

CALIFORNIA COASTAL COMMISSION

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Wed 16d

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Hearing Date: 12/8-10/04

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-04-114

Applicant: University of California, San Diego

Agent: Milt Phegley

Description: Construction of Phase I expansion to Student Center consisting of two, two-story structures totaling 13,593 sq.ft. to include new restaurant, dining seating, lounge and meeting space including expanded facilities for the Women's Center.

Lot Area	36,680 sq. ft.
Building Coverage	11,015 sq. ft. (30%)
Pavement Coverage	9,373 sq. ft. (26%)
Landscape Coverage	16,292 sq. ft. (44%)
Parking Spaces	0
Zoning	Unzoned
Plan Designation	Academic
Ht abv fin grade	35 feet

Site: Muir College, immediately south of the Mandeville Arts Center, UCSD campus, San Diego, San Diego County. APN 344-080-16

Substantive File Documents: University of California, San Diego "Draft" Long Range Development Plan; certified La Jolla Community Plan and Local Coastal Program Land Use Plan; CDPs #6-04-13, 6-04-12, 6-03-113, 6-03-4, 6-02-164, 6-02-24, 6-01-186 and 6-01-186.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the subject permit with a special condition addressing landscaping. The primary issue raised by the proposed development relates to proposed landscaping. The applicant proposes to install several new Eucalyptus trees to the south and east of the proposed new additions to the Student Center. However, the project site is not adjacent to any environmentally sensitive habitat areas. Approximately 40 new trees

are proposed to be planted, half of which are within the Coastal Zone, subject to the proposed coastal development permit. UCSD has developed an overall landscape theme and strategy for future development on campus that eliminates use of Eucalyptus trees on or near environmentally sensitive habitat area and proposes retention and enhancement of Eucalyptus trees on those portions of the campus that are far removed from any sensitive habitat areas and which are adjacent to the existing groves of Eucalyptus trees on the campus.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-04-114 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 project is subject to the following conditions:

1. Final Landscaping Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for

review and written approval a final detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Said plan shall be in substantial conformance with the landscape plans submitted with this application by Spurlock Poirier dated 5/3/04 except that they shall be modified such that drought tolerant, native or non-invasive plant species shall be utilized with the exception of the proposed Eucalyptus trees.

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

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Construction of Phase I expansion to the "Original Student Center" consisting of two, two-story structures totaling 13,593 sq.ft. to include a new restaurant, dining seating, lounge and meeting space. Also included are expanded facilities for the Women's Center and the Lesbian, Gay, Bisexual, Transgender Resource Center. The original student center consists of a cluster of buildings which include a craft center, the Grove Café, a bookstore, bike shop, food co-op, general store, radio station, meeting room and offices. The center is surrounded by a fire lane to the east and a pedestrian pathway to the west. Immediately east is Porters Pub and Stage. The coastal zone boundary bisects the student center project site in half (ref. Exhibit No. 2). The proposed additions to the student center will consist of two separate wings known as the "west building" and the "east building". Also proposed is installation of new landscaping including several new trees. Balanced grading is proposed consisting of 500 cy. of materials.

Approximately only half of the original student center (specifically, the food co-op, general store, offices and all of the radio station) are in the coastal zone and subject to the Commission's jurisdiction. In addition, all of the newly proposed west and east buildings are in the Commission's jurisdiction. Thus, for the portion of the project subject to the Commission's jurisdiction, the standard of review is the Chapter 3 policies of the Coastal Act.

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

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

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

With respect to projects on UCSD's Main Campus, which is not between the sea and the first coastal roadway, nor within walking distance of shoreline recreational areas, the primary concern is maintaining free-flowing traffic on the major coastal access routes surrounding the campus. These include I-5, Genesee Avenue, North Torrey Pines Road and La Jolla Shores Drive. The Commission has taken the position that on-campus parking problems on the main campus are not a Coastal Act issue unless they result in spill-over effects within the surrounding off-campus area, particularly North Torrey Pines Road and La Jolla Shores Drive, which serve as major coastal access routes. In the case of the subject proposal, the proposed development will not have any such effect.

As noted in the project description, the project site is located east of North Torrey Pines road in the Muir College campus of UCSD. The proposed additions to the Student Center are located immediately north of the existing (Original Student Center) an area that presently consists of open landscaped area. The Student Center is immediately south of the Mandeville Arts Center. No parking spaces will be removed as a result of the proposed structures. The Student Center serves the students that are presently on campus, and as such, it is not a structure which would generate the need for more parking or draw people onto the campus. In any case, there are a number of nearby parking lots that the applicant has identified where there will be ample excess parking that can be used by those visiting the student center and/or who will need to drive to the facility. These include: Parking Lots P113 to the south of the site, P201 west of the site and P416 east of the site. In addition, according to the "Survey of Parking Space Occupancy Levels" submitted by the the applicant, the parking lots in the nearby area are not filled to capacity and at peak occupancy levels, there will be approximately 12 spaces in those lots which can also accommodate any parking needs for the student center. However, as emphasized earlier, the primary users of the expanded Student Center will be students who are already on campus and accounted for. As such, adequate parking for the subject facility will continue to be provided.

Currently there is adequate parking to meet existing uses on campus. Although it is difficult to determine an approximate parking ratio for the wide variety of campus uses and facilities, especially when a large percentage of students live on campus, there is no apparent shortage of parking to serve the University's existing and proposed needs. However, the proposed additions to the student center will not result in an increase in the demand for campus parking space capacity nor the displacement of any existing parking.

The University provides ongoing parking surveys with current information with each coastal development permit application documenting the adequacy of on-site campus parking. Presently, the total parking inventory on the UCSD campus is 17,308 parking spaces (as of Summer Quarter, 2004), less 72 parking spaces that will be removed as a result of the CDP Permit Application 6-04-105 also on the Commission's December 2004 meeting agenda) Thus, the total campus parking figure is 17,236 spaces. The latest occupancy numbers revealed that the overall occupancy rate at peak use was at 61%.

In summary, construction of the proposed additions to the Student Center project would will not create inadequate on-campus parking capacity during either the regular or the summer academic sessions. As such, the proposed project will not result in any spill-over effects on the major coastal access routes in the area, and is thus consistent with Coastal Act policies.

With regard to potential impacts to traffic circulation, as noted earlier, the proposed additions to the Student Center are not expected to generate an increase in traffic or on-site campus parking. The closest major surface streets to the project site are North Torrey Pines Road, a major coastal access route, and Genesee Avenue. As cited in the report, there is ample parking in the area in the parking lots noted previously in this report. In addition, UCSD Transportation and Parking Services operates an extensive network of free shuttle routes to the campus population. No change to the LOS is proposed as a result of either this project or any future projects which have been planned for in the Long Range Development plan. The proposed project will not have an adverse cumulative effect on traffic circulation in the area and will not result in any decreases to the existing LOS along the major roadways adjacent to the public site (i.e., North Torrey Pines Road).

Therefore, inasmuch as adequate parking is available in the north campus for the new structure(s) and the proposed development will not result in any adverse impact to public access or traffic circulation in the area, the Commission finds the proposed development consistent with the Chapter 3 policies of the Coastal Act addressing protection of public access

3. Visual Resources. Section 30251 of the Act states the following:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas,...

In addition, Section 30240 also states the following:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

UCSD is a very large campus which is located within the geographic area of the community of La Jolla. While some portions of the campus are located nearshore (i.e., the Scripps Institution of Oceanography), other portions are located much further inland. For those areas of the campus that are nearshore, potential impacts on scenic views of the ocean are a concern. In addition, several of the streets that the campus adjoins are major coastal access routes and/or scenic roadways (as designated in the certified La Jolla Community Plan and Local Coastal Program Land Use Plan).

In this particular case, the proposed new structure(s) will be located on a portion of the campus that is well inland of North Torrey Pines Road, a major coastal accessway in the La Jolla community. The proposed new structure(s) are located on the Muir College campus and as noted previously, the coastal zone boundary bisects the proposed development such that only the northern half is within the coastal zone subject to a coastal development permit. The proposed new structure(s) consist of additions to the "Original Student Center". The additions will be located in an area that presently consists of a landscaped area.

A landscape plan has been submitted with the proposed project which shows the planting of several new plant elements immediately south of the east building of the new student center. Because the project site is adjacent to one of the historic groves of Eucalyptus trees on the campus, UCSD proposes to plant several Eucalyptus trees adjacent to the new structure. The applicant has submitted a conceptual landscape plan which shows approximately 40 Eucalyptus trees that are proposed to be planted south of the new "east building" and east of the new "west building". Approximately half of these trees are on the portion of the project site inside of the Coastal zone, subject to the coastal development permit.

There are several areas on the campus where historic groves of Eucalyptus trees are prevalent and where UCSD would like to keep the theme of these trees intact. In this particular case, the student center is located immediately adjacent to the historic Eucalyptus woodland on campus (ref. Exhibit No. 3). The use of Eucalyptus trees as a landscape element on the UCSD campus has been addressed in several past projects reviewed by the Coastal Commission. Most recently, the issue was discussed at the May, 2004 hearing when CDPs Nos. 6-04-12 and 6-04-13 were reviewed and approved by the Commission. As was stated in the findings for CDP No. 6-04-13, although the Commission agrees that Eucalyptus trees are not as "invasive" as other tree/plant species, they still do not meet the criteria for a "native, drought-tolerant" plant element. Given the San Diego region is located in an arid climate, it is important to conserve water. One way to do this is to utilize drought tolerant plants to reduce the need for irrigation. The main concern with the use of Eucalyptus trees, as noted by the Commission staff biologist, is that Eucalyptus trees generally do not provide habitat for native species. Although there are some exceptions to this rule (i.e., Monarch butterflies and raptors that use trees for perching, roosting, nesting) very few insects use the understory of Eucalyptus trees as generally it is very sterile. In addition, the trees have a negative effect on songbirds due to their goeey sap. In addition, the flowers and other tree materials can clog the nostrils of birds and not much grows in the understory of these

trees because of the materials in the leaves. Sometimes wind rows of Eucalyptus trees can be seen in areas that used to be agriculture indicating that wind can carry the seeds of such trees and they can re-establish themselves in other areas. For these reasons, the planting of such trees near natural areas containing sensitive native plant and animal species, could result in the significant degradation of an environmentally sensitive habitat area. Not only are invasive plants a concern, but it is also important to use native plants adjacent to natural areas.

In its review of CDP Nos. 6-04-12 and 6-04-13, the Commission made it very clear that the use of Eucalyptus trees could not be supported on the campus if they were located adjacent to an environmentally sensitive habitat area such as the natively vegetated canyons located on the campus. The Commission indicated concerns with the general use of this plant element elsewhere on the campus. However, at the time UCSD did not have an overall landscape theme proposed and routinely proposed the use of Eucalyptus trees in most of their development proposals. As a result, the Commission has required in past decisions (including, but not limited to, CDPs #6-03-113, 6-03-4, 6-02-164, 6-02-24, 6-01-186 and 6-01-186) that any new trees approved on the UCSD campus be native, drought-tolerant plant species (which does not include Eucalyptus trees).

In response to the Commission's direction at the May, 2004 Commission meeting, UCSD has now developed a draft plan for landscaping throughout the campus. In light of several new projects that are in the works on the college campus, UCSD recently met with Commission staff to review these projects and to discuss the draft landscape plan. UCSD has identified three major groves on the campus that currently and historically contain Eucalyptus trees. These include the north grove, the central grove and the Scripps Institution (SIO) grove. In addition, they have identified ecological reserve and restoration lands on the campus. In those areas where there is a preserve, UCSD will avoid the use of Eucalyptus trees. In the north grove location, UCSD does not propose to do anything to change the natural selection or succession of existing trees and habitat that is occurring there. In other words, as Eucalyptus trees die, they will be removed but they will not be replanted if they are adjacent to native habitat areas. Likewise, if native habitat takes over, UCSD will allow this natural process to prevail.

For the central grove on the main campus and the grove on the SIO campus, UCSD would like to be able to carry the Eucalyptus tree theme over to projects that are adjacent to these areas and also to Ridge Walk. The proposed project is adjacent to the historic grove where UCSD would like to maintain the theme of the existing Eucalyptus trees. As in addition, there is a loop road that runs through the entire campus. In the past, UCSD has wanted to line the entire roadway with Eucalyptus trees. However, this loop road runs through several of the preserve areas where there is native habitat and chaparral. In light of the Commission's concerns with regard to Eucalyptus trees near these habitat areas, UCSD has since abandoned their plans to use Eucalyptus trees on the campus loop road.

In summary, for those projects that are further inland, adjacent to, or in close proximity to the natural preserve areas, UCSD proposes to avoid the use of Eucalyptus trees. In this

particular case, the student center is adjacent to the historic grove. As such, UCSD is proposing several new Eucalyptus trees in order to continue with that landscape theme. For each new project that is submitted to the CCC, UCSD plans to provide information relative to how close a project is to the sensitive areas or to the existing grove of Eucalyptus trees. With this information, it can then be determined whether or not the use of Eucalyptus trees is appropriate or not on a case-by-case basis. Based on this approach and in particular the subject proposal, the Commission finds the installation of Eucalyptus trees adjacent to the Ridge Walk will not result in impacts to ESHA.

In addition, with regard to potential impacts on public views and visual resources, portions of the proposed project will not be visible from North Torrey Pines Road, a major coastal access route. In addition, the site itself is far inland from the coast. As such, no public views to the ocean will be affected. The proposed additions to the student center consists of two buildings totaling 13,593 sq.ft. in size and which are lower in height and scale than many of the other surrounding campus structures. The proposed structures are two stories in height and will be located adjacent to the Mandeville Center, which is also a two-story structure, but which has portions that are higher (gallery and theatre space). To the east of the project site are several other structures in the School of Medicine on Warren College, to the north is a tall structure Mandeville Center, to the west is the main gym and to the south are undergraduate residency halls. All of the surrounding development is larger in scale than the existing Student Center. As such, the proposed development will be visually compatible with surrounding development. Therefore, as conditioned, the proposed additions to the Student Center will not result in any adverse impacts to environmentally-sensitive resources or visual resources/public views and will be visually compatible with the surrounding development, consistent with Sections 30240 and 30251 of the Act.

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

Section 30230

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

Section 30231

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

The proposed project involves construction of an expansion to Student Center consisting of two, two-story structures totaling 13,593 sq.ft. However, because the structures will be located in an area that is presently paved or improved, no new impervious surface area is being created. In addition, the site is located well inland of the ocean and all runoff

from impervious surfaces will be directed toward the proposed landscaped areas that will surround the proposed structure. 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. Irrigation and use of fertilizers and pesticides can cause polluted runoff. Special Condition No. 1 requires submittal of a final landscape plan that identifies the proposed irrigation system and other landscape features and requires the use of drought-tolerant native or non-invasive plant species with the exception of the proposed Eucalyptus trees near the central grove adjacent to the project site. Existing runoff from the project site will also remain unchanged and will continue to be directed toward proposed landscaped areas adjacent to the new structures. Therefore, because runoff is proposed to be directed toward landscaping and away from water courses and the campus has a reasonable plan for dealing with runoff through their Phase II Stormwater Management Plan, the Commission finds the proposed development, as conditioned, consistent with the water and marine resource policies of the Coastal Act.

5. Local Coastal Planning. The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP), although geographically the Scripps Institution of Oceanography (SIO) campus is within the La Jolla Shores segment or the City's LCP. UCSD does, however, have the option of submitting an LRDP for Commission review and certification.

While UCSD has submitted a draft LRDP, its EIR and topographic maps to the Commission staff informally, as an aid in analyzing development proposals, the Coastal Commission has not yet formally reviewed the LRDP, and the University has not indicated any intention of submitting the LRDP for formal Commission review in the future. The proposed structure is consistent with the University's draft LRDP to accommodate campus growth.

As stated previously, Chapter 3 policies of the Coastal Act are the standard of review for UCSD projects, in the absence of a certified LRDP. Since the proposed development, as conditioned, has been found consistent with all applicable Chapter 3 policies, the Commission finds that approval of the proposed project, will not prejudice the ability of UCSD to prepare a certifiable Long Range Development Plan for its campus.

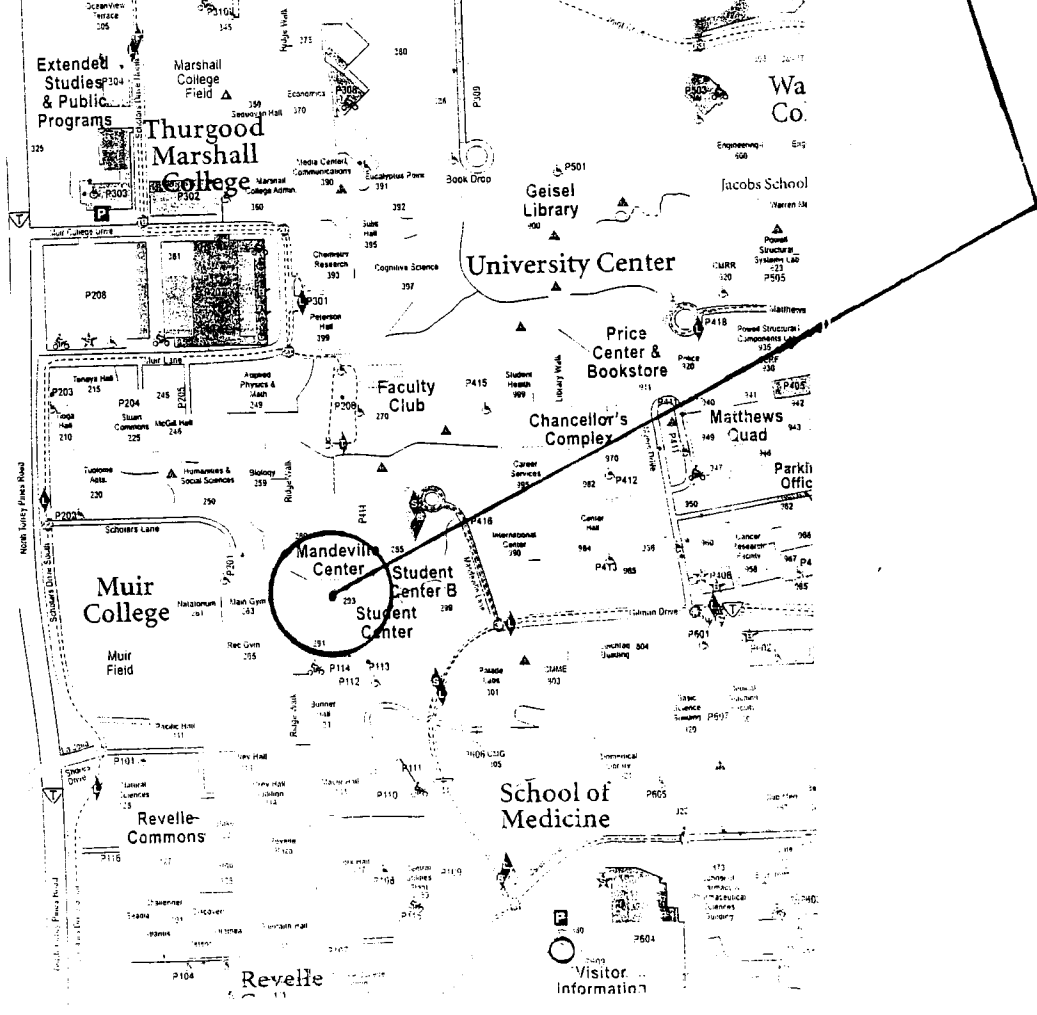
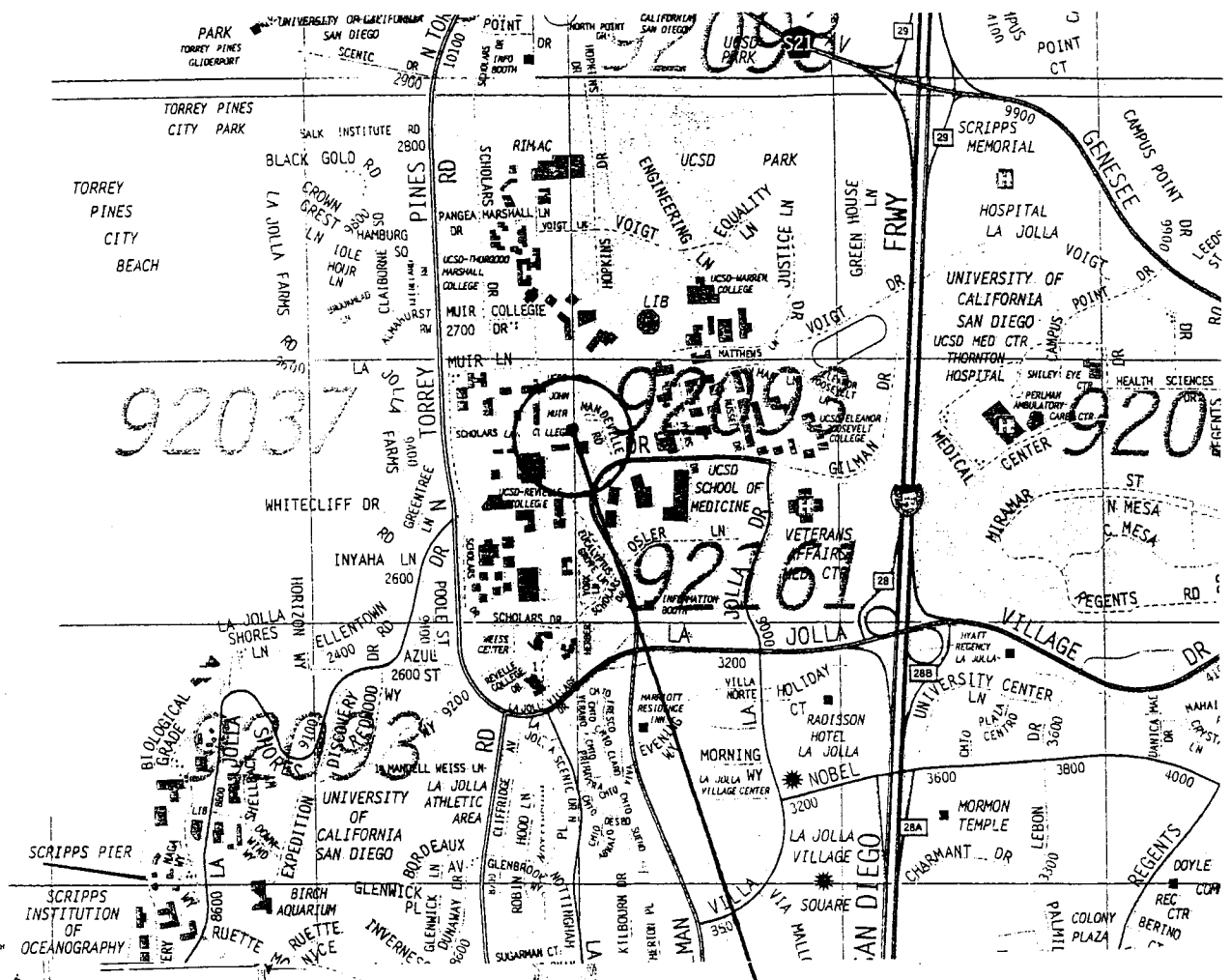
6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing submittal of final landscape plans will minimize all adverse environmental

impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

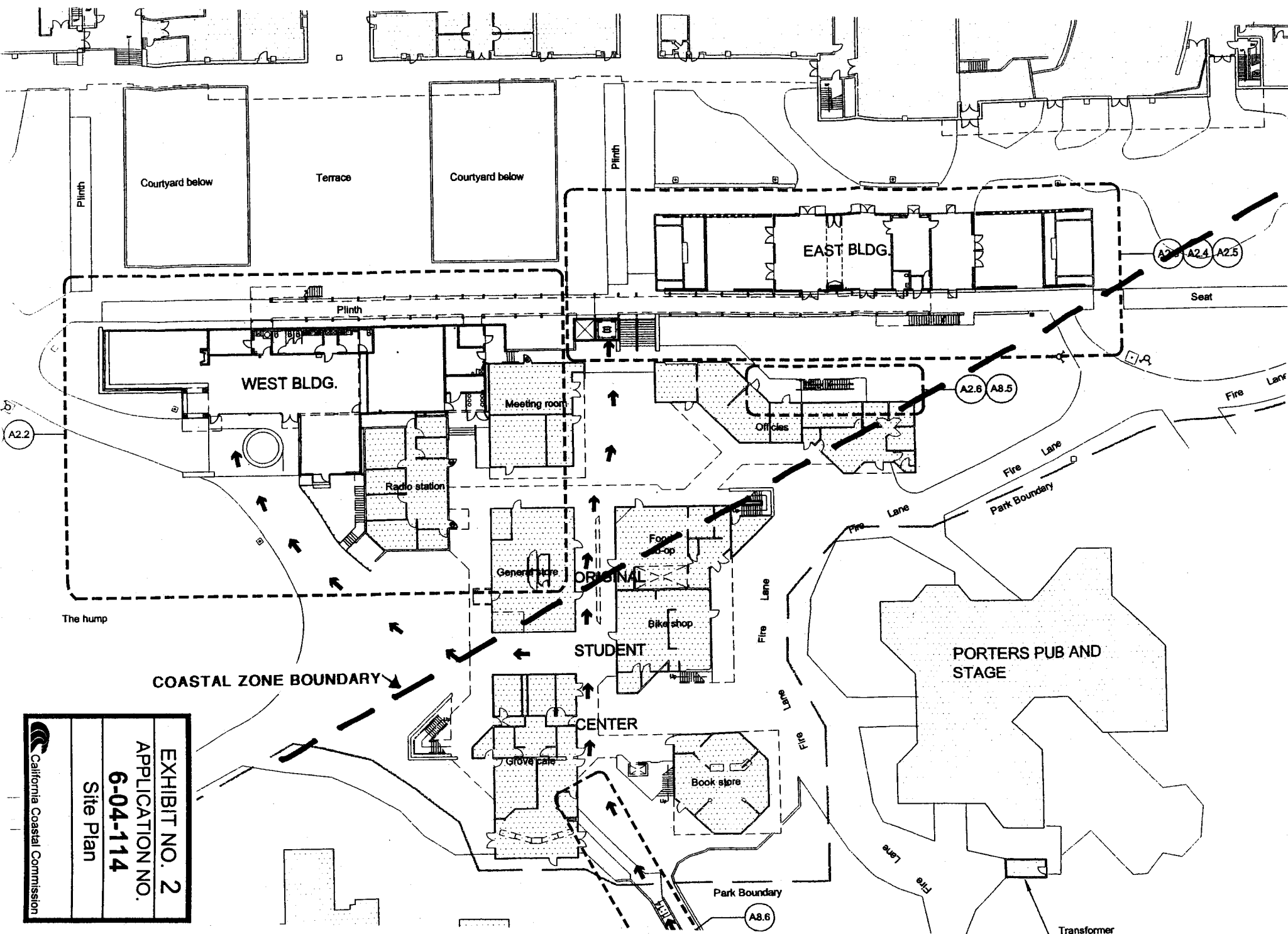
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration.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









SITE

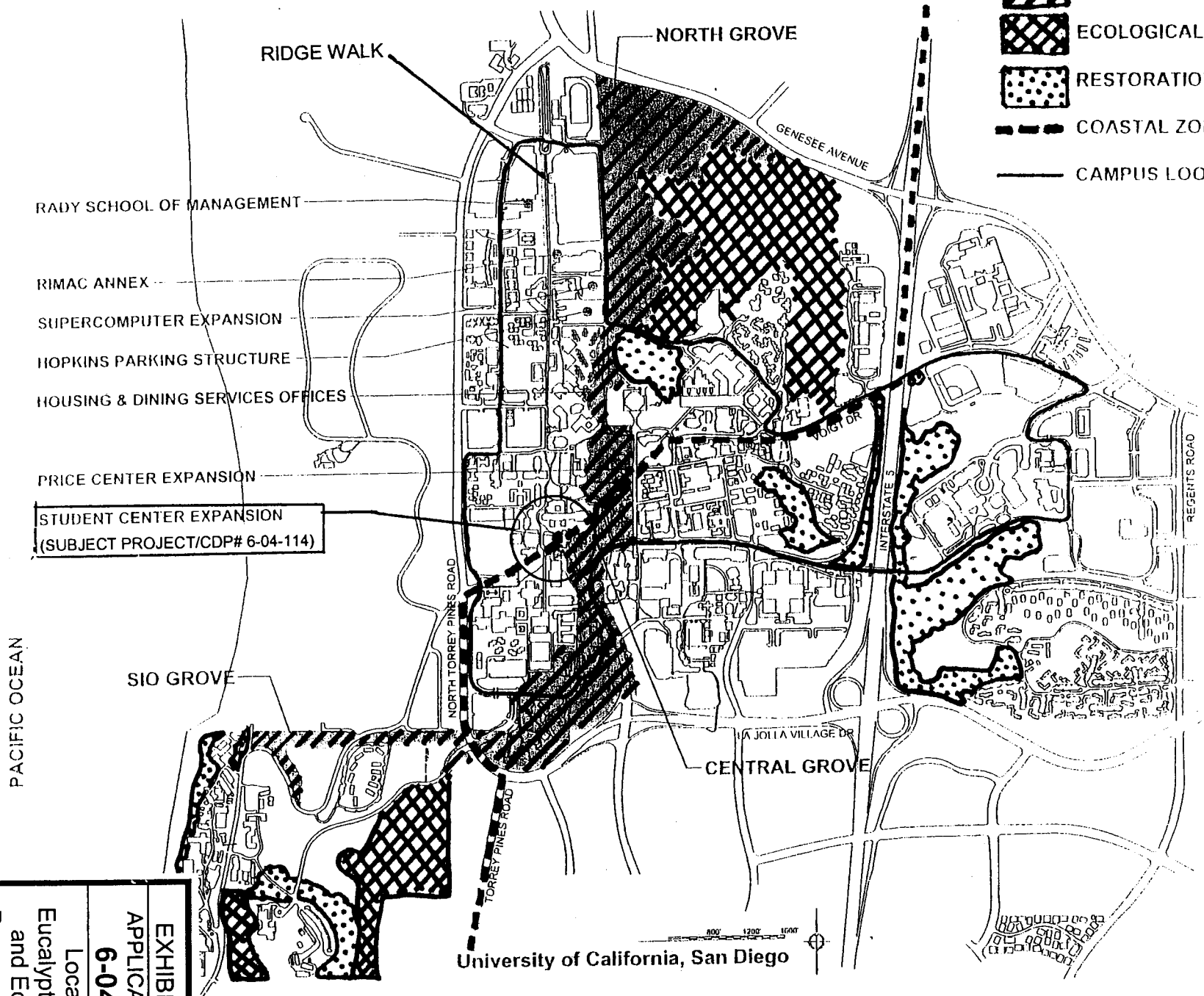


EXHIBIT NO. 1
APPLICATION NO.
6-04-114
Location Map



 California Coastal Commission	EXHIBIT NO. 2
	APPLICATION NO.
	6-04-114
Site Plan	

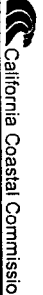
-  GROVE RESERVE
-  ECOLOGICAL RESERVE
-  RESTORATION LANDS
-  COASTAL ZONE BOUNDARY
-  CAMPUS LOOP ROAD



University of California, San Diego



**FIGURE 1:
UPCOMING PROJECTS IN THE COASTAL ZONE**

 California Coastal Commission	Location of Eucalyptus Groves and Ecological Reserve on UCSD campus
	EXHIBIT NO. 3
	APPLICATION NO. 6-04-114
	PARTMENT (rall Campus\Park)

