

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4421
 (619) 767-2370



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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-09-23

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

Description: Construction of a 9-story, 99 ½-ft. high, 95,717 sq.ft. student residential apartment building on .64 acre site.

Lot Area	32,152 sq. ft.
Building Coverage	10,700 sq. ft. (33%)
Pavement Coverage	13,176 sq. ft. (41%)
Landscape Coverage	8,276 sq. ft. (26%)
Parking Spaces	0
Zoning	Unzoned
Plan Designation	Academic
Ht abv fin grade	99 ½ feet

Site: East of Scholars Drive and south and north of Scholars Lane, Muir College, UCSD Campus, La Jolla, San Diego, San Diego County.
 APN 344-08-16

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 Main Campus of UCSD which is not between the first coastal road and sea. The main issues raised by the subject development relate to protection of public views and access. While the proposed development represents a 9-story, 99 ½ ft. high building, no significant public view impacts will result. The presence of other UCSD structures to the west of the proposed structure will minimize view impacts. With regard to parking and traffic circulation, the applicant has provided documentation showing that adequate parking exists on campus to accommodate the proposed development without adversely affecting parking and transportation in the surrounding area. Furthermore, UCSD has an excellent alternative transportation program for both students and faculty that includes car pools, van pools and an on-site shuttle program.

The campus is also served by public transit, which helps reduce the demand for vehicles on campus and alleviates parking and transportation issues in this area. As such, there will not be a significant adverse impact to public access in this area as a result of the proposed project.

Standard of Review: Chapter 3 policies of the Coastal Act.

Substantive File Documents: University of California, San Diego “Draft” Long Range Development Plan; Certified La Jolla-La Jolla Shores LCP Land Use Plan (2004); Final Initial Study and Mitigated Negative Declaration dated 2/13/09; Final Tiered Environmental Impact Report SCH No. 2008091097 dated February 2009; Survey of Parking Occupancy Levels Tables by UCSD – Winter 2009; UCSD Alternative Transportation Programs by Sundstrom and Associates, dated 4/11/07; UCSD Parking Model; CDP 6-89-184, 6-04-148; 6-99-64, 6-14-146; 6-06-96; 6-06-146, 6-09-8.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-09-23 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Landscaping Plan. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final landscape plan for the review and written approval of the Executive Director. Said plan shall be in substantial conformance with the draft landscape plan submitted by Delawie Wilkes Rodrigues Barker dated 3/16/09, 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.
- c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of the residential construction
- d. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- e. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- f. Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, 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.

2. Water Quality/BMPs.

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final Water Quality Management Plan (WQMP), prepared by a licensed water quality professional, for review and written approval of the Executive Director. The WQMP shall be based on the Summary of Submittal Information for Hydrology and Water Quality received April 22, 2009 including recommendations in the Hydrology Study Muir College Apartments (November 17, 2008), and additional hydrology information including: (1) Existing and Proposed Hydrology Map and Landscape Concept Plan, Hardscape Plan and Proposed Grading and Utility Plan; (2) Hydrology and Water Quality Section of the Project Final Initial Study and Mitigated Negative Declaration; (3) Summary Flow Chart (showing drainage, hydrology, and water quality actions and mitigations from the LRDP EIR); (4) UCSD 2004 Long Range Development Plan Final EIR-Hydrology and Water Quality, Sep 2004; (5) UCSD Storm Water Management Plan, March 2003; (6) UCSD Storm Water Pollution Prevention Best Management Practices Handbook, February 2006. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) (site design, source control and treatment control) designed and implemented to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site and to minimize water quality impacts to surrounding coastal waters. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

1. Impervious surfaces, especially directly connected impervious areas, shall be detached and minimized, and alternative types of pervious pavement shall be used where feasible (e.g., pervious precast concrete pavers for plazas, walkways).
2. Landscape area drains shall be raised 0.1 feet above the low point elevation to allow runoff to pond.
3. Roof drains and runoff from impervious areas shall be directed to landscaped areas (e.g., rain gardens where appropriate) prior to discharging to storm drain facilities.

4. Straw wattles, silt fences, check dams, stabilized construction entrances and exits, dust control and good housekeeping practices shall be used during construction.
 5. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.
 6. Efficient Irrigation Measures including water saving irrigation heads and nozzles, flow sensors, automatic rain sensors and multiple programming capabilities shall be used.
 7. A Fertilizer and Landscape Management program shall include Integrated Pest Management (IPM) practices and the use of a drought tolerant planting palette.
 8. 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.
 9. A BMP treatment train shall be designed and implemented to collect and treat runoff and remove pollutants of concern (including heavy metals, oil and grease, hydrocarbons, trash and debris, sediment, nutrients and pesticides) 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. Where possible, low-impact, sustainable features such as curb cuts and bioswales or infiltration/detention basins shall be used.
 10. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater 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.
 11. All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, and where necessary, cleaned-out and/or 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.
 12. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
 13. It is the permittee's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.
- B. The permittee shall undertake development in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. 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 Muir College Housing project that are in substantial conformance with the plans submitted by Delawie Wilkes Rodrigues Barker dated 3/16/09.

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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is UCSD's Muir College Housing project which consists of the construction of a 9-story, 99 ½ ft. high, 95,717 sq.ft. residential student apartment building to accommodate 275 bed spaces. The apartment units are designed for six students with a combination of single and double bedrooms with a common kitchen, living/dining room and bathroom. The units are for second year (sophomore) level students. Also included are amenities such as a market (with a barista/coffee bar), meeting rooms, maintenance and custodial spaces with several accessory improvements for the custodial staff including parking and charging for two golf carts, mail boxes and a main laundry room. The building will have an H-shaped footprint with an open deck bridge connecting the two towers (west and east wings) at every level. The building is designed to include numerous sustainable design features. The project site presently consists of an existing turf area with trees and walkways. No parking spaces will be removed as a result of the proposed project and no new parking is proposed.

The project site is on the main campus of UCSD and is bounded by Scholars Drive South to the west and Scholars Lane to the south which is approximately a half block east of North Torrey Pines Road. To the immediate west are the Tuolome Apartments (aka Muir Residence Halls), to the north are other residence halls/towers, to the east is the Humanities and Social Science Building, to the south are several tennis courts and further south are the Revelle College apartments. (ref. Exhibit No. 2). To the west across North Torrey Pines Road is the residential subdivision known as La Jolla Farms which contains large estate-sized homes.

UCSD has informally submitted to staff a draft Long Range Development Plan (LRDP), EIR and topographic maps as an aid in analyzing development proposals, but 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 appropriate standard of review for this project is thus Chapter 3 policies of the Coastal Act.

2. Visual Resources. Section 30251 of the Act states, in part, the following:

“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed

to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas,..."

The most visually prominent feature of the proposed development will be a 9-story, 99 ½ ft. high residence apartment structure. Any tall structure on the portion of the UCSD campus in the Coastal Zone has the potential to alter the character of the area. In this particular case, the proposed development, while planned for in the University's draft Long Range Development Plan, will be somewhat visible from other roadways in the vicinity. However, unlike the first and second phases of North Campus Student Housing projects which included a 14-story, 151 ft. high residence hall, and 13-story, 130 ft. residence hall permitted under CDP #s 6-04-146 and 6-09-8, this particular project site does not front directly on North Torrey Pines Road which is a major coastal access route. In addition, the proposed new structure will be situated on the Muir College campus in close proximity to other Muir College residence halls which include a cluster of buildings that range in height from 51 ft. to 117 ft. In particular, two of these residence halls, Tenaya and Tioga, are 82'1" and 117'4" in height, respectively. Both of these residence halls are located northwest of the project site (ref. Exhibit No. 2 & 4). In addition, the existing Humanities & Social Science Building which is located immediately east of the project site is 119 ft. high. Immediately west of the site are other Muir College Apartments which are 5 stories and 51 ft. high. UCSD has also submitted a table that lists all of the buildings on the UCSD campus within the coastal zone that are over 30 feet in height. Over thirty buildings exceed 30 feet in height and three of those buildings listed (Geisel Library, Tioga Hall and the Humanities and Social Studies building) exceed 100 feet in height (108 ft., 117 ft., and 119 ft., respectively). However, it should be noted that all of these latter buildings were constructed at a time which pre-dated the Coastal Act.

Even though the proposed structure will be tall, it is not out of character with some of the other tall structures in the immediate area on this portion of the campus. Furthermore, it will not impact public views to the ocean. The project site is located sufficiently inland (over half a mile) such that views to the ocean from public vantage points are not available. There are a number of public streets in the area, however, that function as major coastal access routes, including North Torrey Pines Road itself and Interstate-5 to the east. Views of the project site from off-campus locations, such as North Torrey Pines Road, are limited due to the presence of other campus structures that interfere with views of the project site. Beyond the immediate project site, views of the project site are non-existent from west-bound four-lane Genesee Avenue near I-5, as it is too far south to be visible.

It should be noted that although the proposed project will attain a maximum height of 99 ½ feet, the University isn't subject to local permits and the 30-foot height limit which is imposed in most coastal zone areas throughout the City of San Diego is a City ordinance, not a Coastal Commission requirement. The University is not within the City's certified LCP, and it has no certified LRDP, therefore, the standard of review is Chapter 3 policies of the Coastal Act. As noted previously, the student housing project is located on the east side of North Torrey Pines Road, which is not located between the first coastal road and

the sea, and the proposed project will not result in any visual impacts on public views toward the ocean. In addition, given that there are three other (and one proposed) tall structures on the campus in this general area (east of North Torrey Pines Road), the proposed student apartment building is not completely out of character for residence halls or academic buildings on the campus, as a whole. Nonetheless, the approval of such a tall structure should not be considered a precedent for future buildings of similar height or greater on other portions of the UCSD campus located in the coastal zone.

Landscaping that creates vegetative screening of these buildings helps reduce their visual impacts. The Commission therefore imposes Special Condition #1, requiring the submittal of a landscaping plan to assure the proposed landscaping takes place, that only drought tolerant and either native or non-invasive plant materials be used, that landscaping be planted within 60 days of completion of the project and that the landscaping is maintained. In addition, Special Condition #3 requires submittal of final plans in substantial conformance with the submitted plans. With regard to signage, the applicant has indicated that only wall and directional signs are proposed through the new development and, therefore, they do not raise any visual resource issues.

In summary, as designed such that the student residence structure will be well set back from North Torrey Pines Road, surrounded by several other structures which are compatible in height and size to that proposed and inland of other structures on the Muir Campus which will partially buffer its views as seen from North Torrey Pines Road (which is a major coastal access route), the visual impacts associated with the proposed project have been minimized. In addition, no direct impacts to public ocean views will be affected by the project. Furthermore, landscaping around the project site will help to visually enhance the site, such that adverse impacts on visual resources have been reduced and the project will be compatible with the character of the surrounding area. Therefore, the Commission finds the proposed development, as conditioned, consistent with Section 30251 of the Coastal Act.

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

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

With respect to projects on UCSD’s Main Campus, which is not between the sea and the first coastal roadway, nor within walking distance of shoreline recreational areas, the primary concern is maintaining free-flowing traffic on the major coastal access routes surrounding the campus. These include I-5, Genesee Avenue, North Torrey Pines Road and La Jolla Shores Drive. The nearest physical accessway to the coast is in the La Jolla Farms residential area where there are two access trails through the coastal bluffs that lead to the ocean (Black’s Beach and Box Canyon), approximately one-and-a-half miles away from the subject site. The Commission has taken the position, in review of

previous permit actions for the University, that on-campus parking problems on the main campus are not a Coastal Act issue unless they result in spill-over effects within the surrounding off-campus area, particularly North Torrey Pines Road and La Jolla Shores Drive, which serve as major coastal access routes. In the case of the subject proposal, the proposed project will not result in the removal of any parking spaces. However, the project does not provide any new parking to accommodate the proposed student housing. Thus, while no existing parking is being eliminated, no new parking is proposed.

Although it is difficult to determine an approximate parking ratio for the wide variety of campus uses and facilities, especially when a large percentage of students live on campus, UCSD has indicated that they carefully monitor all campus parking with an objective of keeping 10% of their supply of on-campus parking vacant during peak periods and that they have never fallen short of meeting their parking objectives in the last 25 years. Surveys are conducted on a regular basis and they look at utilization on a per capita basis relative to the number of students, faculty and staff, etc. Due to a number of factors, including the increase in the cost of gasoline, recent surveys have documented that fewer people are utilizing their cars to get to the campus. UCSD has provided substantial information regarding parking, including results of their recent parking surveys which demonstrate that currently there are about 3,335 parking spaces available on campus at the time of peak demand, which equates to a vacancy factor of about 21%.

UCSD has also indicated that the highest occupancy rates occur for the parking facilities west of the freeway (I-5) and that there is much lower utilization on the east campus. As explained by the applicant, while there are over 2,500 available parking spaces on the campus during peak periods, other than in the east campus (out of the Coastal Zone), there are no large reservoirs of available parking. In fact, the number of spaces available has slightly increased due to use of alternative transportation. Parking lots for students, faculty and visitors are spread throughout the campus with small pockets of available spaces in the various lots. The largest reservoir of available parking spaces during peak periods occurs in the east campus, where recent surveys document 1,900 of the noted 2,500 available spaces are located. Within the north campus neighborhood as a whole, there are about 1,309 spaces of which 86% are occupied at peak occupancy. Similarly, to the south, about 89% of the 2,390 parking spaces in the Eleanor Roosevelt neighborhood typically are occupied at peak occupancy. However, according to the University, with use of the on-campus shuttle program, students and faculty can get from the east campus to the west campus in just four minutes. UCSD has an excellent alternative transportation program which includes a shuttle program (along with a carpool program, vanpool program, train program, transit program, cycling program, and car-sharing program). A campus shuttle stop is located at the proposed project site to encourage alternative transportation.

As noted earlier, the residential apartment structure is intended to house second-year students (students who were living in the dorms and are now moving into an apartment-style of living on campus). These students generally do not commute to class on a daily basis, which reduces student commute trips. The location of the proposed housing project inherently lends itself to student pedestrian traffic in lieu of automobile use.

As noted above, UCSD Transportation Services operates one of the largest successful alternative transportation programs in San Diego County for the UCSD population. It operates multiple free campus shuttles which provide connections throughout campus and to the University-affiliated off campus locations. More than half of the daily commuters to the UCSD campus are using alternative transportation modes to campus. UCSD's bike programs, free bus service for students, staff and faculty to and from locations such as Old Town and other parts of San Diego, UCSD's free shuttle bus service, MTS bus pass program, zip cars, car pooling and van pooling are major milestones for one of the nation's greenest universities. UCSD has also used its transportation demand management program to reduce drive-alone transportation behavior. Parking permit sales--an indication of the demand for drive alone transportation--have decreased even though the UCSD campus population has increased and the supply of parking has simultaneously decreased. Campus shuttle use has also increased as service has been expanded in recent years.

The 2008 UCSD parking lot vacancy rate increased by 8% over the 2004 rates. As explained by UCSD staff, the Winter 2009 occupancy rate was 79% compared to 77% in 2008 or 84% in 2004. However, because the base number of spaces are not constant, the vacancy percentages are not additive. The vacancy is a reflection of spaces used within a changing base. UCSD also just recently completed a survey regarding commute numbers and modes which indicated that their non-single occupancy vehicle commute population is 54% of the campus commuting population. This represents an increase from 51% in 2008 and 34% in 2001.

This particular student housing project is somewhat unique in that unlike others recently approved on the UCSD campus, no new parking is proposed (nor is any being removed). As noted earlier, the location of the project is ideally suited to students living on campus who do not commute to class on a daily basis. In addition, students living on campus typically do not have a car. In those situations where they do, there is ample parking available at the Hopkins and Pangea parking structures as well as Lot 208, the latter of which is located the closest to the newly proposed residence hall.

With regard to potential traffic impacts and traffic circulation, a traffic analysis was prepared by Kimley-Horn and Associates for the 2004 Long Range Development Plan (LRDP) EIR. Planned campus growth and subsequent traffic impacts associated with this growth were addressed in the LRDP EIR. Although all trips associated with the implementation of the 2004 LRDP could result in adverse traffic and circulation impacts to certain off-campus roadway segments, intersections, freeway segments and freeway ramps within the University Community, UCSD is proposing to build housing which would eliminate student commuter trips to/from the campus. Campus shuttle use has increased as service has been expanded in recent years. According to the trip generation rates contained in the 2004 LRDP EIR traffic study, there is a 75% reduction in trips when a student lives on campus. As such, the proposed project would not result in additional traffic. By enabling existing and new transfer students to live on campus, the

number of commuter trips to campus by the north campus resident population would be reduced. No adverse traffic impacts should result from project approval.

As noted earlier, the Commission has historically taken the position that the development that occurs on the main campus (east of North Torrey Pines Road) does not typically raise major coastal access concerns in terms of parking displacement since it's so well removed from the coast. However, the issue pertaining to traffic, cars and mobility and traffic congestion are all factors that could impact traffic circulation along major coastal access routes such as North Torrey Pines Road, and therefore these issues have been assessed in this report. Based on all of the information that UCSD has submitted, the Commission finds that the proposed development is consistent with the University's Draft Long Range Development Plan. The proposed development will allow UCSD to continue to strive to meet its goal of housing at least 50% of the projected student population. With completion of the proposed Muir College Apartments project, UCSD will achieve a total of 40% of students living on campus; nearly meeting its goal. In addition, as noted above, if any of the students residing in the residence hall do bring a car to campus, such students (and/or visitors) will be re-directed to other parts of the campus where there is additional parking, such as the Hopkins parking structure (801 student spaces) located less than half a mile north of the project site, the Pangaea parking structure (550 student spaces) located less than half a mile north of the project site and the Muir College neighborhood lot (Lot 208) which includes (356 student spaces) located approx. 500 feet north of the project site (ref. Exhibit No. 2).

In addition, as earlier stated, even at peak periods, there is currently a 21% vacancy rate for all on-campus parking, thus demonstrating that adequate parking exists on the campus to accommodate the proposed Muir College Housing project. Also, with the continued implementation of UCSD's extensive shuttle system and other related alternative transportation programs, no traffic impacts on surrounding roadways are anticipated. Therefore, the Commission finds the proposed development consistent with the applicable policies of the Coastal Act addressing parking and coastal access.

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

Section 30230

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

Section 30231

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

The proposed project involves the replacement of a lawn area with a 9-story, 95,717 square foot apartment building with courtyard and walkways on a .64 acre site that is within the UCSD La Jolla campus, which drains to the Pacific Ocean, and is near coastal bluffs above 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.

The proposed development of the site is expected to increase the peak runoff flow rates at the subject site by 98% due to increase of impervious area (site presently consists of grassy/lawn area), however, to offset this increase and reduce runoff to existing discharge levels, the applicant notes that the project design includes two rainstorm detention basins that would store extra runoff and distribute water flow at reduced rates. Additionally, the applicant indicates that permanent water quality measures will be implemented at the site including: roof drains directed to landscape, elimination of dry weather runoff as well as maintenance of the existing landscaped and unimproved areas, and implementing a combination of BMPs in succession to create a "treatment train."

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 water quality measures including site design, source control and treatment control Best Management Practices indicated in Special Condition 2.A. designed to address runoff from the site as well as to address potential for sedimentation during the construction stage of the project. These BMPs are consistent with UCSD's Storm Water Management Plan and BMP Handbook.

As noted in the environmental documents and Hydrology Study, specific site design and source control measures are required to be implemented that will minimize water quality impacts as indicated in Special Condition 2.A. Site design control measures include: minimizing directly connected impervious surfaces by draining rooftops and impervious surfaces to landscape areas. Source control measures include: designing outdoor trash and material storage areas through measures such as covered storage facilities or secondary containment; and using efficient landscape and irrigation systems. 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 #2, to require specific measures to be implemented during construction of the proposed development that will minimize water quality impacts. These measures include avoiding construction during the rainy season, 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 #2 also requires the applicant to implement post-construction BMPs, including among other requirements, minimizing the amount of impervious surface, directing roof drains and runoff from impervious areas to landscaped areas for filtration; raising landscape areas 0.1 feet above low point elevation to allow runoff to pond; and implementing a combination of BMPs in succession to create a treatment train. 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.

5. Local Coastal Planning. The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP), although geographically the Scripps Institution of Oceanography (SIO) campus is within the La Jolla Shores segment of 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 development is consistent with the University's draft LRDP to accommodate campus growth.

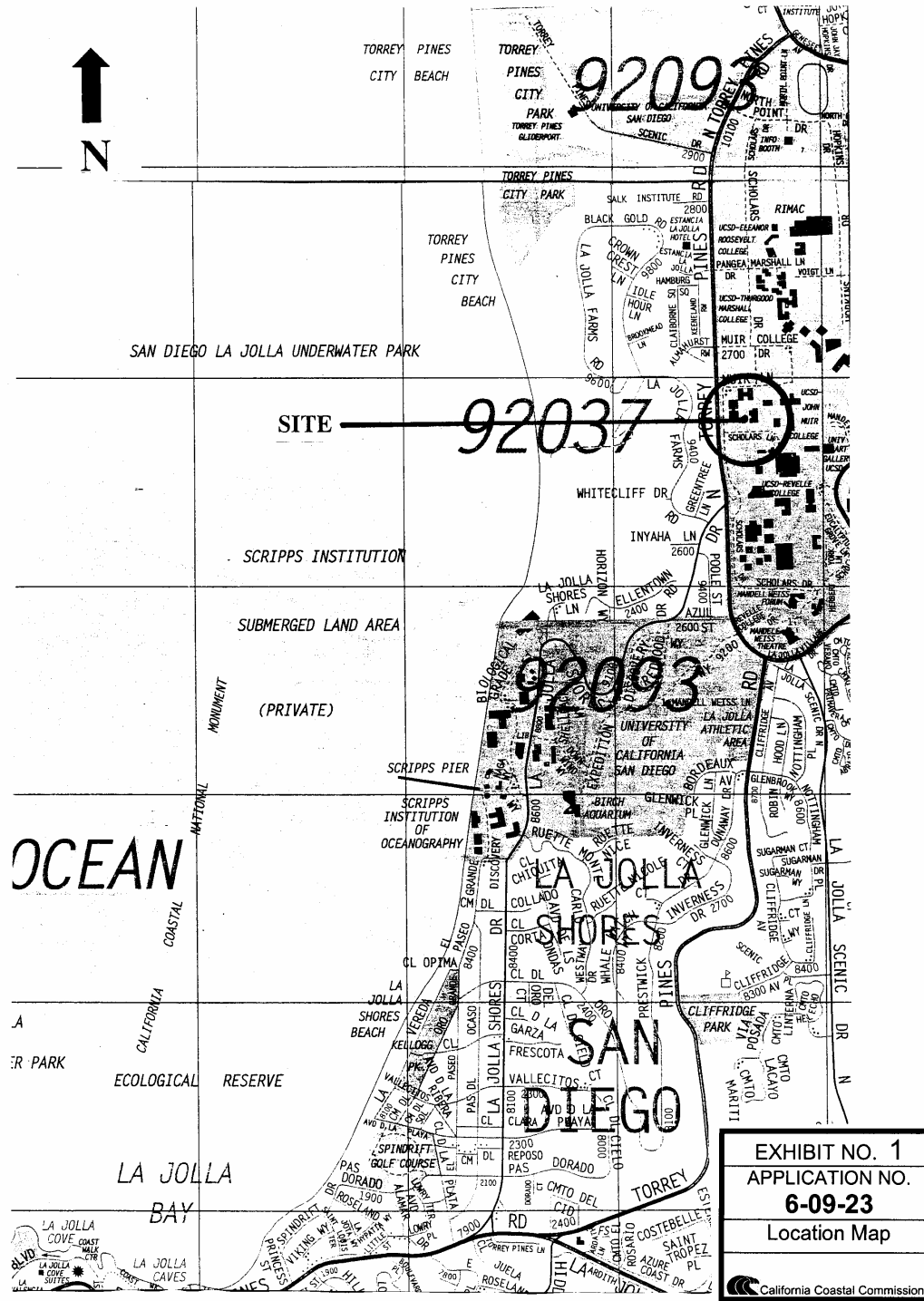
As stated previously, Chapter 3 policies of the Coastal Act are the standard of review for UCSD projects, in the absence of a certified LRDP. Since the proposed development, as conditioned, has been found consistent with all applicable Chapter 3 policies, the Commission finds that approval of the proposed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

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

UCSD is the lead agency on this project for purposes of CEQA review. It issued a Mitigated Negative Declaration for this project. The proposed project has been conditioned in order to be found consistent with the visual resource, public access and water quality policies of the Coastal Act. Mitigation measures, including conditions addressing landscaping and water quality, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

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



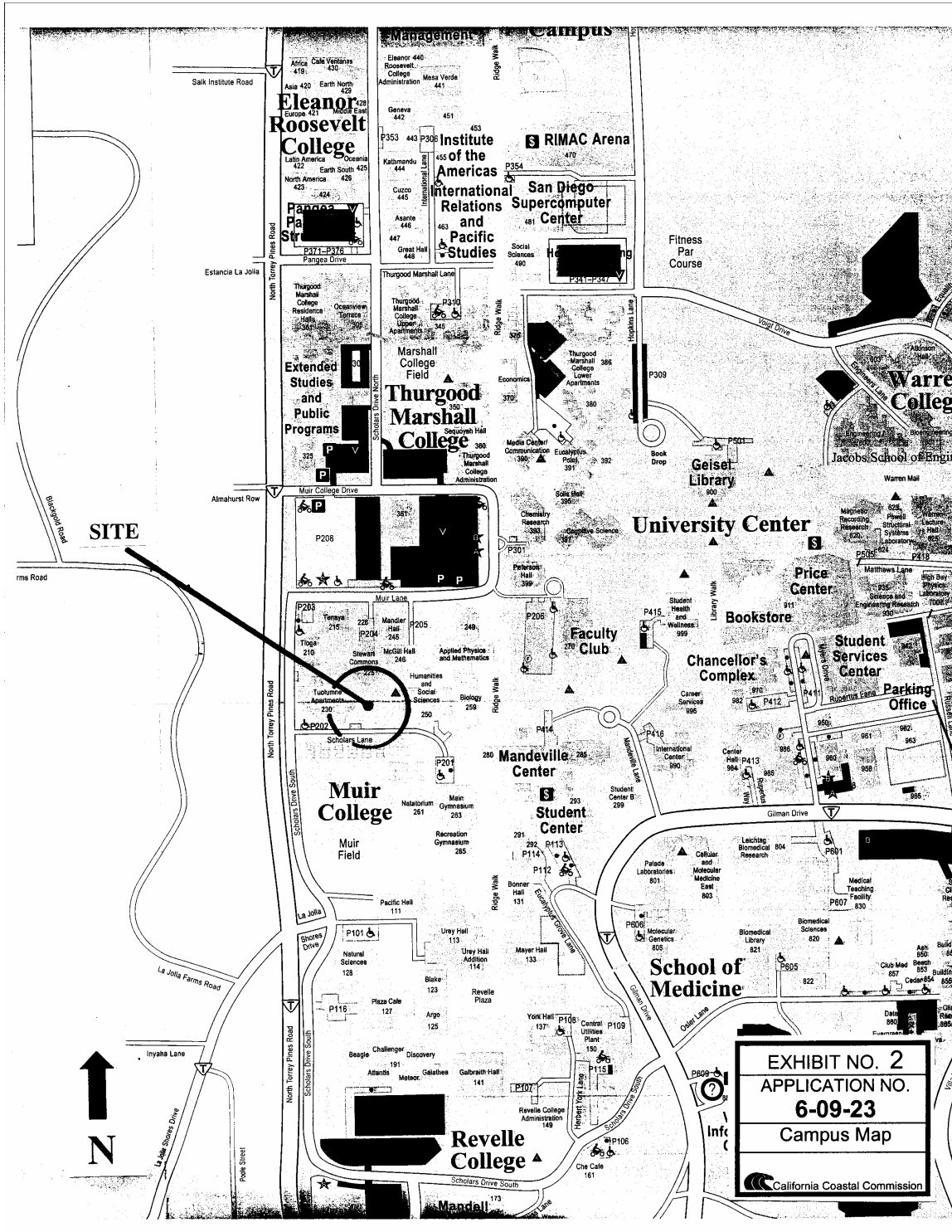
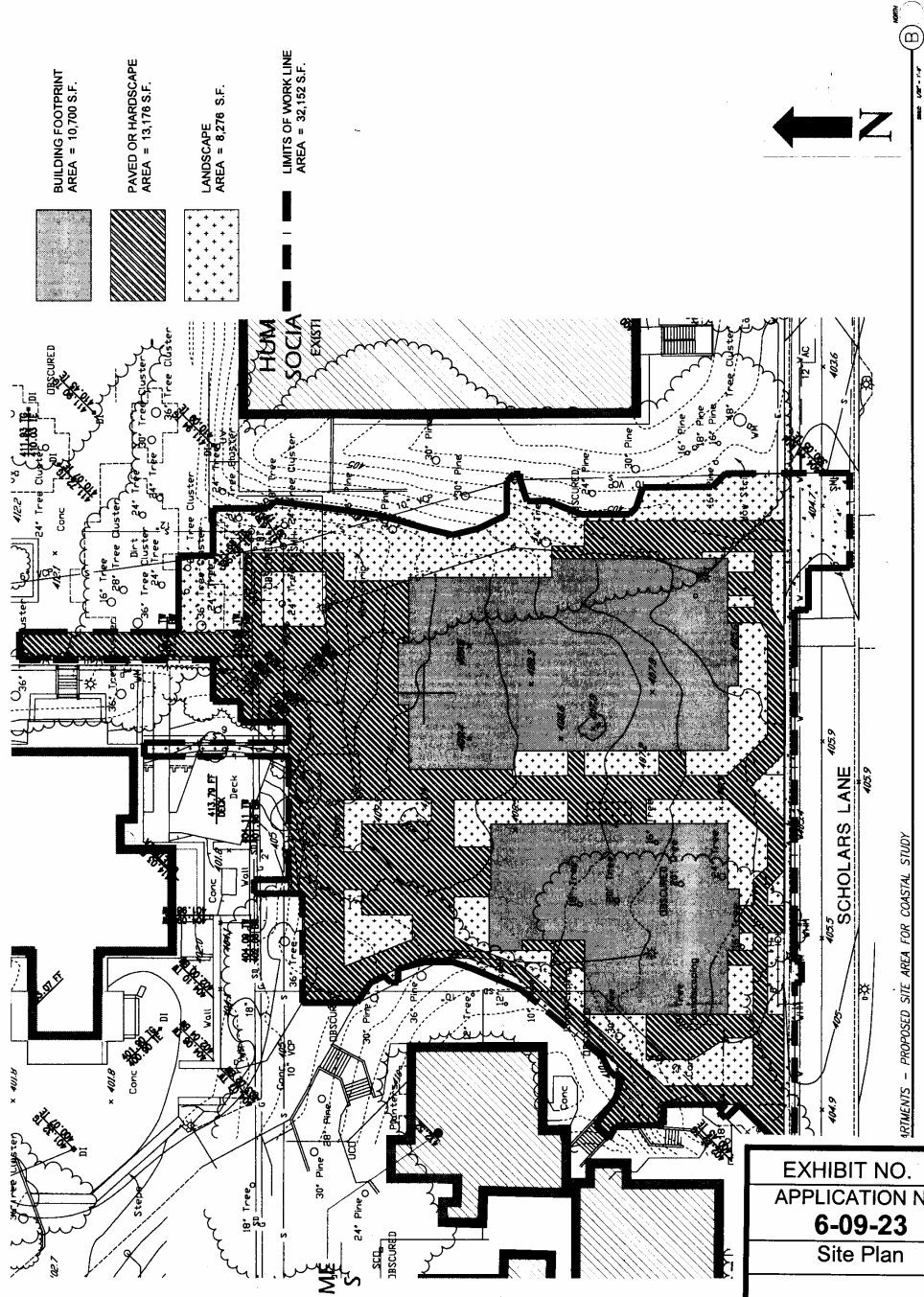


EXHIBIT NO. 2
APPLICATION NO.
6-09-23
Campus Map
California Coastal Commission



BUILDING FOOTPRINT
AREA = 10,700 S.F.

PAVED OR HARDSCAPE
AREA = 13,178 S.F.

LANDSCAPE
AREA = 6,278 S.F.

LIMITS OF WORK LINE
AREA = 32,152 S.F.



SCALE: 1/8" = 1'-0"

EXHIBIT NO. 3
APPLICATION NO.
6-09-23
Site Plan


California Coastal Commission

VERTICALS - PROPOSED SITE AREA FOR COASTAL STUDY

LOCATION MAP

Muir College Apartments



EXHIBIT NO. 4
APPLICATION NO.
6-09-23
Aerial View of Existing Site
 California Coastal Commission

VISUAL SIMULATION OF PROJECT
Muir College Apartments

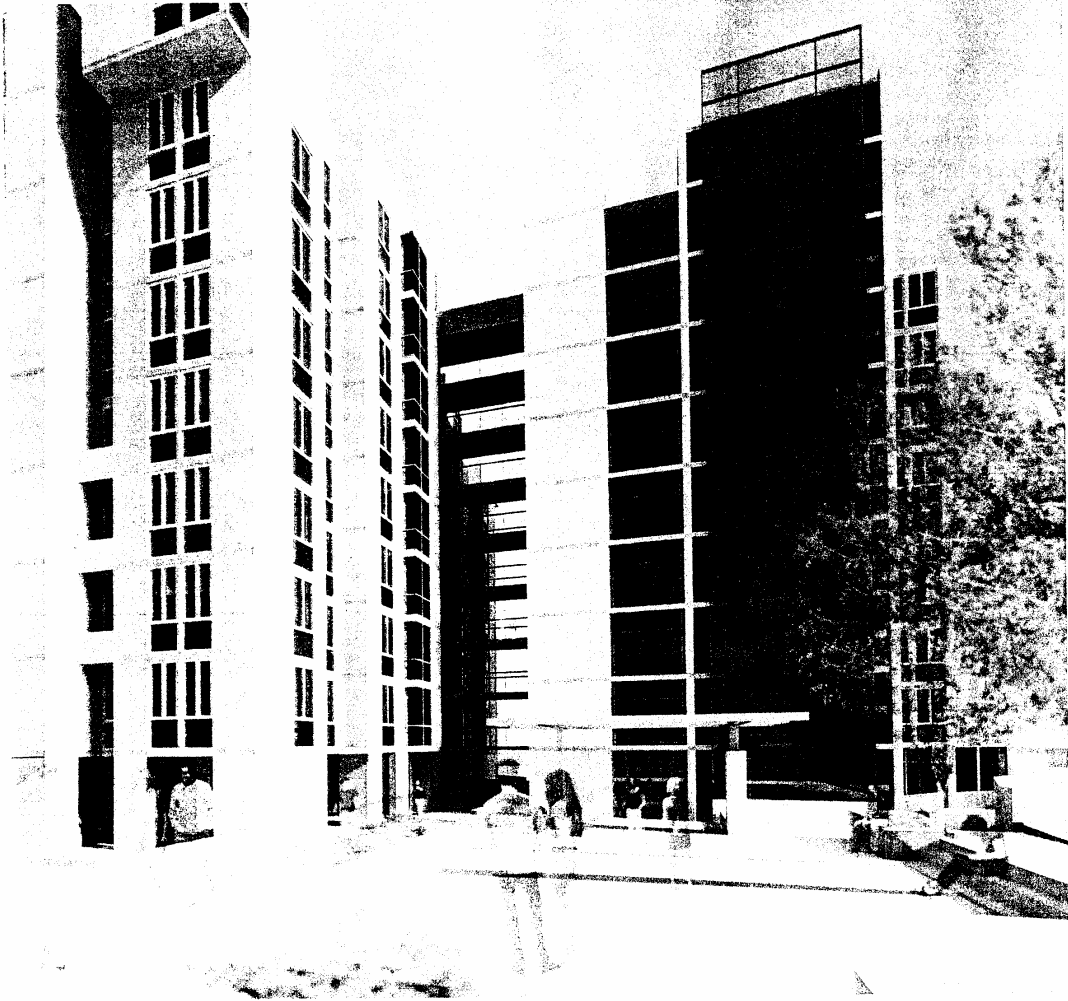


EXHIBIT NO. 5
APPLICATION NO.
6-09-23
Visual Simulation of Proposed Building
 California Coastal Commission