

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Staff: DS-SD
Staff Report: 12/17/01
Hearing Date: 1/7-11/02

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-168

Applicant: University of California, San Diego

Agent: Milton J. Phegley

Description: Construction of new 1,050 sq. ft. fenced and roofed enclosure for storage of hazardous waste materials on an oceanfront site operated by Scripps Institution of Oceanography.

Lot Area 252,648 sq. ft.
Building Coverage 33,850 sq. ft. (13%)
Pavement Coverage 177,998 sq. ft. (71%)
Landscape Coverage 40,800 sq. ft. (16%)

Site: 297 Rosecrans Street, Peninsula, San Diego, San Diego County.
APN: 532-520-08

Substantive File Documents: Scripps Institution of Oceanography UCSD Nimitz Marine Facility, Point Loma, Pollution Prevention Plan, 10/22/01; 12/11/01 letter from UCSD/Clark Martin to David Stahl; CDP #6-89-252; #6-89-342; #6-95-098.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-01-168 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the construction of an approximately 1,050 sq. ft. roofed and fenced enclosure for hazardous material storage on a 252,648 sq. ft. oceanfront site at 297 Rosecrans Street in San Diego. The proposed structure consists of four vertical beams supporting a 36' x 41' corrugated steel roof, and will be divided by a fire wall 8 feet high, to separate incompatible materials. An eight foot high chain-link fence would surround the structure, with access through two gates on each side for loading and unloading storage drums. The floors of the structure will slope inward to a centerline blind sump that runs laterally through the facility.

The site has been the subject of three Coastal Development Permits over the past twelve years. On October 11th, 1989 the commission approved CDP #6-89-252 for the construction of a 4,056 sq. ft. addition to an existing classroom building on the site, with conditions on parking and water quality. CDP #6-89-342 was approved on December 12th, 1989 for the construction of a 60-ft. radio-antenna and included no special conditions. On August 9th, 1995 the Commission approved CDP #6-95-098 for the dredging of 60,000 cubic yards of sand from a site adjacent to the Nimitz facility, with conditions pertaining to timing of activity and environmental impact concerns.

The project site is located on the east side of Rosecrans Street on a bayside site across from the southern end of Shelter Island in the city of San Diego. A private condominium complex borders the north of the property, with Fort Rosecrans Military Reservation bordering the site to the south. The property is owned by the University of California at San Diego and is used by Scripps Institution of Oceanography. The project location is within the Commission's area of permit jurisdiction. Thus, the standard of review is Chapter 3 policies of the Coastal Act.

2. 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,...

The proposed structure will be located on the east side of Rosecrans Street on an oceanfront site adjacent to Shelter Island in the City of San Diego. The Scripps Institution of Oceanography (SIO) Nimitz facility site is a part of the University of California at San Diego, and is the home of three ocean going research vessels and their support equipment and warehouses. The site also has approximately 8,000 sq. ft. of classroom space and 25,850 sq. ft. of warehouse space for related marine research activities. The site does not provide any public access to the shoreline, and the nearest public viewshed or coastal access lies two blocks north of the site at the termination of Kellogg Street.

Currently, approximately forty large dowels storing marine cable exist on the 1,100 sq. ft. proposal site. The structures are about 15 feet tall and cover an area approximately equal to that of the proposed structure. Thus, the visual impacts of the proposed 1,050 sq. ft., 12-ft high enclosure will be less than what currently exists on the site. No public views to the ocean will be affected given the location of the project site, which is between two large 35 ft tall warehouses and the coast. The existing structures in the area located in close proximity to the proposed structure are much larger in bulk and scale and, as such, the structure will be compatible with the character of the surrounding area. Therefore, the Commission finds the proposed development consistent with Section 30251 of the Act.

3. Public Access/Parking. Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking

facilities or providing substitute means of serving the development with public transportation...

The subject proposal represents a formalized storage area for hazardous waste materials only, and will not affect parking demand for the site. The Nimitz Marine Facility is a University controlled property and does not provide public parking to the area, and existing parking spaces are adequate for the classroom and warehouse use associated with the site. The area is not located near any public beach or shoreline and Rosecrans Street ends at the front gate of Fort Rosecrans, which is closed to the public, and does not serve as a coastal access route in this area. Therefore, as the proposed development will not adversely impact public access or traffic circulation in the area, the Commission finds the proposed development consistent with the Chapter 3 policies of the Coastal Act addressing protection of public access.

4. Water Quality. Sections 30230 and 30231 address water quality and state the following, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored....

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrapment, controlling runoff,

The proposed project involves construction of a 1,050 sq. ft. enclosure for the temporary storage of hazardous waste materials. The proposed new addition will not create any new impervious surface on the site, only cover existing concrete area with a roof structure. Runoff from the surrounding area entering the enclosure will be directed into a sump pump located within the structure. Water entering the sump will be pumped into 50 gallon drums and stored, in order to avoid any polluted run-off from entering the ocean (12/11/01 UCSD/Clark Martin Letter). The drums will be disposed of as hazardous waste off-site in accordance with all state and federal laws pertaining to Hazardous Waste Disposal. In accordance with these laws, all stored waste, including run-off, will be transferred to a UCSD waste disposal facility located on the main campus and incinerated per University policy.

The project proposal is necessary in order to safely store hazardous waste materials generated by the on-board research laboratories of the vessels stationed at the site. There currently exists a storage facility onsite; however, an increase in the amount of waste generated by research activity necessitates a new, larger facility. The enclosure is

designed to meet all Title 22 requirements for storage of hazardous materials, and meets all applicable state and federal regulations. Commission water quality staff has reviewed the proposed enclosure design and associated BMP's for the project site, and have found it satisfactory.

The proposed structure is designed to handle 120, 50-gallon drums at any given time. The current facility stores a maximum of 80 drums, and no increase in waste storage is anticipated. Furthermore, waste will be stored for no longer than 90-days before being transferred to an inland disposal site, and thus storage capacity for the proposed enclosure is more than sufficient. Using management and waste storage practices such as these, potential problems are treated at the source such that most pollutants never enter the storm water system. Therefore, the Commission finds the proposed development consistent with the water and marine resource policies of the Coastal Act.

5. 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). UCSD does, however, have the option of submitting an LRDP for Commission review and certification.

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.

6. 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, 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.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the public access, water quality, and community character policies of the Coastal Act. There are no feasible alternatives or mitigation measures available that would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

1288

SEE 1268 MAP

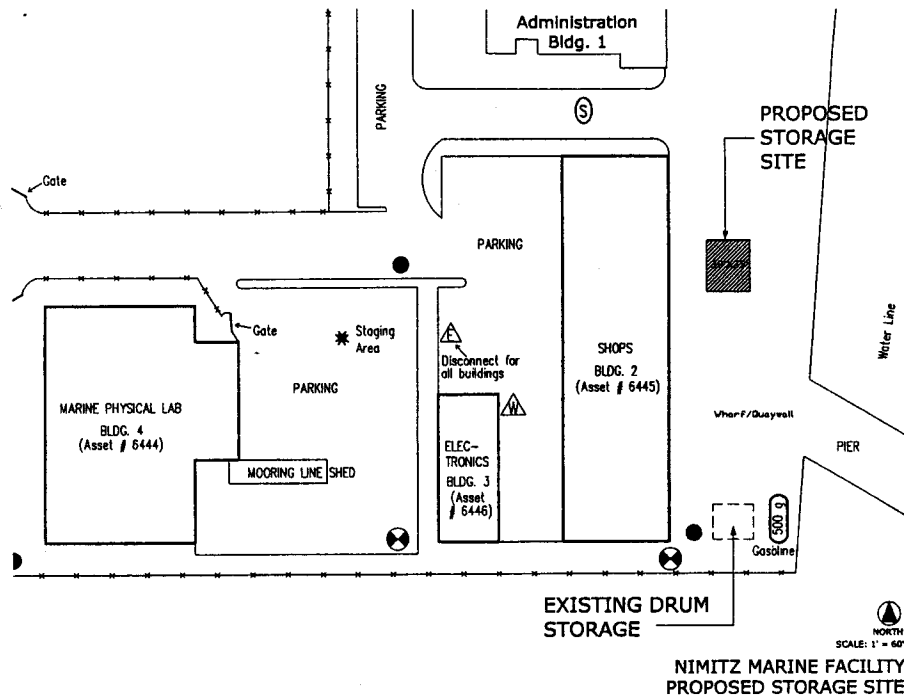
6-01-168

SAN DIEGO CO.

SEE 1287 MAP



EXHIBIT NO. 1
APPLICATION NO.
6-01-168
Location Map

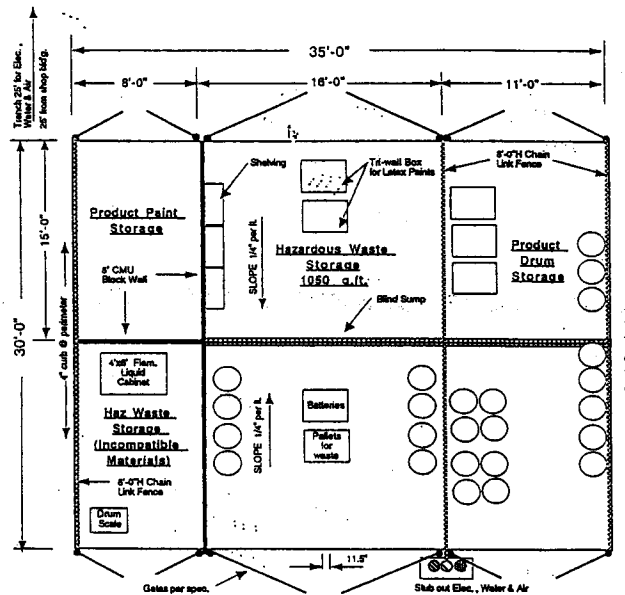


UCSD - NIMITZ MARINE FACILITY

WQ#: A-30021836-1

PROJECT MANAGER: Kevin Moore

REQUESTER: Clark Martin 49778



UCSD NIMITZ MARINE FACILITY

NTS

October 11, 2001

EXHIBIT NO.
APPLICATION NO.
6-01-168
Site Plan