

CALIFORNIA COASTAL COMMISSION

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T7d

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-148

Applicant: University of California, San Diego Agent: Milton J. Phegley

Description: Construction of a two-story, 14,226 sq.ft., 300-seat conference and meeting center (The Robert Paine Scripps Forum for Science, Society and the Environment aka The Scripps Seaside Forum or Scripps Forum) including outdoor dining area for 150 people, catering kitchen, restaurant, four conference rooms, and support services. Also proposed is the removal of 53 parking spaces from three parking lots in the immediate vicinity.

Lot Area	49,675 sq. ft. (1.14 acres)
Building Coverage	13,416 sq. ft. (27%)
Pavement Coverage	19,480 sq. ft. (39%)
Landscape Coverage	16,779 sq. ft. (34%)
Parking Spaces	104
Zoning	Unzoned
Plan Designation	Academic
Ht abv fin grade	30 feet

Site: North of El Paseo Grande and Discovery Way, Scripps Institution of Oceanography, UCSD, La Jolla, San Diego, San Diego County.
 APNs 344-090-07; 346-090-01

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

The staff recommends that the Commission approve the subject permit with conditions. The proposed development will be constructed within the Scripps Institution of Oceanography campus which is between the first coastal road and the sea. While the structure is located near the shoreline, no significant view impacts will result. The primary issues raised by the proposed development relate to the Scripps Forum's potential impacts on public access, bluff stability and water quality. Although 53 parking

spaces will be removed by the proposed development, the applicant has provided documentation that adequate parking exists on campus to accommodate the proposed development without adversely affecting beachgoers who use parking and, when large conferences are held, a shuttle program will be implemented to transport people to and from campus parking lots elsewhere on the campus and the Scripps Forum. However, because the University has indicated that there is an abundance of parking on both the SIO and Main Campus at peak periods and, historically, the public has been allowed to utilize 83 parking spaces in the two parking lots next to the ocean on the SIO campus on weekends and University holidays, the reduction of available public parking to 55 spaces in these two lots will result in a significant adverse impact to public access. Therefore, Special Condition #1 requires that at least 83 parking spaces be made available to public on weekends and University holidays to assure that there is no reduction in the amount of parking that has been available to the public historically at the project site.

To address the proposed shuttle program during conference events, a special condition requires specific criteria regarding the program including where parking shall be provided in the reservoir lots during conference events and when supplemental shuttle service shall be implemented (i.e., when conferences are held on weekends or summer months). In addition, other measures are required such that the price of parking be included in the price of tickets or registration fees for conference events and that directions be given to conference attendees on parking locations, to encourage attendees to park on campus as opposed to the surrounding adjacent streets and in order to minimize parking conflicts with beachgoers. Also, the applicant shall be required to encourage conference attendees to use transit and/or bicycles as a means of alternative transportation for conference events.

To address geologic stability and shoreline hazards, a special condition prohibits further seaward encroachment for the existing seawall adjacent to the project site. Another condition requires that the existing seawall be monitored for performance. A special condition also requires that the patio areas and other ancillary and accessory improvements are considered expendable and that no shoreline protection shall be permitted to protect such improvements on site. In addition, to address water quality, a special condition requires that Best Management Practices be incorporated to control storm water leaving the developed site in addition to installation of permanent runoff and erosion control devices. Relative to landscaping, a special condition requires that only drought-tolerant native or non-invasive plant species be utilized.

Substantive File Documents: University of California, San Diego “Draft” Long Range Development Plan; Certified La Jolla-La Jolla Shores LCP Land Use Plan (2004); CDP 6-91-247, 6-06-122; Assessment of Coastal Bluff Stability dated 1/17/07 by TerraCosta Consulting Group.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-06-148 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. Transportation/Shuttle and Parking Management Program. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval a transportation/shuttle and parking management program that includes, at a minimum, the following:

- a. A minimum of eighty-three (83) spaces in Lots P002 and P003 shall be available for use by the general public on weekends and University holidays. Said 83 parking spaces shall be available for use by the public at a minimum of four hours at one time if desired. Signage shall be installed informing the public of the availability of these lots during the weekends and holidays.

- b. The parking requirements for all meetings held at the Scripps Forum at SIO and at existing Sumner Auditorium will be evaluated with respect to day of the week, time of day, and anticipated attendance including campus vs. non-campus attendees. All Scripps Institution of Oceanography (SIO)/UCSD attendees shall be encouraged to use campus shuttle systems and/or public transit whenever possible to reduce the need for parking; bicycle racks shall be provided.
- c. For weekday events at either the Scripps Forum or Sumner Auditorium, parking will first be accommodated in Lots P002 and P003 on the SIO campus. If a large number of attendees are from off-campus, use of Lot P017 on the SIO campus shall be required along with the operation of the existing weekday shuttle service or a supplemental shuttle service during evenings or weekends. For evening and weekend events, parking may also be accommodated in Lots P014 and P016 on the SIO campus (east side of La Jolla Shores Drive);
- d. In the event parking cannot be accommodated with the SIO parking lots, use of the main campus lots such as Lots P102, P103, P104 and P356 shall be used, along with a shuttle service. To further encourage the use of the shuttle service and to discourage attendees from seeking on-street parking, the cost of parking shall be included in the ticket price or registration fee for the conferences and special events for which there is a fee. If there is not a charge for an event and remote parking and shuttle service is used, either the attendee or the sponsoring organization shall be responsible for the cost of parking and/or a subsidy for transit use;
- e. In no case shall attendees of Scripps Forum or Sumner Auditorium be directed to park on-street along El Paseo Grande or La Jolla Shores Drive nor shall on-street parking be credited towards meeting parking demands;
- f. A second conference with primarily off-campus attendees shall not be conducted simultaneously at Sumner Auditorium while a similar conference is being held at the Scripps Forum;
- g. Any conference/event conducted at the Scripps Forum shall not exceed 1,022 attendees;
- h. Conference registration shall include directions to parking facilities and describe shuttle operations, public transit service, and bicycle facilities so that conference-attendees do not usurp on-street parking for beach visitors;
- i. The applicant shall install signage near Parking Lots P002 and P003 on the SIO campus identifying other parking locations on the SIO/UCSD campus for conference attendees.

The requirements of the approved parking and alternative transportation program shall be incorporated into the terms of any lease or operating agreement of the University. The

permittee shall undertake the development in accordance with the approved parking and alternative transportation program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

2. Parking Monitoring Program. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide, for review and written approval of the Executive Director, a parking monitoring program during operation of the proposed Scripps Forum which, at a minimum, shall include the following:

- a. Inventory of conference/event attendees (including percentage of SIO/UCSD staff vs. outside attendees), number of conferences/events held per year and number of attendees; types of conferences/events held (i.e., educational vs. outside planning groups, etc.), number of conferences for which fees were charged or not charged;
- b. Time of day/day of week conferences/events held per year;
- c. Survey of occupancy for Parking Lots P002 and P003 and parking reservoirs (i.e., Lots P017 on the SIO campus, Lots P102, P103 and P104 on the Main Campus, any other lot used as a reservoir lot) including documentation of shuttle use; Said parking occupancy survey shall also be conducted during the operation of all conferences held in the Scripps Forum.
- d. Annual evaluation of on-street parking along El Paseo Grande and La Jolla Shores Drive within three blocks of the project site, which shall be conducted between the hours of 10:00 a.m. to 4:00 p.m. on weekends and 11 a.m. to 2:00 p.m. on weekdays. The survey shall be conducted 6 times per year during both peak and non-peak periods of beach use (i.e., Memorial Day to Labor Day is considered the time of peak beach usage by the public) and during the operation of all conferences held at the Scripps Forum. An initial survey is to be used as a baseline for comparison to determine the impact the proposed facility will have on public parking and access to the coast;
- e. A report on alternative transportation provided during each event, if applicable, that documents the type(s) of alternate transportation provided, the location of provided parking and the degree of success in reducing parking demand in the vicinity during a particular event, information on the parking utilization at time of event (i.e., whether or not the parking lot was completely used or whether there was excess parking, etc.);
- f. Annual monitoring of the parking spaces that are available to the public on weekends/holidays in Parking Lots 002 and P003 shall be performed. If actual usage is lower than anticipated (lower than 83 spaces), the applicant may apply for a future permit amendment to reduce the number to correspond to actual peak

demand on weekends and university holidays in these parking lots;

- g. An annual evaluation of the adequacy of the above-described Transportation Management Program (including adequacy of shuttle program) shall be performed and submitted to the Executive Director of the Coastal Commission by May 1 of each year for a period of three years and then once every three years thereafter. In addition, each report shall contain recommendations, if any, for necessary changes or modifications to the project if there are any identified shortfalls or problems in parking accommodation. If any parking shortages or other conflict are identified in the annual evaluation, the University shall agree to apply for an amendment to the coastal development permit to propose necessary operational changes to address/mitigate the identified parking shortfalls or operational problems at the Scripps Forum.
- h. An agreement that the permittee shall apply for a coastal development permit within 90 days of submission of the report required in subsection (g) above for any necessary changes or modifications to the program recommended by the report that require a coastal development permit.

The permittee shall undertake monitoring in accordance with the approved monitoring program. Any proposed changes to the approved monitoring program shall be reported to the Executive Director. No changes to the monitoring program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Future Maintenance. The permittee shall maintain the existing seawalls in their approved state. Any change in the design of the seawalls or future additions/reinforcement of the seawalls beyond exempt maintenance as defined in Section 13252 of Title 14 of the California Code of Regulations to restore the structures to their original condition will require a coastal development permit. **However, in all cases, if after inspection, it is apparent that repair and maintenance is necessary, the permittee shall contact the Executive Director to determine whether a coastal development permit or an amendment to this permit is legally required, and, if required, shall subsequently apply for a coastal development permit or permit amendment for the required maintenance.**

4. Final Landscaping Plan. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final landscape plan for the review and written approval of the Executive Director. Said plan shall be in substantial conformance with the draft landscape plan submitted by Safdie Rabines Architects dated 10/15/02, and shall include the following:

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

species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

- b. No pesticides or rodenticides shall be used on the site.
- c. 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, which certifies 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 plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

5. Water Quality Management Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a Water Quality Management Plan (WQMP) that includes measures to protect water quality during both the construction and post-construction phases of development. Specifically, the WQMP shall include:

- A. Construction Best Management Practices (BMPs):
 - i. Time the clearing and grading activities to avoid the rainy season to the maximum extent practicable.

- ii. Properly grade construction entrances to prevent runoff from construction site. The entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- iii. Install and maintain erosion and sediment control BMPs to prevent polluted runoff from entering coastal waters during construction.
- iv. Store and contain construction-related chemicals and materials, to prevent those pollutants from entering coastal waters. A plan for the clean-up of accidental spill of petroleum-based products, cement, or other construction related chemicals or pollutants shall be provided and retained on-site with the contractor or engineer throughout construction. It shall include, but not be limited to, use of absorbent pads, or other similar and acceptable methods for clean-up of spills.
- v. Dispose of debris and trash in the proper trash and recycling receptacles at the end of each construction day.
- vi. Maintain and wash machinery and equipment in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- vii. Delineate all staging areas and cover all stockpiled materials.

B. Post-construction BMPs for the Scripps Forum and Parking Lots P002 and P003:

- i. Appropriate site design, source control and treatment control BMPs shall be implemented to minimize the amount of polluted runoff from all surfaces and activities on the development site.
- ii. Impervious surfaces, especially directly connected impervious surfaces, shall be minimized to the maximum extent practicable, and alternative types of pervious pavement shall be used where feasible.
- iii. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized
- iv. The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used.
- v. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.

- vi. Parking lots susceptible to stormwater shall be swept with a vacuum regenerative sweeper on a weekly basis. In addition, trash shall be removed from parking areas on a daily basis.
- vii. The permittee shall not spray down or wash down the parking lot unless the water used is directed through the sanitary sewer system or a filtered drain.
- viii. Runoff from all parking areas, maintenance areas, rooftops, walkways and other impervious areas shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMPs shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants (including trash, debris and vehicular fluids such as oil, grease, heavy metals and hydrocarbons) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner.
- ix. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- x. All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season.
- xi. It is the permittee's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.

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

6. **Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final plans for the proposed Robert Paine/SIO Scripps Forum that are in substantial conformance with the plans submitted by Safdie Rabines Architects dated 10/15/02.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit amendment unless the Executive Director determines that no additional amendment is legally required.

7. No Future Seaward Extension of Shoreline Protective Devices for Scripps Forum.

A. By acceptance of this Permit, the applicant agrees, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the existing shoreline protective devices for the Scripps Forum, as described and depicted on an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit, shall be undertaken if such activity extends the footprint seaward of the existing shoreline protective devices unless such activity is the least environmentally damaging method for protecting existing development other than development authorized by this permit. By acceptance of this Permit, the applicant waives, on behalf of itself and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235 with respect to development authorized by this permit.

B. **PRIOR TO THE ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the existing shoreline protective devices, as generally described above and shown on Exhibit #5 attached to this staff report, showing the footprint of the devices and the elevation of the devices referenced to NGVD (National Geodetic Vertical Datum).

8. Protection of Accessory Structures. In the event that erosion or bluff failure threatens the outdoor terraces/patios, flatwork, benches, trellises and other similar accessory improvements associated with the Scripps Forum, they shall be removed. The outdoor terraces/patios, flatwork, benches, trellises, etc. associated with the Scripps Forum are authorized to remain in place only until it is threatened by erosion or bluff failure. Prior to removal of the outdoor terraces/patios, flatwork, benches, trellises or other similar accessory improvements, the permittee shall obtain a coastal development permit for such removal unless the Executive Director determines that no permit is required.

9. Assumption of Risk, Waiver of Liability and Indemnity Agreement

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its

officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

10. Deed Restriction.

A. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Permit History. Construction of a two-story, 14,226 sq.ft. conference and meeting center (The Robert Paine Scripps Forum for Science, Society and the Environment aka The Scripps Seaside Forum herein referred to as "Scripps Forum") for 300 people in a lecture-setting including outdoor dining area for 150 people, catering kitchen, restaurant, four conference rooms, and support services. Altogether, at full capacity, the Scripps Forum will be able to accommodate up to approximately 1,022 occupants (796 interior and 226 exterior) including the auditorium, lobby, four meetings rooms, restaurant, and Surfside Lounge. The proposed structure will be one- and two-stories and approximately 34 feet high and will include new landscaping. The proposed project will also result in a removal of 53 parking spaces by removing Lot P001 and parking spaces from two adjacent parking lots (Lots P002 and P003 on the SIO campus).

The proposed center is designed to provide Scripps Institution of Oceanography (SIO) with a state of the art center for convening conferences and meetings for the purpose of scholarly exchange, and special events hosted by Scripps. The size of the functions would vary from event to event. The proposed facility is designed to allow seating up to 300 people for lectures as well as to provide sufficient conference, catering kitchen and outdoor gathering areas to accommodate larger gatherings. The facility would also provide breakout rooms. The faculty will also provide a separate and distinct new "Surfside Lounge" as well as a relocation of a snack restaurant to the existing lounge to serve graduate students and other Scripps faculty and staff. The Scripps Forum consists of a large semi-circular auditorium which is separated slightly from four break-out rooms in varying sizes. The student lounge is proposed in a detached structure at the far southern portion of the project site (ref. Exhibit No. 2).

To make way for the proposed new Scripps Forum, demolition of a machine shop building and graduate student lounge (i.e., "Surfside Lounge") was approved pursuant to CDP #6-06-122 on 1/11/07. However, no parking was permitted to be removed in connection with that demolition.

In addition, there is an existing contiguous seawall seaward of the project site. Two segments of these walls were permitted pursuant to CDP #6-81-247. One wall was about 60 linear feet northwest of the Marine Biology Building and the second wall was about 240 linear feet at the southern terminus of the facility. Both of the walls connected to existing seawalls (which pre-dated the Coastal Act). The permit was also for the construction of a new public access stairway and expansion of the existing parking lot (Lot P002). The special conditions required submittal of final plans, and a condition addressing parking such that the applicant was to make the parking area that was the subject of the permit application available for use by the general public, at a minimum, on weekends and University holidays.

The project site is located on 1.3 acres within the SIO portion of the campus and is located southwest of the main campus (which is on the east side of North Torrey Pines Road about one mile northeast of the SIO campus). The site is generally bounded by the ocean to the west, El Paseo Grande to the south and La Jolla Shores Drive (which is designated as a scenic roadway in the certified La Jolla LCP Land Use Plan and is also a major coastal access route) to the east. The two parking lots referenced above (Lots P002 and P003) are located immediately south of the project site. The site is also adjacent to the northern part of La Jolla Shores, an extremely popular beach in the City of San Diego drawing millions of tourists and visitors every year. The ocean offshore of the project site is also part of the San Diego - La Jolla Underwater Park Ecological Reserve. The beach is popular for surfing, swimming, sunbathing and tidepooling. The project site is just southwest of the Scripps Pier which is a private pier used by SIO for ocean research and it is not open to public use. El Paseo Grande, the residential street that borders the project site to the south is the first public road in the area and several large estate-type homes are located on the west side of the street which front on the ocean. Further south is Kellogg Park, a large public grassy park which is used for picnicking and

other recreational activities, two comfort stations, a lifeguard station, a public boardwalk and children's playground and a large public parking lot.

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

2. Public Access/Transportation. 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, and by (6) assuring the potential public transit for high intensity uses such as high-rise office buildings ...

Section 30253 of the Coastal Act states, in part:

New development shall: . . . (4) Minimize energy consumption and vehicle miles traveled.

In reviewing projects on the UCSD campus, those that are located at the SIO campus typically are reviewed for their potential to impede public access by increasing competition for parking spaces used by beach visitors. Also, because this campus is between the first coastal road and the sea, there is the potential for new development at this location to cause adverse impacts to public access and traffic circulation.

In this particular case, the project site is located immediately adjacent to the ocean. All of the parking on site is controlled parking for students, SIO staff and faculty; parking permits are required. None of the parking is available to the public during the normal weekdays.

a. Past Permit History/Use of Parking Lots P001, P002 and P003 on SIO Campus

In 1981 the Coastal Commission approved CDP #6-81-247 for construction of two seawalls seaward of the SIO campus near the project site. The CDP included a special condition which stated:

2. Parking. Prior to transmittal of a coastal development permit for this project, the applicant shall submit a written statement for review and acceptance in writing by the Executive Director. Said statement shall provide that the parking area which is the subject of this application shall be available for use by the general public on, at a minimum [sic], Saturdays, Sundays, and University holidays.

The parking lot that is referred to in the special condition is the parking lot that was closest to the proposed seawall (Parking Lot P002). According to the staff report for CDP #6-81-247, the south segment of the seawall was 240 linear feet long and 12 feet high. The seawall was constructed 15 seaward of the existing coastal bluff and resulted in the removal of approximately 2,255 sq.ft. of existing sandy beach area. In connection with the construction of that seawall, an existing wooden beach access stairway was replaced with a newer concrete stairway. The area behind the seawall was backfilled and the adjacent slope was graded. The existing parking lot that was inland of the seawall was enlarged by about 3,300 sq.ft. The staff report further indicates that this resulted in a redesigned parking lot and an increase in parking from 16 spaces to 50 parking spaces. However, UCSD has currently stated that although the permit referred to 50 parking spaces, there are only 46 spaces in that parking lot today.

As noted in the special condition of CDP #6-01-247 above, the parking lot next to the approved seawall (Parking Lot P002) was required to be available for public use on weekends and University holidays. As noted above, the Commission approved the project with the condition to assure that the public would be able to use the parking lot on the weekends for beach access as mitigation for the loss of sandy beach area due to the seawall construction. In addition to Parking Lot P002, which is closest to the beach, there are two other parking lots directly affected by the proposed development. The first is located directly east of Parking Lot P002 along El Paseo Grande and is identified as Parking Lot P003. The second is located north of Lot P003 and is identified as Parking Lot P001 (ref. Exhibit No. 6). All of these lots are used by the SIO campus during weekdays. According to the applicant, parking meters were installed in Lots P002 and P003 approximately ten years ago. (Lot P001 was used only for SIO staff and service yards vehicles.) During the week, the lots are available only for University use. Each parking space has a meter which is covered during weekdays (with wording to the effect that all vehicles must display a valid UCSD/SIO permit to park there) and on weekends the meters are uncovered when they are made available to the general public typically for use for beach-going purposes for a charge. The metered parking is \$1.00/hr. with a two-hour maximum on weekends and University holidays.

Listed below is a table of the existing and proposed parking at Parking Lots P001, P002 and P003 on the SIO campus.

[TABLE ON NEXT PAGE]

<u>Parking Lots at SIO near site:</u>	<u>Proposed to be removed</u>	<u>Balance</u>
Lot P001- 25 spaces	25 spaces	0
Lot P002*- 46 spaces (46 are metered spaces available to public on weekends/University holidays)	11 spaces	35
Lot P003- 77 spaces (37 are metered and available to public on weekends/holidays)	17 spaces	60
<u>148</u>	<u>53</u>	<u>95</u>

*6-81-247 required that the parking lot subject to the permit be available to the public on the weekends and University holidays. The University also made 37 spaces available in Lot P002.

As noted in the above table, a total of 83 spaces (37 + 46) are currently available to the public on the weekends in Lots P002 & P003 even though CDP #6-81-247 only required that 46 spaces be maintained for public use. With the subject proposal, the number of parking spaces in this area will be reduced by 53 spaces. However, it was only the spaces in Lot P002 that were conditioned to be made available to the public on weekends and holidays (without any kind of requirement that they be “free” of charge). The University has supplemented parking for the public in Lot P003, as well, for several years as a voluntary effort. In any case, after completion of the project, the applicant has indicated that only 55 spaces total in Lots P002 and P003 will be made available for public use on weekends and holidays.

UCSD has also indicated that unlike the UCSD main campus, there is no general free parking on weekends and holidays on the SIO campus. All parking on the SIO campus is controlled and users must either have a monthly or daily permit or pay at the on-site meters. Additionally, only specifically authorized and permitted SIO faculty, staff and visitors may park in SIO lots west of La Jolla Shores Drive. There has been no recent change to the weekend and holiday parking on the USCD/SIO campuses but certain spaces continue to be allocated and controlled for parking on a 24/7 basis for appropriate faculty and staff.

As noted above, to accommodate the proposed Scripps Forum, the applicant is proposing to remove 53 parking spaces by completely eliminating Lot P001 and reducing the parking in both Lots P002 and P003. As such, the applicant has indicated that they can no longer make 83 parking spaces available to the public on weekends and holidays. This is because there are a certain number of spaces that must be available for SIO use only 24/7, parking for faculty and staff who are there on the weekends and in their offices and labs. As noted

above, the applicant has indicated that based on the SIO needs, now only 55 spaces can be made available to public for use on weekends and University holidays. The applicant has also noted that while only 46 spaces were required to be provided for public use by the previous Commission action, UCSD is willing to provide a total of 55 spaces for public use.

The applicant has indicated that specific parking utilization studies for weekends and holidays pertaining to the occupancy for Lots P002 and P003 have not been done, but based on visual inspections conducted by UCSD staff through the years, it is common knowledge, according to UCSD staff, that parking in Lot P002 is often filled to capacity during the summer months on weekends and although Lot P003 is also used, it does not often fill to capacity as Lot P002 does. Both of these lots are right next to the beach and bordered by El Paseo Grande on the south. Lot P002 is the westernmost lot closest to the beach and right next to the public stairway that leads down to the beach. These lots are primarily used by the beach-going public which includes heavy use by surfers year-round (since the Scripps Pier is a popular surfing location) and by swimmers during the summer months.

In this case, although UCSD does not intend to replace all of the 83 spaces that are now available to the public on weekends and holidays, the provision of only 55 spaces cannot be found acceptable. While it is true that the University has voluntarily made a total of 83 spaces available to the public on weekends and University holidays, 37 spaces more than was required pursuant to CDP #6-81-247), they have not provided sufficient information to support why 83 parking spaces cannot continue to be provided to the public on weekend and holidays. In fact, as will be discussed in subsequent sections of this report, the University has documented a surplus of parking on the SIO campus during peak times during the week. Given the surplus of parking that the University acknowledges is available at SIO and at the University generally, the Commission cannot support a reduction in the amount of public parking available on weekends to beach visitors at these two lots. Therefore, Special Condition #1 requires that 83 parking spaces be made available to the public. Special Condition #2 requires that the University monitor these lots on weekends and holidays and, if based on this monitoring, throughout at least one summer season, it is determined that parking spaces are available, then the applicant could apply for an amendment to reduce the number of public spaces.

b. Parking Demand for New Scripps Forum

As noted above, the Scripps Forum is located on the SIO campus of UCSD right next to the ocean in an area where parking for beach visitors is competitively sought year-round. Because the proposed development will result in the removal of 53 parking spaces from three nearshore lots on this campus, there is the potential for the new project to result in significant adverse impacts on public access by increasing competition for on-street parking spaces that are currently available to beach visitors. The proposed new Scripps Forum will be designed to accommodate 300 people in a sit-down fashion in the auditorium with the maximum capacity for over 1,000 people if all rooms in the Scripps

Forum and outdoor areas are also utilized. By contrast, the existing Sumner Auditorium, can accommodate a maximum of 250 people in a sit-down fashion.

Assessing the parking demand for the new Scripps Forum is not precise because there are a number of factors involved. First, although UCSD indicates that the Scripps Forum will be used mostly by people on campus, there is always the possibility that people from outside the campus community would use the facility which could then increase competition for parking. In addition, there is also the possibility for the center to be used for private functions (community meetings, private parties, etc.). Nonetheless, there are various ways in which parking demand can be calculated.

UCSD has estimated the parking demand at the new Scripps Forum for a single event estimated at 300 attendees to be about 120 parking spaces (1 parking space per car based on 2.5 people per car). UCSD has stated that the figure for ridership is not any higher in other locations and is a fairly accurate estimate of average ridership for such events. UCSD states that the figure they use is not significantly different than the average ridership for a social activity in a hotel or Scripps Forum or sporting event. The City of San Diego provisions for such uses (i.e., Exhibit Halls & Convention Facilities) require 1 parking space for every 3 seats. Thus, using the City of San Diego's provisions, a conference at the Scripps Forum would require 100 parking spaces. However, another way to calculate the parking needs that is used in some jurisdictions is 1 parking space for every 3 attendees based on maximum occupancy of the facility. Utilizing this standard, approximately 334 parking spaces would be required (1,000 occupants divided by 3 spaces).

The new conference structure was originally proposed to replace in its entirety the existing Sumner Auditorium on the SIO campus. Presently, the Sumner Auditorium can accommodate 250 attendees. However, UCSD evaluated the cost of demolition of the structure and decided to retain the structure for use for breakout sessions associated with the new Scripps Forum or as an "overflow" meeting/conference area. One of the major concerns that the new project raises concerning potential impacts on parking used for public access is that it will increase the intensity of use of the site. Whereas presently the Sumner Auditorium can accommodate 250 people, the new Scripps Forum can accommodate a maximum of 1,000 people including use of the outdoor gathering area. This assumes that all rooms and spaces will be occupied simultaneously. However, this is not the operational plan for the facility and it is not intended to function as a convention center with meetings that fill up all of the rooms. Normal use will be limited to the capacity of the auditorium (300 persons) who will then be able to move outdoors for a reception or to some of the smaller break-out rooms for further discussion. Other areas of the facility will normally be used by the same attendees/occupants. UCSD has indicated the average expected attendance at most conferences will be along the range of 350 attendees (not the maximum occupancy of 1,000 that can be accommodated). In addition, although Sumner Auditorium seats 250 persons, and even though the outdoor patio space next to the entrance to the auditorium can be used for receptions, etc., it is always used in conjunction with activities within the auditorium. In other words, the outdoor patio areas are never used as a separate function area resulting in more than 250

people. The main flaw of the existing auditorium is that it does not meet the needs of the SIO/UCSD campus now for conferences as it lacks break-out rooms, etc.

In addition, there is a concern that if two separate conference/events were conducted at the new Scripps Forum, this would result in parking overflow impacts to the surrounding beach community. The applicant has given assurance that a second larger conference or second separate or independent conference/event would not be conducted simultaneously at Sumner Auditorium in addition to the new Scripps Forum. It is also important to note that the academic/instructional meetings are primarily graduate and/or undergraduate institutional sessions for UCSD/SIO students who are already on the SIO campus or who would take a shuttle bus. Also, the SIO meetings are held for personnel who are also already on the campus. UCSD submitted a table documenting the usage of the existing Sumner Auditorium during the year 2003 which is characteristic of its use in subsequent years to present. The majority of the meetings were held on campus during the weekdays with occasional symposiums held on a Saturday and/or Sunday. In addition, community groups and organizations also meet in the facility during the weekdays and/or weekday evenings with an occasional Saturday meeting.

The estimated number of conferences with substantial external attendees and need for special parking arrangements is anticipated to be less than 12 per year. However, operating experience for both the faculty and parking will determine the final number of such events. The use of the new facility and/or Sumner Auditorium is not proposed to change such that it would warrant a substantially greater demand and/or use of either facility.

Because, as elaborated below, UCSD has a surplus of 241 spaces available on the SIO campus, this can easily accommodate a conference that would include a single event estimated at 300 attendees. In addition, because UCSD has a surplus of 4,000+ spaces campus-wide (on the Main Campus), this would easily accommodate a single event estimated at 1,000 attendees.

c. Existing Parking on SIO Campus

The applicant has submitted information with regard to adequacy of existing parking at UCSD and in particular the SIO campus. Presently, there are a total of 797 parking spaces in 17 parking lots on the SIO campus. This includes parking for faculty, staff, students. These spaces may be used by appropriate UCSD/SIO permit holders. There has been a concern on the part of SIO staff that the new Scripps Forum will displace parking for SIO staff and employees who feel that there is not enough parking on the SIO campus as it is, let alone after the new Scripps Forum is constructed and 53 parking spaces are removed. However, UCSD has indicated that there are parking spaces available to meet the needs of the SIO staff but they may not be located exactly where people want them to be.

Although the project reduces the total number of parking spaces at SIO, that reduction is significantly less than the number of empty parking spaces that are available on SIO even

at peak occupancy periods. Specifically, UCSD has indicated that presently there are a total of 797 spaces available at SIO including the 262 spaces at the Aquarium at Scripps. Parking occupancy figures for SIO for the Fall of 2006 provided by the applicant show that there was an overall maximum parking space occupancy on the SIO campus at peak times of 70% (which means that there were a total of 241 spaces available/unoccupied at that time). While the Scripps Forum will remove 53 parking spaces available for SIO staff in Lots P001-P003, reallocation of parking is proposed to occur such that there will be a total of 95 spaces after project completion in Lots P002 and P003 (Lot P001 is to be eliminated). This will occur through re-striping of spaces in Lots P002 and P003 such that there will not be an overall net reduction in the number of spaces available for SIO staff, etc. In addition, pursuant to a table that UCSD submitted that shows the parking space occupancy levels for the Fall of 2006, on a campus-wide basis, at peak occupancy on the main campus there were over 4,000 parking spaces vacant which would be available as an alternate parking location.

d. Potential for Increase in Traffic Trips/Alternative Transportation

It is the University's opinion that no new visitor trips would be associated with the proposed project and that the project would not cause a substantial increase in traffic. However, the Commission staff finds that there is the potential for both new visitor trips as well as an increase in traffic. For example, if there were to be a conference that would draw in outside attendees, that is, people from outside the UCSD/SIO community (i.e., those traveling to the campus from elsewhere in the City, state or world) this would result in an increase in visitor trips and traffic because it cannot be assured that all attendees will use public transportation or alternative transportation. Such visitors may attempt to park in areas that would otherwise be used for parking by beach visitors

The proposed project is to provide an improved space for meeting and conferences on the SIO campus for students, faculty and staff as well as the broader academic community involved in marine sciences and oceanographic studies. The applicant has further emphasized that the facility is primarily intended for academic uses; however, it is possible that the SIO staff could use the facility for a private affair (i.e., wedding) on rare occasions. However, these occurrences are expected to be rare and kept to a minimum. UCSD has indicated that they would not conduct an event without adequate parking because of UCSD's interest in maintaining a "good neighbor" relationship with the surrounding community.

In addition, the applicant has further noted that because the Scripps Forum will be focused on SIO and academically-related meetings, the majority of the events/conferences will occur between the months of November through April, when the majority of the students/faculty/staff are on campus. In other words, the months of May through October would not be a time frame when there are going to be major academic conferences, etc., which is typically the busiest time of year for beach use in this area, as it coincides with the warmer weather in San Diego. As such, it is not anticipated that the Scripps Forum will result in an increase in new visitor trips or parking impacts during the most critical time of year when beach attendance is at its greatest in this popular

nearshore area. However, UCSD does acknowledge that often it is graduate students who attend such conferences and typically graduate students attend classes year-round rather than taking a break during the summer. So although the majority of the conference events will be held outside of the busy summer beach season, it is anticipated that there will be *some* occasions when such an event will occur during the summer months.

UCSD has stated that it doesn't matter whatever size of conference they have because they have adequate on-site parking to accommodate whatever size the crowd will be. For example, if they were to have a 1,000-attendee conference, that would trigger the need for an estimated 334 parking spaces (based on a worse case scenario). They have stated that whatever that figure is, it will still be less than the existing available parking on campus. In other words, the supply of parking on campus is greater than the projected demand. Many of the proposed conference events would be occurring during the off-peak period in the evening and on weekends. The events limited to SIO students, faculty and staff would not generate new trips, thus not resulting in the need for additional parking to accommodate the proposed uses. In addition, the proposed food services associated with conference events are also not expected to increase trips substantially as such services will accommodate faculty, staff and students who are already on the campus or at the meetings/conference occurring at the new meeting facility.

UCSD concluded in the mitigated negative declaration (MND) for the project that in the rare case when a conference is held for people from outside the campus and the surrounding parking lots are not adequate, attendees would be shuttled from other locations on campus. The campus has, and will maintain, its award-winning ride-sharing program. According to statistics cited in the MND, in the year 2000, 34% of those coming to the campus did so in shared-vehicles. UCSD also has an extensive shuttle program on campus. Specifically, the SIO Shuttle provides service between the main campus (five stops) and the SIO campus (8 stops). The shuttle operates Monday-Friday year-round from 7:15 a.m. to 9:00 p.m. with 30 minute frequency of service. Fifteen minute frequency of service is provided from 7:30 - 9:30 a.m. and 3:30 - 5:30 p.m. during fall, winter and spring quarters. The SIO shuttle provides a connection between the SIO campus and MTS bus routes which serve the main campus.

With regard to alternative transportation to the campus and public transit, there are several bus routes that operate on La Jolla Shores Drive on weekdays and weekends. Bus stops exist near La Jolla Shores Drive at Biological Grade, Downwind Way and Naga Way, all in close proximity to the SIO campus. UCSD and SANDAG are actively planning for the proposed Mid-Coast light rail transit (LRT) project. Two stations are proposed on the UCSD campus. Both the UCSD shuttle service and MTS bus service will be provided at both stations. SANDAG currently projects completion of the light rail project no earlier than 2016. Although LRT service to the UCSD campus is not expected before 2016, the existing SIO shuttle provides a connection to the main campus which is served by five MTS routes, including Tr. 150 which provides service between the campus and the Old Town Center. A bus route from North County also serves the main campus.

e. Conclusion

In conclusion, UCSD has demonstrated that it has sufficient on-campus parking to meet the demands of the new Scripps Forum. Even at peak occupancy levels, it has a number of vacant parking spaces on campus that can be used to meet the needs of the Scripps Forum, on an as-needed basis. Permit parking is provided on a campus-wide basis and the existing parking supply would be adequate to serve the proposed project. According to the University, the proposed project does not necessitate the construction of a new parking structure nor reallocation of existing parking spaces in adjacent lots.

For occasional larger events, parking spaces may be reserved in SIO parking lots for a fee and/or the campus shuttle can be used from the Stephen Birch Aquarium parking lot (Lot P017) to the north. UCSD has indicated that the parking at this lot, even on a summer weekday, is not particularly high. Even when there is a high demand at the Aquarium, there are facilities available on the SIO campus where there would be spaces available such as Lot P014. Conference attendees can also be shuttled from Parking Lots P102, P103, and P104 in Revelle College on the Main Campus. The University has stated that there are not as many students in these areas and as such, these lots are a very convenient remote parking location for people using the Scripps Forum (ref. Exhibit Nos. 11 & 12). In addition, as further noted by UCSD, there are 500 spaces in Lot P356 on the north campus. That entire lot could be used solely for an event at the Scripps Forum and people who typically park there would simply be directed to other lots where capacity for parking exists. This type of parking management on campus can work quite efficiently to assure that no adverse impacts to coastal access occurs in this nearshore location.

As noted earlier, UCSD has indicated that the new Scripps Forum will not result in a substantially larger conference venue than the existing Sumner Auditorium in that the existing auditorium can seat 250 persons and the new center can seat 300 persons. While the new Scripps Forum can accommodate much larger crowds (up to approximately 1,000 attendees), UCSD has noted that it does not anticipate that such events (which typically require a need for special parking arrangements) will occur more than 12 times per year. The average conference will be about 350 attendees, the majority of whom are already on campus (i.e., students, scholars, professors, SIO staff/scientists, etc.). In addition, UCSD has also indicated that it is not anticipated that many conferences would be conducted during the busy summer months which will help to lessen any potential impacts on parking, traffic congestion and traffic circulation in this area. As such, it is not expected that events held at the new meeting facility would generate a need for additional parking or result in usurption of on-street parking along El Paseo Grande and adjacent streets typically used by beachgoers.

To maximize parking for beach visitors on weekends and University holidays, UCSD has proposed to make an additional 9 spaces available in Parking Lot P003 available for public use during those times such that a total of 55 spaces can be provided to the public during those times, consistent with the requirements of the permit conditions of CDP #6-81-247. In addition, UCSD has noted that the existing parking in these lots will

eventually be replaced with pay-and-display machines. However, the Commission finds that the University has historically provided 83 spaces to the public on weekends and holidays in these two parking lots and that, given the surplus of parking that the University acknowledges is available at SIO and at the University generally, a reduction in the amount of parking available on weekends to beach visitors is an unacceptable impact to public access. Given the lack of data other than casual observations about weekend parking patterns, that would document that the peak usage of parking by beach visitors is less than 83 in these two lots on weekends and holidays, a minimum of 83 spaces shall be required. However, if through monitoring which will be required through Special Condition #1 demonstrates that the actual peak usage of parking by beach visitors is less than 83, the applicant could apply for an amendment to the coastal development permit to reduce the amount of parking to be provided in these lots commensurate with actual documented usage by the public on weekends and University holidays. Therefore, the Commission is requiring that a minimum of 83 parking spaces be provided to the public on weekends and University holidays.

In any case, the new Scripps Forum is proposed to be located immediately adjacent to the ocean in an area where parking demand is at its highest, particularly during the summer months. On weekdays, students, beachgoers and other visitors compete for what little on-street parking there is. UCSD has indicated that there are a total of 79 on street parking spaces along El Paseo Grande. Typically, these spaces are all used up by mid-day during the week. Some of those spaces are used by UCSD students as well as beachgoers during weekdays. In order to avoid this problem in this beach community, the City of San Diego should consider on-street parking regulations that discourage all-day parking by students and university employees so that street parking is available for local residents and beach visitors. On weekends and University holidays when all street parking is maxed out, beach visitors park in Lots P002 and P003 on the SIO campus. Because the proposed Scripps Forum will have the capacity to operate at larger crowd capacities (up to 1,000 attendees) it is necessary to implement a detailed parking and transportation/shuttle program which includes monitoring to ensure that no adverse impacts to public access occurs in this highly popular beach and visitor-destination area.

Therefore Special Condition #1 requires detailed thresholds and criteria for when a shuttle program will be implemented. Specifically, the condition requires, in part, that the price of parking be included in the cost of the ticket or registration fee for conference events, that a subsidy be provided for transit use, that directions to parking and public transit information for conference attendees be provided, that signage be installed to direct conference attendees to the nearest parking reservoirs, that a shuttle system be used to transport people to and from campus parking lots that are in remote locations, etc., and that bicycle racks be provided on shuttles. Also, Special Condition #1 requires that the 83 parking spaces being made available to the public on weekends and University holidays be changed from a two-hour minimum to a four-hour minimum. Four hours has typically been the minimum time limit for any paid beach parking in the nearshore areas to allow beach users sufficient time for recreation. Measures to encourage use of public transit and other alternative modes of transportation are necessary to comply with Section 30242 and to minimize vehicle miles traveled pursuant to Section 30253.

Special Condition #2 requires a detailed parking monitoring program. Some of these measures include assessments of proposed conferences taking into consideration the number of conferences/events held per year, the time of day, day of week, etc., anticipated attendance and whether or not most of the attendees are from the campus or off-campus in order to determine use of the campus shuttle system. and annual occupancy rates for parking reservoirs, etc. The condition also requires an annual evaluation of the success of the shuttle program implemented, etc. in terms of reducing parking demand for the Scripps Forum for a period of three years. In addition, the condition also allows the applicant to apply for an amendment to the coastal development permit for a future reduction in the 83 parking spaces if through monitoring and parking surveys it is demonstrated that actual peak demand is lower than 83 parking spaces. If any problems or changes are identified to the parking program, the applicant is required to notify the Coastal Commission office so that it can be determined if such changes require an amendment to the coastal development permit. As such, it can be assured that any necessary changes will require further review by the Commission so that adverse impacts to coastal access do not occur.

Therefore, inasmuch as UCSD has demonstrated that at this time there is adequate parking on the SIO/UCSD campus to accommodate the new conference structure and that, as conditioned, the proposed development will not result in adverse impacts on 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,...

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 LCP Land Use Plan). In this particular case, the proposed structure is located on the Scripps Institution of Oceanography campus which is located between the first coastal road (La Jolla Shores Drive) and the sea. As noted previously, La Jolla Shores Drive is a designated scenic roadway in the certified La Jolla LCP Land Use Plan. Surrounding/nearby structures include Sverdrup Hall to the east, a four-story building with classrooms and office space, Old Scripps and the administrative buildings to the north, and the Pawka Green to the northeast. The former structure is quite tall, and as such, the

proposed 34 ft. high structure will be compatible with the surrounding campus buildings at this location.

In addition, the proposed new structure will lie within the “imaginary stringline” drawn between the existing SIO structures to the immediate north and the residences to the south of the site. Beginning on the south side of El Paseo Grande, there is a row of large single-family residences and estates, which front on the beach at La Jolla Shores. The northernmost residence is located immediately south of El Paseo Grande near the project site. Given that the proposed structure will lie within this “stringline”, the building will not appear to be imposing in its bulk and scale as it will not encroach further seaward than this “stringline”. In addition, the proposed structure will only extend slightly further seaward than the footprint of the previous buildings which existed on site which were recently demolished (ref. Exhibit Nos. 10 and 13).

With regard to the project’s potential impacts on public views to the ocean, the applicant has also submitted an exhibit which demonstrates the footprints of existing and proposed structures. According to the applicant, the extent of the area occupied by structures does not change significantly. The proposed new Scripps Forum has been designed in a manner to protect ocean views. Specifically, the project was designed to be terraced with the existing grade. Only a portion of the structure is two-stories and the two-story portion is lowered five feet below existing grade. The two-story portion is also designed to be situated in front of (to the west of) the existing four-story building (Svedrup Hall). Almost all of the tallest and bulkiest part of the new proposed building will be placed west of Svedrup Hall, which is higher than the proposed building and blocks any views to the ocean from the east. In addition, the southern parts of the proposed building are not as high as the recently demolished machine shop building. As such, the new building will not have any greater view blocking potential than what previously existed on site.

In addition, the development as proposed will not be visible by motorists traveling along La Jolla Shores Drive, a designated scenic roadway. From the top of this roadway (near Blackgold Road), panoramic views of the La Jolla shoreline (La Jolla Shores) as well as the ocean are visible. The roadway then descends in elevation with the SIO campus located on the west side of the roadway. While traveling in this direction, the project site is already obscured due to existing mature vegetation on the SIO campus and other existing development. There is a view corridor to the north of the project site as identified in the certified La Jolla LCP Land Use Plan. Portions of the proposed northern part of the new Scripps Forum building will extend into the viewshed of one of the designated public view corridors which extends from east to west. The view corridor exists between several buildings. However, in recent years, due to the demolition of other structures in this area (i.e., Ritter Hall and the Director’s Office), the designated view corridor that is identified in the certified LCP has become actually wider than shown in the certified LUP. That is, because structures have been demolished, there is now a much wider corridor through which public views of the ocean are visible from La Jolla Shores looking west across the SIO campus. The view corridor identified in the LCP is approx. 30 feet wide and the existing view corridor today is 60 ft. wide. The new Scripps Forum will encroach about 17 ft. into this view corridor, but even with this minor

intrusion, there will still remain a 42-foot wide view corridor with an unobstructed view to the ocean. The wider view corridor offsets any minimal encroachment into the southern portion of the view corridor as a result of the siting of the new Scripps Forum (ref. Exhibit No.13). As such, the proposed structure will not impact any public views of the ocean nor will it adversely affect the public viewshed from La Jolla Shores Drive.

With regard to public views from the ocean (that is, views seen by beachgoers looking towards the east at the subject site from the beach elevation), the proposed development will obviously be visible from the beach. There is an approximate 13.5 to 16.0 feet grade differential from the top of the bluff to the beach elevation in the project vicinity. However, the proposed structure has been sensitively designed and is scaled back such that the larger two-story element is at the northeast corner of the building (away from the ocean side). In addition, a large patio is proposed west of the structure and the applicant has indicated that substantial landscaping will be planted along this elevation. This will help to visually buffer the structure as viewed from the west looking east. In addition, several landscaping elements are proposed around the entire project site which will help to improve the overall visual quality of the area. It should also be noted that while walking along the beach in a northerly direction as one approaches the Scripps Pier, there are several other larger structures near the bluff and beach on the SIO campus that are much more visible and/or bulky in appearance than the proposed structure. The new structure has been sensitively designed to minimize its potential impacts on visual resources in this highly scenic shorefront area. In addition, only the most southwesterly portion of the Scripps Forum will extend slightly past the footprint as compared to the structures that were recently demolished on the project site. In addition, the new structure will be set back a minimum of 30 ft. from the coastal bluff, as well. In fact, it is only in two locations where the setback will be less than 40 feet (30 ft. and 38 feet, respectively). Overall, the setback will generally range from 40 feet to 66 feet at its maximum distance (ref. Exhibit No. 9). As such, the development will not encroach further seaward, which can pose a psychological barrier for beachgoers when structures loom too close to the sandy beach where people like to sunbathe or recreate.

Lastly, only minor grading is proposed so the development will not result in any significant landform alteration. Special Condition #4 requires submittal of a landscaping plan to assure that only drought tolerant native and non-invasive plant materials be used. This is to help assure that irrigation and use of fertilizers and pesticides (which can cause polluted runoff not to mention overwatering of sensitive coastal bluffs which can result in erosion, etc.) will not be used. In addition, because sometimes the final plans change slightly from those that are initially submitted and minor changes to the design or other features may change, Special Condition #6 requires submittal of final plans in substantial conformance with the submitted plans. In summary, as conditioned, the proposed development will not result in any significant impacts to public views nor will it result in an adverse visual impact to coastal resources, consistent with Section 30251 of the Act.

4. Geologic Stability/Hazards. Cite 20235 as well. Coastal Act Section 30253 states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The project site is located atop a low-lying shelf and blufftop area immediately inland of the ocean. Some of the existing facilities are in close proximity to the bluff edge, with the proposed project to be sited a distance of between 30 feet to 66 feet away from the bluff edge. As such, any improvements on the subject site must be reviewed carefully in order to assure that impacts do not occur to fragile coastal resources and that the bluff is geologically stable to support the new development. In addition, as noted earlier, there is an existing seawall that protects the subject site.

The proposed development consists largely of a new Scripps Forum for the SIO campus. However, the applicant has submitted a geotechnical report to address the bluff stability seaward of the site. Overall, the findings of the report indicate that setbacks from the top of the bluff for structural improvements are adequate. As stated in the report:

The two vertical seawalls seaward of the project site appeared to be in excellent condition although a 2+/- -inch horizontal offset was noted in the older wall face a short distance south of the existing lifeguard tower. Upon review of the plans for the older seawall, prior to the construction of the newer wall, a 200-foot section of natural sea cliff existed, with existing seawalls both north and south of the one area. The toe of the bluff in this area was typically about 40 feet westerly of the existing southerly SIO parking lot. The top of the sea cliff was somewhat variable in height and ranged from 13.5 to 16.0 feet, with a sloping upper bluff similar to what exists today. The newer southerly seawall was constructed more or less along the toe of the existing sea cliff, and a sloping wall backfill reconstructed to the general grades that exist today.

The report goes on to note that the presence of the existing seawalls effectively protects the more erodible Bay Point Formation from direct wave impact. However, periods of high storm activity, coupled with a scoured beach face, will likely allow considerable wave overtopping which may result in some minor erosion of the sloping upper bluff. In addition, the report indicates that the proposed Scripps Forum has a minimum setback from the existing seawall of approximately 56 feet, along with a minimum bluff-top setback of about 30 feet behind the newer southerly seawall and 40+ feet behind the older northerly seawall. Assuming these two seawalls maintain their integrity over the design life of the SIO Scripps Forum, the existing coastal bluff will only be subject to the overtopping from infrequent storm surf, intermittently eroding the bluff face from overtopping waves.

The long-term integrity of this coastal bluff is directly dependent upon the two existing seawalls located at the base of the coastal bluff. The engineer for the older wall (northern wall) was of the opinion that the southerly seawall will likely provide an additional 75-year design life. The northerly wall still appears to be in good condition although the previously noted horizontal offset in the wall face is of some concern. However, even with the vertical offset, the engineer provided that many of these older engineered structures were often conservatively designed and that the wall will likely continue to provide many decades and possibly even 75 years of additional service. The report concludes that given that the northerly seawall has not been compromised, that the location and construction of the existing seawalls are adequate to support the site with the construction of the proposed project.

The Commission's coastal engineer and geologist have both reviewed the proposed development and findings of the applicant's engineer and concur with the conclusions in the report. However, the proposed project will rely upon two existing seawalls for its long-term stability and protection from erosion and wave forces. By letter dated January 17, 2007, the applicant's engineer, Walter Crampton of the TerraCosta Consulting Group, has stated, "the existing seawalls are adequate to support the site with the construction of the proposed project. The existing seawalls also appear adequate to protect the proposed blufftop improvements for its expected economic life of 75 years. Consideration in this determination has been given to expected wave and wind considerations, wave runup, and sea level change. No additional shoreline protection devices are expected to be needed in the future." The Commission's coastal engineer has reviewed the January 17, 2007 letter and found the concluding remarks to be credible and supported by the discussion in the letter. No independent site inspection has been initiated to augment the conclusions provided by the applicant's engineer. The Commission's coastal engineer, however, has stated that she agrees that the proposed development will be safe for 75 years.

The seawall that exists seaward of the project site was constructed to protect the Marine Biology Building and other structures on the SIO campus which included the Machine Shop Building and Student Lounge, both of which were recently demolished to make way for the proposed Scripps Forum. Further, while the Coastal Act does not allow shoreline protection for new development, in this particular case the seawalls are existing and are necessary to protect other structures on the site, some of which are located closer to the edge of the bluff than the proposed Scripps Forum.

Thus, the seawalls currently exist and the applicant is not proposing to remove them or make any improvements to the seawall. The Commission, however, recognizes that the existing seawalls could require repair and maintenance over the expected 75-year economic life of the bluff top development. The need for or the extent of any necessary future repairs or maintenance were not included in the review of the existing seawalls by Mr. Crampton. Special Condition #3 requires the applicant to maintain the existing seawalls in their approved state. Any change to their design or future additions/reinforcement that goes beyond the scope of such work allowed as repair and

maintenance activity shall be reported to the Executive Director to determine whether or not a coastal development permit or amendment to the permit is necessary for such work.

On a related point, the Commission has experience with repair and maintenance activities for existing shore protection and has often had to consider repair and maintenance options that result in an expansion of the footprint of the existing shore protection and in the further seaward encroachment. To insure that reliance upon the existing seawalls will not encourage or necessitate further seaward encroachment as repair and maintenance activities are being proposed for these existing walls, Special Condition #7 requires that the applicant waive any rights to future repair or maintenance, enhancement, reinforcement, or any other activity affecting the existing shoreline protective devices, if such activity extends the footprint seaward of the subject shoreline protective device. Special Condition #8 also states that the existing terraces/patios, flatwork, benches and trellises between the Scripps Forum and the seawall are considered accessory improvements which are expendable and no shoreline protection shall be warranted to protect them.

Although the Commission finds that the proposed development has been designed to minimize the risks associated with its implementation, the Commission also recognizes the inherent risk of development along the shoreline. The bluff seaward of the Scripps Forum may become threatened over time due to wave action. Thus, there is a risk of damage to the structure or damage to property as a result of wave action. Given that the applicants have chosen to construct the structure despite these risks, the applicants must assume the risks. Accordingly, Special Condition #9 requires that the applicants submit a letter which acknowledges the risks associated with the development and that indemnifies the Commission against claims for damages that may be brought by third parties against the Commission as a result of its approval of this permit.

In addition, while two portions of the structure will be sited a distance of less than 40 feet from the bluff edge (30 ft. and 38 ft., respectively) this setback is found to be adequate. Overall, the majority of the structure will observe a 40 ft. to 66 ft. setback. Typically, the Commission requires development along the shoreline to be sited so it is safe, but maintain at least a 40 ft. blufftop setback. However, in this particular case, although portions of the new structure will extend slightly further seaward than the footprint of the buildings that existed on the site prior to their demolition, the proposed new structure(s) will not extend beyond the imaginary stringline of development in this area (ref. Exhibit No. 13). In addition, the majority of the development will be 40 ft. or greater from the bluff edge and the applicant's geotechnical reports conform the proposed development will be safe as proposed. Additionally, the proposed development maintains an "imaginary stringline" of development between SIO campus structures to the north and private residences to the south. Because the proposed development will not project seaward of the existing line of development and because the development as proposed is safe from erosion, the proposed deviations from the typical 40' setback are acceptable.

In summary, since all of the proposed improvements are being proposed or conditioned to be sited landward of the bluff edge, and as conditioned to be constructed pursuant to the

recommendations contained in the geotechnical reports, the proposed development will be safe from geologic impacts without the need for additional shoreline protection. Therefore, the proposed project is consistent with Sections 30235 and 30253 of the Coastal Act.

5. 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,

As noted earlier, the proposed project involves the construction of a two-story, 14,226 sq.ft. Scripps Forum on a project site that is immediately adjacent to the ocean. The ocean area adjacent to the subject site has been designated by the State Water Resources Control Board 2005 California Ocean plan as an Area of Special Biological Significance (ASBS). According to the California Ocean Plan, ASBS' are:

...those areas designated by the State Water board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable.

This portion of the Scripps Institution of Oceanography campus is approximately 13 1/2 ft. to 16 ft. above the elevation of the beach to the west. An existing seawall is located at the toe of the coastal bluff. The proposed development of the site will not significantly change the topography of the site or alter the existing runoff pattern. The applicant has indicated that permanent water quality measures at the site include fossil filters on the two storm drain outlets from the site, as well as maintenance of the existing landscaped and unimproved areas to allow for storm water infiltration. The proposed project is expected to only incrementally increase the amount of impervious surface at the SIO campus because the entire project site is already developed with hardscape features (buildings and parking lots). The proposed project will result in an increase in 1,274 sq.ft. in impervious surface area. Runoff from the proposed building site will continue to drain into the existing storm water or sewer system in the project area, as appropriate. The construction phase of development, along with post-construction runoff from impervious and landscaped areas, has the potential to impact coastal water quality.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to address runoff from the site as well as to address potential for sedimentation during the construction stage of the project.

As noted in the environmental document for the proposed project, erosion and sedimentation control measures will be implemented to prevent the temporary discharge of sediments into drainage or stormwater systems to reduce potentially significant impacts to a level of below significance. The project is also conditioned, through Special Condition #5, to require specific measures to be implemented during construction of the proposed development that will minimize water quality impacts. These measures include avoiding the rainy season during construction, implementing erosion and sediment control BMPs, properly containing and storing chemicals and other construction-related materials, and properly disposing of trash and debris.

Special Condition #5 also requires the applicant to implement post-construction BMPs including minimizing the amount of impervious surface, minimizing the use of irrigation and fertilizers, directing drainage from all impervious areas through structural BMPs such as vegetative or other media filter devices effective at removing and/or mitigating pollutants, sweeping the parking lots with a vacuum regenerative sweeper on a weekly basis, and on-going maintenance of the drainage and filtration system. In addition, all structural BMPs must be designed to treat, infiltrate, or filter stormwater runoff from each runoff event up to and including the 85th percentile, 24-hour runoff event and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs. The Commission's water quality staff has reviewed the project and has concluded that with the implementation of these BMPs, the potential water quality impacts resulting from the proposed development will be reduced to the maximum extent practicable. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Sections 30230 and 30231 of the Coastal Act.

6. 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.

7. Consistency with the California Environmental Quality Act (CEQA).

UCSD is the lead agency and the Commission is a responsible agency for the purposes of CEQA review. The University prepared a mitigated negative declaration for the project, concluding that, as mitigated, it would not result in any significant adverse effects to the environment. 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.

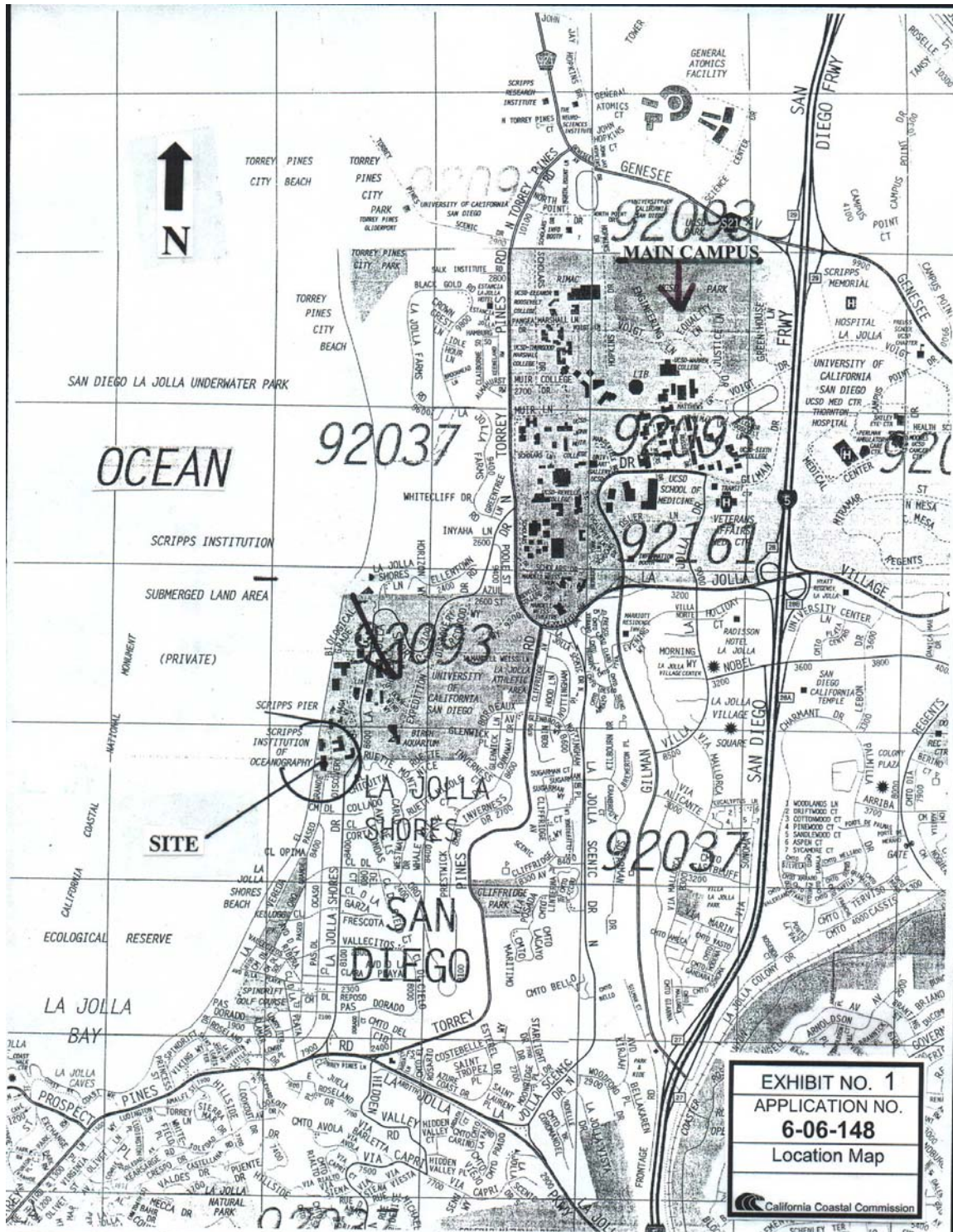
The proposed project has been conditioned in order to be found consistent with the public access, geologic stability, water quality and visual resource policies of the Coastal Act. Mitigation measures, including conditions addressing parking and a shuttle program, existing and future shoreline protection, landscaping and water quality, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that, as conditioned, the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

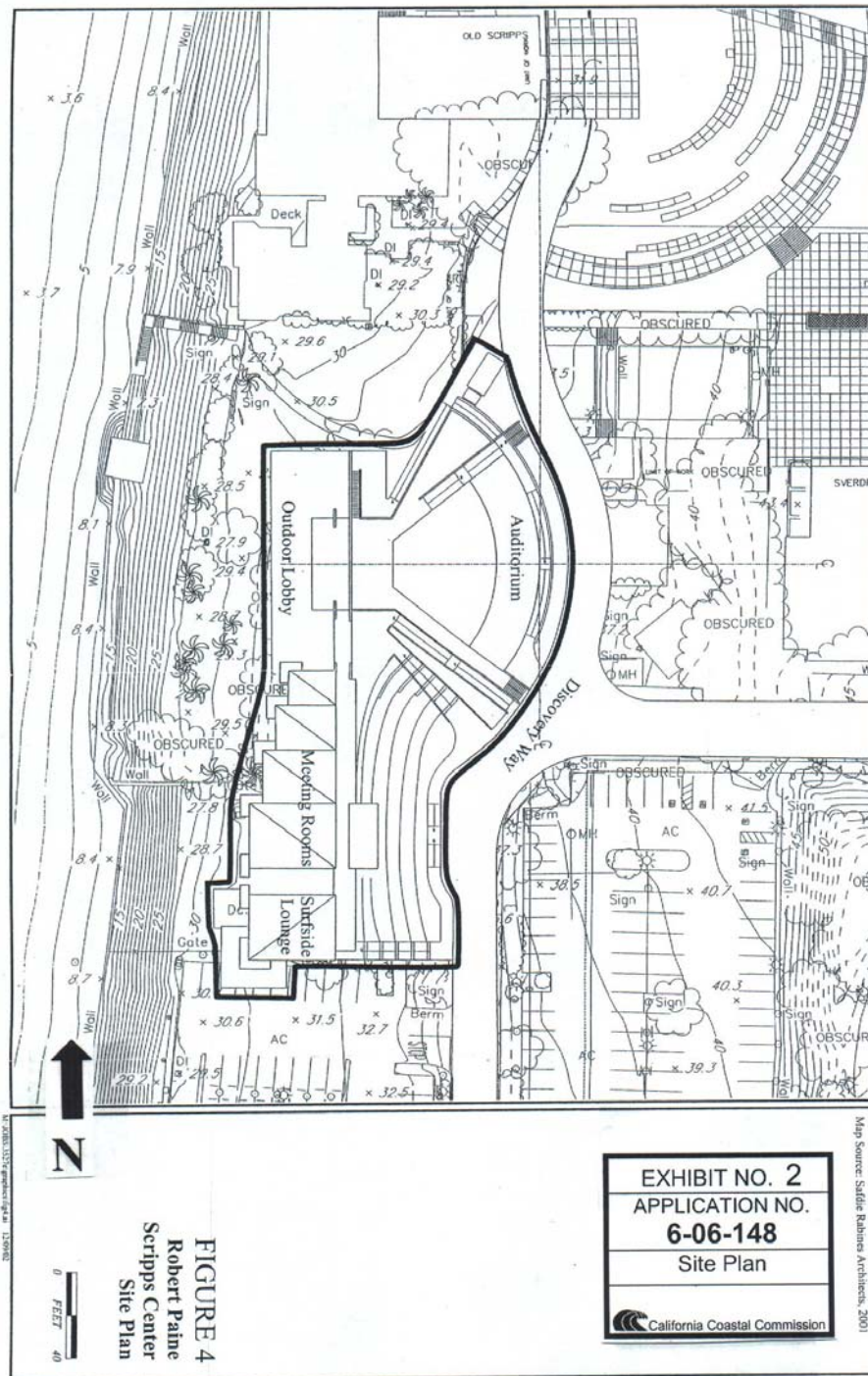
STANDARD CONDITIONS:

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.

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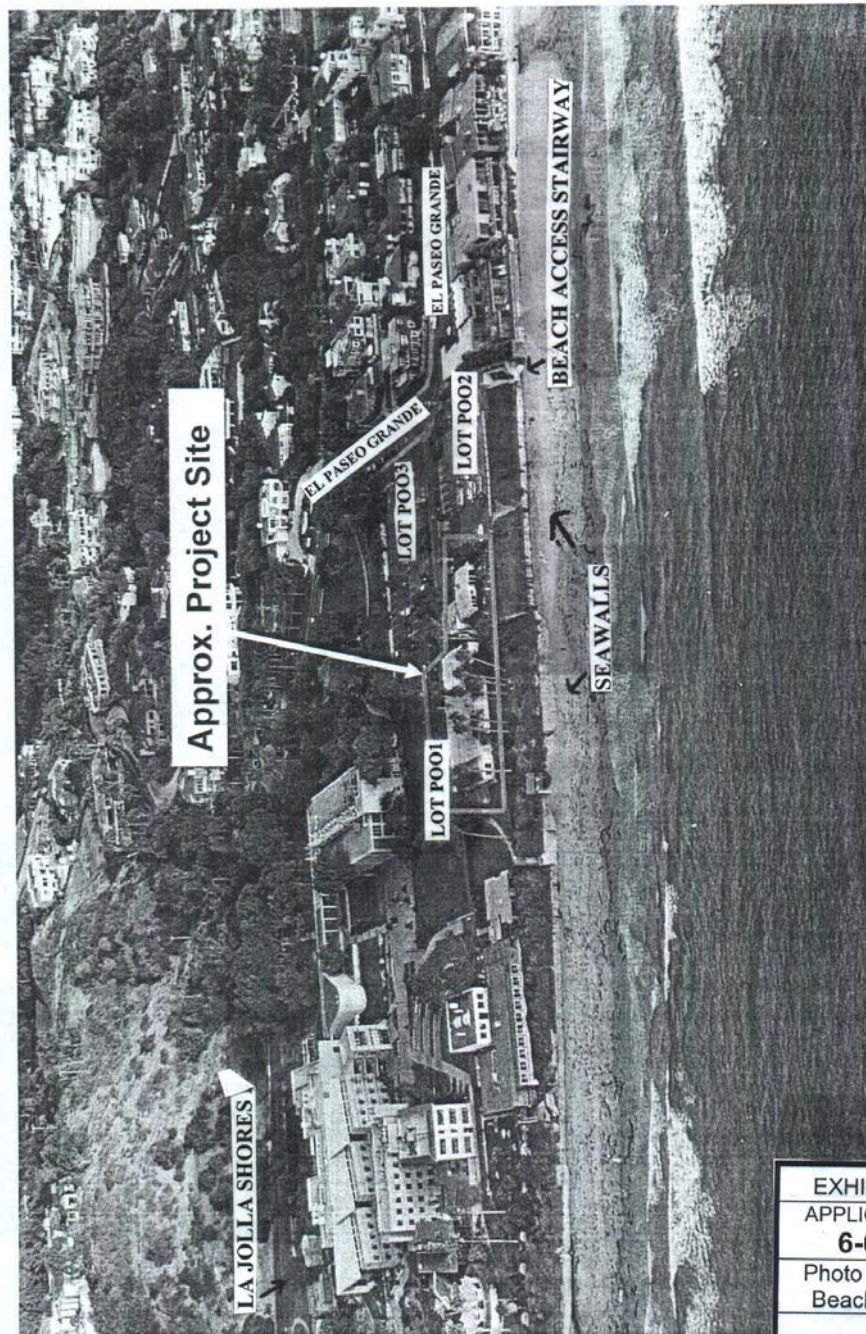


EXHIBIT NO. 3
APPLICATION NO.
6-06-148
Photo of Site from Beach Elevation
 California Coastal Commission



PHOTO 1

EXHIBIT NO. 4
APPLICATION NO.
6-06-148
Photo of Site from Beach Elevation
 California Coastal Commission

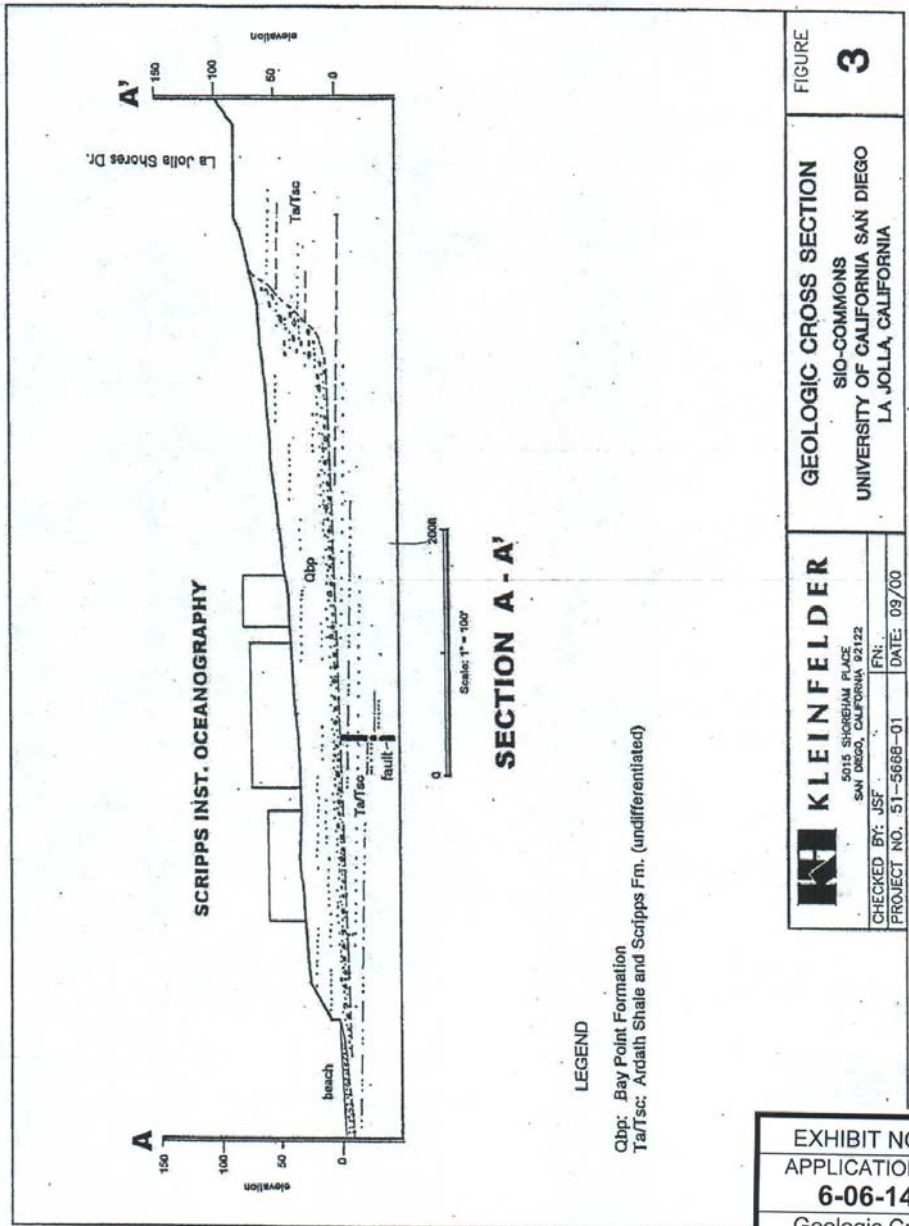


FIGURE 1

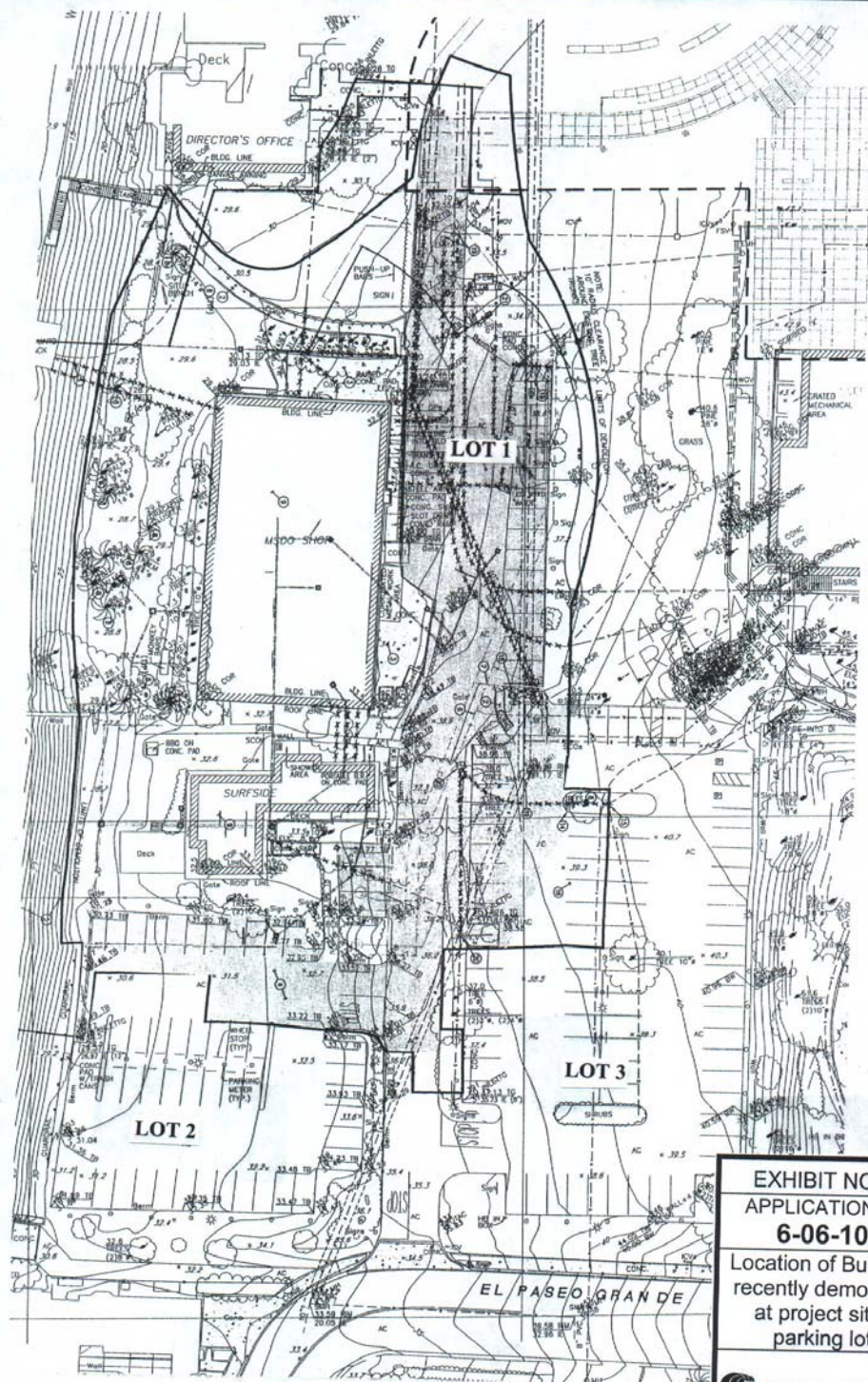


EXHIBIT NO. 6
APPLICATION NO.
6-06-100

Location of Buildings
recently demolished
at project site &
parking lots



EAST ELEVATION



WEST ELEVATION

Source: Saffie Rubiner Architects 2011

FIGURE
Robert Paine Scripps Center East-West Ele

EXHIBIT NO. 7
APPLICATION NO.
6-06-148
East & West Elevations



12/09/02

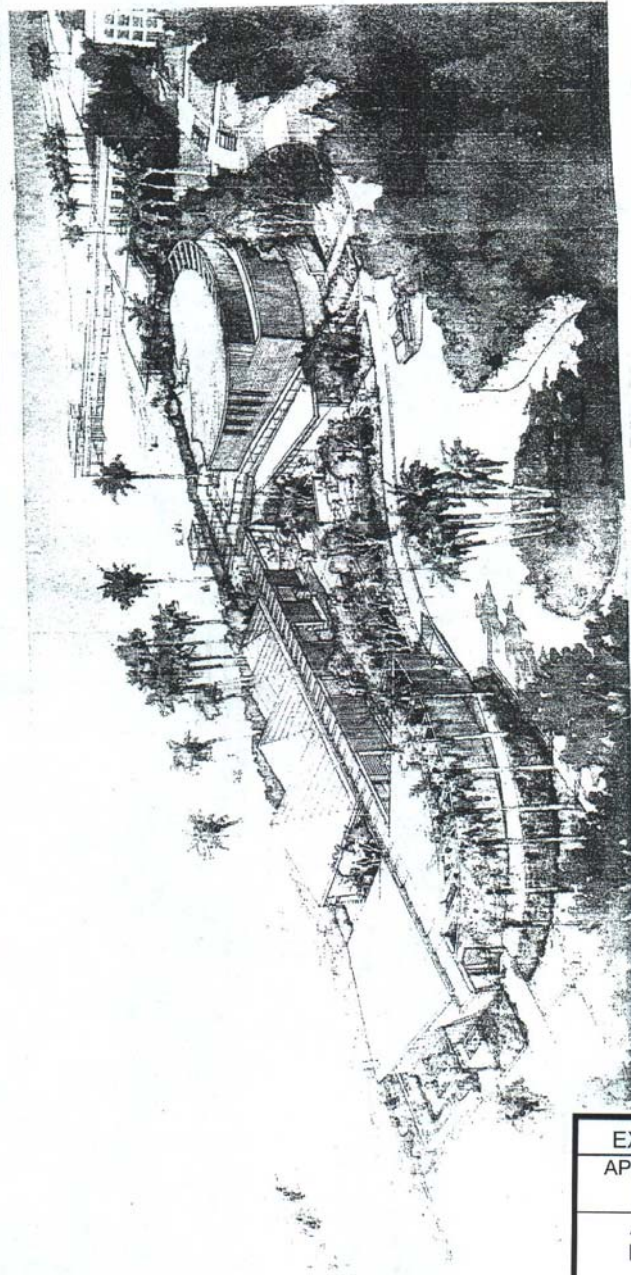



EXHIBIT NO. 8
APPLICATION NO.
6-06-100
Architectural Rendering of Proposed Conference Center (looking NW)
 California Coastal Commission



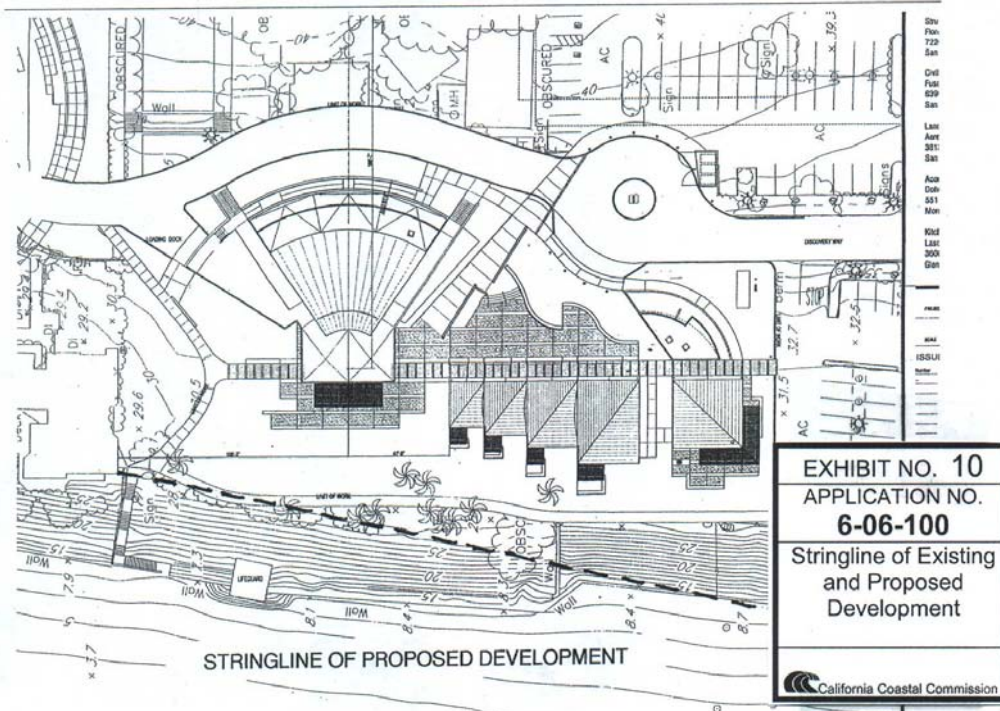
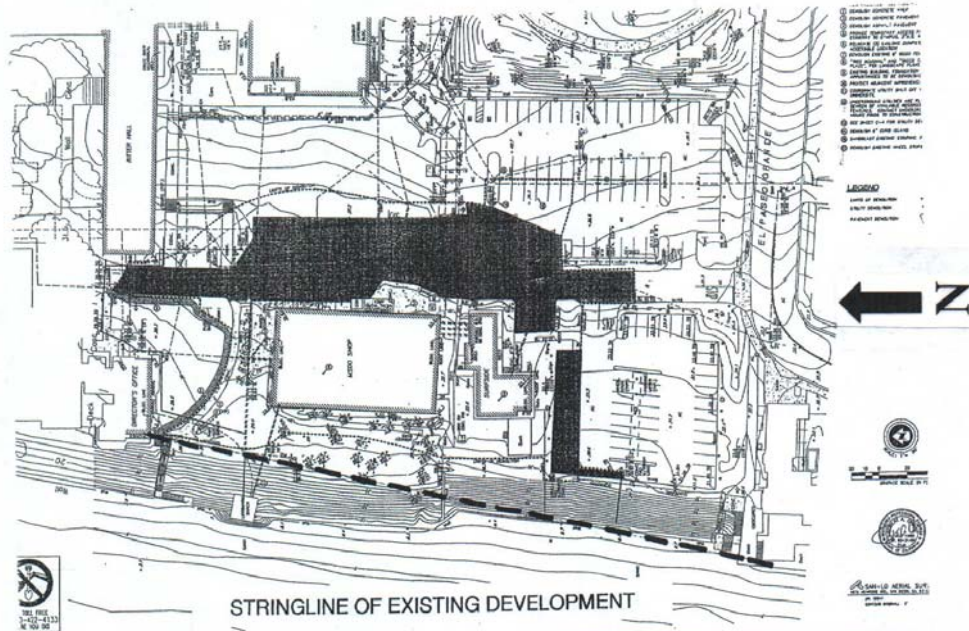


EXHIBIT NO. 10
APPLICATION NO.
6-06-100
Stringline of Existing
and Proposed
Development

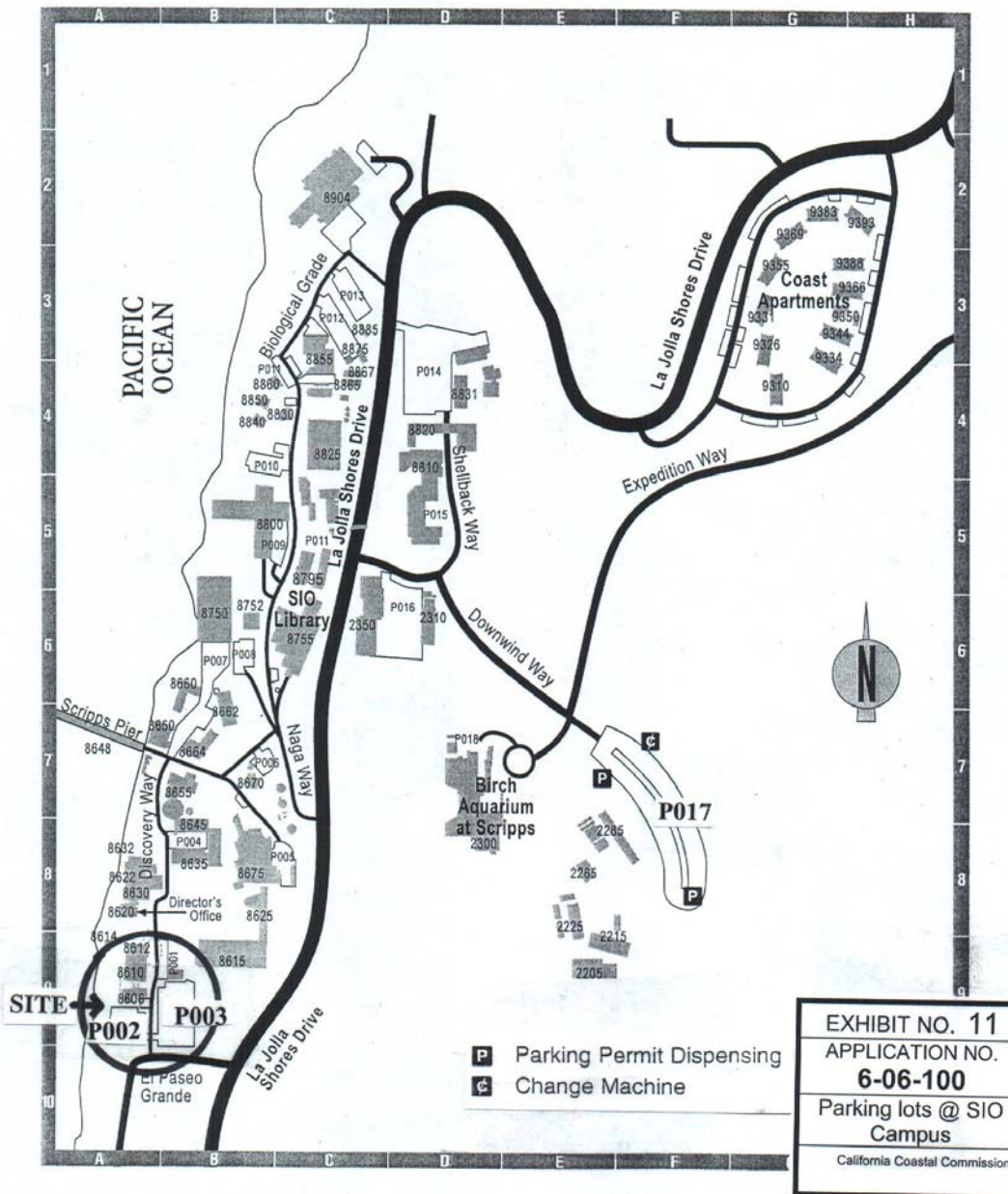
California Coastal Commission

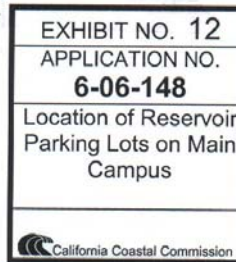


University of California, San Diego

**SCRIPPS INSTITUTION
OF OCEANOGRAPHY**

parking.ucsd.edu





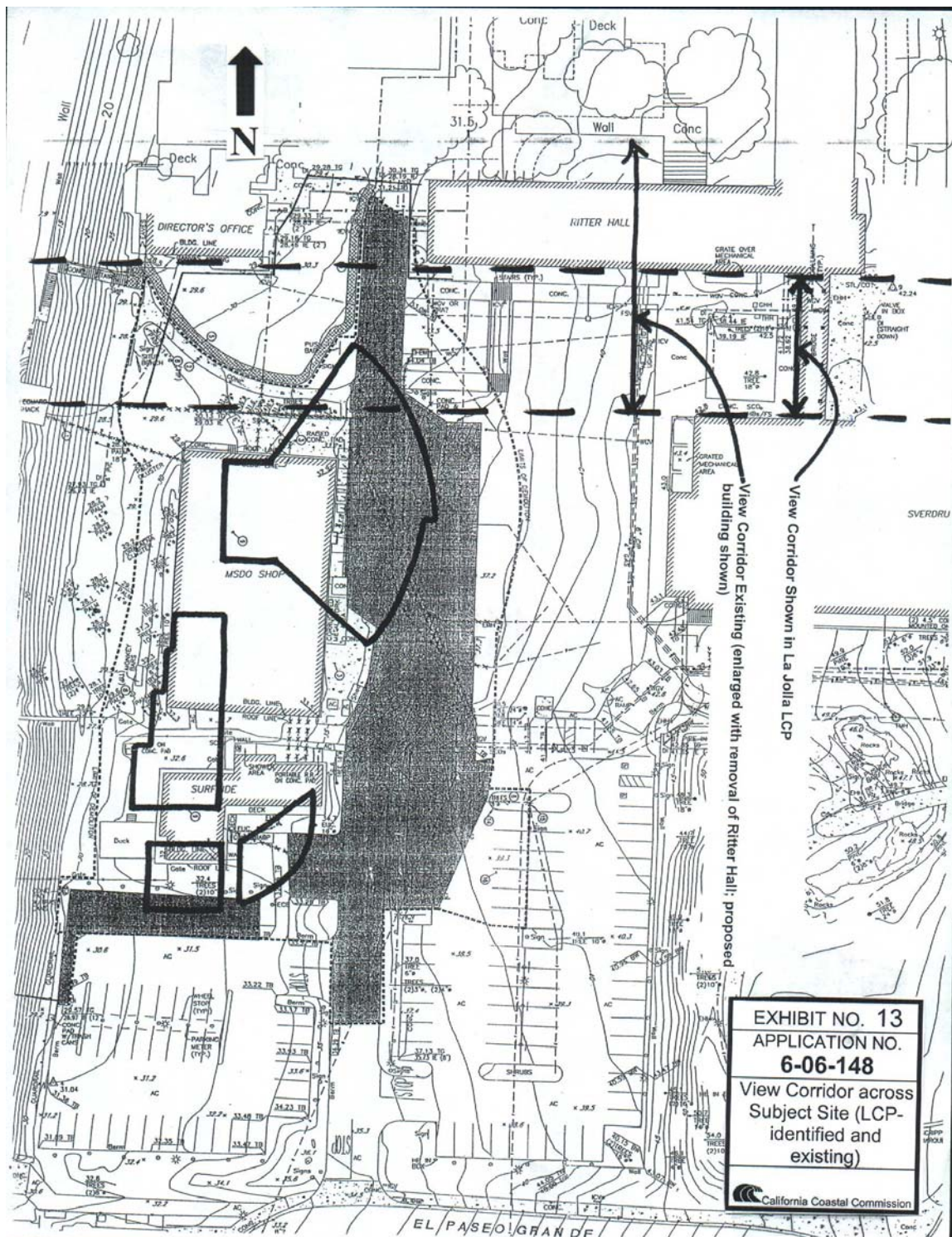


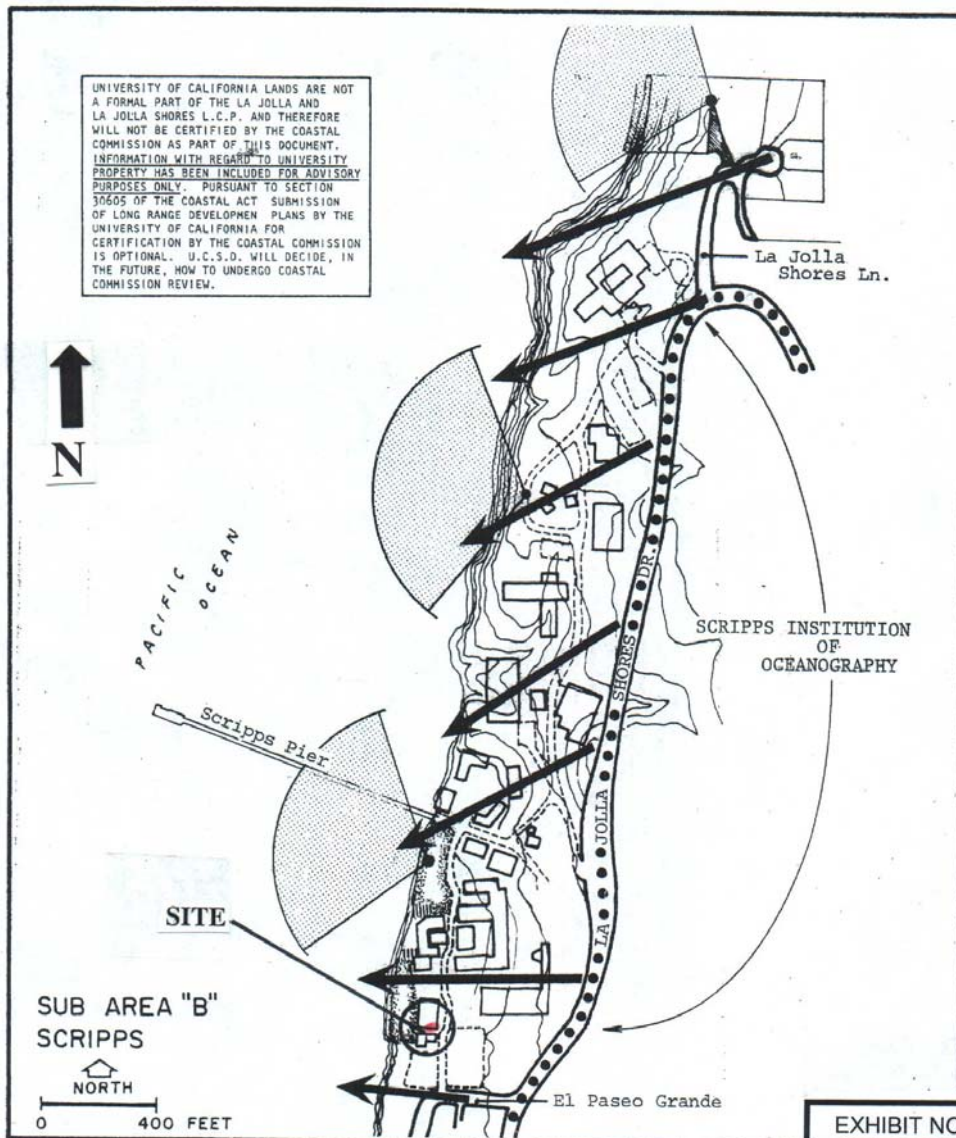
EXHIBIT NO. 13

APPLICATION NO.

6-06-148

View Corridor across
Subject Site (LCP-
identified and
existing)

California Coastal Commission



La Jolla • La Jolla Shores
LOCAL COASTAL PROGRAM • VISUAL ACCESS



CITY OF SAN DIEGO
PLANNING DEPARTMENT

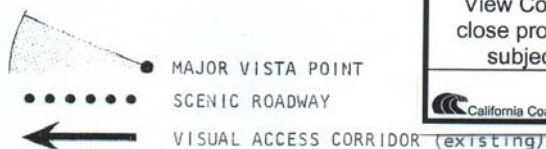


EXHIBIT NO. 14

APPLICATION NO.

6-06-148

LCP Designated
View Corridor in
close proximity to
subject site

