STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, *Governor*

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
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Th 10b

Submitted: August 12, 2003
Staff: LRO-SD
Staff Report: August 21, 2003
Hearing Date: September 10-12, 2003

STAFF REPORT: REVOCATION REQUEST

RECORD PACKET COPY

Application No.: R-6-02-60

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

Description: **(APPROVED JUNE 14, 2002)** 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.

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.

Person Requesting Revocation: La Jolla Shores Heights Architectural Committee

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SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission deny the request for revocation on the basis that it does not satisfy the requirements for revocation under Section 13105(b) of the Commission's regulations. The main concern of the persons requesting revocation is that they became a known interested party to the University prior to the June 14, 2002 Commission hearing but that the applicant failed to provide a copy of their opposition letter to the Commission or to specifically notify the Commission of their interest in the project. The applicant, however, complied with the public notice requirements. In addition, the concerns that the parties requesting revocation raised in their letter of opposition are similar in content to those raised by other members of the public either in writing or at the public hearing. As such, it is unlikely the Commission would have reached a different decision on the project had the parties requesting revocation participated in the hearing. To the extent the revocation request can be construed as alleging that the applicant intentionally submitted inaccurate information to the Commission, the allegedly inaccurate information does not relate to Coastal Act issues and thus cannot serve as the basis for revocation under Section 13105(a).

PROCEDURAL NOTE: The California Code of Regulations, Title 14 Division 5.5, Section 13105 states that the grounds for the revocation of a coastal development permit (or permit amendment) are as follows:

PROCEDURAL NOTE: The California Code of Regulations, Title 14 Division 5.5, Section 13105 states that the grounds for the revocation of a coastal development permit (or permit amendment) are as follows:

Grounds for revocation of a permit shall be:

a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application;

b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application. 14 Cal. Code of Regulations Section 13105.

In addition, Section 13108(e) provides that if the Commission finds that the request for revocation was not filed with due diligence, it shall deny the request.

REQUESTOR'S CONTENTION:

The request for revocation contends that grounds for revocation in Section 13105(b) exist because the applicant failed to notify the requestor and the majority of La Jolla residents of the Coastal Commission hearing until after the Coastal Commission had already approved the project. As such, the requestor is contending that the applicant failed to comply with the notice provisions of Section 13054. It is asserted that had their views been made known, the Coastal Commission may have addressed some of their concerns or voted differently on the project. The issues raised are the following:

(a) The first allegation is that the applicant received a letter from the project opponents (La Jolla Heights Architectural Committee hereinafter referred to as "Architectural Committee") dated 5/28/02 and replied to that letter dated 6/7/02 but failed to notify them and the majority of La Jolla residents of the Coastal Commission's hearing scheduled for 6/14/02 until after the Commission had already approved the project.

(b) The second allegation is that the intended project is not consistent with the education theme for UCSD and that it is a facility being built for private profit and is not an appropriate use for education or research. Other related matters include:

- That the work in the machine shop can be done off-campus and UCSD is not being honest about this possibility;

- That UCSD misrepresented the size of the structure in its 6/7/02 letter, saying it was only slightly bigger than the existing one but it is 300% bigger;
- That UCSD claimed noise levels will be only 40-50 dB without proof that this level of noise will not be exceeded;
- That this project is an effort to attract "big industry dollars" to UCSD.

STAFF RECOMMENDATION: Staff recommends that the Commission **reject** the request for revocation because the person raising objections has not met the test of section 13105 of the California Code of Regulations.

MOTION : I move that the Commission grant revocation of Coastal Development Permit No. 6-02-60.

The staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the request for revocation and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

RESOLUTION TO DENY REVOCATION:

The Commission hereby denies the request for revocation of the Commission's decision on Coastal Development Permit No. 6-02-60 on the grounds that there is no: (a)intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit or deny an application; and (b)failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application.

STAFF NOTE

A revocation of a permit rescinds a previously granted permit. Even if the permit is vested, i.e. the applicant has undertaken construction of the project, if the Commission revokes the permit, the applicant is required to stop work and, if wishing to continue, to reapply for a coastal development permit for the project. If the evidence shows that there are grounds for revocation, the Executive Director, upon receipt of a request for revocation, can order the project to stop work. Section 13107 provides, in part: "Where the executive director determines, in accord with Section 13106, that grounds exist for revocation of a permit, the operation of the permit shall be suspended." In this case, the Executive Director has not determined that grounds exist for revocation and the operation of the permit is not suspended. However, it should be noted that development of the project has not yet commenced.

Because of the impacts on an applicant, the grounds for revocation are necessarily narrow. The rules of revocation do not allow the Commission to have second thoughts on a previously issued permit based on information that comes into existence after the granting of the permit, no matter how compelling that information might be. Similarly, a violation of the Coastal Act or the terms and conditions of a permit or an allegation that a violation has occurred are not grounds for revocation under the California Code of Regulations. **The grounds for revocation are, of necessity, confined to information in existence at the time of the Commission's action.**

II. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The subject permit authorized 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. The building will be constructed within an existing storage and maintenance yard facility, located to the south of the main aquarium buildings. The structure will be located in an area that presently consists of a concrete slab, next to an existing single-story warehouse. The project site is also located approximately 50' below and west of the existing Birch Aquarium parking lot.

The Commission approved the project with a special condition requiring landscape provisions to address screening of the proposed structure and the installation of native or non-invasive plants. The proposed structure (which is not yet built) would be located in Seaweed Canyon, Scripps Campus, east of La Jolla Shores Drive, with an access road extending northeast to North Torrey Pines Road in the community of La Jolla within the City of San Diego. Two other structures, which were approved by the Commission are presently situated in the same vicinity as the proposed structure. These include a one-story, 24 ft. high, 8,000 sq. ft. metal storage building (CDP# 6-89-128) located directly east of the project site and an approximately 2,400 sq. ft., one-story prefabricated metal storage building (CDP# 6-95-10) located south of the proposed building.

2. Summary of Revocation Request's Contentions. The revocation request has been filed by N. Thane Bauz, Hugh Rosen and Hassan Yarpezeshkan, representing the La Jolla Shores Heights Architectural Committee. Although their contentions are summarized below, the full text of the revocation request is included as Exhibit #1.

As detailed in the Procedural Note on pages 1 & 2 of this Staff Report, the grounds for revocation, as identified in Section 13105 (a) and (b) of the California Code of Regulations, are 1) intentional inclusion of inaccurate, erroneous or incomplete information where the accurate and complete information would have caused different conditions or denial of the permit and 2) failure to comply with the notice provisions, where the views of the person not notified were not otherwise made known to the Commission and could have caused different conditions or denial of the project. Either ground, if proven, will suffice to allow revocation.

The revocation request (Exhibit #1) asserts that grounds under 13105(b) exist for the revocation of this permit. In summary, the allegations are 1) that the applicant intentionally failed to notify the Architectural Committee and the majority of the La Jolla residents of the Coastal Commission's hearing until after UCSD had obtained approval of the project at the Commission's June 14, 2002 hearing; and 2) that the UCSD Machine Shop does not have anything to do with education; that UCSD makes reckless misrepresentations to get its way; and, that the project is part of a larger industrial agenda. Although it is not clear on this point, the revocation request could also be construed as alleging that UCSD intentionally submitted inaccurate information to the Commission in connection with its permit application.

3. Analysis of the Revocation Request's Contentions with Respect to Section 13105 of the California Code of Regulations. Because of the impacts on a permittee, the grounds for revocation are necessarily narrow. The rules of revocation do not allow the Commission to revisit a previously issued permit based on information that came into existence after the Commission acted, no matter how compelling that information might be. Similarly a violation of the Coastal Act or the terms and conditions of a permit or an allegation that a violation has occurred are not grounds for revocation under the California Code of Regulations. The grounds for revocation are, of necessity, confined to information in existence at the time of the Commission's action. In this case, the Commission approved the subject permit on June 14, 2002. The contention raised in the revocation request allege grounds for revocation identified in Section 13105 (b) of the California Code of Regulations. To meet this requirement, the revocation request must pass two tests: First, that the applicant failed to comply with the notice provisions of Section 13054. Second, that had the views of the person(s) not notified been made known to the Commission it could have caused the Commission to require additional or different conditions on a permit or deny an application. The contention alleges that the applicant intentionally failed to notify the Architectural Committee and the majority of La Jolla residents of the Coastal Commission's hearing until after it had been approved by the Coastal Commission. Specifically, the Architectural Committee states in its revocation request letter (ref. Exhibit #1) that it sent a letter (dated May 28, 2002) of opposition regarding the subject project to Chancellor Dynes at UCSD and that, even if the university did not have their mailing address prior to receiving their letter of opposition, they did receive the letter in time to forward it to the local Coastal Commission office for distribution to the Commission and be noticed of the impending Commission hearing. However, the letter was not forwarded to the Commission office nor was the Architectural Committee noticed of the Commission hearing.

The revocation request indicates that on June 7, 2003 they received a reply back from Tom Collins of UCSD concerning the proposed Marine Science Development Shop ("MSDS") proposal, a copy of which was also sent to the Coastal Commission's San Diego District Office and included in the Commission's addendum packet (ref. Exhibit No. 2). The UCSD letter did not refer to the impending Coastal Commission Meeting that was scheduled for June 14, 2002. The project opponents, therefore, assert that the UCSD officials were fully aware of the existence of the opposition letter (letter dated

May 28, 2002) and that they were fully aware that residents strongly opposed the MSDS proposal. They assert they should have been notified then by the UCSD that the proposal was scheduled for review at the Coastal Commission meeting of June 14, 2002. As such, they believe "UCSD officials operated in a manner that was outside the spirit and letter of the law." It should be acknowledged that the May 28, 2002 letter from the Architectural Committee to the University included an attachment that was an article from the La Jolla Village News dated May 15, 2002. In that article, it is stated, "...A June 11 meeting of the CCC will also address these issues." (ref. Exhibit #1). Therefore, the Committee did have actual notice that the June meeting of the Coastal Commission would address the proposed development.

In response to these allegations, the permit record shows that the staff report for the MSDS project was written on May 15, 2002 and mailed to the Coastal Commission on May 23, 2002. The public hearing notice for the MSDS project was dated May 28, 2002 and mailed from the San Diego District Office on May 30, 2002. The applicant submitted a list of all residents and property owners within 100 feet of the subject site and known interested persons with their permit application, consistent with Section 13054 of the California Code of Regulations. This list included approximately 138 names of all residents/owners within 100 feet of the project site, including 12 additional names identified as interested parties. This list also included members from the Montoro-La Jolla Homeowners Association and La Jolla Shores Heights Association Residents. The project applicant, UCSD, also submitted a supplemental list of interested parties (entitled "Additional Known Interested Parties") containing six additional names on May 31, 2002 to the Commission's San Diego District Office. Additional notices of public hearing were mailed to these interested parties on 6/3/02. However, this latter list did not include the Architectural Committee. When UCSD sent a copy of its June 7 reply letter to the Commission, it included a list of the recipients of the letter. That list included the name and address of the Architectural Committee, along with other parties whom UCSD previously identified to the Commission as interested parties. Although Commission staff did not notice at the time that the Architectural Committee had not previously been identified as a known interested party and thus did not send notice of the Commission meeting to the Committee, UCSD itself did comply with the requirement of Section 13054 of the Commission's regulations to provide the names and addresses of all known interested parties.

In addition, in order to find grounds for revocation, the Commission must also find that the failure to provide adequate notice could have caused the Commission to require additional or different conditions on the permit or deny it if the views of the persons not notified were presented to the Commission. In this case, the concerns raised by the Architectural Committee are as follows:

- The Machine Shop will generate noise pollution that will be amplified by the canyon thereby negatively impacting the surrounding residential community;
- The Machine Shop will generate potential fire hazards due to welding and grinding which will negatively impact the surrounding environment;

- The Machine Shop will necessarily include a road for industrial trucks to bring materials to and from the Machine Shop on a regular basis which will negatively impact the surrounding residential community;
- The Machine Shop, as currently proposed is a 22 foot high pre-fabricated metal building that will negative impact the magnificent views that homeowners have enjoyed for over three decades; and
- Seaweed Canyon is zoned for "academic use" and not for an industrial type 10,000 sq.ft. Machine Shop facility.

However, several letters of objection to the proposed project were received from those people notified of the project and which were included as either an attachment to the staff report or included in the addendum to the Commission's June 2002 packet dated 6/4/02 (ref. Exhibit #s 2 & 3). These public comments included a variety of concerns with the proposed development similar to those raised by the Architectural Committee, but mostly focused on two primary issues: 1) noise generated by the proposed project and 2) visual impacts as a result of new project. Both of these issues were adequately addressed in the staff report dated 5/15/02 and in the addendum to the Commission packet, the latter of which addressed supplemental requirements for landscaping proposed to visually screen the proposed project from public views. In addition, at the June 14, 2002 Commission Meeting, a member of the public addressed the Coastal Commission with concerns regarding landscaping and sound/noise. In addition, comments were made about the long term development plans at the university. The speaker stated that in 1999 one or two buildings were proposed and that presently another one is proposed and that the community would like to know the long term plan so that mitigation measures can be examined with regard to the long term development plans for this area. Therefore, the views/opinions, in general that were made known to the Commission are similar in content to those that the Architectural Committee would have made known to the Commission if they had received notice of the proposed project and had attended the Commission Meeting.

In addition, the revocation request identifies several additional concerns that do not raise any coastal related issues:

The machine shop has nothing to do with education in that it is a private entity being built for private profit and is not an appropriate use for education or research.

- The work in the machine shop can be done off-campus and UCSD is not being honest about this possibility

- The project is an effort to attract big industry dollars to UCSD.

None of the above issues are coastal-related issues addressed in the Coastal Act and do not fall within the purview of the Coastal Commission's jurisdiction.

At the June 14, 2002 Commission meeting, there was one project opponent who spoke at the public hearing. The issues discussed pertained to landscaping and noise. The

applicant indicated that both the views and noise issues were properly mitigated and met the City's standards and were in compliance with the Coastal Act. The Commission also addressed landscaping concerns and the need to install native non-invasive plant species (i.e., no Eucalyptus trees).

The Commission finds nothing in the submitted letters that would suggest its inclusion in the permit review would have led to any different outcome than the Commission's June 14, 2002, approval with conditions. Therefore, there is no evidence to support that had the views of those not notified been made known to the Commission, the Commission would have reached a different decision on the project.

To the extent that the revocation request can be construed as alleging that UCSD intentionally submitted inaccurate information to the Commission with regard to these issues, that allegation does not satisfy the grounds for revocation under Section 13105(a). Because these issues do not raise Coastal Act concerns, they would not have caused the Commission to take different action than it did.

5. Conclusion

The revocation request does not demonstrate that the applicant failed to comply with the notice provisions of Section 13054, where the views of the persons not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application. Thus, the grounds necessary for revocation under Section 13105 (b) of the Regulations do not exist. The Commission finds that the revocation request shall be denied because the contentions raised in the revocation request do not establish the grounds identified in Section 13105 of the California Code of Regulations.

(G:\San Diego\Reports\2002\6-02-060 Scripps Machine Shop Revocation stfrpt.doc)

R-6-02-060

La Jolla Shores Heights Architectural Committee
2835 Inverness Drive
La Jolla, CA 92037

August 11, 2003

VIA NEXT DAY MAIL

Ms. Laurinda R. Owens
Coastal Planner
California Coastal Commission
San Diego Area
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

RECEIVED
AUG 12 2003
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: *UCSD Marine Science Development Shop (MSDS)*

Dear Ms. Owens:

Our community was thrilled to receive your July 28th letter, which informed us that the Coastal Commission has initiated an investigation into what we consider to be UCSD's wrongful conduct in order to obtain Coastal Commission approval of its Marine Science Development Shop ("MSDS") proposal. Per your request, we have attached as Exhibit 1 our May 28, 2002 "opposition letter" with proof of mailing to Chancellor Dynes.

On June 7, 2002, we received a letter from Tom Collins of UCSD concerning the MSDS proposal (also sent to the Coastal Commission). As the Architectural Committee's address changes and is not publicly available, Mr. Collins could have only gotten our address from our May 28, 2002 "opposition letter." While we dispute the content of Mr. Collin's letter, his possession of the Architectural Committee's address demonstrates:

- UCSD officials were fully aware of our "opposition letter;"
- UCSD officials were fully aware that our residents **strongly** opposed the MSDS proposal;

For these reasons, UCSD intentionally failed to notify the Architectural Committee and the overwhelming majority of La Jolla residents of the Coastal Commission's hearing until **AFTER** they secured Coastal Commission approval. By doing so, UCSD officials operated in a manner that was outside the spirit and letter of the law.

I. UCSD MACHINE SHOP PROPOSAL HAS NOTHING TO DO WITH EDUCATION

UCSD's bad act of concealing the Coastal Commission hearing is not an isolated incident when it comes to the MSDS proposal. In fact, in dealing with UCSD officials, our residents have experienced misconduct and misrepresentation that goes to the very heart of this matter: UCSD's proposal is not a machine shop for marine science or "educational purposes" as alleged, but is actually an industrial profit center that will be made available for big industry money.

EXHIBIT NO. 1
APPLICATION NO.
R-6-02-60
Request for Revocation w/Attachments
California Coastal Commission

Attached as Exhibit 2 are website materials our residents obtained concerning the **current** UCSD Machine Shop. These materials expose the true nature of the UCSD proposal:

- "MSDS offers design, fabrication, testing and calibration of **ANY** device you can dream up."
- "We can fabricate items out of any material, especially titanium."
- "State of the art equipment including (4) TIG welders, (3) MIG welders, (3) spot welders (6) stick welders, plasma cutting, metal spray, oxy acetlyene, cnc heat treating, (2) welding lathes, blast cabinet, etc."
- "X-ray certified work with steels, alloy steels, stainless steel, aluminums, titanium, brass, etc."
- "We gladly accept your design files by e-mail."

[Exhibit 2 (emphasis ours)] On UCSD's own website, UCSD brags about their industrial "clients," including other universities as well as big industry players like TRW – Defense Systems and General Dynamics. UCSD does possess industrial prowess and their commercial website demonstrates that their MSDS proposal has nothing to do with education and everything to do with commercial profit. We do not dispute the University's right to raise funds as it sees fit, but we do **NOT** believe they have the right to locate the MSDS industrial center in a residential area.

II. WHEN IT COMES TO THE MSDS PROPOSAL, UCSD MAKES RECKLESS MISREPRESENTATIONS TO GET THEIR WAY

UCSD has not been honest with the community or the Coastal Commission concerning their MSDS facility. For example, in his June 7, 2002 letter, Mr. Collins alleges that "MSDS performs work that cannot be done at off campus facilities elsewhere in San Diego." Collins Ltr. at Page 2. Mr. Collins was contradicted by UCSD's very own Vice Chancellor Langley during a June 27, 2003 meeting with residents. During that meeting, Langley admitted that the only reason UCSD wants to keep the MSDS on campus is for the convenience of their professors. This is a far cry from Collin's representation that the "work **cannot** be done off campus." As the residents have repeatedly told Chancellor Dynes, modern telecommunications make an off-site location a fiscally acceptable and socially responsible win-win situation.

There are a multitude of other misrepresentations concerning MSDS. For example, during the June 27, 2003 meeting, Vice Chancellor Langley openly admitted that UCSD never even evaluated an off-site option. Yet, just weeks later in the Union Tribune, the same Vice Chancellor Langley publicly alleged that off-site proposal will not work because of a "domino effect of wasted funds." [Exhibit 3]. The Vice Chancellor pulled the terminology "domino effect of wasted funds" out of a politician's handbook: residents remain appalled at how UCSD plays fast and footloose with the truth.

Other misrepresentations include Mr. Collins telling La Jolla Shores residents in the August 7, 2003 La Jolla Light that the current MSDS proposal is only "slightly bigger" than the existing machine shop. [Exhibit 3]. In truth, the current proposed machine shop is **300% larger, without considering the two additional buildings** for fabrication and assembly that will accompany the proposed Machine Shop.

There are also serious discrepancies in UCSD's alleged noise forecasts. We call to the Coastal Commission's attention that UCSD's own noise report indicates that the current MSDS has noise levels **outside the facility exceeding 100 dB** (which UCSD's own noise expert admits is akin to loud sirens). Yet, UCSD representatives claim that the new facility will be only 40 to 50 dB. These "magic" noise figures are unproven, irresponsible, and at best -- like every other promise by UCSD -- not based on fact but born of a reckless desire for a new industrial profit center.

III. THE MSDS PROPOSAL IS PART OF A LARGER INDUSTRIAL AGENDA

Another UCSD representative involved in the UCSD industrial center proposal is Dr. Furtek. Dr. Furtek's involvement signals what we believe is the true agenda for the UCSD proposal. Dr. Furtek is the UCSD Vice Chancellor of Science and Technology Policy and Projects. **Dr. Furtek is heavily involved in efforts to attract big industry dollars to UCSD**.

For example, Dr. Furtek sits on numerous "Industry Roundtables." He has published articles on industry and university collaboration. Dr. Furtek was Chief of Staff to a well-known Republican Senator and the very nature of his job is attracting big industrial business to UCSD. Yet, even Dr. Furtek admits "that there are still a number of legal and ethical minefields to negotiate as universities step up their pursuit of private research money." [Exhibit 4]. UCSD is now in the middle of a minefield – wrongfully trying to locate an industrial center in a pristine canyon adjacent to residential homes.

While we support the University, our residents demand that UCSD act responsibly. Building an industrial profit center in Seaweed Canyon is irresponsible and constitutes gross negligence. Had the Coastal Commission been told the truth about the nature of this facility, and had our residents been given the opportunity to speak as guaranteed by the California state law and the United States Constitution, we believe the Coastal Commission would have barred UCSD's proposal.

IV. CONCLUSION:

In light of UCSD's misconduct, the Architectural Committee respectfully requested in July of 2003 that UCSD voluntarily rescind their Coastal Commission approval. Rather than acknowledge their bad acts, UCSD simply ignored their "neighbors."

We think UCSD's silence is deafening and underscores their reckless approach to getting an industrial profit center constructed in Seaweed Canyon. Accordingly, the Architectural Committee respectfully (and informally) requests that the Coastal Commission revoke UCSD's permit and asks that this case be reopened for a public hearing as contemplated by both state and federal law.

Sincerely,

La Jolla Shores Heights Architectural Committee

N. Thane Bauz

Hugh Rosen

Hassan Yarpezeshkan

cc: Chancellor Dynes

COPY

N. Thane Bauz
La Jolla Shores Height Architectural Committee
2835 Inverness Drive
La Jolla, California 92037

May 28, 2002

VIA FEDERAL EXPRESS

Robert C. Dynes, Ph.D
Chancellor, University of California, San Diego
9500 Gilman Dr.
La Jolla, CA 92093-0066

Re: UCSD Manufacturing Facility Proposal at Seaweed Canyon

Dear Chancellor Dynes:

The La Jolla Shores Heights Architectural Committee ("Architectural Committee") represents the owners of approximately sixty homes in the La Jolla Shores neighborhood. Some of those homeowners have an unobstructed view of the site currently proposed for the UCSD Manufacturing Facility at Seaweed Canyon (see enclosed article). As a representative of the Architectural Committee, I am writing you on behalf of those homeowners within the Architectural Committee's jurisdiction.

On May 11th, a meeting was held that included residents of both La Jolla Shores and Montoro Canyon. During that meeting, the current UCSD Machine Shop proposal was discussed and the following concerns identified:

- The Machine Shop will generate noise pollution that will be amplified by the canyon thereby negatively impacting the surrounding residential community;
- The Machine Shop will generate potential fire hazards due to welding and grinding which will negatively impact the surrounding environment;
- The Machine Shop will necessarily include a road for industrial trucks to bring materials to and from the Machine Shop on a regular basis which will negatively impact the surrounding residential community;
- The Machine Shop, as currently proposed is a 22 foot high pre-fabricated metal building that will negatively impact the magnificent views that homeowners have enjoyed for over three decades; and
- Seaweed canyon is zoned for "academic use" and not for an industrial type 10,000 sq. ft. Machine Shop facility.

Not one attending resident favored the current proposal. After full review of the facts and Machine Shop plans, the Architectural Committee opposes the construction of the USCD Machine Shop as currently proposed.

We share your belief that the academic and residential neighborhoods are interwoven, as expressed in the 2000 UCSD "Proud to Be 40" Directory:

> To me, UCSD and San Diego are symbiotic. We are proud to be interwoven so closely into the fabric of San Diego's diverse communities, and we are committed to strengthening our leadership role in sustaining the vitality and quality of our common living environment.

We believe that the UCSD Machine Shop plan as currently proposed does not improve the "quality of our common living environment." Moreover, we believe that there are alternatives that would promote and strengthen both the residential and academic community. For that reason, we respectfully request an opportunity to meet with you directly to further discuss this matter. Please let us know if you are amenable to such a meeting.

Sincerely,

N. Thane Bauz, Member
La Jolla Shores Heights Architectural Committee

Attachment

La Jolla VILLAGE NEWS

Wednesday, May 15, 2002 | Published by San Diego Community Newspaper Group | www.s

Residents, UCSD square off

Will machine shop relocation grind to a halt?

By JIM STEWART
Village News

A machine shop relocation to Seaweed Canyon has residents and University of California at San Diego (UCSD) officials disagreeing about noise and visual impact, as witnessed at the May 8 meeting of the La Jolla Shores Association (LJSA) at Scripps Institution of Oceanography (SIO).

This dissension led LJSA to call on UCSD to stop its current plans until residents' concerns can be resolved. Neighborhood representatives weren't appeased by anything presented by Milt Phegley, campus community planner for the college's governmental and community relations department.

"Neighbors don't trust the university, so it can't be resolved," LJSA member Ann Heinemann said.

> *'Neighbors don't trust the university, so it can't be resolved.'*
>
> — Ann Heinemann

One reason this attitude exists is because past promises by UCSD weren't fulfilled, according to an April 28 letter from residents to the California Coastal Commission (CCC). College officials assured residents in 1989 that adequate landscaping would screen the Quonset huts currently used for storage, a site proposed for the new building.

Those buildings "are still in full view and as ugly as ever 13 years later," according to the letter signed by 18 residents on Prestwick Drive, and Inverness and Prestwick courts. "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."

Not only will noise be accentuated by the canyon's amphitheater shape, but valuable ocean views will be disrupted, the letter explained, and will affect property values because ocean views "are the greatest asset of our homes and represent a large portion of their financial value."

Phegley was unsuccessful in persuading the LJSA to endorse the campus plan after answering concerns about building the $1.2 million, 9,600-square-foot machine shop below the Stephen Birch Aquarium. He insisted that the shop won't be noisy because the doors will be closed during the 7 a.m. to 5 p.m. working hours, and existing vegetation will hide the building that could only be seen from above "if you were really looking for it."

But the current machine shop, located on the west side of SIO, has rolling doors open most of the day, according to one neighbor. This will be mitigated by providing adequate air conditioning, Phegley said.

The grinding area, presumably the noisiest part of the location, will be on the north end of the building, he said.

"We're committed to meet all city standards," he said. "There's a method of measuring sound for buildings with nonresidential use and the noise level is consistent with city standards. Any work beyond 7 a.m. to 5 p.m. is subject to even more stringent guidelines. It will have very rare use after hours."

After hearing residents' complaints, Phegley said the university's "mitigation measures may need to be supplemented."

UCSD literature called the new building a "marine science development shop." However, discussion at the meeting focused on the building's machine shop, in which many one-of-a-kind instruments will be created to further the university's oceanographic research. A June 11 meeting of the CCC will also address these issues.

The residents' letter concludes by asking, "Why does an industrial facility need to be placed in a dedicated canyon? We can be sure that if this machine shop generates more

see Square off, page 4

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noise than projected it will be impossible to get it removed." Signees pleaded with the commission to "help us protect this area from pollution and to maintain the peace of our homes and our beautiful canyon."

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1 From *Please print and press hard.*

Date 5/28/02 Sender's FedEx Account Number 1862-9913-2

Sender's Name N. Thane Bauz Phone (858) 678-5070

Company FISH & RICHARDSON PC

Address 4350 LA JOLLA VILLAGE DR S500

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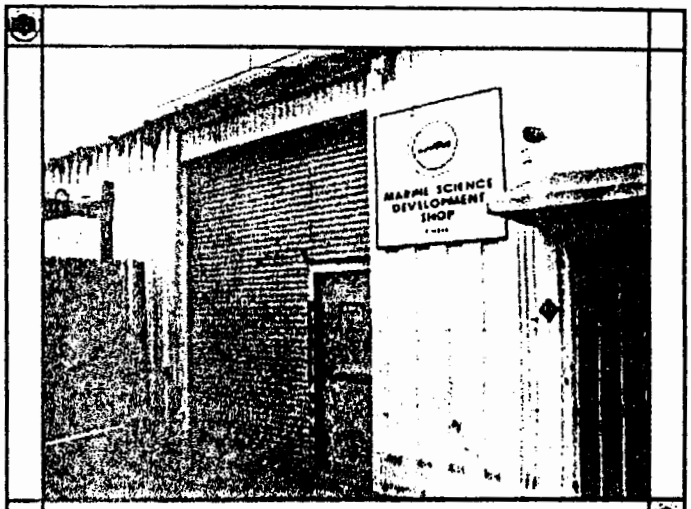
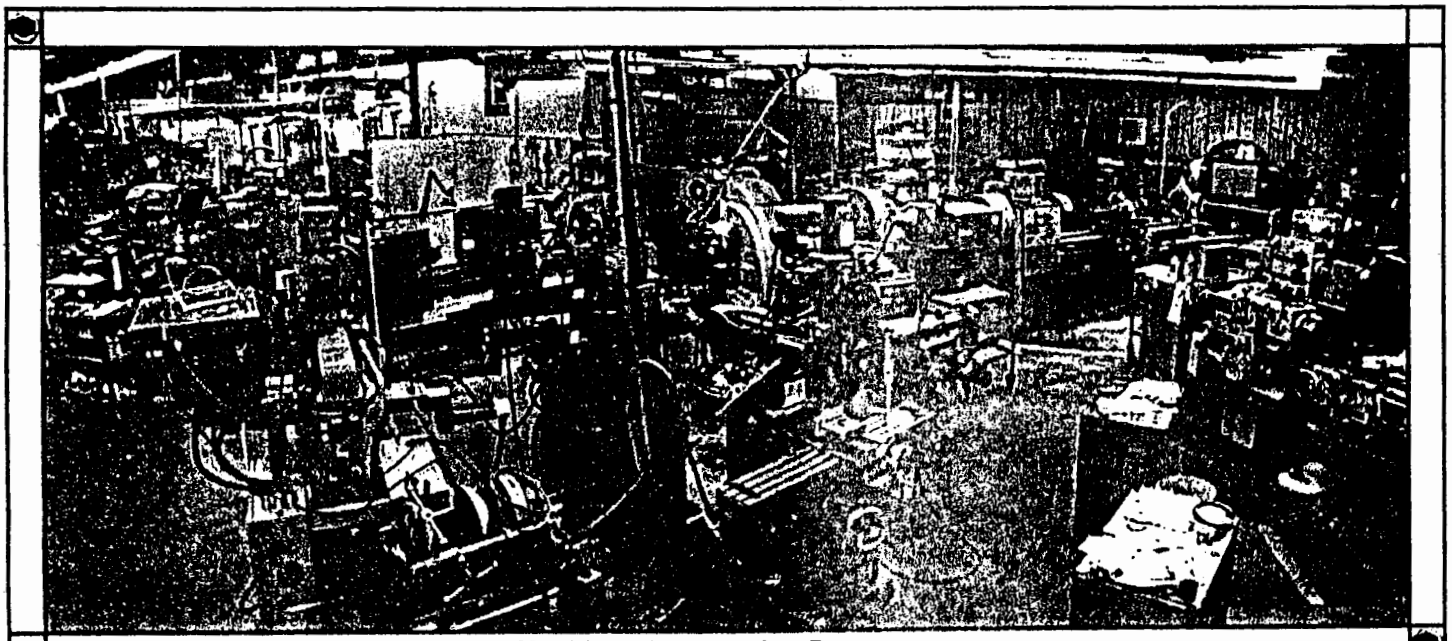
MACHINE SHOP

Introduction:

The Scripps Institution of Oceanography Machine Shop at UCSD specializes in research and development of oceanographic and space equipment, instruments, and one-of-a-kind devices. We were established in order to enable researchers to collaborate on the design and fabrication of highly specialized or complicated apparatuses for their experiments. Our skills include design, fabrication and testing. In addition, we have production capabilities. We have been serving the scientific community here at SIO, UCSD, and various other institutions, as well as the private sector, since1945.



The Machine Shop

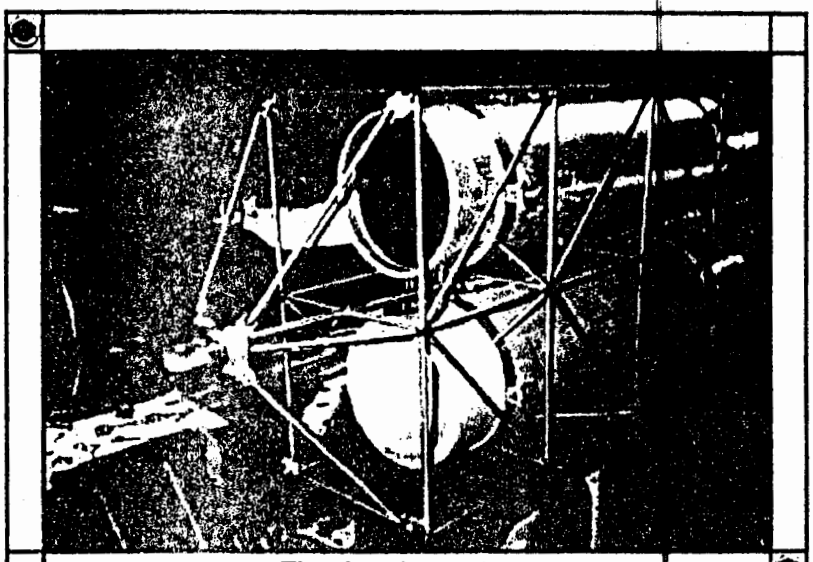

Machine Shop Section Panorama

SCRIPPS INSTITUTION OF OCEANOGRAPHY

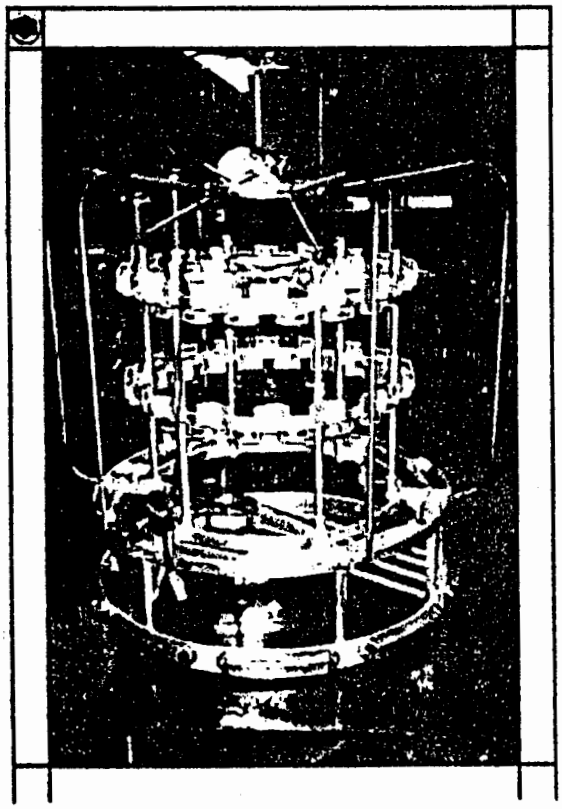
MACHINE SHOP

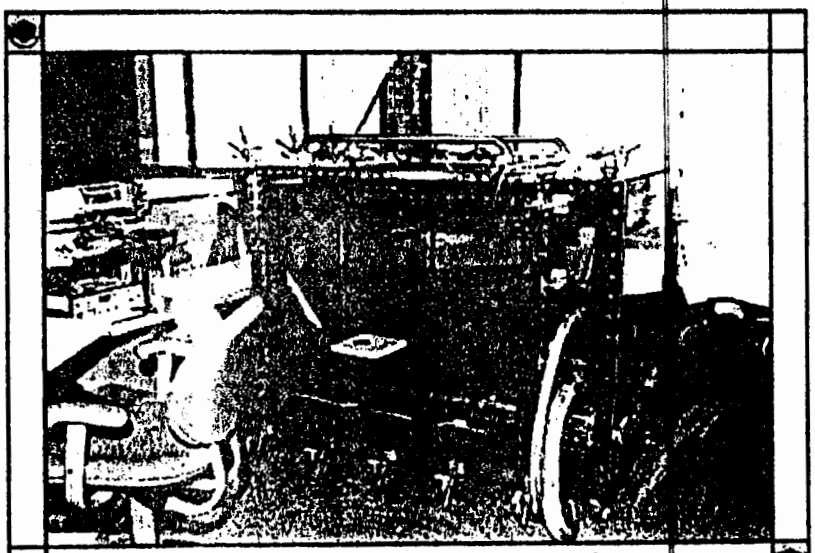
Services:

MSDS offers design, fabrication, testing, and calibration of ANY device you can dream up. Our personnel can produce a workable design from as vague a description as "It does this." On the other hand, we gladly accept your design files by e-mail We design instruments using AutoCad, SolidWorks, FeatureCAM and CamWorks. We can fabricate items out of any material, especially titanium. Our FAB SHOP is air conditioned with state of the art equipment including (4) TIG welders, (3) MIG welders, (3) spot welders (6) stick welders, plasma cutting, metal spray, oxy acetlyene, cnc heat treating, (2) welding lathes, blast cabinet, etc. X-ray certified work with steels, alloy steels, stainless steel, aluminums, titanium, bronze, etc.



Titanium Load Cage





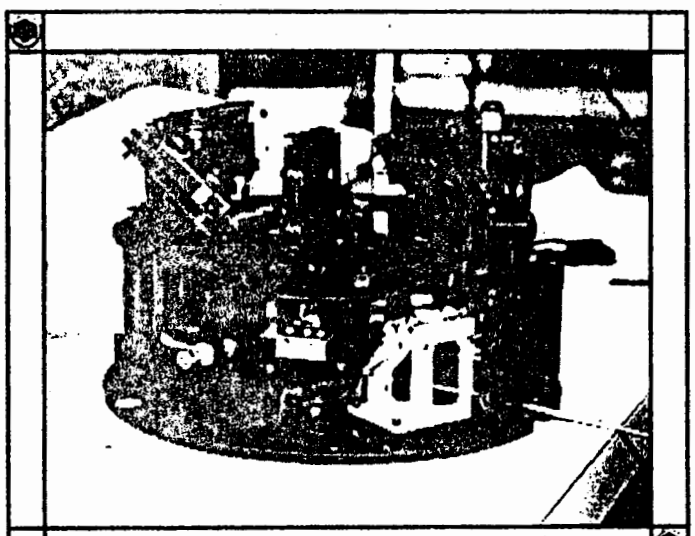
Mars Gravity Simulator - NASA

SCRIPPS INSTITUTION OF OCEANOGRAPHY

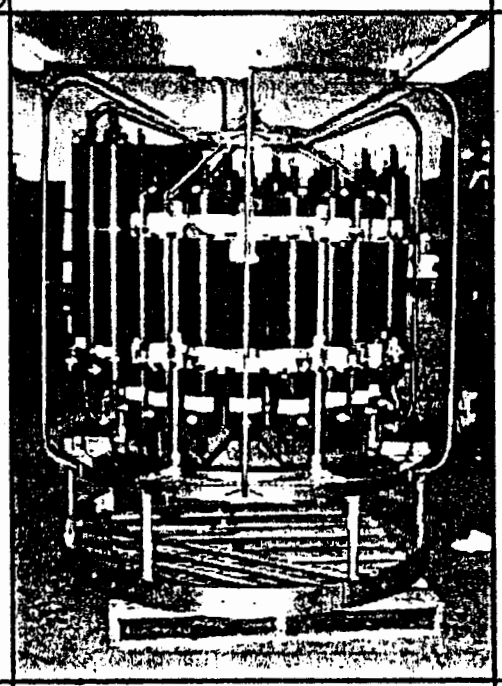
MACHINE SHOP

Machines:

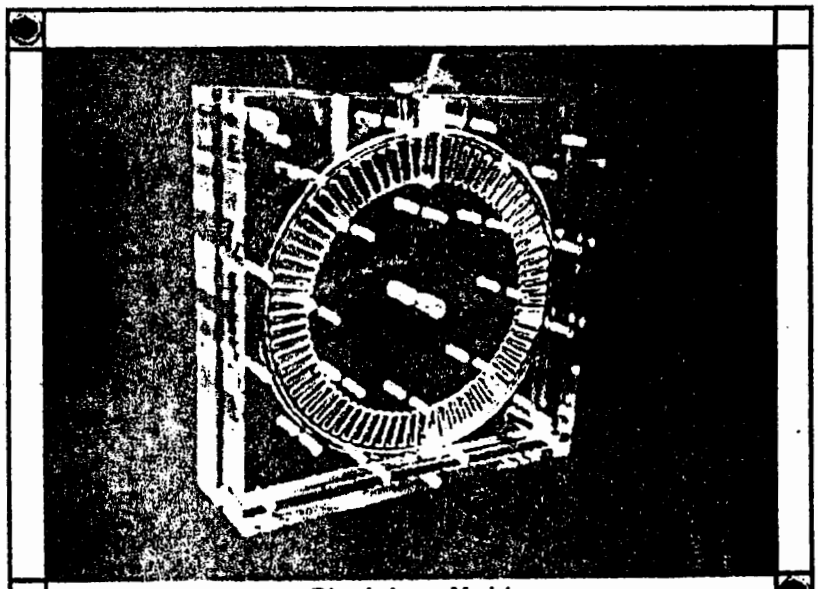
Lathes
(3) Hollow spindle lathes. 9" hole through spindle. Parts to 50" diameter X 120" length
(2) Clausing engine lathes 18" X 84"
(3) Pratt & Whitney toolroom lathes 16" X 78"
(4) Hardinge Precision lathes
(1) large CNC lathe-20Hp, 26" swing, 80" centers



Faint Image Spectrograph for Keck Telescope



36 Bottle Rosette

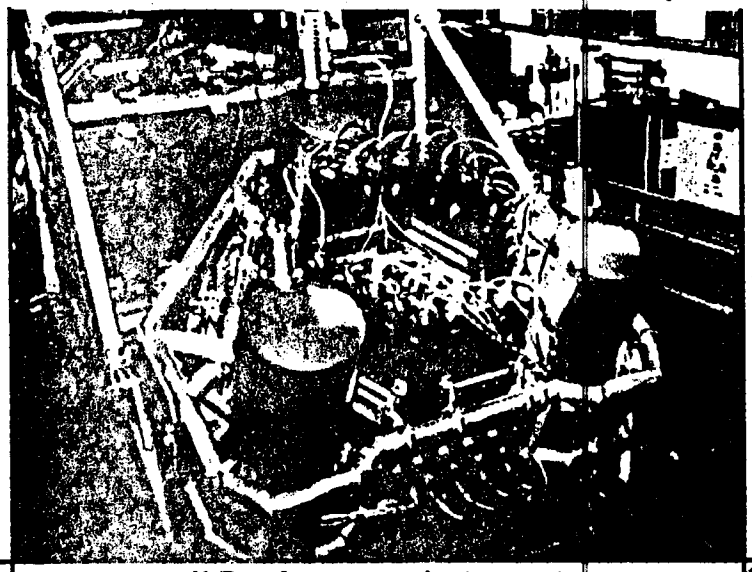


Plexiglass Mold

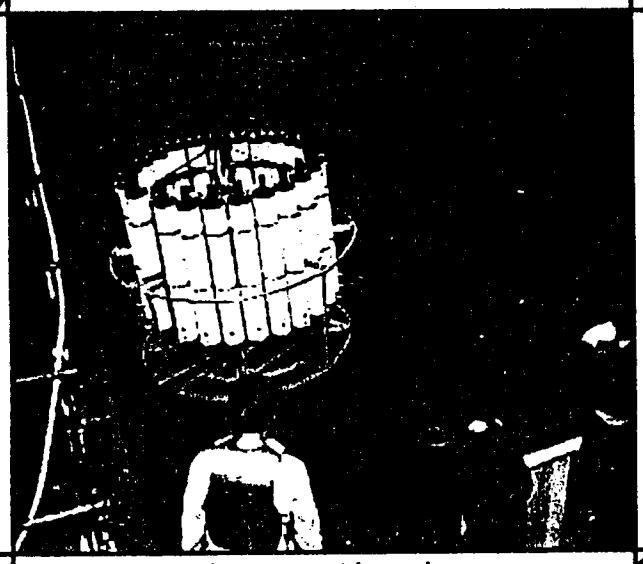
Mills
(4) Bridgeport manual mills
(6) CNC Bridgeports
(1) Large CNC Bedmill 26" X 60" travel
(1) #2 Milwaukee Vertical

(1) #3 Cincinnati Vertical 30 HP
(1) #3 Kearny & Trecker Horizontal 30HP
(1) Devlieg J16 mill with facing head cuts 36" X 48"

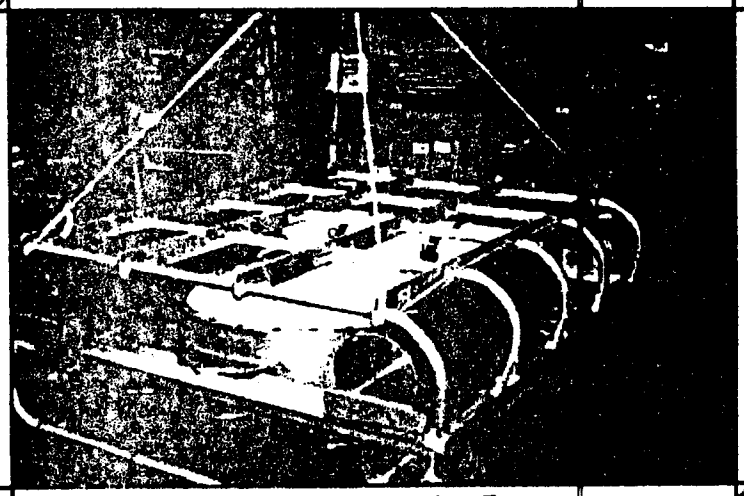
Other equipment (9) Assorted drill presses capacity to 4" in diameter in steel Grinding shop with assorted machines including universal ID/OD and 2 surface grinders Sheet metal shearer up to 48", pan brake, press brake, etc.



X-Ray Astronomy Instrument



Instrument launch



ATOC Source Mooring Frame

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Old Projects and Clients:

Some projects we've been involved in:

SeaLab
FLIP
Old Ice Gas Analysis (Paleoclimatology)
Stealth Fighter
ALVIN
Space Shuttle
Deep Sea Drilling
Deep Tow
Indian Ocean Aerosol Measurement
HETOS
Wave slope imaging buoy
HEXTE
Capillary Wave Quantifier
HIREGS
ROVER
Max '91
Mars Gravity Simulator
INTEGRAL
Accoustic Doppler Current Profiling
Interferometer crustal strain measurement
Ocean bottom seismology
ATOC

Some clients we've had in the past:

Various University of California campuses, and UCSD departments
University of Alaska, Fairbanks
University of Florida
University of Hawai'i
University of Oregon
Texas A&M
Woods Hole Oceanographic Institution
Universite Du Paris
Lawrence Livermore Laboratories
Los Alamos National Laboratory
California Astrophysics and Space Sciences Institute

U.S. Bureau of Marine Fisheries
U.S. Naval Oceanographic Office
Deep Sea Drilling Project
Ocean Margin Drilling Program
Cal Space
Martin Marrietta, Hubble Space Telescope
National Aeronautics and Space Administration
TRW - Defense Systems
Solar Turbines
General Dynamics
U.S. Coast Guard
European Space Agency

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Neighbors, UCSD at odds over proposal

Machine shop would be at Seaweed Canyon base

By Jenny Diamond

July 22, 2003

In this neighborhood scuffle between La Jolla residents and UCSD, both sides are staking out their home turf.

Seaweed Canyon is the proposed site for a 10,000-square-foot machine shop for UCSD's Scripps Institution of Oceanography. It also is the university-owned back yard to dozens of multimillion-dollar, ocean-view homes at the canyon's edge.

The machine shop would join a cluster of ramshackle storage huts at the canyon's base.

The proposed facility, where research instruments would be built and repaired, is more than the next stage in the university's 20-year, multibillion-dollar expansion plan.

It has become a focus of some neighbors' long-harbored mistrust toward UCSD, which they accuse of slowly chiseling away at their quality of life.

Jim Langley, UCSD vice chancellor, called the neighborhood climate "part erosion of trust and part fear."

"I think the fear is exacerbated by the fact that the university didn't always do what it said it was going to do in the past," Langley said. "In this climate, it can be very difficult to negotiate a new settlement."

The institution and this neighborhood have been at odds for more than a decade over the Birch Aquarium, where the university's promises to protect views and limit noise were not kept, neighbors and university officials say.

In recent meetings with residents of La Jolla Shores Heights and the gated Montoro subdivision, university officials pledged that the machine shop would comply with strict residential noise standards.

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Because the new building would be insulated to reduce the noise from grinding material into instruments for ocean research, the shop wouldn't emit sounds louder than any other neighbor on the block, officials said. From 7 a.m. to 7 p.m., 50 decibels, or the sound of a loud conversation, would be the limit.

Jeff Fuller, an acoustical engineer who was hired by UCSD to assess potential sound levels, said muffling the high decibels would be no problem for the university.

These promises are just more noise, neighbors said.

"They're treating us as if this is going in and we are going to like it," said Brenda Alpinieri, whose home on Prestwick Court overlooks the canyon. "They're treating us as if we are mute."

University officials say they are listening. Although the project was approved by the state Coastal Commission in June 2002, Chancellor Robert Dynes has not given the official nod for construction and is drafting a "letter of commitment" to the residents – an outline of guarantees from the university, many of which are enforceable under the California Environmental Quality Act.

Development on the project was halted in August by the chancellor after about 20 neighbors raised a lengthy list of concerns, from noise levels to fire safety to just how ugly the new metal building might be.

Neighbors said they are troubled by their past dealings with UCSD. Promises, said Montoro resident Harold Laz, have been easily made and easily broken.

"Their past history has been, 'We'll do it and we'll worry about it later,' " he said.

Campus Community Planner Milton Phegley and Langley acknowledged that since the Birch Aquarium was built in 1992, the university has been slow to respond to neighborhood concerns. The neighbors and university officials cite loud music, blinking lights and unsightly buildings without proper camouflaging as points of contention.

"We began on the right foot, but over time, we became a little lax," Langley said. "We could have been a better neighbor. Our follow-through could have been better. Our listening could have been better."

Phegley said that the difference in the new project is formal monitoring and enforcement. For example, a monthly report would track the facility's effect on its neighbors.

He said that in addition to complying with noise regulations, the university would plant trees and shrubbery to hide the new building from view and install extra fire hydrants.

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Some of the ocean-view estates are worth as much as $12 million, La Jolla real estate agent Susana Corrigan said.

The Alpinieris and others are determined to stop the project. Recently, neighbors opened a trust fund to fight UCSD in court. So far, eight families each have added $1,000. La Jolla Shores Heights Architectural Committee member Thane Bauz said he expects a good deal more financial support in the coming weeks.

Bauz said he sees no convincing reason why the university can't use an off-site facility. The former Boeing engineer said his high-tech shop wasn't located on the main site, and things worked just fine. Langley said an off-campus facility would slow down UCSD faculty and create a domino effect of wasted funds. UCSD is the fifth-largest recipient of federal research funds in the country, he said.

"You don't want to have faculty traveling to have some gizmo repaired or equipment designed," Langley said. "If they were not neighbors, how would they feel about us spending thousands or perhaps millions of dollars to placate a group of neighbors? They would be outraged."

The university looked at other sites but officials said it needed to reserve the spaces for academic purposes, given the expected swell in enrollment.

"The only way that we can gain and maintain trust is to do exactly what we say we are going to do, and prove to them that we will keep our promise," Phegley said. "I don't know whether that will engender long-term trust. But I don't know of any other way."

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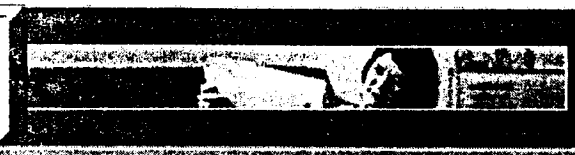

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UCSD plans for new machine shop rile neighbors

A debate between home owners in La Jolla Shores Heights and the gated Montoro subdivision and UCSD over the school's plan to develop a 10,000-square-foot machine shop in Seaweed Canyon has all the earmarks of an epic battle.

Thane Bauz, a member of the La Jolla Shores Heights Architectural Committee, which opposes the industrial development serving UCSD's Scripps Institution of Oceanography, said the project is planned in the wrong place, at the wrong time and for all the wrong reasons.

"This dispute is about UCSD fiscal politics gone dangerously awry," said Bauz in an e-mail to The Light. "As California state revenue dwindles, UCSD is looking for new revenue streams. Some UCSD officials want to smooze big business and government organizations in order to get funding via industrial contracts."

Bauz said that the proper thing for UCSD to do is build the machine shop in an area zoned for industrial activity. "Hopefully," Bauz wrote, "it won't take a court order for UCSD to get the right answer."

Tom Collins, UCSD's deputy director of administrative affairs and associate vice chancellor marine sciences, said the new machine shop needs to be on-campus.

"The work being done by what we call our marine science development shop is really development of prototypes and instrumentation used by our scientists to be deployed in oceans all around the world," Collins said. "Typically, our scientists working with the machine shop are not professional engineers. They come in and say, 'I need something to do this.' Then they work in a very interactive way with engineers who make the instrument on their machines. It requires our scientists and or mechanicians to be in close proximity because they work together on a day-to-day basis."

Collins said the machine shop has been mischaracterized as a manufacturing facility.

"It is not," he said. "What we're doing is replacing an existing machine shop that has existed since the '50s, with one located down on the beach. We're going to have the same size and number of machines. The building is going to be slightly bigger, but we need that because right now, our machines are too close together, and we want to ensure safety."

The new machine shop building would completely enclose all shop activities and be soundproofed. The old machine building now in use is not insulated for sound, and some of its activities are being conducted outside.

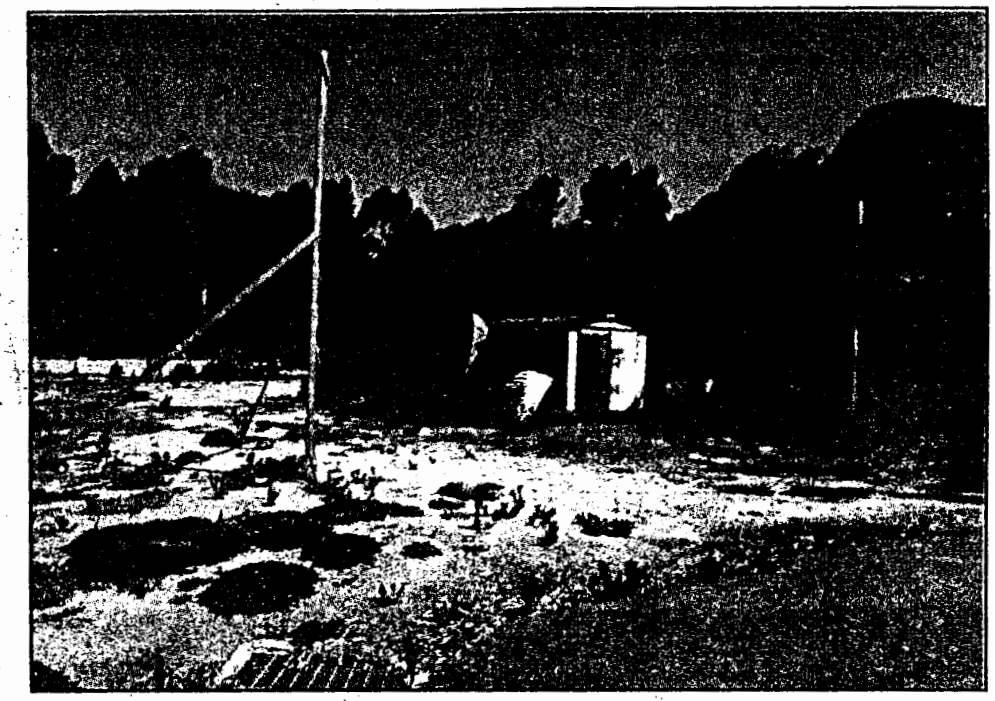
Collins said the new, insulated machine shop will be no louder than the old, uninsulated one. He also pointed to 10 letters from neighbors of the old facility, attesting that noise has never been a problem with the old shop.

Neighbors unaffected by the facility live only 200 to 400 feet away from it, said Collins. The neighbors protesting plans for the new improved facility are farther away — 1,500 feet or more — on a hillside above the prospective new site.

"The reason we're relocating the building is it's basically falling apart," said Collins. "Also, we wanted to build the new machine shop near our staging for our shipping operation. What we're doing is bringing those two operations closer together. Right now, we're having to build instruments in the shop, then load them into a truck and haul them down to the beach."

Collins added UCSD wants to be a good neighbor to the surrounding community and is doing everything possible to shield its new machine shop to make it as low-profile as possible, both in sound and sight. UCSD officials have pledged the machine shop will comply with strict residential noise standards, keeping noise levels at 50 decibels — loud conversation level — from 7 a.m. to 7 p.m.

"We've taken extra precautions to ensure the shop will not be a problem for our neighbors," he said. "We're going to be meeting residential noise standards, which are the most restrictive in Southern California. We're going to be doing ongoing monitoring to ensure that will happen."



Wooden pillars mark the boundaries and height of the new building. Photo/Brian Kaufman

Recently, neighbors with ocean-view homes at the canyon's edge have opened a trust fund to fight UCSD in court. So far, eight families each have contributed $1,000 apiece. Bauz expects that figure will swell in coming weeks with additional financial support.

Bauz wrote in an e-mail that local residents were not properly notified about the UCSD industrial center application pending before the California Coastal Commission. "UCSD knew there were La Jolla Shores residents who were strongly opposed to the industrial center and knowingly failed to notify them of the California Coastal Commission hearing in 2002. This is a violation of the law. Residents have taken exception to this illegal 'back-door' approval."

Bauz wrote that the proposed industrial center affects all the homes in the La Jolla Shores area. "Semi-trucks making deliveries will clog our streets. We will smell the industrial operation, we will hear it and we will feel it when Seaweed Canyon catches fire. UCSD says they plan on installing two extra fire hydrants to deal with a canyon fire. We know these fires move too rapidly for a fire hydrant or two and it takes an army to put them out. Such fires are wildly unpredictable, rapidly do an incredible amount of damage, and represent a real threat to our residents. UCSD's thirst for money can't justify loss of life."

• By Dave Schwab

The University-Industry Partners

The Roundtable has invited a number of universities with strong histories of industry research partnership to join as affiliated "University-Industry Partners." The partnerships include institutions with substantial involvement in the research enterprise and with specific interests in improving the effectiveness of government-university-industry research collaboration. The total number is limited by the need to preserve some intimacy in discussions. The invitations to join are also based on the need for a geographically and organizational diversity.

Current members are: (view full roster)

- Massachusetts Institute of Technology & Northrop Grumman
- Georgia Institute of Technology & The Boeing Company
- Washington University (St. Louis) & Pharmacia Corporation
- University of Washington, Seattle & Pacific Northwest National Laboratory
- University of Texas at Austin & Semiconductor Research Corporation
- University of California, Los Angeles & Hewlett Packard Company
- University of California, Davis & MARS, Inc.
- University of California, San Diego & QUALCOMM, Inc.

The University-Industry Partners play an important role on the Roundtable. They act, in effect, as an "antenna" to bring into Council discussions the most current ideas and issues facing industry-university research cooperation across the country. They also help radiate out to their areas and constituencies ideas and issues arising in the realm of federal research policies.

The University-Industry Partner program operates as follows.

- The U-I Partners are invited to attend all meetings of the Roundtable Council. Typically, the Council convenes three times per year.
- University-Industry Partners are also important parts of Roundtable planning. Options for Roundtable activities and initiatives are shared with them for their advice and guidance on the Roundtable agenda.

Membership Roster

University Representatives:

Massachusetts Institute of Technology
Claude Canizares
Associate Provost

Georgia Institute of Technology
Jean-Lou Chameau
Provost and Vice President, Academic Affairs

Washington University (St. Louis)

Industry Partners Representatives:

Northrop Grumman
George Reynolds
Director of University Relations

The Boeing Company
David Swain
Senior Vice President of Engineering; Chief Technology Officer & Office of the Chairman
(Alternate, Robert Spitzer)

Theodore Cicero
Vice Chancellor for Research

University of Washington, Seattle
Craig Hogan
Vice Provost for Research

University of Texas at Austin
Juan Sanchez
Vice President for Research

University of California, Los Angeles
Roberto Peccei
Vice Chancellor

University of California, Davis
Robert Powell
Chairperson
Department of Chemical Engineering and Materials Science

University of California, San Diego
Edward Furtek

Pharmacia Corporation

Phillip Needleman
Senior Executive Vice President and Chief Science Officer

Pacific Northwest National Laboratories
Charlette Geffen
Associate Director of Strategic Planning

Semiconductor Research Corporation
Frank Pita
Director of Corporate Legal Affairs, I.P. Counsel

Hewlett Packard Company
Steven Squires
Vice President of Science and Technology
(Alternate, Wayne Johnson)

MARS, Inc.
Harold Schmitz
Director of Science and External Research

QUALCOMM, Inc.
Dan Sullivan
Senior Vice President, Human Resources

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Feature - Building Strategic Partnerships

Can universities and corporations share the same vision?

By Dan McGraw

One of the most hotly debated topics among college and university administrators and professors these days has nothing to do with muticulturalism or whether the school should build a new football stadium. The debate has to do with who is driving the major research departments of the modern university: private industry or the university itself?

With more and more universities developing partnerships with industry, there is a feeling among some in academia that their basic research function may become little more than a "body shop" for private companies looking for a cheap way to invest in new technology. The late Bill Readings writes in his book, The University in Ruins that these partnerships are based "on the assumption that the missions of the university and the corporation are not all that different." The emphasis on these partnerships, Readings continues, underscores the relatively new concept that "the university is not just 'like' a corporation; it 'is' a corporation." And to academics like Readings, the thought of the university becoming concerned with the solubility of research in the private sector undermines the basic function of research as an educational pursuit.

The problem with such arguments is that there is a certain denial about the recent changes in both the way research is conducted and the speed at which technology needs to be developed in a high-tech world. With federal budgets shrinking in the Cold War post-era, the university must develop these private partnerships, not only to stay relevant and competitive, but also to bridge the gap in funding that the government is becoming less and less willing to fill.

In his 1998 testimony before the U.S. House of Representatives Committee on Science, Massachusetts Institute of Technology President Charles Vest summed up the debate. "Over the long term, (private) collaborations can have a transforming effect on the ability of institutions to attract high-quality faculty [members], to encourage faculty [members] and their students to interact more closely with industry, and to design curricula and academic programs better attuned to the needs of industry and the challenges we face as a nation," Vest explained. But he cautioned that "universities should work synergistically with industry, they must not be private industry. Unless universities retain their culture, base of fundamental research, and educational mission, they will not have value to bring to the partnership."

Lori Pressman, assistant director of the MIT Technology Licensing Office, says MIT and other educational institutions aren't in danger of being blindsided by private industry to do research piecework. "Universities aren't in a great position to do strict contract research," she explains. "Private research firms are better at doing that, because our overhead costs are three times as high as a private research company. Still, to have our faculty and graduate researchers being aware of the important industrial problems of our time is a very good thing. We are a big believer in bridges between academia and industry. It is bad to have extremely isolated academics."

The cautionary view when entering into these partnerships is crucial for any university looking to leverage the private research into something that can serve both the university and private industry on a number of levels. When Ford Motor Company, Texas Instruments, or Proctor & Gamble contract with a university to perform research, each company and each university comes to the partnerships with different expectations. Some companies are looking for universities that have specific capabilities in specific fields. Others may have more open-ended agendas, perhaps looking to discover new technologies that have as-yet undiscovered importance. Universities, too, have different missions. Some want to expand their basic in-house research programs; others want practical research experience for their graduate students.

New Funding Sources

University-industry partnerships are growing in popularity at a time when financial constraints on universities and a growing concern that future federal funding may decline are propelling a new dynamic for academic research.

Still, the federal government does spend almost $40 billion on research and development (not counting Department of Defense weapons development accounts), and non-defense R&D funding has fared well recently on Capitol Hill. But there is still the perception that federal money is—or will soon be—ebbing and concern about future resources have led unversities to look for new relationships. The current trend separates university research into two major areas: that which has an applied nature, and that which has no guarantee of practical application. In the past, government funded both. Now, more and more, private industry is expected to take the lead on research with practical applications.

For the university, the issue of partnership is one that contains hill after hill of slippery slopes. Who will own the intellectual property that comes from such research? Will universities actively court companies, offering them financial incentives much like municipalities chase after businesses with armloads of tax abatements and other subsidies? Will graduate students find that their education consists of merely developing new circuit boards for the latest generation of computers? Will university presidents and boards of regents demand that certain departments show a "profit" when determining budgetary spending?

Although all of these are genuine concerns, one reason private industry will have a hard time driving the research departments at major universities is that the missions of private industry and universities are still very different. Joel Schulman, manager of external relations for consumer giant Proctor & Gamble, says that private industry cannot become wholly dependent on university research because universities still operate in what he calls a "false economy." The major difficulty is the relatively slow pace at which university research proceeds. "Monetarily it may be cheaper," Shulman says, "but when you factor the time element in, it may in fact cost a private company more. It may cost you less dollars, but you lose much of the control.

Proctor & Gamble spends about $20 million a year funding research at about 15 educational institutions. This pales in comparison to the $1.5 billion the company spends on its own in-house research and the amount contracted out to private research firms. P&G partners with specific universities for, say, some biotech research or to develop catalysts in organic chemistry. "We see these partnerships working if we are using resources we don't have or don't want to have," Schulman says. "But academic researchers often want to pursue offshoots, and industry is less patient with those kind of things. For example, in the pharmaceutical industry, you want to develop a drug that will have sales of $300 million a year. If the university partner is doing the primary research, and they are slow even by a day, you've lost a million dollars."

But the return for private industry can be enough to consider doing more research in academic institutions. Although the rate of return is often less than what a private company achieves on in-house research, the return rate can still be high. A 1993 study by the Congressional Budget Office in 1993 found that private firms' return rate for investments in research ranged from 20 to 30 percent. The public rate of return from research ranged from 30 to 80 percent. A 1992 study from the Progressive Policy Institute indicated that 49 percent of the economic growth in the country could be attributed to technological progress. The point of all these numbers is not that companies and universities can make a killing from their partnerships; instead it indicates that a balance between federal funding and private investment is needed to maximize the benefits from university research.

Who Owns the Research?

One of the thorny issues involving university-industry partnerships is who owns the intellectual property rights from any discoveries. In most cases, the university retains the rights and the school and the

researcher share any licensing profits. With an exclusive licensing agreement, the researcher may get up to 28 percent of the profits; in nonexclusive contracts, the percentages varies. But any university official who hopes to fund a department with licensing profits had better think again. MIT, which with $700 million in public and private contracts conducts more research than most schools, only sees about $9 million a year in revenue associated with licensing activities.

"The reason for this," Pressman says, "is that most of the stuff we license is very embryonic. We can't charge very much in the present because its value really has yet to be determined. This is a business for the patient, and private industry isn't very patient."

The licensing funds are important to the school even if the amount is tiny in comparison to its research funding because the university uses it as discretionary income in the general fund. With so many grants and donations tied to specific spending, licensing rights help universities pay for more mundane expenses like snow removal and facility maintenance—hardly glamorous programs, but still very necessary to a modern, functioning university trying to rein in spending.

Pooling Resources

Private research done for a host of companies all involved in the same industry showcases university/private industry partnerships at their best. The University of California, San Diego works with a consortium of companies for research in magnetic recording innovations, and another program is funded by a consortium of wireless communication companies. The result is programs that have long-term goals and practical applications for students, and research that will have lasting benefits for both consumers and private companies. "The student brings back topics that leaven the classroom, and the faculty members become better teachers and counselors," says Edward Furtek, UCSD's vice chancellor for science and technology policy and projects.

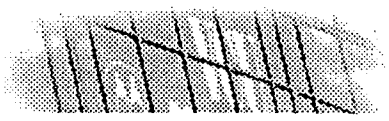
Evolving Relationships

Furtek says there are still a number of legal and ethical minefields to negotiate as universities step up their pursuit of private research money. Profits and licensing aside, peer review studies and publication must still be the focus of any university research. The amount of private investment will differ from discipline to discipline, he says, with biotechnology and artificial intelligence research commanding more than simple consumer product research and marketing studies. The issues of licensing must also work in favor of the university. "The universities must look at any conflict and the commitment of their partners," Furtek says. "We all have to be concerned about the job shop, and with second- and third-tier research institutions trying to use private money to cut corners in building their research departments quickly."

The key question is whether the pendulum has swung too quickly toward reliance on private money to fund university research. If private companies look at research from a short-term perspective, and universities oblige them with their hands out in search of money, the great university research programs will lose sight of their larger missions and may end up reacting to the whims of consumers. But if universities are careful in their pursuit of contracts, and private industry continues to see educational institutions as a unique niche in the broader research environment, the naysayers may have little to worry about.

Dan McGraw is a senior editor
at U.S. News and World Report.

When Business Reality Intervenes



Three years ago, Virginia Commonwealth University, state politicians, and Motorola devised a landmark plan to transform Richmond into a center for engineering talent. With the aid of state and corporate funds, VCU built a $40

million, state-of-the-art engineering school, which admitted its first students in 1996. A new $3 billion Motorola manufacturing facility would complement the deal, and the company would offer the school internships and technical assistance as well as employ 5,000 people, many of whom would be VCU graduates.

However, after a downturn in the global semiconductor market, Motorola decided to halt its construction indefinitely. "We're disappointed they've had to delay," says Henry McGee, the school's founding dean.

Fortunately for VCU, a $6.5 million Motorola pledge to the new school was not affected. Those funds supplied VCU with advanced high-tech gear like electron microscopes and photolithography equipment. But the full benefits of the partnership won't likely be realized until Motorola resumes its plans. "The employment opportunities for new engineers in the microelectronics business locally is not as bullish as one might have imagined a year ago," says McGee.

—Warren Cohen

Keeping Partnerships in Perspective

Rice_TI

When Rice University's Engineering Dean Sid Burrus thinks about his school's strategic partnership with Texas Instruments, he rarely thinks in strict terms about what Rice "gets" and what TI "gives," and vice versa. "We have a relationship," Burrus explains, "and the money for equipment and intellectual property may flow from the relationship, but it doesn't go the other way around. It is a bad philosophy to develop a relationship strictly on money."

Rice and TI have been collaborating on research for more than two decades, and their relationship is a good example of how partnerships between universities and private companies can benefit both parties. TI helps Rice fund research and education in digital signal processing (DSP) computer chips, paying for lab equipment and the writing of textbooks as well as research projects. The goal is to promote engineers' familiarity and work with the versatile chips, which end up in everything from complicated missile components to humdrum consumer goods like refrigerators.

In any given year, TI might put up around $100,000 to help Rice's engineering programs. But there is no specific quid pro quo about specific research. "The university must do the long-range research," Burrus says. "If the university turns into a sweatshop for private industry, it's not going to be good for either." And TI is obviously happy with the relationship. In 1996, it gave Rice $7 million to build a new engineering building endow several research chairs.

The best partnerships tend to avoid the specific contract-for-hire relationships, and instead focus on meeting the joint needs of students and industry. Some are as simple as changing course structure to meet the evolving needs of companies who will hire engineering graduates. Two years ago, the Center for Innovation in Product Development at the Massachusetts Institute of Technology began accepting its first students. The program came about when executives from Ford, General Motors, ITT Industries, Polaroid, and Xerox came to MIT and told the engineering faculty that although 80 percent of U.S. engineers go into product development, no school offered courses on the subject. Because of that industry interest and subsequent funding from private companies and the National Science Foundation, MIT now offers a product development degree. The program is multidisciplinary, combining hard engineering science with courses in marketing, finance, and management.

A recent agreement between the University of Texas at Austin and Lockheed Martin Energy Research Corporation (LMER) is another good example of this symbiosis. The agreement covers research, education, and technology transfer related to applications of separations and chemical processing technologies. This separation research is important to industries such as petroleum refining, pharmaceuticals, and mining. UT-Austin's research will be part of the Oak Ridge National Laboratory, which LMER manages for the Department of Energy. Furthermore, UT-Austin's separation research program in its College of Engineering has 35 other industrial sponsors supporting research in separations and chemical processing technology.

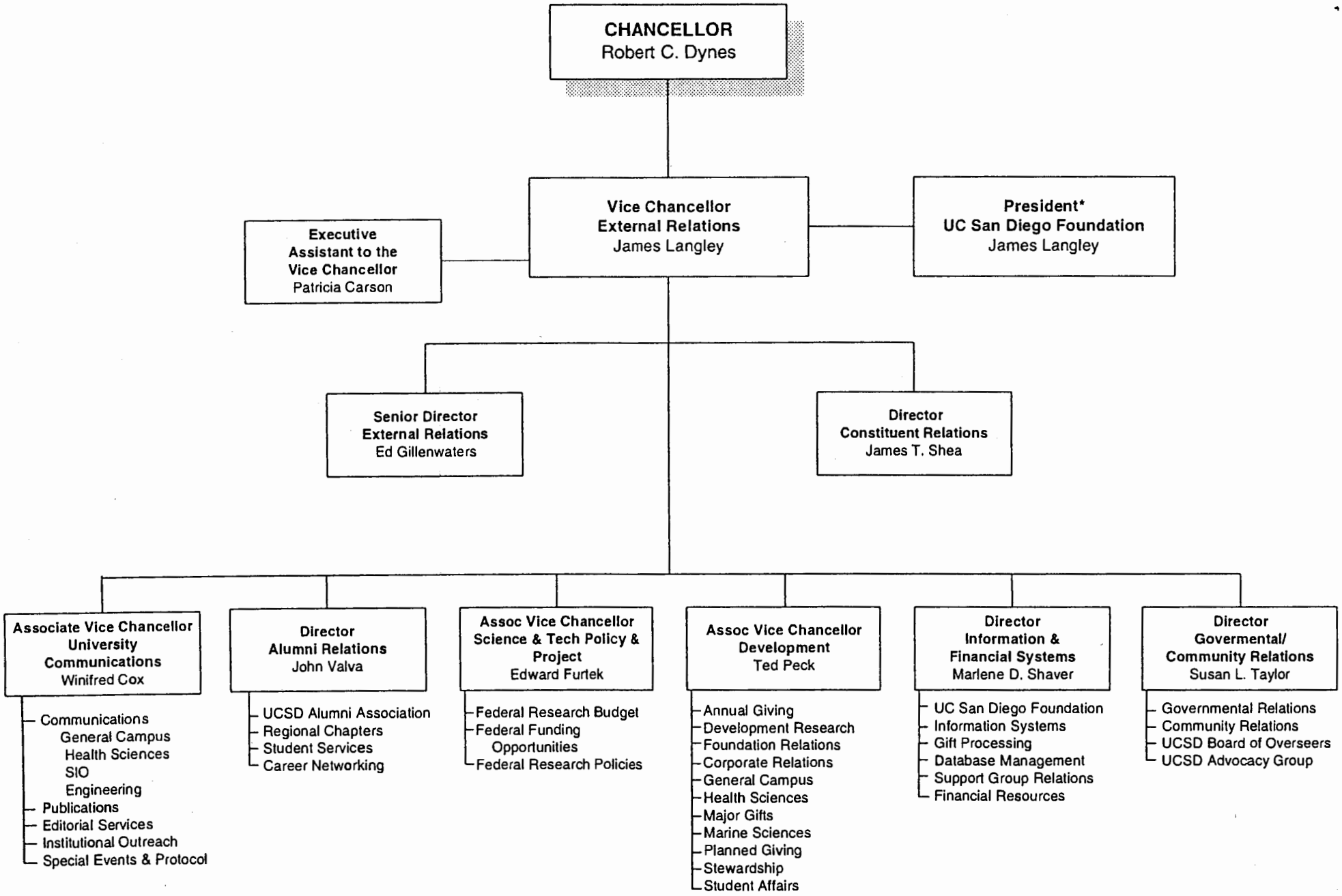
It is when all three groups—private industry, universities, and federally supported research—come together that these partnerships realize their optimum benefits. And in some respects, this tenet has held true for decades. "We've had private partnerships in universities for more than 50 years," says Burrus. "And we've learned that it works when everyone benefits from the outcome of the research."

—Dan McGraw

Photo Illustrations by **Jay Montgomery**

return to PRISM online

VICE CHANCELLOR-EXTERNAL RELATIONS ORGANIZATION CHART



12/01/01

STATE OF CALIFORNIA – THE RESOURCES AGENCY

GRAY DAVIS, Governor

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

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

SEE SUBSEQUENT PAGE 8
FOR COMMISSION ACTION

CONDITIONS, FINDINGS, ETC.
MODIFIED IN ADDENDUM

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.

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.

EXHIBIT NO. 2
APPLICATION NO.
R-6-02-60
Original Staff Report
dated 5/15/02
California Coastal Commission

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 run-off 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 LDRP, 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.

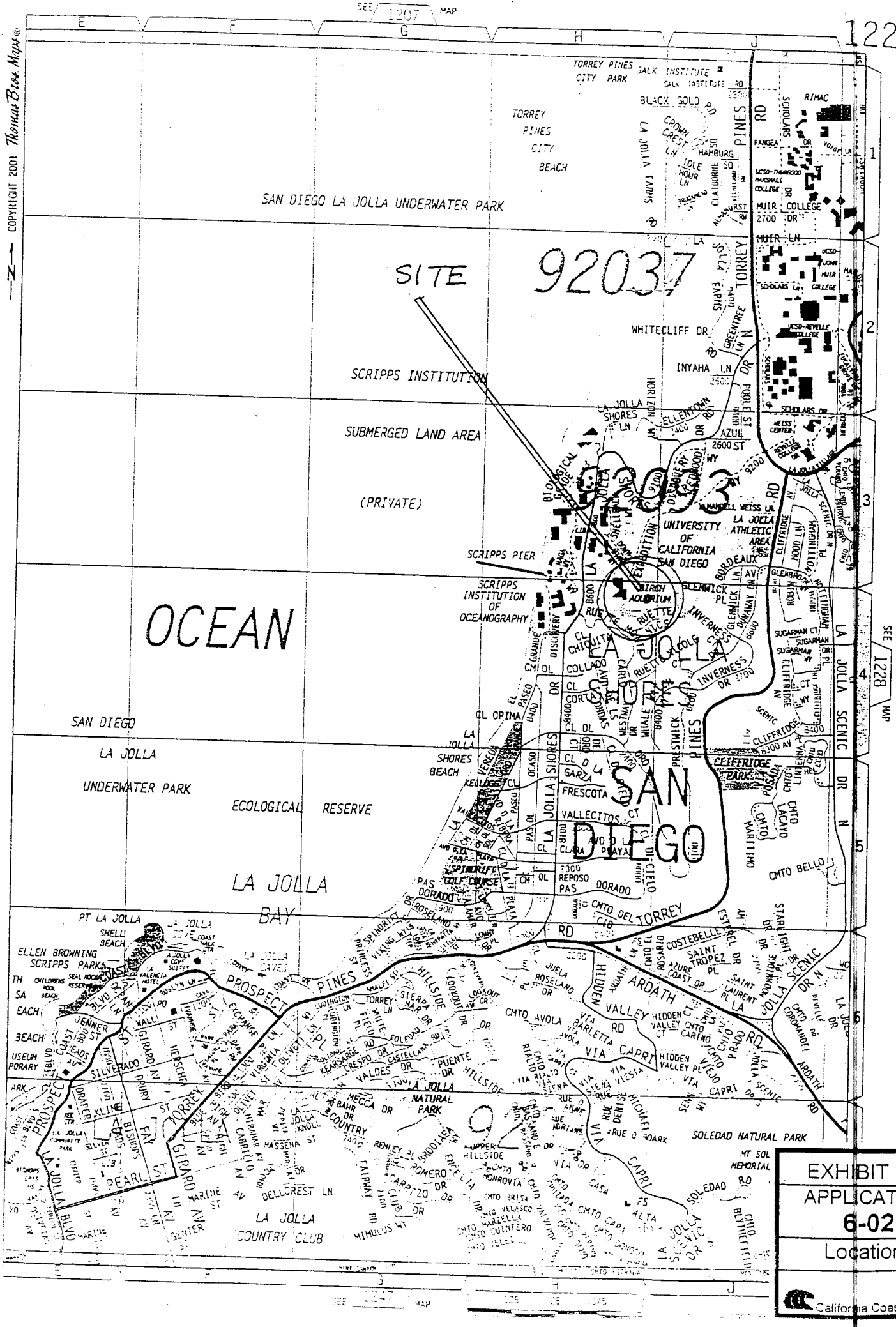
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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.

(G:\San Diego\Reports\2002\6-02-060 Scripps Machine Shop stfrpt.doc)

COMMISSION ACTION ON JUN 1 4 2002

☒ Approved as Recommended, WC, S
☐ Denied as Recommended
☐ Approved with Changes
☐ Denied
☐ Other



SAN DIEGO CO.

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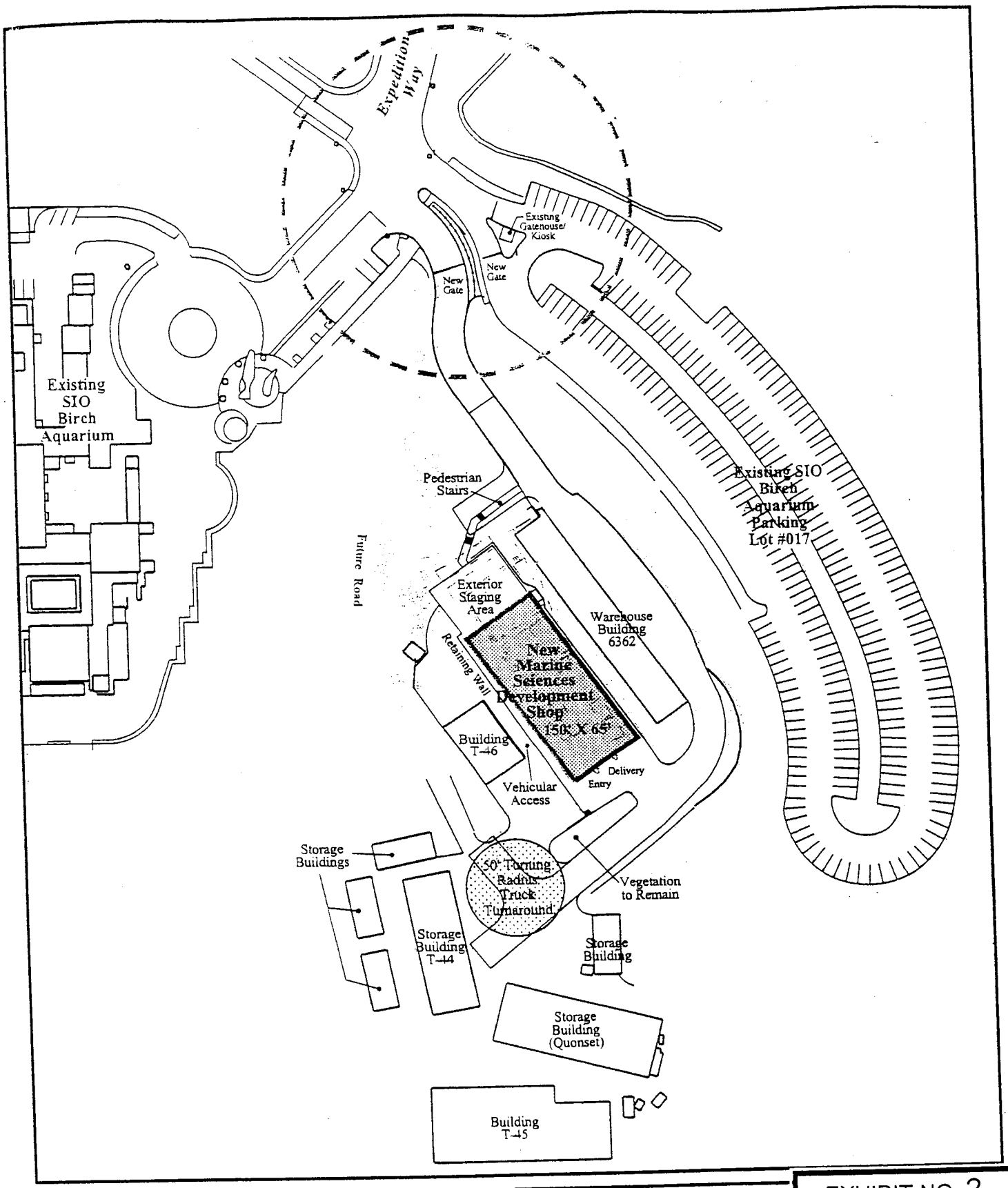
EXHIBIT NO. 1
APPLICATION NO.
6-02-60
Location Map

California Coastal Commission



RECON

No Scale

Marine Sciences Development

EXHIBIT NO. 2

APPLICATION NO.

6-02-60

Site Plan

California Coastal Commission

M:\jobs\5527\exhibits\apn\fig4 (siteplan) - final 03/13/02

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
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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
6-02-60
Letters of Oppositic
California Coastal Commiss

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. 3
APPLICATION NO
6-02-60
Letters of Oppositi

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 Oppositic
California Coastal Commiss

Signatories to this letter :

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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

EXHIBIT NO. 3
APPLICATION NO
6-02-60
Letters of Oppositic
California Coastal Commiss

STATE OF CALIFORNIA – THE RESOURCES AGENCY

GRAY DAVIS, Governor

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

Fri 8i

Addendum

June 4, 2002

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item 8i**, Coastal Commission Permit Application **#6-02-60 (UCSD)**, for the Commission Meeting of 6/14/02

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

1. On Page 2 of the staff report, Special Condition #1 shall be revised to read as follows:

1. Final 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~~ landscaping on the site.
~~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 of ~~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.

EXHIBIT NO. 3
APPLICATION NO.
R-6-02-60
Addendum dated 6/4/02 to Original Staff Report
California Coastal Commission

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.

2. On page 3 of the staff report, the second sentence of the first paragraph of the Detailed Project Description/History section shall be revised to read as follows:

> 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~~ North Torrey Pines Road.

3. On page 4 of the staff report, the fourth sentence of the first paragraph in the Visual Impacts section, shall be revised to read as follows:

> 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~~ North Torrey Pines Road.

4. Beginning on Page 4 of the staff report, the following paragraphs of the Visual Impacts section shall be revised to read as follows:

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 or coastal access routes, and the project will not impact existing public views of the surrounding area. 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,~~ blends into the surrounding development, the applicant proposes to install landscaping improvements that include numerous trees. Special Condition #1 ~~is attached. The condition~~ requires that the applicant submit a detailed final landscaping plan that details these landscape provisions. ~~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~~ 2 letters of opposition, signed by approximately 15 area residents, 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.

Fri 8i

UNIVERSITY OF CALIFORNIA, SAN DIEGO UCSD

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SCRIPPS INSTITUTION OF OCEANOGRAPHY
DIRECTOR'S OFFICE/ADMINISTRATION

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

MAILING ADDRESS:
9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0210
Phone: (858) 534-2831
FAX: (858) 822-2718
Internet: administration@sio.ucsd.edu

June 5, 2002

Sara Wan, Chair
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Coastal Development Permit Application 6-02-60 (Scripps Institution of Oceanography Marine Science Development Shop); Commission Meeting of June 14, 2002, Agenda Item No. 8(i)

Dear Chair Wan and Commissioners:

Scripps Institution of Oceanography (SIO) proposes to relocate the existing Marine Science Development Shop (MSDS) from the present location on the ocean shorefront to a location on the east side of La Jolla Shores Drive, near the Birch Aquarium at Scripps. The relocation project will allow the MSDS to continue to provide valuable support services for SIO research and global exploration activities.

The Staff Recommendation (May 15, 2002) for this project recommends approval with special conditions addressing landscaping and water quality. All of the special conditions are, in principal, acceptable. However, certain technical revisions are necessary and have been addressed in a separate letter to Commission staff (attached). We are hopeful that these matters can be addressed before the Commission meeting through a revised staff recommendation.

Although the Staff Recommendation is for approval of the proposed project, there are a number of neighbors who have voiced objections to the development, primarily on grounds of potential visual and noise impacts. So that you may place these objections

LETTER FROM APPLICANT

in context, we wish to provide you with background information and specific information on several issues to aid you in your consideration of this project.

Project Purpose

The proposed MSDS relocation project will allow for the replacement of the existing shop that was built in 1960 (see attached Figure 1). The current pre-fabricated metal building is not insulated and its heating and air conditioning system are inadequate to maintain the proper environment for the highly specialized work performed in the building. The building itself is deteriorated through rust and corrosion given its location immediately adjacent to the beach and ocean (see Figure 2).

The relocation will remove this building from a site which, given its shorefront location, is more appropriate for uses which provide greater public access and do not result in a visual and physical barrier along the coast. Removal of the existing MSDS will also allow for future development of a conference facility and adjacent open space and gathering area. In fact, this open space project (6-02-61), Pawka Green, is recommended for approval on your current meeting agenda.

The relocation site for the MSDS is Seaweed Canyon, an area east of La Jolla Shores Drive and near the existing Birch Aquarium at Scripps (see Figures 3 and 4). Seaweed Canyon has long been used as a staging and storage facility area for equipment supporting SIO research. The proposed MSDS will be compatible and complimentary with these uses.

Purpose and Mission of the Marine Science Development Shop

Scripps Institution of Oceanography is one of the oldest, largest, and most important centers for global science research and graduate training in the world. The National Research Council has ranked SIO first in faculty quality among oceanography programs nationwide. The Marine Science Development Shop is a specialized facility that supports the development of unique instrumentation and equipment for oceanographic research. The MSDS functions in a collaborative manner in that scientists or researchers generally do not have detailed plans or drawings available but merely ideas which are developed in conjunction with highly skilled personnel in the shop. Most items that are developed in the shop are one-of-a-kind. The MSDS performs with critically important technical expertise, fabrication material and manpower, assembly, consulting and engineering, parts machining, and support operations for every level of oceanographic and earth science research at SIO.

The MSDS performs work that cannot be effectively done at off-campus facilities in the San Diego area or elsewhere. This is because of the interaction that is required between the shop personnel and the scientific clients; and, because of the types of materials being used and instruments being developed. Several examples of the work performed at the MSDS are:

• Since the 1950's, Scripps investigators, led by Dr. Charles David Keeling, have been studying atmospheric chemistry, leading to a modern understanding of the role greenhouse gases play in driving climate and global warming. The MSDS has built the instruments that made this important science possible. As a result of this research, Dr. Keeling was recently awarded the National Medal of Science from President George W. Bush and the National Science Foundation.

• The international Argo experiment, a project designed to improve the understanding of the climate system and climate change, uses small autonomous floating instruments that track deep ocean currents worldwide and transmit data real time via satellites. The MSDS is solely responsible for the fabrication of these devices.

• The MSDS has constructed specialized rock bits and down-hole tools that enabled the retrieval of core samples for the Deep Sea Drilling Program, a world-renowned research project that led to important discoveries in the tectonic plate theory of continental structure.

• Current and upcoming projects of the MSDS include development of the deepest ocean diving instrument package and an instrument package to explore the oceans of Europa, a moon of Jupiter.

Seaweed Canyon Site

The land known today as Seaweed Canyon was part of the original August 11, 1907, purchase of 170 acres by the Marine Biological Association of San Diego. These lands eventually became the home of various components of SIO. As early as 1929, the area was shown as providing various research support activities. Following various uses, including as a temporary housing site during World War II, the area was used as a disposal site for seaweed removed from local beaches (thus leading to its present name). During the 1960's, as the seagoing efforts of Scripps increased, it became necessary to have adequate staging and storage for seagoing equipment. During this time, surplus Marine Corps buildings, including latrines and Quonset huts, were relocated to the Seaweed Canyon area. This activity was coincident with the construction of single-family homes in the area east of Seaweed Canyon.

Additional facilities for staging and storage use were subsequently constructed. In 1989, a coastal development permit (6-89-128) was approved for construction of a 8,000 square foot pre-fabricated metal storage building and, in 1995, the Commission approved a similar 2,400 square foot building (6-95-10). Both structures were built in Seaweed Canyon; no objections or public comments were received in conjunction with these projects.

In all Long Range Development Plans prepared by the University of California, San Diego, the Seaweed Canyon area has been designated as a support facility for sea-going oceanographic research. Equipment for sea-going operations is kept in Seaweed Canyon and prepared for shipment throughout the world. Locating the MSDS in Seaweed Canyon enables a close working relationship between shop personnel and scientists and technical personnel. The relocation supports the academic mission of SIO via the provision of specialized equipment, developed specifically for SIO researchers, and provides a space for Scripps faculty, staff, and students to create, repair, and maintain these research tools and equipment.

The Seaweed Canyon site was chosen for relocation of the MSDS after a thorough site evaluation process involving a number of SIO and UCSD committees and consideration of several sites. The Campus Planning Office prepared a site evaluation that discussed program needs, access, utilities, long-term academic and site planning goals, and identified environmental issues for further study. A Building Advisory Committee (BAC) composed of representatives of SIO and UCSD administrative units, facility clients, and members of the UCSD Academic Senate reviewed this site evaluation. The BAC recommendations were reviewed by and coordinated with the SIO Marine Sciences Physical Planning Committee (MSPPC) and the campus-wide Campus Community Planning Committee (CCPC). The campus Design Review Board also reviewed the project. Both MSPPC and CCPC endorsed the Seaweed Canyon site and Chancellor Robert C. Dynes approved this recommendation.

Important considerations in the selection of Seaweed Canyon were the presence of existing similar activities; and, the fact that the selection of any other potential site would not allow for future development of more intensive academic uses.

Environmental Review

Although UCSD and SIO projects are not subject to zoning and building permit requirements of the City of San Diego, University projects are required to comply with the California Environmental Quality Act (CEQA). The MSDS relocation project was reviewed under CEQA procedures and guidelines and a Mitigated Negative Declaration has been prepared. A full

range of issue topics required under CEQA were examined including visual resources, biological resources, geology, water quality, land use, noise and traffic/parking. The environmental review indicated that there is no native vegetation present in the bottom of Seaweed Canyon and that the lack of native vegetation and the disturbed condition of the project site reduces the likelihood of direct or indirect impacts to biological resources.

Two issues – visual impact and noise -- were determined to require special attention and appropriate mitigation measures. The proposed project site is not visible from any public viewpoints or primary coastal access routes or, in fact, any location other than less than fifteen single-family residences that are located 400 – 1200 feet from the project site. For those residents whose private view may be impacted by the proposed project, the view of the project site is an extremely minor portion of the total view. During the past ten years, the University has planted more than 350 trees in the areas around Seaweed Canyon and the Birch Aquarium in order to provide visual screening.

Recognizing that there would be concern about the potential impacts of noise from the relocated MSDS, consideration of acoustic impacts was paramount throughout the planning and design process. A certified and recognized acoustical consultant was engaged and first determined the maximum noise levels generated by normal operations at the existing MSDS. This information was then used to determine the type of building design that would be necessary to achieve compliance with the City of San Diego's noise limitation standards for single-family residential areas (the City's most restrictive standard). This study established a performance standard against which building design and construction would be measured. Those standards are included in the Mitigated Negative Declaration and are binding upon the University for the life of the project. In order to insure compliance with the established standards, the acoustical consultant will review final design and construction drawings and specifications and recommend any necessary changes. The consultant will also perform post-construction monitoring to document compliance with the established standards. If the specified standards are not met, then the project must be retrofitted or operations must cease until City standards are met.

The standards that must be achieved through project design and operations are that the project shall not exceed the City of San Diego Sound Level limits of 50 dBA from 7:00 a.m. to 7:00 p.m. or 40 dBA from 10:00 p.m. to 7:00 a.m. as measured at the closest residence. The analysis by the acoustical consultant indicates that the existing ambient sound levels near the closest residences range from 52 to 59 dBA during the daytime and from 42 to 49 dBA during the evening and nighttime. Thus, the standards required of the proposed project will result in sound levels that are less than the existing ambient levels.

Project neighbors have expressed additional concern about the effects that topography and atmospheric conditions may have on sound levels. The University's acoustical consultant has examined the site-specific conditions and the project performance standards. Even with sound level increases to account for these additional factors, City standards for residential areas would continue to be met and the anticipated sound levels would be less than the existing ambient levels.

Planned Mitigation Measures

The environmental issues that are of the greatest concern to project neighbors are private view impacts and noise. Both of the issues are addressed in the Mitigated Negative Declaration. Neither of these issues is the subject of Coastal Act policies, but are addressed here for background information.

The MSDS project site is located between two existing buildings of comparable height in an already developed area (see Figures 5 and 6). There are no views of the project site from any designated scenic areas, scenic roadways, view corridors, or public beach or recreation area. Nonetheless, there are some minor views of the project site from nearby private residences. In order to mitigate any visual impacts resulting from the project, existing landscaping on the project site is being retained and additional landscaping is proposed south of the new building. Included in the proposed project is new water service to the Seaweed Canyon area that will allow for more irrigation and enhanced vegetation growth. The retention of the existing landscaping and the provision of new landscaping, together with the painting of the new building in a dark green color, should adequately mitigate any potential visual impacts resulting from the project.

In order to insure compliance with the sound attenuation performance standards specified in the Mitigated Negative Declaration, the project will be required to:

- Provide a building shell (exterior walls and roof) design that shall limit exterior noise to less than 64dBA at 50 feet from the building facade during shop operation hours (7:00 a.m. – 5:00 p.m.)

- Minimize the number and size of windows in the building. Provide sound rated windows and doors with resilient seals.

- Locate all outdoor mechanical ventilation equipment, ventilation exhaust fans, and air compressors at ground level on the side of the building and within shields. The mechanical

equipment, exhaust system, and air compressor shall be selected and located in such a manner so as not to exceed a cumulative sound level of 58dBA at 50 feet from the building facade.

• Retain a qualified acoustical consultant during the building design phase to evaluate the design to ensure that noise control measures are incorporated into the project design so as to achieve the required noise standards.

• Retain an independent acoustician to conduct post-construction noise monitoring to ensure that the noise standards are met. The post-construction monitoring would include measurements during both daytime and nighttime hours.

• Keep all windows and doors closed while machinery is being used so as to contain operational noise and minimize potential noise impacts on surrounding residences.

Additional Issues

In addition to above issues related to the proposed MSDS development, project neighbors have raised a number of issues related to existing development in Seaweed Canyon and to operational issues associated with the MSDS. Although these issues are outside of the purview of the Coastal Commission development permit process, we are prepared to address them in an effort to continue a dialogue of cooperation with our neighbors. It has always been and continues to be our goal to be good neighbors.

Additional Project Screening In meetings with project neighbors, it became apparent that there is one significant "gap" in existing vegetation through which the proposed project site may be viewed from certain nearby residences. In order to mitigate this view, we will include additional landscaping in the area shown on attached Figure 7. This landscaping will consist of a mixture of trees that will provide some immediate screening, as well as long-term growth.

Aquarium Project The Birch Aquarium at Scripps was constructed in 1992. There were numerous construction and operational mitigation requirements associated with the project, all of which we believe have been met. We have had many discussions with project neighbors regarding implementation of these measures.

Seaweed Canyon Development Visibility Some of the neighbors who are able to view other existing development in Seaweed Canyon are concerned about the visual appearance

of older storage buildings. In particular, the existing color of these buildings makes them quite noticeable in contrast to the surrounding natural vegetation. Although these buildings will be replaced through a long-planned capital development project (scheduled for construction in 2004-05), we are prepared to take action to reduce the visibility of this existing development. First, we are willing to paint the existing buildings in a new color scheme that will reduce their visibility and blend better with the surrounding vegetation and visual environment. Second, we will attempt to provide additional landscaping adjacent to the southern boundary of Seaweed Canyon (see Figures 7 and 8). In order to be able to plant trees in this area, we will need permission and cooperation from an adjacent property owner. Trees were planted previously in this area by SIO but have been subject to repeated vandalism. We are willing to make our best efforts to secure an agreement with the adjacent owner, plant and maintain the trees, and take measures to reduce the possibility of vandalism and ensure successful screening.

Fire Hazard Although the existing and proposed development in Seaweed Canyon has been reviewed and approved by the Fire Marshall, there remains neighborhood concern regarding potential fire hazard. In an effort to address this concern, we will not allow any outside welding or grinding or open-flame activity that would be hazardous. Additionally, smoking will be limited to areas designated by the Fire Marshall. Finally, the provision of increased water service into the area will allow the placement of fire hydrants, which do not presently exist.

Operational Noise Although all MSDS activity will be contained within the building and appropriate noise standards will be observed, certain outdoor activity may produce noise to which the neighbors may object. In an effort to control such noise, we will assure that all truck pick-ups and deliveries, including trash, will occur between 8:00 a.m. and 5:00 p.m. Back-up beepers will be used only when required by law or regulation. Site operations will be designed so that truck-backing operations will be minimized. Appropriate signage regarding operations and the minimization of outdoor noise producing activities will be posted.

Compliance with Mitigation Measures and Additional Agreements Upon approval by the Coastal Commission of the proposed MSDS relocation project, a separate document will be executed by SIO agreeing to implement and observe all mitigation measures contained in the Mitigated Negative Declaration and additional measures discussed above.

In summary, we believe that the proposed Marine Science Development Shop is a necessary and integral component of the valuable oceanographic research and exploration activity at Scripps Institution of Oceanography. We are committed to its development in a manner that satisfies our needs as well as addresses the concerns of our neighbors. We

will take whatever reasonable measures are necessary in order to proceed with this project and future development.

Thank you for the Commission's continued interest and cooperation in the activities and programs here at SIO.

Sincerely,

Tom Collins
Associate Vice Chancellor, Marine Sciences
Deputy Director, Administrative Affairs

Attachments:
Figures 1 – 8
June 2, 2002 letter to Commission staff regarding Staff Report and Recommendation

cc: All Commissioners
Commission Staff

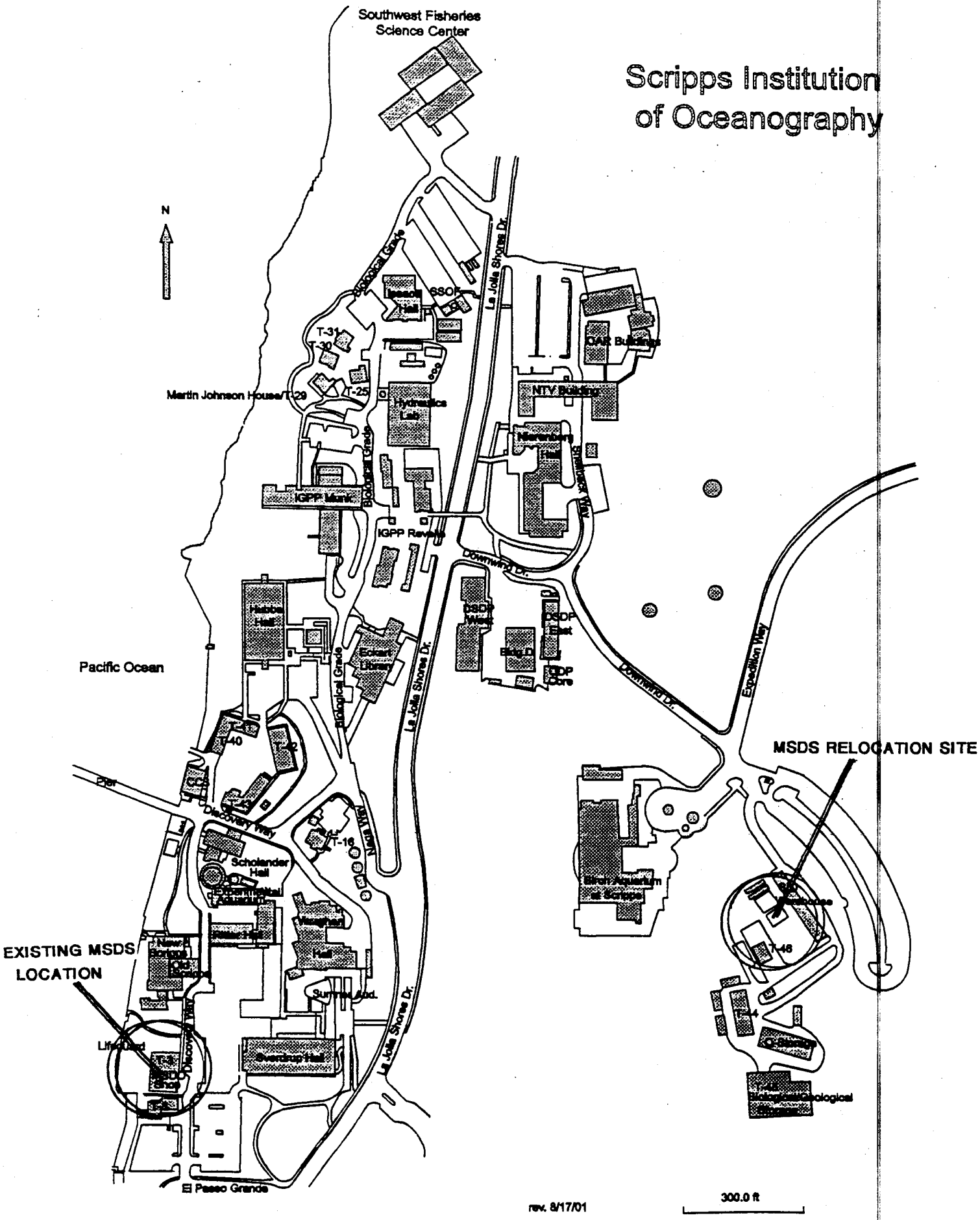
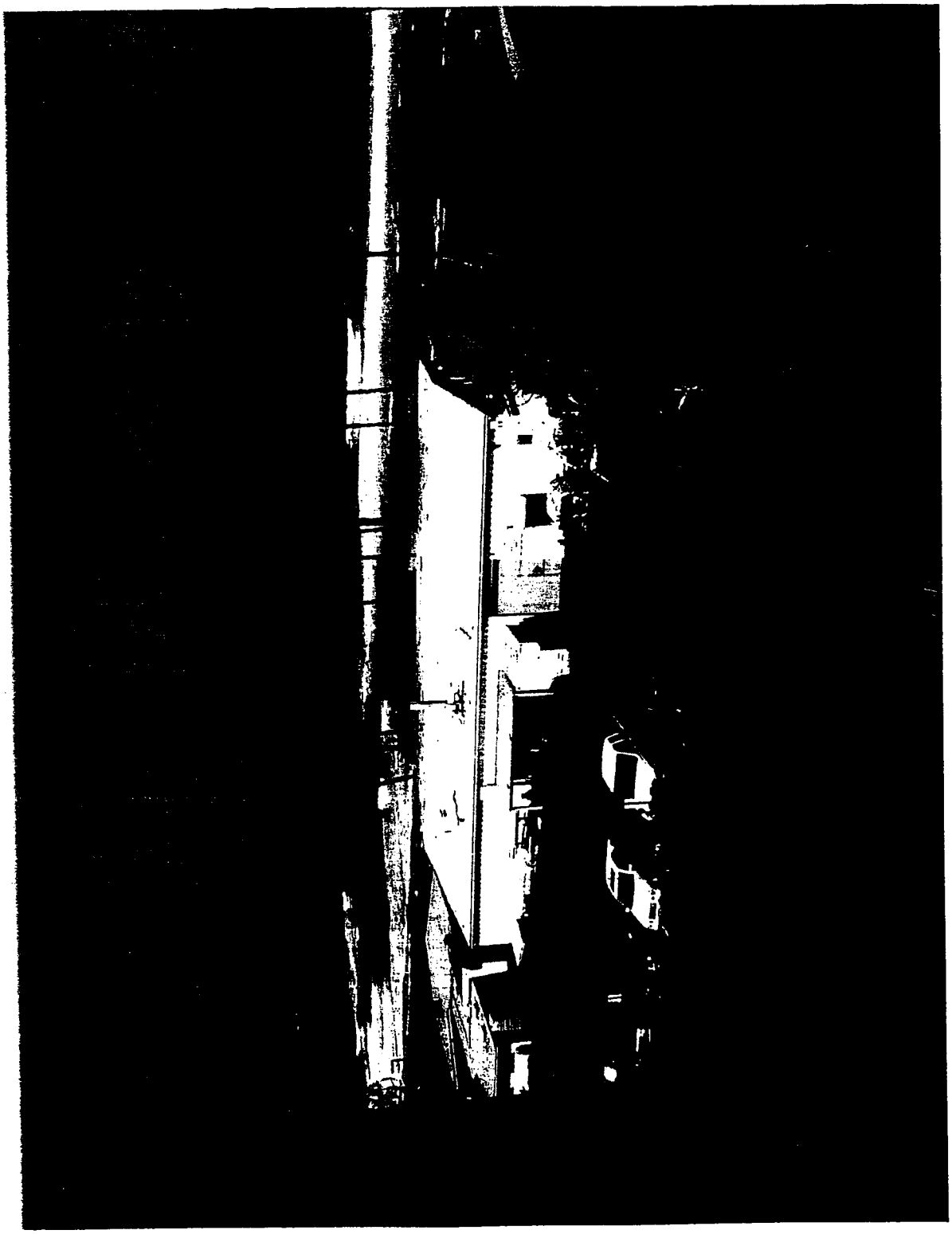

Scripps Institution of Oceanography
Southwest Fisheries Science Center
N
Biological Grade
Isaacs Hall
SSOF
T-31
T-30
T-29
T-25
Martin Johnson House/T-29
Hydraulics Lab
OAR Buildings
NTV Building
Nierenberg Hall
Shellback Way
IGPP Munk
IGPP Revelle
Downwind Dr.
La Jolla Shores Dr.
Hubbs Hall
Eckart Library
DSDP West
DSDP East
Bldg D
IODP Core
Pacific Ocean
T-41
T-40
T-42
Pier
T-43
Discovery Way
T-16
Nobel Way
Scholander Hall
Experimental Aquarium
Vaughan Hall
Peter Hall
New Bonpas
Old Bonpas
Summer Abd.
Overdeep Hall
Life Sad
T-3
SSDD Shop
El Paseo Grande
Expedition Way
MSDS RELOCATION SITE
Birch Aquarium at Scripps
T-46
T-4
T-48
Biological Observatory
EXISTING MSDS LOCATION
rev. 8/17/01
300.0 ft

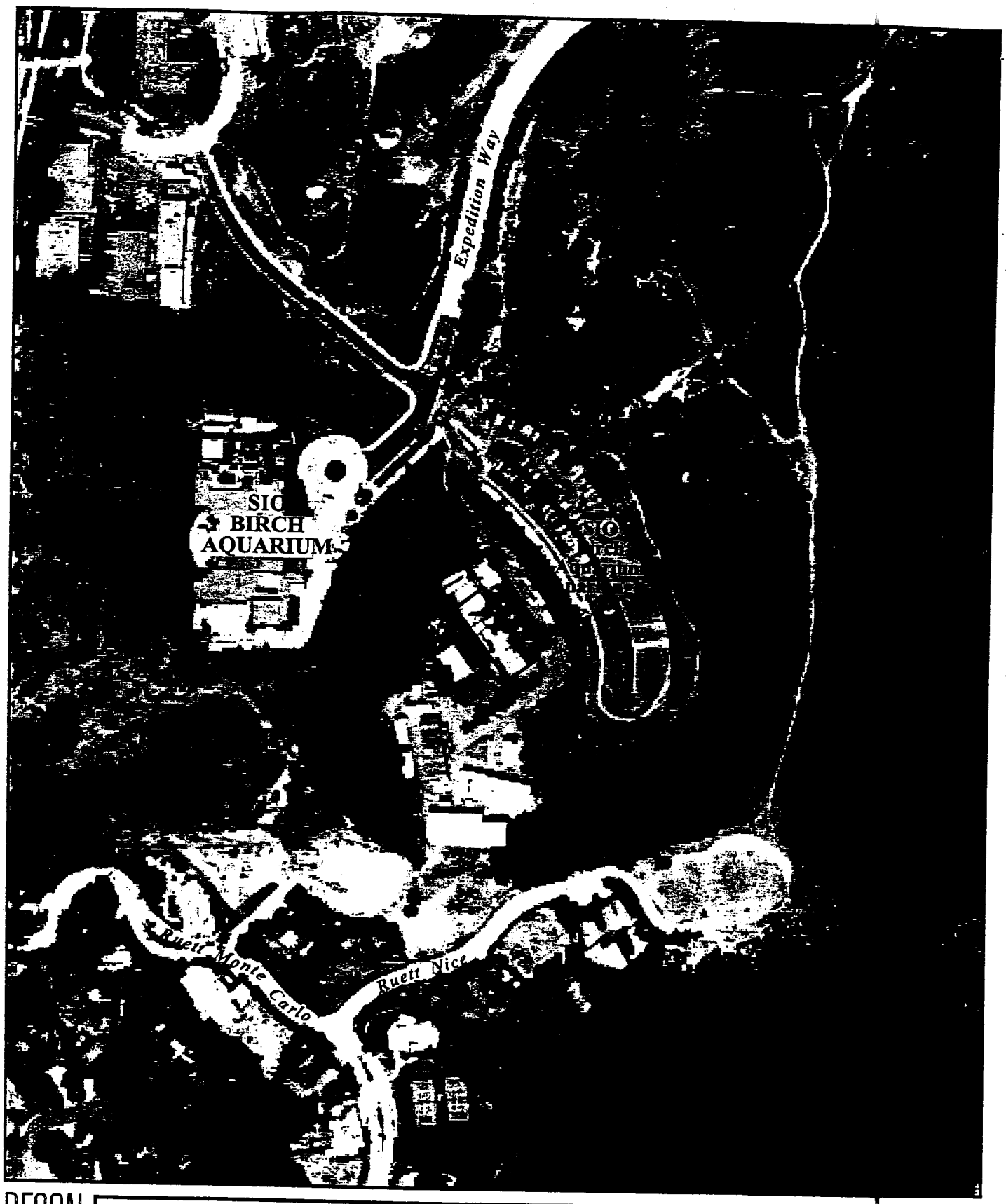
FIG. 1

68



EXISTING MARINE SCIENCE DEVELOPMENT SHOP

FIG. 2



RECON

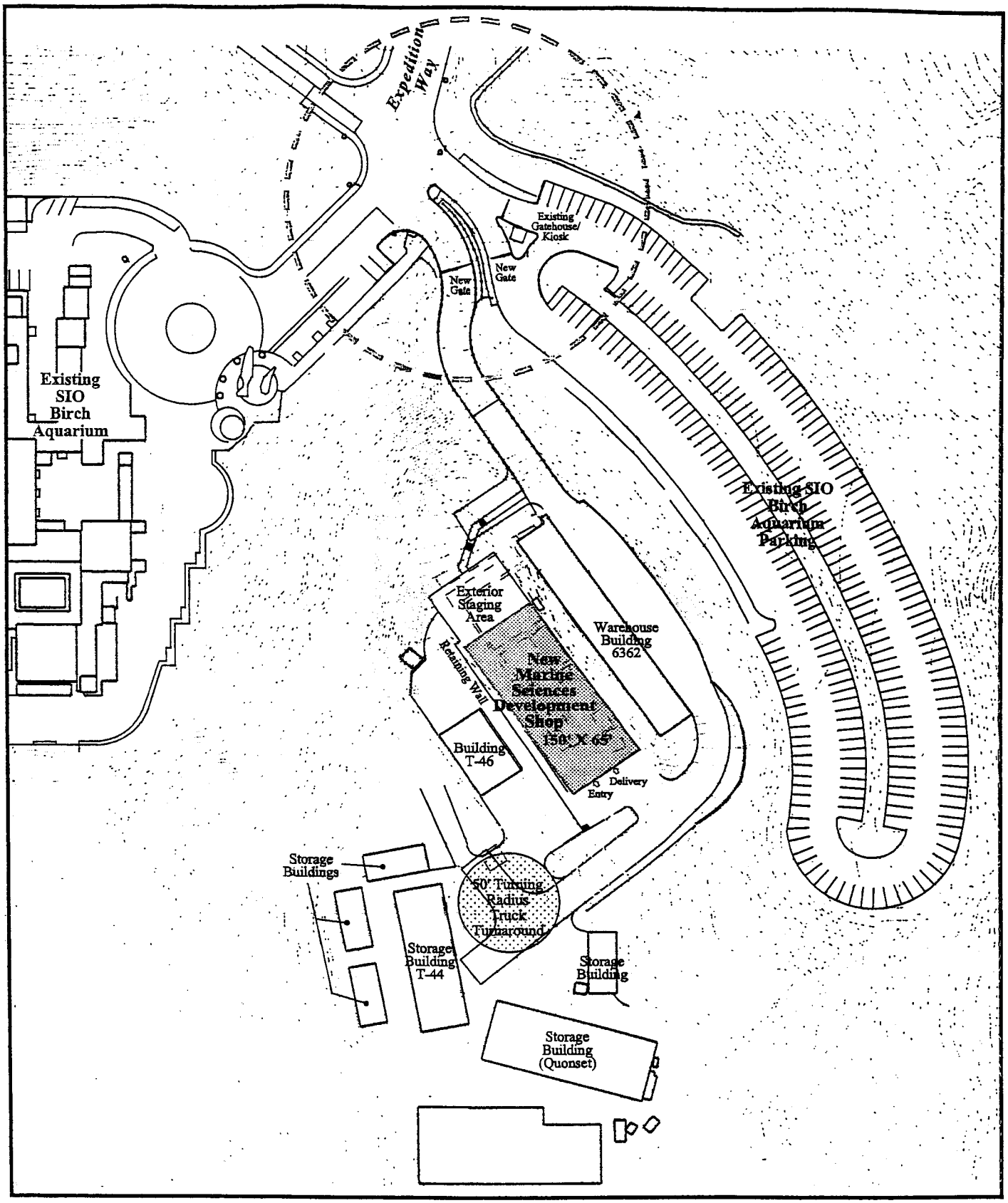
Proposed Marine Science Development Shop

0 Feet 250

FIGURE 3

UCSD Scripps Institution of Oceanography (SIO)
Proposed Marine Science Development Shop

M:\jobs\3527e\gis\eis.apr\fig3 (aerial) - final 02/28/02



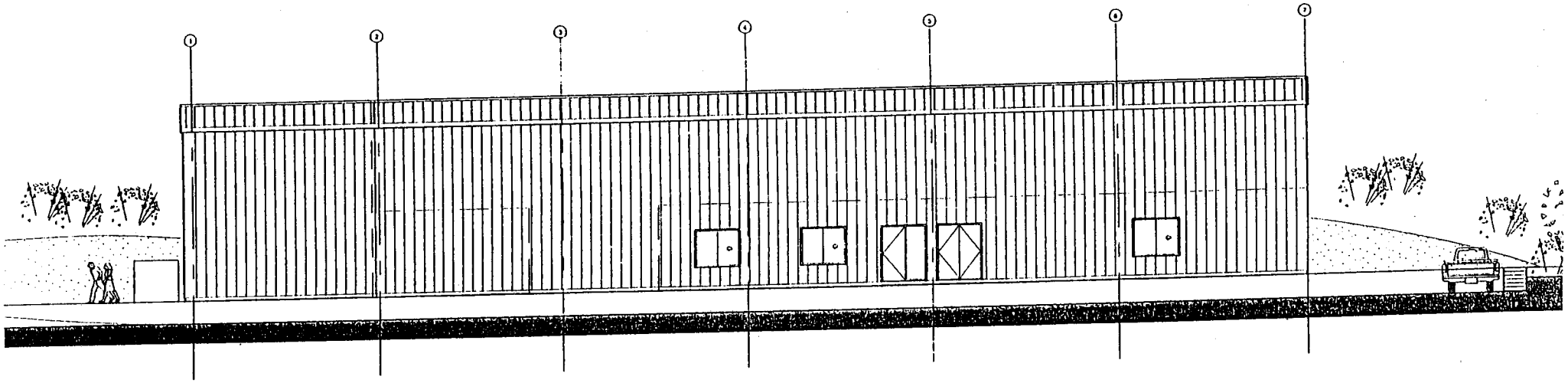
RECON

No Scale

FIGURE 4

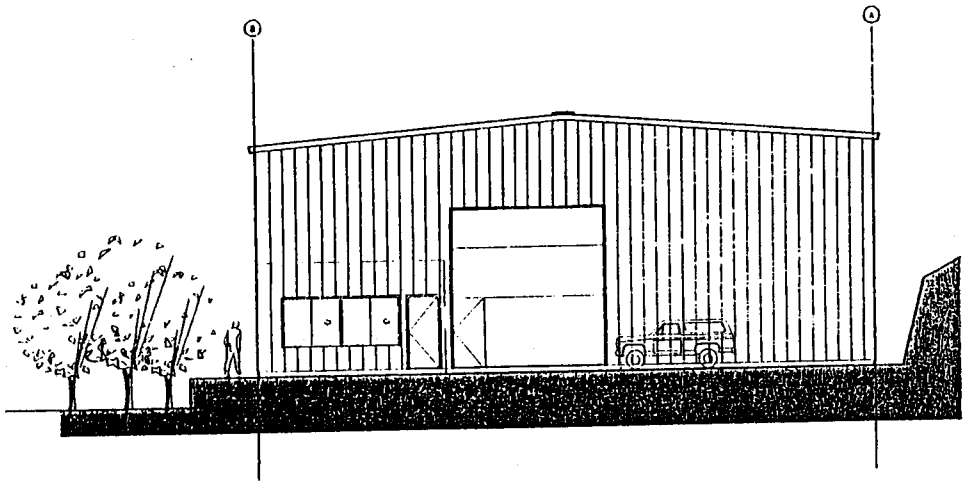
Marine Science Development Shop Site Plan

M:\jobs\3527e\gis\eis.apr\fig4 (siteplan) - final 02/28/02



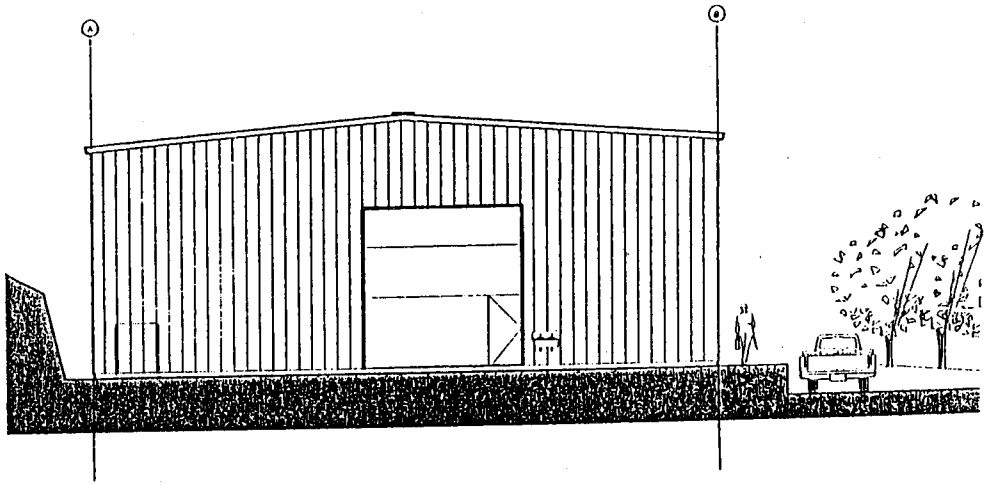
WEST ELEVATION

1"=20'-0" 0 10' 20' 40'



SOUTH ELEVATION

1"=20'-0" 0 10' 20' 40'



NORTH ELEVATION

1"=20'-0" 0 10' 20' 40'

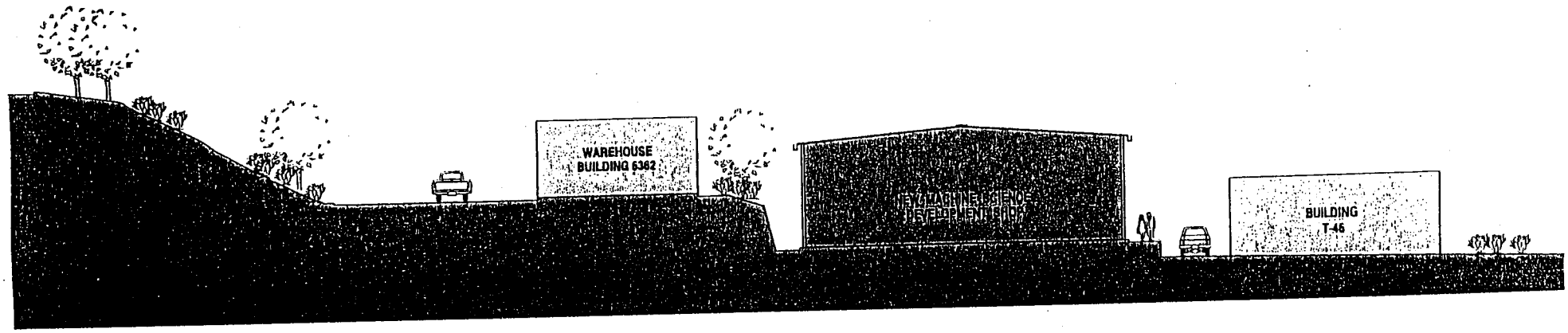
FIG. 572

SIO MARINE SCIENCES DEVELOPMENT SHOP

Scripps Institution of Oceanography / UCSD

February 26, 2002

MAG
MILO ARCHITECTURE GROUP



CONCEPTUAL SITE SECTION

1"=30'-0" 0 15' 30' 60'

FIG. 6

SIO MARINE SCIENCES DEVELOPMENT SHOP

Scripps Institution of Oceanography / UCSD

February 26, 2002

MAG
MILO ARCHITECTURE GROUP

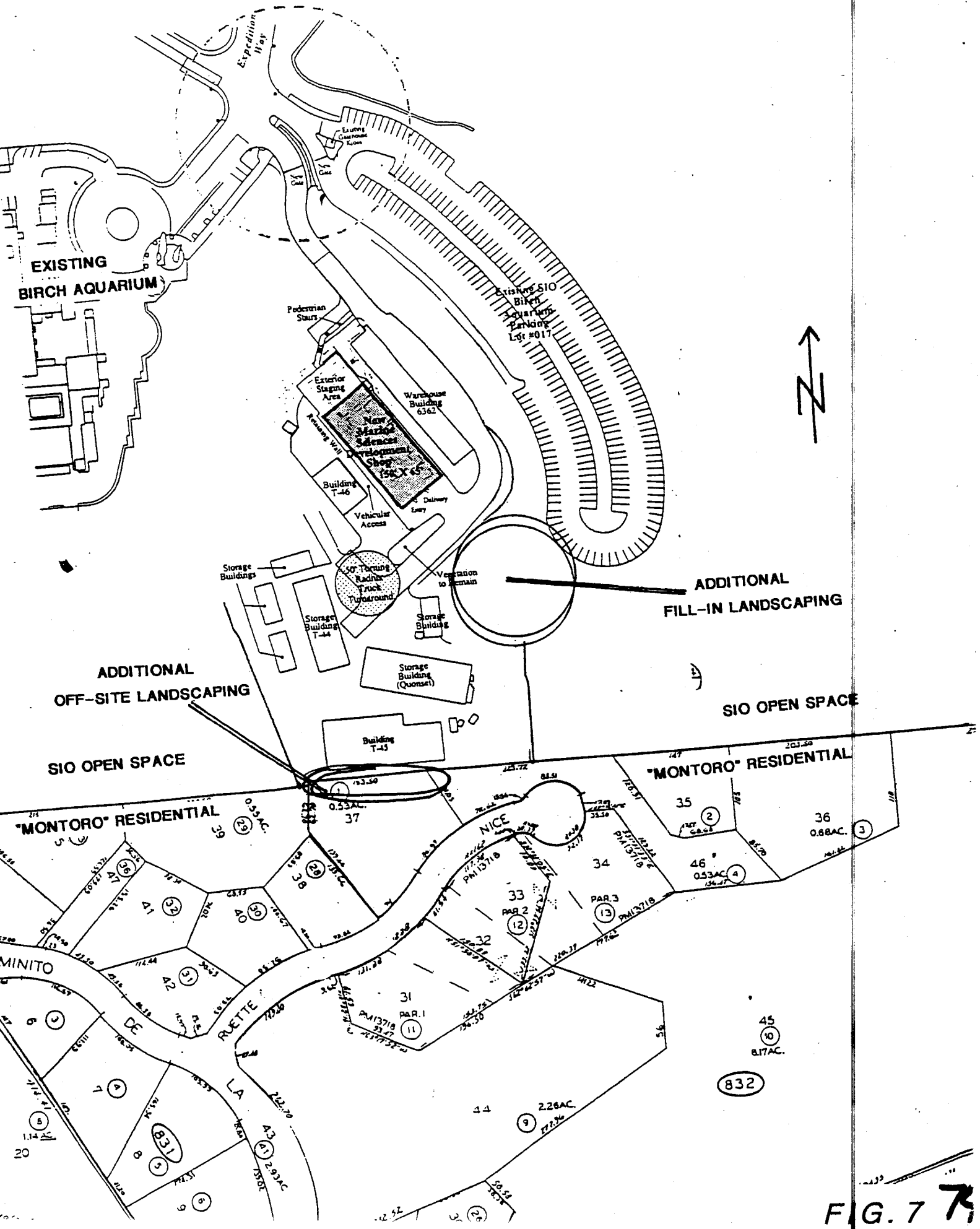
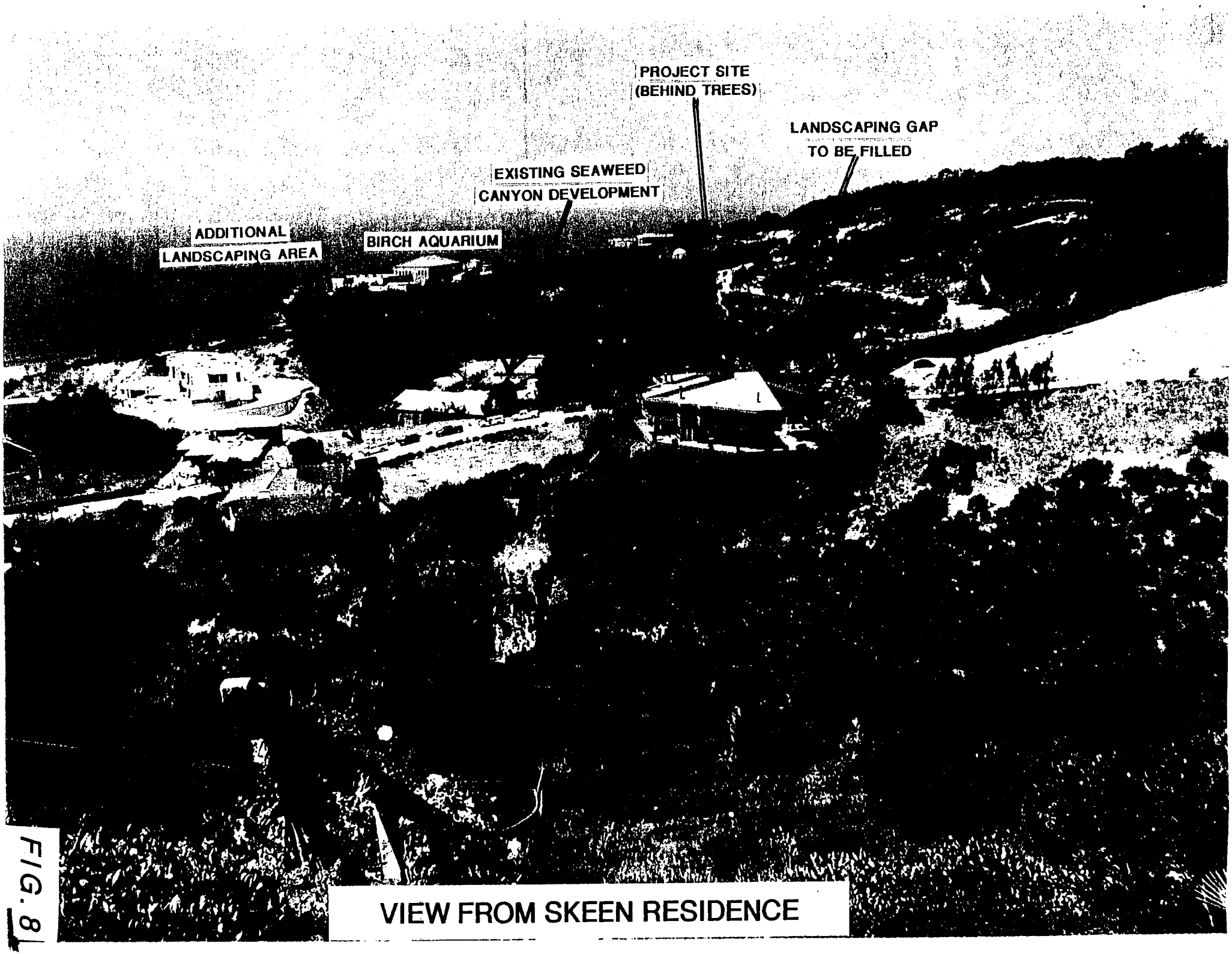

EXISTING
BIRCH AQUARIUM
Expedition Way
Existing SIO Birch Aquarium Parking Lot #017
Pedestrian Stairs
Exterior Staging Area
Retaining Wall
New Marine Sciences Development Shop 150 X 65'
Warehouse Building 6362
Building T-46
Vehicular Access
Delivery Entry
Storage Buildings
50' Turning Radius Truck Turnaround
Vegetation to Remain
Storage Building T-44
Storage Building
Storage Building (Quonset)
Building T-45
ADDITIONAL
FILL-IN LANDSCAPING
ADDITIONAL
OFF-SITE LANDSCAPING
SIO OPEN SPACE
SIO OPEN SPACE
"MONTORO" RESIDENTIAL
"MONTORO" RESIDENTIAL
NICE
MINITO
DE
RUETTE
LA
0.53AC.
37
39
38
40
41
42
47
35
36
0.68AC.
46
0.53AC.
34
33
32
31
PAR.1
PAR.2
PAR.3
PM13718
45
8.17AC.
832
44
2.26AC.
43
2.93AC.
831
7
8
9
20
1.14 AC.

FIG. 7



VIEW FROM SKEEN RESIDENCE

FIG. 8

UNIVERSITY OF CALIFORNIA, SAN DIEGO

BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO SANTA BARBARA · SANTA CRUZ

GOVERNMENTAL AND COMMUNITY RELATIONS

9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0066
FAX: (858) 534-2998

June 2, 2002

David Stahl
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Re: Staff Report and Preliminary Recommendation, Coastal Development Permit Application No. 6-02-60 (Scripps Institution of Oceanography [SIO] Marine Science Development Shop [MSDS])

Dear David:

We have received and reviewed the staff report and preliminary recommendation for this project. With the exception of the items listed below, the recommendation and all special conditions are acceptable. We would ask that any necessary corrections or modifications to special conditions or proposed findings be made prior to the Commission hearing. Please contact me if you have any questions.

Applicant's Responses to Staff Report and Preliminary Recommendation, 6-02-60

Special Condition 1(a) Due to site and area topography, the project site and Seaweed Canyon are not visible from La Jolla Shores Drive. Given that the views that are intended to be screened are from public coastal access routes and/or scenic roadways (such as La Jolla Shores Drive), this condition may not be warranted.

Effective screening of the development site from surrounding areas (non-public views) can be achieved by the careful placement of trees. However, we believe that a mixture of tree sizes (5-gallon, 15-gallon, and larger specimens) will produce better long-term results and faster growth than the use of several, larger specimens. Also, areas where 24-inch box trees may be placed are limited and may interfere with the function and access to the proposed shop building. We would request that this special condition be

modified to recognize the lack of site visibility from La Jolla Shores Drive and to allow flexibility in the landscape design and implementation.

Special Condition 1(b) Although drought tolerant native or non-invasive plant materials will be used extensively, we need to include Eucalyptus trees within our landscape plans. These trees and other plant materials will be irrigated at the outset to foster proper establishment. We request that the use of Eucalyptus be specially allowed in the final landscape plan.

Special Condition 1(d) The reference to "residential construction" should be removed and the condition appropriately completed.

Special Condition 1(f) The five-year report requirement is acceptable. However, monitoring on a yearly basis will be performed in order to insure proper landscaping progress.

Section 1, Page 3, final line The terminus of Expedition Way at the Birch Aquarium is off of North Torrey Pines Road, not La Jolla Shores Drive. The access road that extends westward from this point (to La Jolla Shores Drive) is Downwind Way.

Section 2, Page 4, first paragraph Again, Expedition Way extends from North Torrey Pines Road, not La Jolla Shores Drive. Also, as noted above, the project site is not visible from La Jolla Shores Drive.

Section 2, Page 5, first partial paragraph These findings will require modification consistent with any modifications to Special Condition 1(a).

Section 2, Page 5, first full paragraph It should be noted that the neighboring private residential development is located as close as approximately 400 feet (three residences) from the project site. The remainder of the neighboring residences are approximately 1200 feet or more from the project site.

Section 4, Page 6, first paragraph The proposed building (9,600 square feet) will be in addition to existing development in Seaweed Canyon which consists of four buildings and several Quonset huts (approximately 36,000 square feet total).

Sincerely,

Milton Phegley

Milton J. Phegley, AICP
Campus Community Planner

Fri 8i

Dr. Louis J. Alpinieri
2678 Prestwick Court
La Jolla, California 92037
Ph/FaxL 858-587-0702
Email: LOUALP@TNS.NET

June 3, 2002

RECEIVED
JUN 0 5 2002
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Re: Permit #6-02-060

I recently received notice of hearing regarding the reference project to be held at 9:00 A.M. in Long Beach, California on 14 June 2002.

Obviously the people effected by this project reside in SAN DIEGO. The Commission has facilities in San Diego.

Holding a hearing on the subject in LONG BEACH certainly discourages participation by those impacted by this project. In fact, it strongly suggests bad faith by the Commission.

<u>I strongly urge this meeting be immediately relocated.</u>

Sincerely,

cc: Governor Gray Davis, California State Capitol, Sacramento
Robert C. Dynes, Chancellor of UCSD, La Jolla, CA

RECEIVED
JUN 0 5 2002
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Fri 8i

Agenda number 8-I, Permit 6-02-060
La Jolla Shores Heights Association Residents
Against Applicant : UCSD

6/5/02

To : California Coastal Commission
California Coast Area
7575 Metroplitan Drive, Suite 103
San Diego, CA 02108-4402

Dear Sirs,

We would like to urge you to reject the application by the University to build a machine shop in Seaweed Canyon. Our main objections are unsuitability of this location for this industrial type facility, the noise it will generate in this quiet residential area, the effects on the local wildlife, and the extreme danger of fire.

I. LOCATION. The area is designated for academic use. The planned facility would be in Seaweed Canyon at the bottom of a natural amphitheater, surrounded by homes at the rim of the canyon

II. NOISE. The University's own sound experts rate the noise generated by the machine shop to exceed the city's own guidelines in a residential area. They rate the expected noise to be between that allowed in residential areas and commercial areas, WHEN THE DOORS ARE CLOSED, but their measurements show that the noise level is A HUNDRED TIMES HIGHER (20 DB higher) when the doors are open.

Mr. Phegley, of the Pubic Relations department of the University, promised at a meeting of the residents that a legal document would be provided to the residents guaranteeing that no work would ever be done outside the building, and that machinery would be shut off while the doors are open. However no such document has been provided. Requests for the promised document have been ignored.

At the current machine shop, welding and grinding are done outside since the workers wish to avoid the noise, sparks and smoke inside. The doors are often left wide open. Mr. Phegley says this will never happen in the new

building, since the instruments they manufacture require an absolutely dust free atmosphere. Apparently, they do no t require a dust free atmosphere now, although the equipment presently manufactured there is of the same type.

With no guarantee of noise limitation we expect the noise to be excessively disturbing since the wind and amphitheater effect will carry the noise to the top of the canyon. Studies and the modelling by the sound engineers employed by the University did not take this into account The University has absolutely ignored requests for actual on-site noise tests. While they were doing medical experiments on dogs, in the same location, the barking could be heard loud and clearly and was distinctly disturbing.

III. WILDLIFE. Seaweed Canyon and the connecting Skeleton Canyon are currently home to a wide variety of wildlife including coyotes, skunks, possums, owls, hawks and the beautiful and increasingly rare kit foxes. One cannot imagine that they will be unaffected and undisturbed by the noise generated by this facility, and by the trucks going to and from it.

IV. FIRE. Seaweed Canyon and Skelton Canyon are tinder dry. The prevailing wind funnels fiercely up the canyon toward the homes on the rim. Any spark from welding or other work done outside this facility, or casual smoking in the area, endangers the wildlife, the native vegetation, the homes at the rim, and the people who live there. The current water supply in the canyon consists of a three quarter inch pipe according to Facilities Manager, Mr Van Boxtel. There is no fire hydrant, and no fire fighting capability.

We therefore request that the Coastal Commission deny this permit. There are better, safer, more suitable and far more accessible locations which should be seriously considered for a facility of this nature.

Respectfully,

La Jolla Shores Heights Association Residents

Att. List of signatories

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

Fei 8i

RECEIVED

MAY 2 2 2002

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

MONTORO HOMEOWNERS ASSOCIATION
2525 Ruette Nice
La Jolla, Ca 92037

May 20, 2002

University of California San Diego
9500 Gilman Dr.
La Jolla, Ca 92037-0005
attn: Mr. R. C. Dynes, Chancellor

Dear Mr. Dynes,

This letter is to advise you of our objections to your plan to build a machine shop in a new 9,600 square foot building in Seaweed Canyon which is directly adjacent to our 43 unit Montoro subdivision. Seaweed Canyon is designated as an academic use area and this proposed machine shop would be in a highly desired residential neighborhood. We in Montoro have never been contacted by your University although this matter is to be heard by the Coastal Commission in early June 2002.

This proposed machine shop exposes our neighborhood to excessive noise levels double that which the City of San Diego permits in a residential area. The 22 foot high prefabricated metal building will also adversely impact our residential area.

When discussions were held with your representatives during the time of the planning of the new aquarium we were promised that your storage area in Seaweed Canyon would be cleaned up and aesthetically improved. Your University should be ashamed for the condition you have maintained this area.

I would be glad to meet with you at your convenience to discuss this matter. Thank you for your consideration.

Cordially,

H. Lee Druckman
President
(858/456-2440)

cc: All Montoro homeowners
Mr. Irwin Jacobs
Susan Goulian, La Jolla Shores Association
California Coastal Commission

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