

## CALIFORNIA COASTAL COMMISSION

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 Staff: LRO-SD  
 Staff Report: 3/20/03  
 Hearing Date: 4/8-11/03

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-4

Applicant: University of California, San Diego

Agent: Milt Phegley

Description: Construction of a six-story, approximately 215,000 sq.ft. building for California Institute for Telecommunications and Information Technology to include removal of 99 parking spaces and installation of landscaping.

Lot Area	112,000 sq. ft.
Building Coverage	31,600 sq. ft. (28 %)
Pavement Coverage	39,000sq. ft. (35 %)
Landscape Coverage	41,400 sq. ft. (37 %)
Zoning	Unzoned
Plan Designation	Academic
Ht abv fin grade	126 feet

Site: Warren College (south side of Voight Drive at Equality Lane), UCSD campus, La Jolla, San Diego, San Diego County. APN 342-020-24

Substantive File Documents: University of California, San Diego "Draft" Long Range Development Plan

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

The staff recommends that the Commission approve the subject permit with conditions. The proposed development will be constructed within the interior developed area of the campus. While the structure is very tall, no significant view impacts will result. The primary issues raised by the proposed development relate to parking and water quality. Although 99 parking spaces will be removed by the proposed development, the applicant has provided documentation that adequate parking exists in the surrounding area to accommodate the proposed development and the displaced parking. To address water quality, a special condition requires that Best Management Practices be incorporated to control stormwater leaving the developed site in addition to installation of permanent

runoff and erosion control devices. In addition, all drainage is proposed to be directed through proposed landscaping. Relative to landscaping, a special condition requires that only drought-tolerant native or non-invasive plant species be utilized.

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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. 6-03-4 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 Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a final landscape plan for the review and written approval of the Executive Director. Said plan shall be in substantial conformance with the draft landscape plan submitted by Spurlock Poirier Landscape Architects dated 5/24/02, and shall include the following:

- a. A plan showing the type, size, extent and location of all trees/shrubs on the site including the proposed irrigation system and other landscape features;
- b. Drought tolerant native or non-invasive plant materials shall be utilized.

The permittee shall undertake 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 approved plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Drainage and Polluted Runoff Control Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85<sup>th</sup> percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of all outflow drains.
- (c) Drainage from all roofs, parking areas, driveway area, and other impervious surfaces on the building area shall be directed through vegetative or other media filter devices effective at removing and/or treating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.
- (d) Opportunities for directing runoff into pervious areas located on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized.
- (e) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall include an identification of the party or entity(ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity(ies). Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or

successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment to this coastal development permit or a new coastal development permit is legally required to authorize such work.

(f) All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss during construction.

(g) Parking lots susceptible to stormwater should be swept with a vacuum regenerative sweeper on a regular basis.

The permittee shall undertake development in accordance with the approved drainage and runoff control plans. Any proposed changes to the approved drainage and runoff control plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an 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. The proposed development consists of the construction of a six-story, approximately 215,000 sq.ft. building for California Institute for Telecommunications and Information Technology (CAL-(IT)<sup>2</sup> at the University of California San Diego (UCSD) campus in La Jolla. The proposed building includes research laboratories, classrooms, offices, meeting rooms and auditorium. The building is proposed to be located in an area of the campus that includes an existing landscaped area and a portion of an existing parking lot. As such, the proposed development will result in the removal of 99 parking spaces. Only minor grading is proposed to prepare the site for development.

The project site is located more inland on the eastern portion of the UCSD campus and is not readily visible from any major public coastal access routes. The project site is within the Commission's area of permit jurisdiction. Thus, the standard of review is the Chapter 3 policies of the Coastal Act.

2. Visual Resources. Section 30251 of the Act states 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 which is located within the geographic area of the community of La Jolla. While some portions of the campus are located nearshore (i.e., the Scripps Institution of Oceanography), other portions are located much further inland. For those areas of the campus that are nearshore, 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 new structure is proposed to be located on the Warren Campus on the south side of Voight Drive at Equality Lane in an area that is presently an unimproved landscape area and a parking lot (Parking Lot 503). Surrounding/nearby structures include the Jacobs School of Engineering and the campus library. Both of these latter structures are quite tall, and as such, the proposed 125-ft. high structure will be compatible with the surrounding campus buildings at this location.

In addition, the development as proposed will not be visible from motorists traveling along Interstate-5, a major coastal access route. Although a small glimpse of the structure may be visible from Genesee Avenue (looking southwest), another coastal access route in the area, it would only be visible for a brief moment. Due to topography and distance from the roadway, however, such views would be very minimal. In addition, the structure will be well removed from North Torrey Pines Road. Several landscaping elements are proposed which will help to improve the visual quality of the area. Again, the proposed structure will only be visible to students on campus and only minimally visible from any public roadways. As such, the proposed project is consistent with Section 30251 of the Act.

In addition, given the location of the project site which is inland from the coast, no public views to the ocean will be affected. Only minor grading is proposed so the development will not result in any significant landform alteration. In summary, the proposed development will not result in any impacts to public views nor will it result in an adverse visual impact to coastal resources, 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...

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 spill-over 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 subject proposal, the proposed development will not have any such effect.

The University provides ongoing parking surveys with current information with each coastal development permit application documenting the adequacy of on-site campus parking. Presently, the total parking inventory on the UCSD campus is 15,396 parking spaces (as of Jan. 1, 2003). The latest occupancy numbers for the Fall 2002 quarter revealed that the overall campus occupancy rate at peak use was at 82%. With regard to parking related to the proposed project, the proposed structure will be located in an area of the campus that is presently a parking lot. As such, in order to accommodate the proposed development, 99 parking spaces will be removed from the parking lot which presently contains 148 spaces. Nearby lots include Lot 502 which has 355 parking spaces and Lot 504 which has 55 parking spaces. The University has indicated that parking occupancy for the above spaces during the peak hour in the Fall 2002 was 85-100%. In this particular case, although 99 parking spaces will be removed from the parking lot, parking for the new structure will be accommodated in other locations of the campus.

Although it is difficult to determine an approximate parking ratio for the wide variety of campus uses and facilities, especially when a large percentage of students live on campus, there is no apparent shortage of parking to serve the University's existing and proposed needs. In any case, the project site is located within the interior of the campus and any parking shortages in this area would not spillover into the nearshore areas where parking is a concern for public access needs. Therefore, inasmuch as adequate parking will be provided for the new structure(s) and the proposed development will not result 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 entrainment, controlling runoff, ....

The proposed project involves the construction of a six-story building for the California Institute for Telecommunications and Information Technology. The proposed structure will house research laboratories, classrooms, offices, meeting rooms and an auditorium. Although the new structure will be built partially in an existing parking lot, the majority of the building will be constructed on an existing landscaped area and additional impervious surfaces will be created. Runoff from the proposed building site will drain into the street (Voight Drive) and into an existing storm drain which outlets ultimately into Los Penasquitos Lagoon. Through this project, all storm drain outlets in the adjacent street are proposed to be relocated to the top of the canyon several hundred feet away which is more upstream from coastal resources. In addition, the applicant will be installing vegetation around the building so that runoff drains through the landscaping before it is discharged offsite into the storm drain system. The applicant also proposes to install site storage runoff and/or energy dissipation to regulate site runoff volumes. The site is also well inland of the ocean. UCSD has currently developed its Stormwater Polluted Prevention Program which is being reviewed by the Regional Water Quality Control Board, in order to assure that Best Management Practices are implemented. However, until such time that the details of this program are known, it is important to assure that Best Management Practices (BMPs) are required in the subject proposal. As noted earlier, the new structure will be constructed partially on an existing parking lot but will also extend onto an area of the campus that is presently undeveloped. As such, this will result in new impervious surfaces.

Although the project site is not immediately adjacent to any sensitive resources, as noted earlier, drainage from the site will be directed into a storm drain system that will eventually drain to Los Penasquitos Lagoon and then to the Pacific Ocean. As such, polluted runoff can have harmful effects on marine life downstream, and may pose a risk to human health which can result in beach closures, limiting public access and recreational opportunities if not controlled or managed properly. Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the

BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition No. 2, and finds this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine resource policies of the Coastal Act.

Special Condition No. 2 specifically requires the applicant to implement a drainage and runoff control plan which includes BMPs designed to treat, infiltrate, or filter stormwater runoff from each runoff event up to and including the 85<sup>th</sup> percentile, 24-hour runoff event and/or the 85<sup>th</sup> percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs. At a minimum, these BMPs include directing drainage from all parking lot areas susceptible to runoff, used for motor vehicle parking, through structural BMPs such as vegetative or other media filter devices effective at removing and/or mitigating pollutants, sweeping the parking lots susceptible to stormwater with a vacuum regenerative sweeper on a regular basis, on-going maintenance of the drainage and filtration system and replacement and repair of such structures in event of failure. With implementation of BMPs, the potential water quality impacts resulting from the proposed development will be reduced to the maximum extent feasible.

In addition, although a detailed landscape plan has not been submitted with the subject application, the conceptual plan indicates that new existing landscaping is proposed around the perimeter of the proposed structure. Although the applicant has identified the plant species that will be used in the landscaping, some the proposed plant materials are non-native or invasive species. Irrigation and use of fertilizers and pesticides can cause polluted runoff, therefore Special Condition No. 1 requires submittal of a final landscape plan that requires the use of drought-tolerant native or non-invasive plant species. Runoff from the new structures will be directed through this landscaping.

In this particular case, the proposed structure is located within the watershed of Los Penasquitos Lagoon, albeit, some distance away. In any case, although the proposed structure will result in an increase in impervious surface area, BMPs will be incorporated to assure that no adverse impacts to water quality occur. Furthermore, through requirements for submittal of a final landscape plan, it is required that only drought-tolerant native or non-invasive plant species are utilized to assure that irrigation and use of fertilizers and pesticides are not used which can cause polluted runoff. Runoff from the new structure(s) will be directed through this landscaping, as described above. The proposed development, as conditioned, avoids impacts to the downstream resources and is therefore consistent with Sections 30231 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. 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 water quality and visual resource policies of the Coastal Act. Mitigation measures, including conditions addressing landscaping and water quality, 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 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

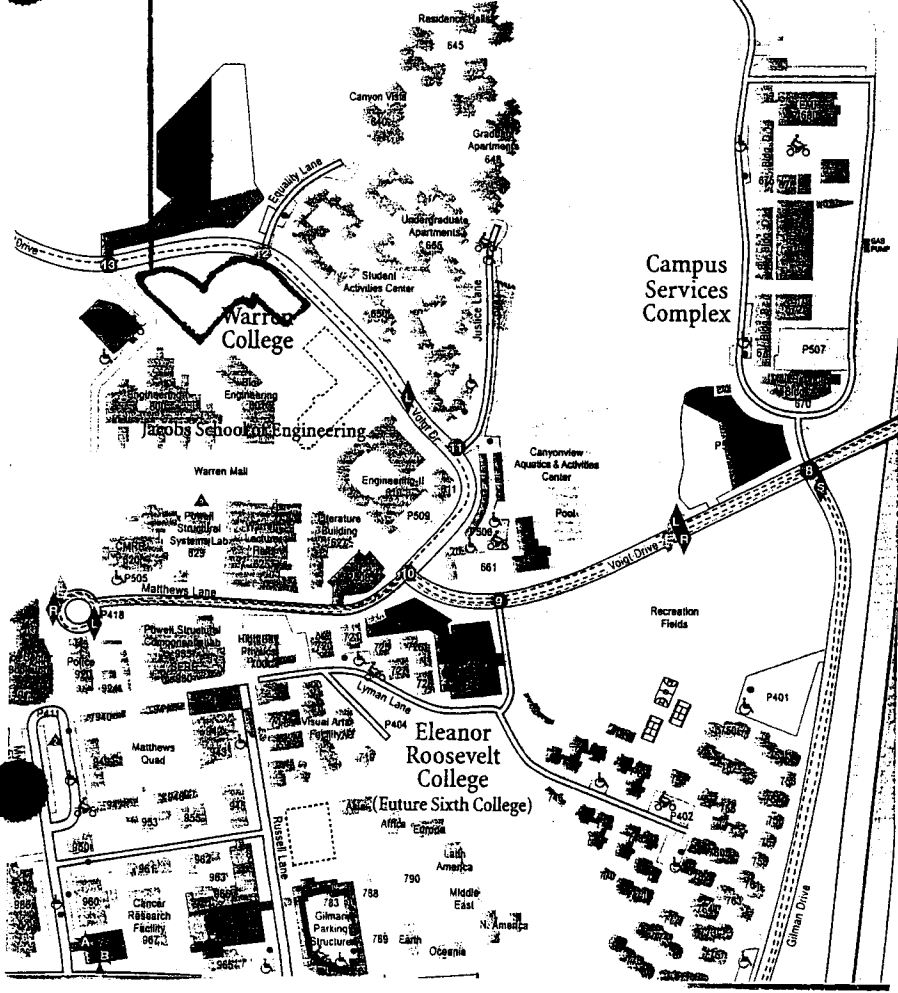
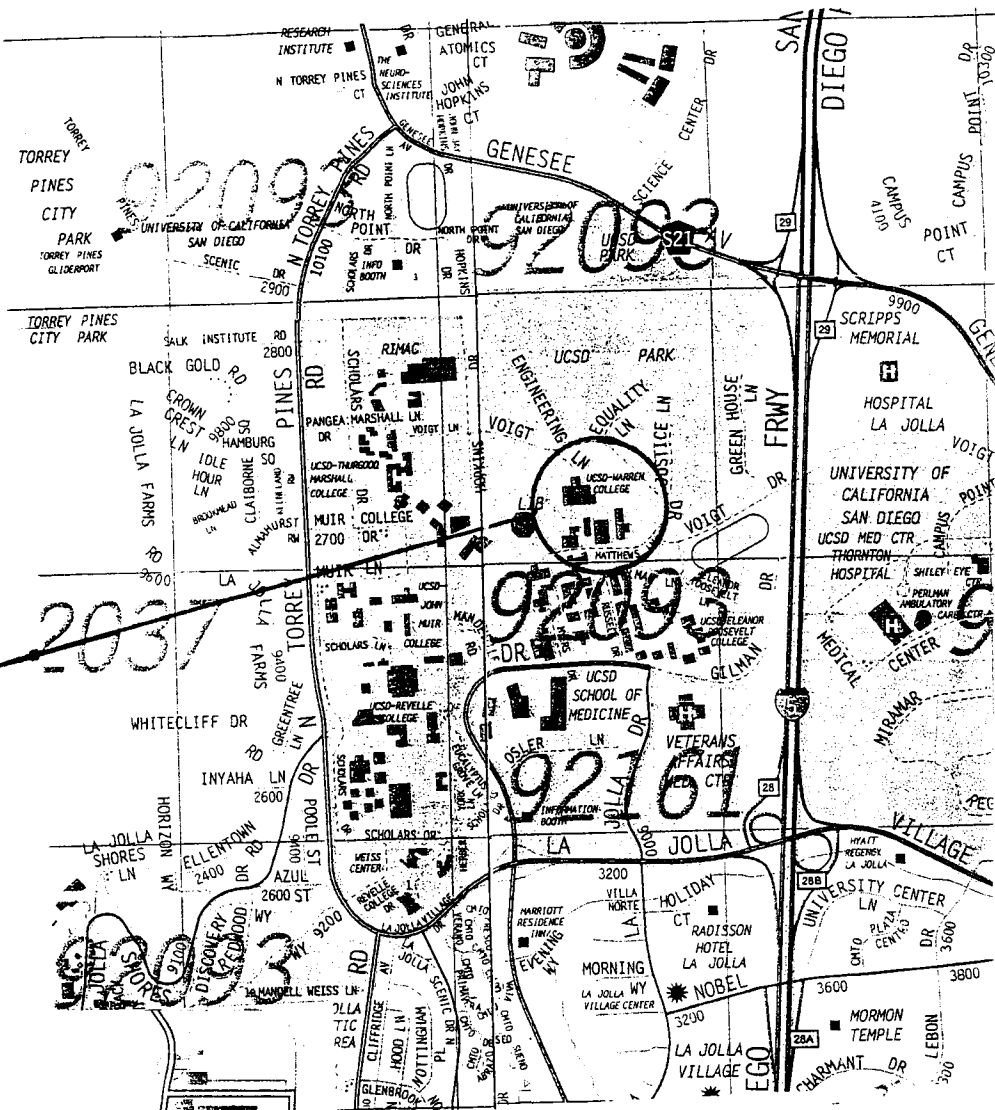



EXHIBIT NO. 1
APPLICATION NO.
6-03-4
Location Map
 California Coastal Commission





