buildings include the Aquarium, approximately 600 feet south of the site, an Electromagnetic Research Facility approximately 100 feet downslope from the site to the west, Nierenberg Hall and other buildings. The Mid Level tanks are located near the Ritter Replacement Facility and the old Director's House. Other buildings exist downhill (west) of the project site. Many of the other surrounding structures are much larger in bulk and scale and, as such, the proposed tanks will be compatible with the character of the surrounding area. In addition, as noted previously, the applicant proposes to either paint the tanks or to texture the tanks to match the natural surrounding area. However, it should be noted that neither of the project sites contain native vegetation such as Coastal Sage Scrub or other significant vegetation. As such, the proposed tanks can be found compatible with the character of the surrounding area and should not pose any adverse visual impacts and will not impact any public views to the coast. Therefore, the Commission finds the proposed development consistent with Section 30251 of the Act.

3. Public Access/Parking. Many Coastal Act policies address the need to maintain and enhance public access to coastal recreational facilities and the shoreline. The majority of the SIO campus is located between the first coastal road and sea, west of La Jolla Shores Drive. The primary concern with development on both UCSD's main campus and the SIO campus is maintaining free-flowing traffic on the major coastal access routes surrounding the campus. These include I-5, Genesee Avenue, North Torrey

Pines Road and La Jolla Shores Drive. The Commission has taken the position that on-campus parking problems are not a Coastal Act issue unless they result in spill-over effects within the surrounding off-campus area. In the case of the subject proposal, as noted earlier, no existing campus parking will be displaced or removed as a result of the seawater tank placement project and the project does not trigger a change in intensity of use such that additional parking is required.

In addition, with regard to project timing and construction access and staging area, the proposed project is expected to commence in May to early June. The proposed work to the upper level tanks will take approximately three to five months to complete. The proposed work to the mid-level tanks is expected to take approximately eight months to complete. Access for construction vehicles will be via an existing campus access road and the staging and materials laydown area will also be on the existing paved access road. Usually, construction activities at the campus are scheduled such that they will occur during the period when school is not in session to avoid impacts on traffic circulation and access routes in the area. Since this portion of the campus where the work is proposed is located further up on La Jolla Shores Drive and removed from the shoreline and there are no public beaches immediately adjacent to the subject site. In addition no public roads or parking will be affected during construction of the project. As such, no adverse impacts on public access is expected to occur as a result of the proposed project. Therefore, the subject proposal can be found consistent with applicable policies of the Coastal Act addressing parking and coastal access.

4. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP), although geographically the Scripps Institute of Oceanography (SIO) campus is within the La Jolla Shores segment or the City's LCP. UCSD does, however, have the option of submitting an LRDP for Commission review and certification. In this instance, the project is consistent with applicable Chapter 3 policies of the Coastal Act, which is the standard of review for the proposed development.

While UCSD has submitted a draft Long Range Development Plan (LRDP), its EIR and topographic maps have been submitted to the Commission staff informally as an aid in analyzing development proposals. However, 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.

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 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.

5. Consistency with the California Environmental Quality Act (CEQA).

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.

The proposed project has been conditioned in order to be found consistent with the public access policies of the Coastal Act. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.

7. 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.

(6-99-25 University of California, San Diego stfrpt)

Mid Level Tanks
to be Replaced

Proposed Upper Level
Seawater Tank

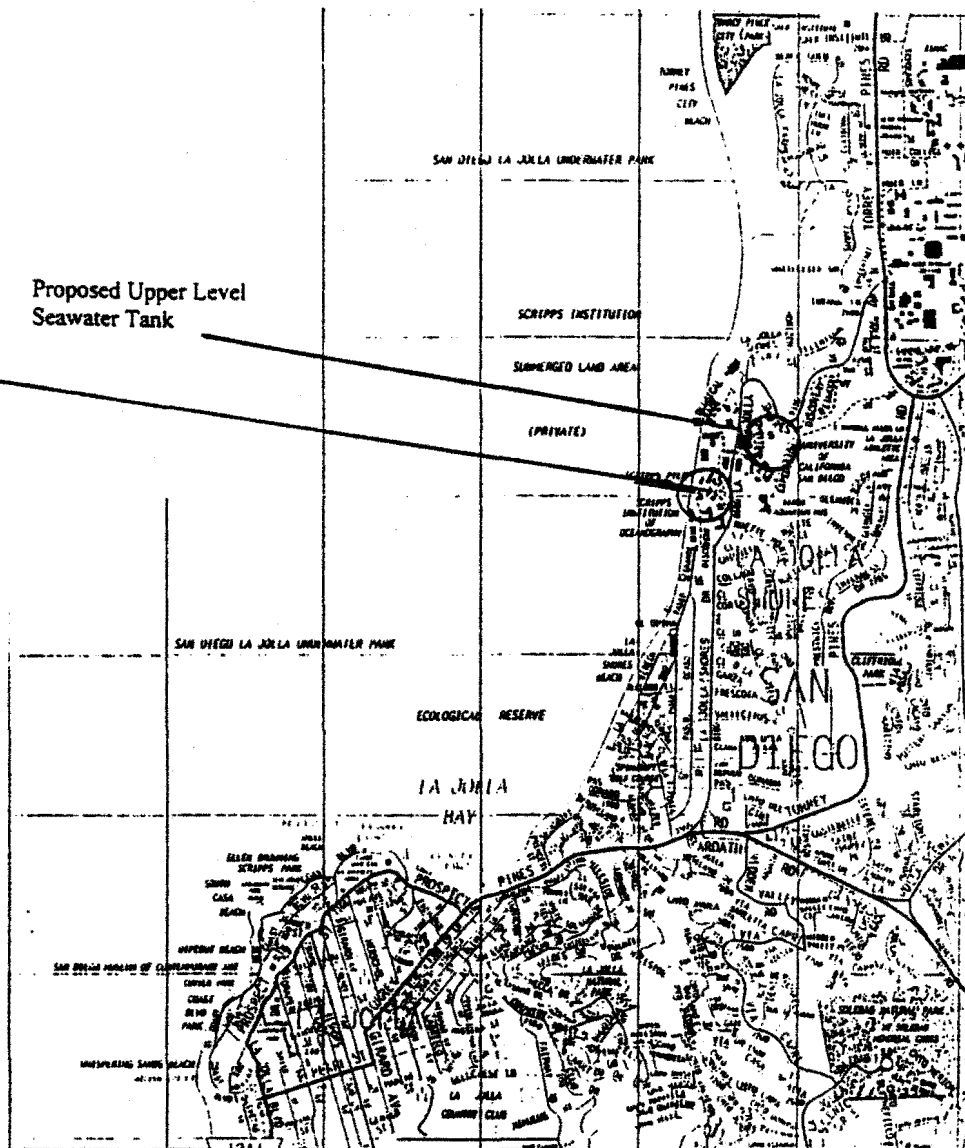


EXHIBIT NO. 1

APPLICATION NO.

6-99-25

Location Map

California Coastal Commission

University of California San Diego
SIO Seawater Tank Relocation
SITE LOCATION

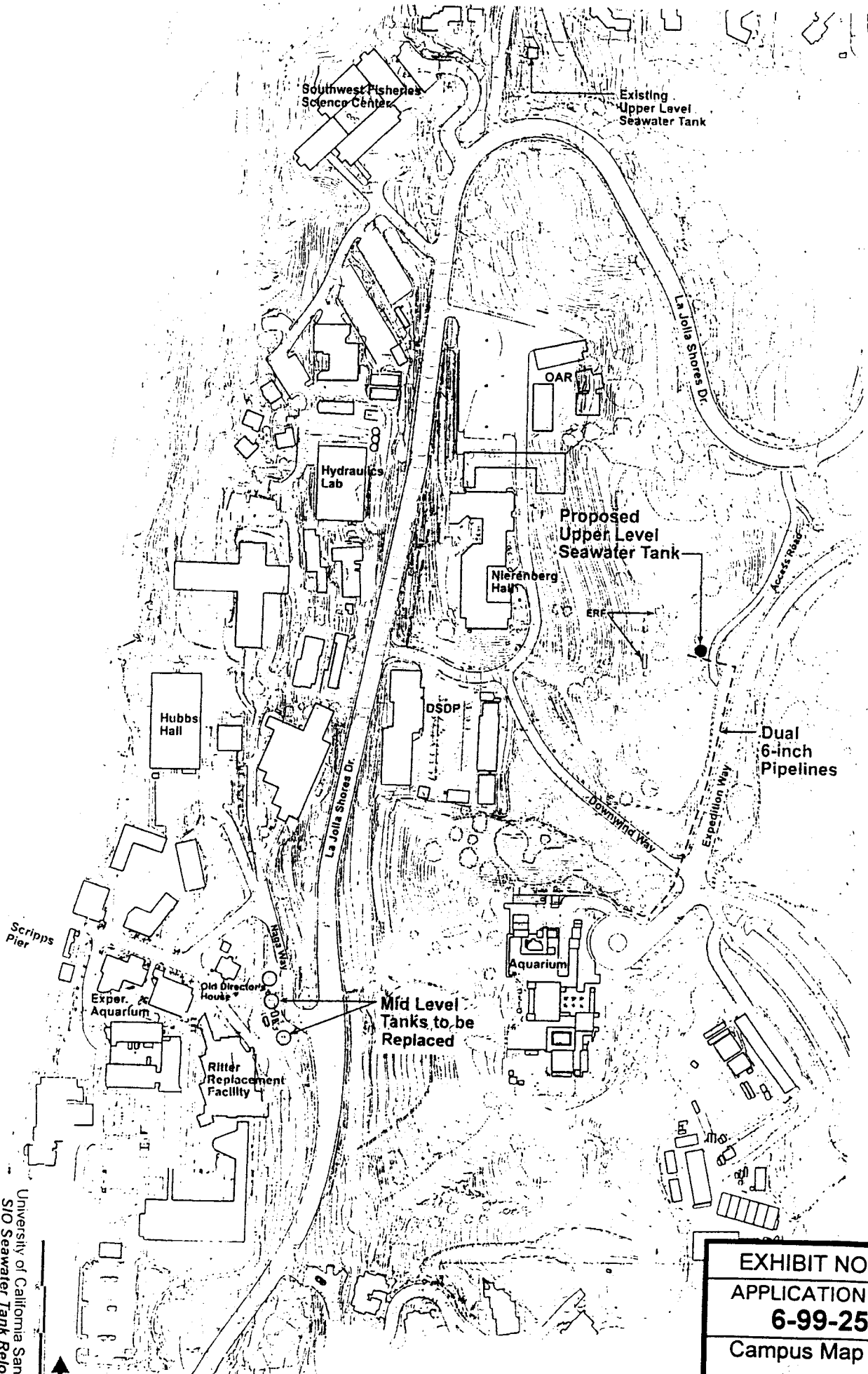
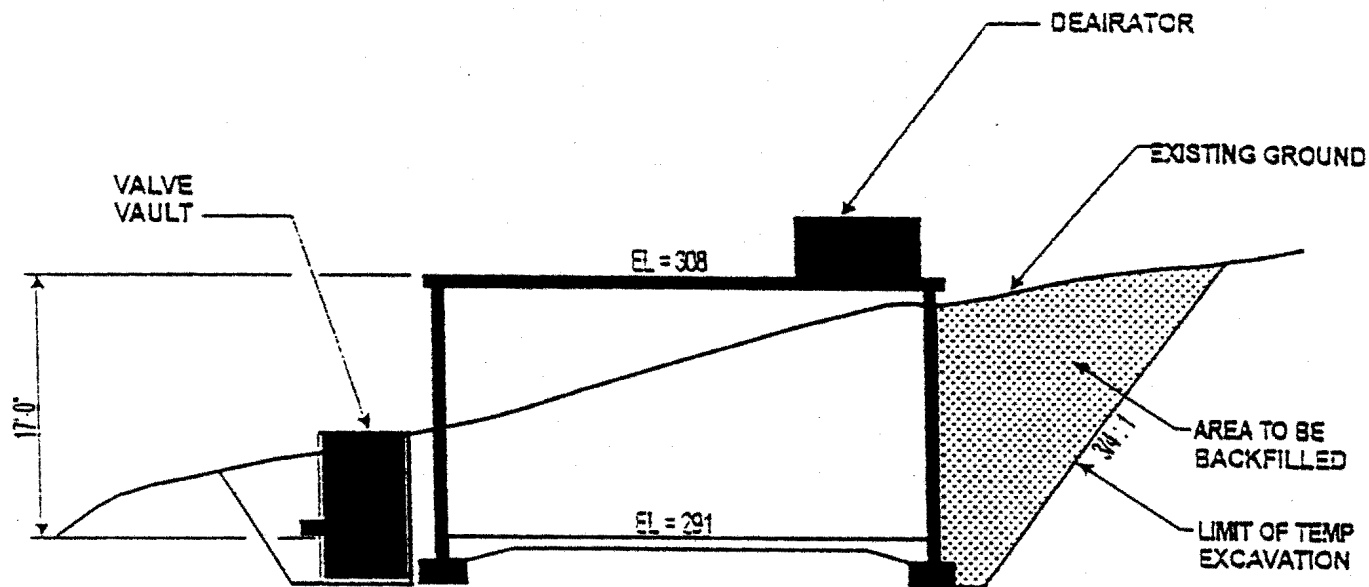



EXHIBIT NO. 2
APPLICATION NO.
6-99-25
Campus Map Site
California Coastal Commission

FIGURE 5



SECTION - SOUTH
NO SCALE

University of California San Diego
SIO Seawater Tank Relocation
UPPER LEVEL TANK SITE PROFILE

EXHIBIT NO. 3
APPLICATION NO. 6-99-25
Cross-Sections of Proposed Tanks
 California Coastal Commission