

## CALIFORNIA COASTAL COMMISSION

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

## RECORD PACKET COPY



# Fri 8i

Filed: 4/8/02  
49th Day: 5/27/02  
180th Day: 10/5/02  
Staff: DS-SD  
Staff Report: 5/15/02  
Hearing Date: 6/10-14/02

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-60

Applicant: University of California at San Diego

Description: Construction of a one-story, 22-ft high, approximately 9,600 sq. ft. pre-fabricated metal building for the Scripps Institution of Oceanography Marine Sciences Department Machine Shop.

|                    |                      |
|--------------------|----------------------|
| Lot Area           | 38,700 sq. ft.       |
| Building Coverage  | 9,600 sq. ft. (25%)  |
| Pavement Coverage  | 22,400 sq. ft. (58%) |
| Landscape Coverage | 6,700 sq. ft. (17%)  |
| Parking Spaces     | 6                    |
| Plan Designation   | Academic             |
| Ht abv fin grade   | 22 feet              |

Site: Seaweed Canyon, Scripps Campus, east of La Jolla Shores Drive, with access road extending northeast to North Torrey Pines Road, La Jolla, San Diego, San Diego County. APN 344-090-07.

Substantive File Documents: 1989 Revised Long Range Development Plan; Certified La Jolla - La Jolla Shore LCP Segment; Draft Initial Study and Mitigated Negative Declaration, Project # FDC 00924, UCSD, 3/14/2002.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends that the Commission approve the subject permit with a special condition requiring the submittal of final landscape plans. The primary issues raised by the proposed development relate to water quality and visual impacts that are addressed through the attached condition.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-02-60 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. Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping plan: Said plan shall be in substantial conformance with the draft landscape plan submitted by Milo Architecture Group, dated 3/6/02, and shall including the following:

a. A plan showing the type, size, extent and location of all trees on the site, to consist of, at a minimum, 24-inch box specimens placed approximately every 15 ft. along the west and south of the structure in order to maximize shielding of the building from views from La Jolla Shores Drive.

- b. Drought tolerant native or non-invasive plant materials shall be utilized.
- c. A plan showing a landscaped strip along the perimeter of the proposed structure that will serve to filter runoff that is to be collected and directed from the roof and surrounding impervious surfaces.
- d. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion residential construction.
- e. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- f. Five years from the date of issuance of the coastal development permit, the applicant shall 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 that 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 conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved landscape plans shall be reported to the Executive Director. No changes to the landscape 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.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the construction of a new single-story, 22-ft. high, approximately 9,600 sq. ft. machine shop for the Scripps Institution of Oceanography Marine Sciences Department. The project site is located within Seaweed Canyon, above the main campus of the Scripps Institution of Oceanography, on the southern portion of University of California property that currently houses the Birch Aquarium, at the terminus of Expedition Way off of La Jolla Shores

Drive. The proposed building will be constructed within an existing storage and maintenance yard facility, located to the south of the main aquarium buildings. The proposed structure will be located on an area that presently consists of a concrete slab, and the building is proposed next to an existing single-story warehouse. The project site is also located near (~50' below, and west of) the existing Birch Aquarium parking lot.

On June 16th, 1989, the Commission approved CDP# 6-89-128 for the construction of a one-story, 24 ft. high, 8,000 sq. ft. metal storage building located directly east of the project site. On March 8th, 1995, the Commission approved a permit with a landscaping condition for the installation of an approximately 2,400 sq. ft., one-story prefabricated metal storage building located south of the proposed building (CDP# 6-95-10). Both structures currently exist within the project vicinity.

The project site is within the Commission's area of permit jurisdiction. Thus, the standard of review is Chapter 3 policies of the Coastal Act.

2. Visual Impacts. 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.

UCSD is a very large campus that is located within the geographic area of the community of La Jolla. While some portions of the campus are located near shore (i.e., the Scripps Institution of Oceanography), other portions are located much further inland. For those areas of the campus that are near shore, potential impacts on scenic views of the ocean are a concern. In addition, several of the streets that the campus adjoins are major coastal access routes and/or scenic roadways (as designated in the La Jolla-La Jolla Shores LCP Land Use Plan). In this particular case, the proposed machine shop building is proposed to be located at the southern terminus of Expedition Way (essentially a private drive for the aquarium complex) off of La Jolla Shores Drive. As such, the proposed improvements will not be visible from any public beach. However, the project site is visible from sections of La Jolla Shores Drive, a scenic coastal roadway, as well as adjacent residential neighborhoods located above Seaweed Canyon.

The proposed development involves the construction of a pre-fabricated metal building that will be located on an existing concrete pad within Seaweed Canyon, south of the aquarium complex. The project will not encroach into the previously required open space steep slope easement that exists to the north and west of the site, and the project development will remain near existing development. The proposed one-story building will be 22 feet high, and will be equal in height and scale with the other surrounding structures that constitute the existing storage and maintenance yard facility. As the project is proposed near two existing buildings, it will be visually compatible with the character of the surrounding area. However, to ensure that the building does not cause

visual impacts from views from La Jolla Shores Drive, a scenic coastal roadway, Special Condition #1 is attached. The condition requires that the applicant submit a detailed landscaping plan that includes the placement of, at a minimum, 24-inch box sized trees every 15 ft. along the west and south edges of the project to shield the building from views from La Jolla Shores Drive.

As stated previously, the project proposal will be visible from private neighboring residential development located approximately 400 ft. to the southeast of the project site. Commission staff has received approximately 15 letters of opposition regarding the project that raise issues of visual and auditory impacts to the surrounding area caused by the project size and intended use of the building (Exhibit 3). However, the letters do not raise Coastal Act issues as the proposed project does not impede any public views of the coast nor will it be visible from any public beach or coastal roadway. In addition, the project site does not contain any environmentally sensitive habitat; thus noise concerns are not an issue. The concerns raised by the surrounding property owners relate to private view and noise issues only. No impacts to coastal resources are anticipated. The submitted Draft Initial Study and Mitigated Negative Declaration for the site concludes that no significant impacts will occur from the project as mitigated by the applicant (sound-proofing the proposed building) and as submitted to the Commission. Therefore, as conditioned, the project will not impact existing views of, or from, the ocean or any scenic areas, and the proposed development is consistent with Section 30251 of the Act.

3. Public Access. 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 non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

With respect to projects on UCSD's Main Campus, which is not between the sea and the first coastal roadway, nor within walking distance of shoreline recreational areas, the primary concern 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 on the main campus are not a Coastal Act issue unless they result in spillover effects within the surrounding off-campus area, particularly North Torrey Pines Road and La Jolla Shores Drive, which serve as major coastal access routes. In the case of the project, the proposed development will not have any such spillover effect because the machine shop building will be used for the construction and maintenance of ocean research equipment, and will not create a significant increase in demand for onsite parking. The proposal includes six new parking spaces to serve the proposed facility, and these spaces will adequately mitigate the small increase in parking demand for the site. Moreover, the facility will remain restricted to UCSD personnel, and the area does not

provide any public parking for the adjacent aquarium complex. The Birch Aquarium facility provides a 250 space parking lot for the needs of the public and its employees, and these parking resources will be unaffected by the project proposal. Therefore, adequate parking is being provided onsite for the new building; the proposed development will not adversely affect public access or traffic circulation in the area, and 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. Special protection shall be given to areas and species of special biological or economic significance...

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 entrainment, controlling runoff, ....

The proposed project involves the installation an additional 9,600 sq. ft. building to the Seaweed Canyon complex, currently consisting of two storage buildings totaling approximately 11,000 sq. ft, as well as several smaller Quonset huts. The proposal will be constructed on an existing concrete pad and will not result in the creation of any new impervious surface. A landscape plan was submitted with the subject application that indicates landscaping currently exists around the perimeter of the proposed structures. To ensure the maintenance of water quality, however, Special Condition #1 requires that runoff from the new structure be collected and directed toward landscaped areas adjacent to the structures. Directing runoff through landscaping for filtration of on-site runoff in this fashion is a well-established Best Management Practice for treating runoff from development such as the subject proposal. In these ways, potential problems are treated at the source such that most pollutants never enter the storm water system. Directing runoff towards landscaped areas of the site will reduce the potential water quality impacts resulting from the proposed development to the maximum extent feasible. 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), although geographically the Scripps Institution 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.

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 structure 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.

6. California Environmental Quality Act. 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 is consistent with the water quality and visual resource policies of the Coastal Act. Mitigation measures, including a condition addressing landscaping inclusive of planting of substantial tree elements to visually buffer the proposed development, and installation of buffer strips to filter runoff, 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 that the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

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

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



SITE

92037

92037

SAN DIEGO LA JOLLA UNDERWATER PARK

SCRIPPS INSTITUTION

SUBMERGED LAND AREA

(PRIVATE)

OCEAN

SAN DIEGO

LA JOLLA

UNDERWATER PARK

ECOLOGICAL RESERVE

LA JOLLA BAY

SAN DIEGO

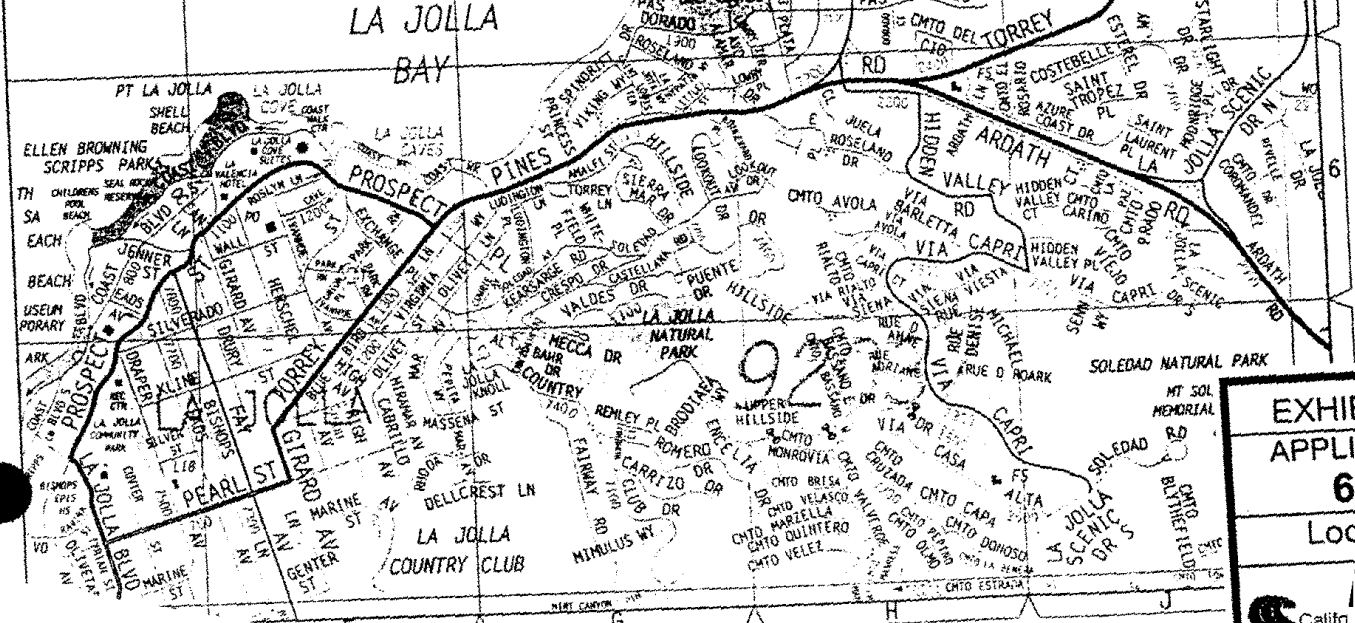
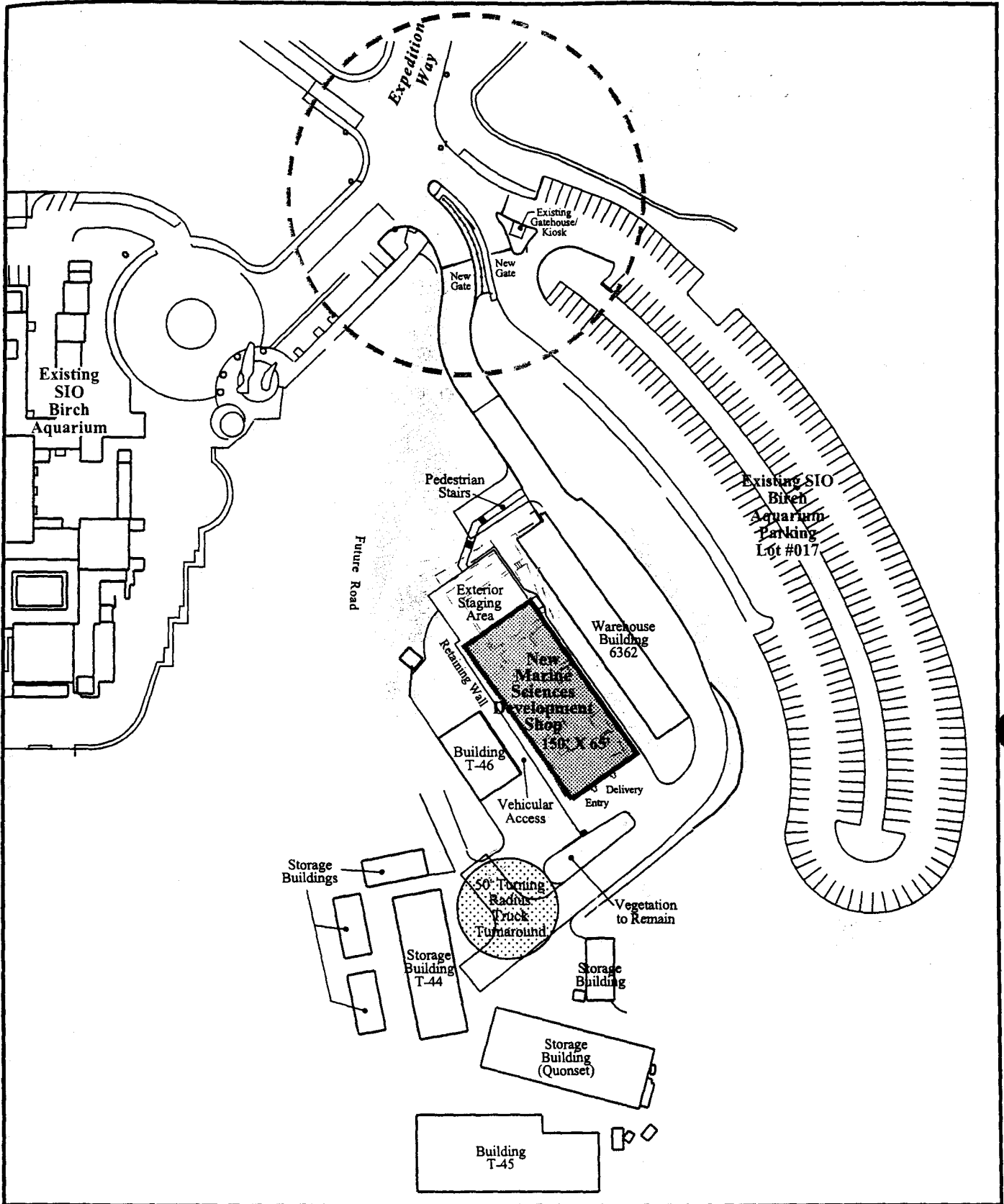


EXHIBIT  
 APPLIC  
 6-  
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No Scale

### Marine Sciences Development

EXHIBIT NO. 2  
APPLICATION NO.  
**6-02-60**  
Site Plan



LA JOLLA SHORES ASSOCIATION  
P.O. Box 64, La Jolla, CA 92038  
ljsa@san.rr.com  
<http://home.discoversandiego.com/~ljsa/>

May 10, 2002

**RECEIVED**

MAY 13 2002

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Ms. Susan L. Taylor, Director  
Governmental and Community Relations  
202 University Center  
University of California, San Diego  
La Jolla, California 92093

Dear Ms. Taylor

On Wednesday, May 8, 2002, The La Shores Association passed the following motion:

The La Jolla Shores Association requests that the University of California, San Diego (UCSD) halt the planning and development process for the SIO Marine Science Development (machine) Shop in Seaweed Canyon until the noise and visual impact concerns of the neighbors are resolved.

Sincerely yours,

Susan Goulian, Chair

Cc - ✓ California Coastal Commission  
Chancellor Dynes, UCSD  
Vice Chancellor Tom Collins, UCSD  
Milt Phegley, Governmental/Community Relations, UCSD  
Councilman Scott Peters  
Eli Strich, Homeowner Representative  
LJSA file

|                       |
|-----------------------|
| EXHIBIT NO. 3         |
| APPLICATION NO.       |
| <b>6-02-60</b>        |
| Letters of Opposition |

April 28, 2002

California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, Ca. 92108

Attention: David Stahl

We are writing to voice our objections to the 9,600 square foot machine shop which UCSD proposes to place in Seaweed Canyon. Our homes overlook Seaweed Canyon and the Scripps Stephen Birch Aquarium.

Before the aquarium was built, UCSD filed an EIR in which they stated that the loudest noise at their facilities would be that of a school bus arriving with a group of children. An industrial machine shop will surely produce a vastly louder noise than that as well as smoke emissions.

Because the proposed machine shop is in a bowl surrounded by much higher canyon walls the sound will be carried to the homes at top of the canyon due to the amphitheater effect. We know from experience of previous noisy events that this is very much the case.

In addition to the noise generated by the machine shop itself there is bound to be the noise of delivery trucks, compressors, dropping of steel components on the ground and the beeping of fork lifts backing up. This adds up placing an industrial facility in the midst of a residential area. UCSD has always claimed to be "neighbor friendly". This is not "neighbor friendly".

A 22-foot high prefabricated metal building will destroy the views from several of the surrounding homes. The ocean views are the greatest asset of our homes and represent a large portion of their financial value. Along those lines, there is an existing group of Quonset huts and Butler buildings which are an eyesore. We have been promised, as far back as 1989, that there would be plantings to hide these buildings. A visit to Tom Collins' office in 1989 assured us they would be covered. Subsequent visits by Milt Phegley to several homes affected also resulted in more "neighbor friendly" talk but the Quonset Huts and Butler Buildings are still in full view and as ugly as ever - 13 years later.

Therefore, we are sincerely concerned that the promised sound insulation will not be adequate to protect us from the noise generated by this facility since adherence to previous commitments have not always been met and when met, only after vigorous complaints from surrounding homeowners.

Finally, we can be sure that if this machine shop generates more noise than is currently optimistically projected it will be impossible to get it removed. Please

|                       |
|-----------------------|
| EXHIBIT NO.           |
| APPLICATION NO.       |
| 6-02-60               |
| Letters of Opposition |

help us protect this area from pollution and to maintain the peace of our homes and our beautiful canyon.

I guess the question is : Why does an industrial facility need to be placed in a dedicated canyon?

This letter is being sent by the La Jolla Shores Heights homeowners listed on the attached page.

Thank you for your consideration.

Cc: Scott Peters, attn. Joe Ross  
Howard Wayne  
Chancellor Dynes  
Charles Kennel  
Jan Sharp  
L. J. Shores Association, Sue Goulian, Pres.  
Milt Phegley  
Tom Collins

I concur/agree:

S.P. Masouredis 2745 Inverness Ct.

M. M. Masouredis 2745 Inverness Ct.

|                       |
|-----------------------|
| EXHIBIT NO. 3         |
| APPLICATION NO.       |
| 6-02-60               |
| Letters of Opposition |

Signatories to this letter :

Joan and Irwin Jacobs, 2710 Inverness Court

William Finley, 2725 Inverness Court

Mr & Mrs S. Masouredis, 2745 Inverness Court

Dr. & Mrs Mitch Friedlander, 8578 Prestwick Drive

Ruth & Eli Strich, 8568 Prestwick Drive

Alberto Michan, 8558 Prestwick Drive

Mike Romagnano, 8548 Prestwick Drive

Mike & Rosemary Harbushka, 8538 Prestwick Drive

Melvin Segal, 8528 Prestwick Drive

Lou Alpinieri, 2678 Prestwick Court

Jim & Lenore Skeen, 2658 Prestwick Court

Paul Price, 2638 Prestwick Court

Original signatures on letter to Coastal Commission

**RECEIVED**

MAY 02 2002

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

|                       |
|-----------------------|
| EXHIBIT NO.           |
| APPLICATION NO.       |
| <b>6-02-60</b>        |
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