

CALIFORNIA COASTAL COMMISSION

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**W11a**

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-11-089

Applicant: University of California at San Diego

Description: Renovation and reconstruction of 31,729 sq. ft. of existing research and storage buildings in Seaweed Canyon. The project will involve demolition of existing Buildings T-44 and Seaweed Canyon Quonset Storage, which total 15,117 sq. ft., and construction of 24,387 additional sq. ft. consisting of three research and storage buildings, resulting in a total of 40,999 sq. ft. and 6 buildings on a 5.65 acre site. Project will also improve access for emergency vehicles and upgrade utilities infrastructure.

Lot Area	246,292 sq. ft. (5.65 acres).
Building Coverage	40,999 sq. ft. (17%%)
Pavement Coverage	82,427 sq. ft. (33%)
Landscape Coverage	75,438 sq. ft. (31%)
Unimproved Area	47,428 sq. ft. (19%)
Parking Spaces	0
Plan Designation	Academic
Ht abv fin grade	30 feet

Site: Seaweed Canyon, at the terminus of Expedition Way, University of California, San Diego, Scripps Institution of Oceanography Campus, La Jolla, San Diego, San Diego County. APN 344-090-07.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff recommends that the Commission approve the subject permit with special conditions regarding water quality, landscaping, construction BMPs, protection of sensitive environmental resources and brush management. The primary issues raised by the proposed development relate to water quality and biological resources that are addressed through the attached conditions. The proposed project will occur within the

boundaries of a previously developed research and storage support facility for the Scripps Institution of Oceanography (SIO) campus. Some Diegan Coastal Sage Scrub (CSS) habitat exists in close proximity to the subject site; however, no direct impacts to this habitat are proposed and the Commission's Staff Ecologist, Dr. John Dixon, has determined that because the subject CSS is disturbed, isolated from the areas of contiguous natural habitat farther to the east and northeast of the subject site, does not support special-status plant and wildlife species and does not provide essential wildlife movement corridors or critical ecological linkages, these areas are not considered especially rare or valuable in terms of having a special nature or role in the surrounding ecosystem and therefore, does not constitute environmentally sensitive habitat area (ESHA). Larger contiguous portions of native habitat that would likely qualify as ESHA exist much farther to the east and northeast of the site, but would not be directly or indirectly impacted as a part of the proposed project. To ensure the protection of existing environmentally sensitive resources, the proposed project has been sited and designed to avoid impacts to nearby habitat areas and special conditions are recommended to ensure the continued protection of biological resources in the area. Additionally, project components and BMP's are proposed that will capture stormwater runoff on-site and treat it to reduce the potential for water pollution in the area. Therefore, as proposed and conditioned the subject project is consistent with Chapter 3 policies of the Coastal Act.

Standard of Review: The proposed development is located on land owned by the University of California and is not included in the area subject to the City of San Diego's certified LCP. Thus, the standard of review is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

Substantive File Documents: 1989 Revised Long Range Development Plan; Certified La Jolla - La Jolla Shore LCP Segment; Draft Initial Study and Mitigated Negative Declaration, Project # 962560, dated 11/29/11; Dudek Biological Addendum dated 4/20/12; CDP Nos. 6-89-128, 6-95-010 and 6-89-188.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-11-089 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 Plans.** **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final site and building plans for the development, that are in substantial conformance with the preliminary construction plans by Roesling Nakamura Terada Architects for the Seaweed Canyon Project, dated 11/30/11.

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

2. **Water Quality Management Plan.** **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final Water Quality Management Plan (WQMP) that includes measures to protect water quality during both the construction and post-construction phases of development, prepared by a licensed water quality professional, for review and written approval of the Executive Director. The WQMP shall be based on the Drainage Study and the Mitigation Monitoring and Reporting program in the Draft Initial Study and Mitigated Negative Declaration (November 2011). 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:

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 Water Quality/BMPs.

- i. Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible.
- ii. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.
- iii. Efficient Irrigation Measures including water saving irrigation heads and nozzles, flow sensors, automatic rain sensors and multiple programming capabilities shall be used.

- iv. A Fertilizer and Landscape Management program shall include Integrated Pest Management (IPM) practices and the use of a drought tolerant planting palette.
- 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. 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.
- vii. 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.
- viii. 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.
- ix. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- x. 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 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 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 Land Lab dated 11/30/11, 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 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.

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.

4. Brush Management Plan. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a final Brush Management Program for the review and written approval of the Executive Director. Said plan shall be consistent with the buffer zone/tree removal plan by Land Lab dated 3/14/12, and shall include, but not be limited to, the following:

- a. A Zone One buffer area with a minimum width of 18 ft. shall be provided between native or naturalized vegetation and any structure and shall be measured from the exterior of the structure to the vegetation;
- b. Zone One shall contain no habitable structures, structures that are directly attached to habitable structures or other combustible construction that provides a means for transmitting fire to the habitable structures. Structures such as fences, walls, covered patios, picnic tables, etc., that are located within brush management Zone One shall be of non-combustible construction.
- c. Plants within Zone One shall be primarily low-growing and less than 4 feet in height with the exception of trees. Plants shall be low-fuel and fire-resistant;

- d. Trees within Zone One shall be located away from structures to a minimum distance of 10 feet, as measured from the structures to the drip line of the tree at maturity in accordance with the landscape standards of the land development manual;
- e. Permanent irrigation is required for all planting areas within Zone One except as follows:
 - i. When planting areas containing only species that do not grow taller than 24 inches in height or;
 - ii. When planting areas contain only native or naturalized species that are not summer-dormant and have a maximum height at plant maturity of less than 24 inches.
- f. Zone One irrigation overspray and runoff shall not be allowed into adjacent areas of native or naturalized vegetation;
- g. Zone One shall be maintained on a regular basis by pruning and thinning plants, controlling weeds and maintaining irrigation systems;
- h. A requirement that no clearance for brush management shall occur in the native plant areas of Diegan Coastal Sage Scrub adjoining the project site.

The permittee shall undertake 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 unless the Executive Director determines that no amendment is required.

5. Compliance with Requirements of Mitigated Negative Declaration. By acceptance of this permit, the applicant agrees to comply with the requirements of the Mitigated Negative Declaration, Project # 962560, dated 11/29/11, which includes the following condition:

- a) In order to avoid impacts to the coastal California gnatcatcher, if during preconstruction surveys gnatcatchers are observed within 500 feet of the grading limits during the preconstruction survey, noise attenuation measures shall be implemented. Furthermore, even though no gnatcatchers were observed within 500 feet of the grading limits during the preconstruction survey, if construction occurs within the gnatcatcher breeding season (February 15-August 30) and noise levels exceeds the USFWS suggested threshold of 60 dB(A)L, noise attenuation measures shall be implemented.
- b) If the preconstruction surveys reveal the existence of coastal California gnatcatchers within 500 feet of the grading limits, the applicant shall submit a noise monitoring plan documenting its proposed noise attenuation measures to the Executive Director, for review and written approval, before commencing construction and before implementing the noise attenuation measures. The noise monitoring plan shall, at a minimum, include

continuous monitoring of the decibel level throughout the proposed project site, the intervals at which the levels will be observed and clearly recorded during construction and the proposed measures to maintain noise at a level that will not significantly impact gnatcatcher habitat.

- c) If construction occurs during the gnatcatcher breeding season (February 15-August 30), at least two (2) weeks before the beginning of the gnatcatcher breeding season the applicant shall submit to the Executive Director, for review and written approval, a noise monitoring plan that will implement the noise attenuation measures. The noise monitoring plan shall, at a minimum, include continuous monitoring of the decibel level throughout the proposed project site, the intervals at which the levels will be observed and clearly recorded during construction and the proposed measures to maintain noise at a level that will not significantly impact gnatcatcher habitat.

6. Sensitive Species Monitoring. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, a qualified biologist shall conduct a site survey for evidence of historic or active colonial water bird, raptor, or owl nests in all on-site trees that are proposed to be removed. If any historic nests are found, the subject trees shall be replaced on-site with the same number of native or non-invasive non-native trees suitable for colonial water bird, raptor, or owl habitat. Prior to any construction activities during colonial water bird, raptor, or owl breeding/nesting season (Jan 31st – Sept 1st) a qualified biologist shall conduct a site survey for active nests 2 weeks prior to any scheduled development. The results of the site survey shall be submitted to the San Diego office of the California Coastal Commission. If an active nest(s) is located, then no construction work shall be conducted within a 300 foot radius in all directions from the nest and a 500 foot radius of raptors, until the young have fledged and are independent of the adults.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the renovation and reconstruction of existing storage and research facilities in Seaweed Canyon, within the Scripps Institution of Oceanography (SIO) campus of the University of California, San Diego and adjacent to the Birch Aquarium. The project will involve demolition of existing buildings T-44 and Quonset Storage Building, which total 15,117 sq. ft., and construction of three new buildings totaling 24,387 sq. ft. The buildings to remain in place without modification include T-45, T-46, and the Seaweed Canyon Warehouse, which total 16,612 sq. ft. Overall, 16,612 sq. ft. of existing buildings are to remain and 24,387 sq. ft. of new structures (Buildings A, B and C) are to be constructed, resulting in a total of 40,999 sq. ft. and 6 buildings on the 5.65 acre site. The proposed buildings A, B and C will be prefabricated metal structures each with a maximum height of 30 ft. Building A will be 9,800 sq. ft., Building B will be 8,500 sq. ft. and Building C will be 6,200 sq. ft. The existing T-44 and Quonset Storage Buildings are deteriorated to the degree that they are no longer capable of preventing water infiltration, rodents and other

influences from damaging the instruments and equipment being stored inside. As such, new buildings A, B, and C are proposed to provide SIO with adequate storage and research support facilities.

Other components of the proposed project include improving access for emergency vehicles by re-grading the existing asphalt access road, landscaping, and upgrading the utilities infrastructure, including installation of two new fire hydrants to enhance fire safety around canyon. The project site is located within Seaweed Canyon, above the main campus of the Scripps Institution of Oceanography, on the southern portion of University of California property that currently houses the Birch Aquarium, at the terminus of Expedition Way off of La Jolla Shores Drive. The proposed buildings will be constructed within an existing storage and maintenance yard facility, located near (~50' below, and west of) the existing Birch Aquarium parking lot and south of the main aquarium buildings. The proposed structures will be located in the previously developed Seaweed Canyon on portions of disturbed habitat, eucalyptus woodland, and within the footprint of previously developed building sites.

The subject site is situated in a coastal canyon, elevated and slightly east of the high bluffs that front the ocean along this portion of the coastline, and is surrounded by a majority of non-native Eucalyptus woodland habitat and native Diegan Coastal Sage scrub. The subject site contains disturbed habitat area, developed buildings, and small portions of Eucalyptus woodland, and has long functioned as a storage and research facility for the SIO campus. There are single family residences to the south and southwest of the subject site, the Birch Aquarium to the northwest, and a parking lot and undisturbed canyon land to the north and northeast. No public parking is provided on site and there is only one main road leading in and out of Seaweed Canyon, which can be accessed from a side road off of the Birch Aquarium's main parking lot. The existing access road contains several curves as it descends into lower portions of the project site and varies in slope from 15%-17%. Due to the road's curved orientation and width, large trucks have difficulty accessing the road. To allow for sufficient emergency vehicle access on the current access roadway, the applicant is proposing to re-grade the access road to reduce the existing 17% slope in some portions to just below 15%, as required for fire access. Including the grading work proposed to the existing access road, the subject project would require 3,700 cubic yards of cut grading, with 4,300 cubic yards of material retained on site as fill and 600 cubic yards of material imported to the site to be used for fill.

Additionally, the applicant is proposing to install drought tolerant and native landscaping on site, with specific plantings identified for sloping portions of the site and others for the proposed bioswales, which will function as stormwater collection and filtration devices. A roof runoff capture and reuse system is also proposed to help irrigate the landscaping for the site and reduce storm water runoff from the property.

On June 16th, 1989, the Commission approved CDP# 6-89-128 for the construction of a one-story, 24 ft. high, 8,000 sq. ft. metal storage building located directly east of the project site. On March 8th, 1995, the Commission approved a permit for the installation

of an approximately 2,400 sq. ft., one-story prefabricated metal storage building located south of the proposed building (CDP# 6-95-10). Additionally, on 5/13/10 the Commission approved construction of a Seawater Holding Tank for the Birch Aquarium on the subject site (CDP# 6-10-028), which will not be modified as part of this project proposal. No Special Conditions were attached to any previous coastal development permits issued for the subject site, however, CDP #6-89-188, which was for the construction of the existing Birch Aquarium on the SIO campus, included ten Special Conditions, one of which required that the steep slopes west and southwest of the subject aquarium remain undisturbed as an area of open space. Although the project site is nearby this area, the proposed project will not involve any clearance or disturbance of these steep slope open space areas and, as such, will be consistent with all the Special Conditions attached to the original development of the adjacent Birch Aquarium.

The proposed development is located on land owned by the University of California and is not included in the area subject to the City of San Diego's certified LCP. Thus, the standard of review is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

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

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

UCSD is a very large campus that is located within the geographic area of the community of La Jolla. While some portions of the campus are located near shore (i.e., the Scripps Institution of Oceanography), other portions are located much further inland. For those areas of the campus that are near shore, potential impacts on scenic views of the ocean are a concern. In addition, several of the streets that the campus adjoins are major coastal access routes and/or scenic roadways (as designated in the La Jolla-La Jolla Shores LCP Land Use Plan). In this particular case, the proposed development will be located at the southern terminus of Expedition Way (essentially a private drive for the aquarium complex) off of La Jolla Shores Drive. Additionally, the subject site is situated in a canyon, topographically below and south of the more prominent Birch Aquarium that is surrounded by steeply sloping vegetated hillsides. As such, the subject site is not visible from the beach or La Jolla Shores Drive, a scenic coastal roadway.

In addition, although private views are not protected under the Coastal Act, in this case, the University has conducted outreach to address public concerns that the subject development might be partially visible to some adjacent residential neighborhoods located above Seaweed Canyon. As part of this outreach effort, the University included a visual analysis depicting that the proposed development will not be significantly more visible from surrounding neighborhoods than the existing developments already established within Seaweed Canyon. Furthermore, portions of the proposed development

will be visible from the public Birch Aquarium parking lot, however, as Seaweed Canyon is situated at a significantly lower elevation from the aquarium parking lot and is surrounded with vegetated hillsides, the proposed development will not substantially alter or interfere with the existing public views to and along the ocean and scenic coastal areas from the aquarium public parking lot.

The proposed development involves the construction of three new pre-fabricated metal buildings that will be located within Seaweed Canyon, southeast of the aquarium complex. The project will not encroach into the previously required open space steep slope easement that exists to the north and west of the site, as required by Special Condition #4 of CDP # 6-89-188, and the project development will remain near existing development. The proposed buildings will be a maximum of 30 feet high, and will be equal in height and scale with the other surrounding structures that constitute the existing storage and maintenance yard facility. As the project is proposed near existing buildings and will be similar in design and appearance as existing on site structures, it will be visually compatible with the character of the surrounding area. Additionally, the proposed landscaping plan will include groupings of native trees planted throughout the building site including four Torrey Pines, 30 California Sycamores, and 31 Coast Live Oaks. The submitted landscaping plan also includes native plantings around the proposed development that, in addition to the native trees, will help screen and blend the subject development with the surrounding natural habitats.

As stated previously, the project site is a private facility for use by SIO personnel and researchers and is not visible from the beach or La Jolla Shores Drive. Therefore, the project will not impact existing views of, or from, the ocean or any scenic areas, and the proposed development is consistent with Section 30251 of the Act.

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

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

The La Jolla area is a popular scenic coastal destination that draws in large numbers of the public who travel there to access the many public beaches and community centers. The most popular visitor destinations in La Jolla consist of the La Jolla Village area, the La Jolla Shores community, and the public beaches in both locations. Seaweed Canyon is located in a northern portion of La Jolla, elevated and north of the La Jolla Shores and La Jolla Village communities. The subject site is primarily surrounded by SIO facilities, the Birch Aquarium and UCSD research centers and is not located in very close proximity to any public beach parking lots or public beach accessways. The subject site is not between the sea and the first coastal roadway and the primary public access

concerns are maintaining free-flowing traffic on the major coastal access routes surrounding Seaweed Canyon and the SIO campus and protecting the availability of spaces within the Birch Aquarium public parking lot, adjacent to the subject site. Primary coastal access routes near Seaweed Canyon include I-5, Genesee Avenue, North Torrey Pines Road and La Jolla Shores Drive. However, as the subject site is not open to the public, does not provide any public visitor serving amenities on site, and serves mainly as a storage and research support facility with no permanent employees, increases in the need for public parking or impacts to the existing traffic flow on coastal access routes in the immediate area are not anticipated as a result of the proposed development.

Furthermore, in the case of the project, the proposed development will not have any spillover effects because the proposed buildings will be used for storage and academic support and will not create a significant increase in demand for onsite parking. Moreover, the facility will remain restricted to UCSD/SIO personnel, and the area does not provide any public parking for the adjacent aquarium complex. Any unanticipated need for parking to access the Seaweed Canyon Development can be addressed by the private UCSD/SIO employee parking lot (P016), that is within walking distance of the subject site, has 78 existing spaces, and the capacity to accommodate that occasional person who will need to park their vehicle when visiting the Seaweed Canyon facility. The Birch Aquarium facility provides a 250 space parking lot for the needs of the public and its employees, and these parking resources will be unaffected by the project proposal. As such, the proposed development will not adversely affect public access or traffic circulation in the area, and the Commission finds the proposed development consistent with the Chapter 3 policies of the Coastal Act addressing protection of public access.

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

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance...

Section 30231

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

The proposed project involves the installation of three new buildings totaling 24,387 sq. ft. in the SIO Seaweed Canyon complex. The proposed buildings will be constructed on existing developed and disturbed land and will result in a net increase of approximately 7,498 sq. ft. of paved areas. Seaweed Canyon is located in a coastal canyon where water

percolation patterns tend to drain towards the Pacific Ocean to the west of the site. Additionally, the ocean area west of 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). As such, the applicant has incorporated specific measures into the proposed project to address water quality. The proposed development will not significantly modify the topography of the existing site to the degree that major changes to the existing runoff patterns would occur. However, as it will increase the amount of impervious surfaces in Seaweed Canyon, water quality BMP's and landscaping designs have been incorporated into the proposed project to mitigate for any adverse impacts to water quality. The Mitigation Monitoring and Reporting Program submitted for the subject project identifies that low water irrigation systems, low flow water use fixtures, and filtering of stormwater runoff using vegetated swales will be integrated into the project design. A landscape plan was also submitted with the subject application that indicates drought tolerant and native landscaping to be installed and maintained around the perimeter of the proposed structures.

Even with the proposed measures identified above, 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.

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 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 on a regular basis (i.e., once a month), 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. 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. Environmentally Sensitive Resources and Hazards. Sections 30240 and 30253 of the Act are applicable to the project and state the following:

Section 30240

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

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

In addition, Section 30253 of the Coastal Act is applicable and state, in part:

Section 30253

New development shall:

Minimize risks to life and property in areas of high geologic, flood, and fire hazard. [Emphasis added]

[...]

a. Environmentally Sensitive Resources.

The proposed project, which includes the demolition of two existing buildings and the construction of three new pre-fabricated metal structures, will have direct impacts to .31 acres of Eucalyptus woodland, .03 acres of Disturbed Habitat, and 3.21 acres of developed land. These impacts would include the removal of 12 mature non native Eucalyptus trees and six non-native Casuarina Equisetifolia trees, as well as brush clearance and grading associated with construction activities. However, the limit of work for the project site encompasses areas of non-native eucalyptus woodland and disturbed land/developed land and does not contain any Environmentally Sensitive Habitat Areas (ESHA). While there are no direct impacts to ESHA associated with the proposed project, Diegan Coastal Sage Scrub is present on the hillside area bordering the project site that could be indirectly impacted. Diegan Coastal Sage Scrub occurs in coastal Orange County, coastal San Diego County, and Baja California. In San Diego, Coastal Sage Scrub (CSS) provides vital native habitat for indigenous and sensitive flora and fauna, including the California Gnatcatcher. This dynamic vegetation community favors shallow sandy soils and take decades to become fully established, yet can be easily disturbed or destroyed by human activities and development.

Pursuant to Section 30107.5 of the Coastal Act, an environmentally sensitive area is “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.” The areas of CSS to the west and east of the project site are not in a pristine condition, are limited in size, are encroached upon by non-native eucalyptus woodland habitat areas and are isolated from larger intact areas of native vegetation with higher habitat values. As such, the applicant’s biology addendum dated 4/20/12 determines that the small areas of CSS to the west and east of the project site do not constitute Environmentally Sensitive Habitat areas (ESHA) as defined by the Coastal Act. The Commission’s Staff Ecologist, Dr. John Dixon, has reviewed the submitted biological report and addendum and has determined that the small portions of CSS to the east and west of the subject site should not be considered ESHA. Dr. Dixon reasons that these areas are not ESHA because non-native vegetation is prevalent in both CSS habitat areas and has been recorded in the submitted biological addendum as accounting for 44% of the on ground habitat. Additionally, throughout the CSS habitat area there is ongoing encroachment of invasive and ornamental species and no special-status plant and wildlife species have been documented in this area. Furthermore, the subject CSS habitats are isolated from the areas of broad, contiguous natural habitat that have a higher predominance of on ground native species and are located farther to the east and northeast of the subject site. As these CSS habitat areas are bordered mostly by existing development and swaths of non-native/disturbed and Eucalyptus woodland habitat and are located at a lower elevation and a distance from the larger regions of native habitat that are designated as ‘Ecological Reserve Lands’ by UCSD, they are not considered to function as wildlife movement corridors or provide critical ecological linkages.¹

This region of the UCSD campus historically functioned as an active storage/military facility during WWII and, as such, human disturbance and construction in this specific canyon predates most of development in this region of La Jolla. The long history of habitat disturbance in this area, as well as the encroachment of non-native and invasive species around the patches of remaining CSS habitat have resulted in gradual reduction of the ecological function of the habitat. Thus, due to the above mentioned factors, these areas are not considered especially rare or valuable in terms of having a special nature or role in the surrounding ecosystem. In addition, the adjacent stands of CSS are not located within the University’s ‘Ecological Reserve’ lands, which begin to the east and northeast of the subject site. Even though no habitat areas identified as ESHA are located adjacent to or in close proximity to the subject site, potential indirect impacts could occur to native plant and animal life in the area as a result of the proposed project. To ensure all potential indirect impacts to surrounding native habitat are eliminated or minimized, the proposed project has been conditioned to address any disturbance from noise/construction activities, lighting and other edge effects that might occur as part of the subject development. To mitigate for impacts from noise and lighting the applicant has proposed BMP’s and mitigation measures that require direct lighting to be shielded from biological habitat and spillover to be minimized, and regulate noise levels near noise-

¹ Phone correspondence between CCC staff and John Dixon on April 23, 2012.

sensitive habitats such as the larger 'Ecological Reserve' lands farther away from the project area and the smaller areas of Diegan Coastal Sage Scrub directly to the east and west of the subject site. Special Condition Nos. 2, 5, and 6 require respectively that water quality BMPs are implemented, that mitigation measures are implemented as outlined in the mitigated negative declaration for the project, and that monitoring and pre-construction surveys are conducted for any potential raptor nesting in the area.

No direct or indirect impacts to special-status wildlife will occur as part of the proposed project. A biological survey conducted in June of 2011 detected one pair of Coastal CA Gnatcatchers, a federally threatened species, to the east and about 500 ft. away from the project site. However, given the geographical separation and the large elevation difference between Seaweed Canyon and the hillside where the gnatcatchers have previously been observed, potential indirect impacts to the Coastal CA Gnatcatcher are not expected. Additionally, Special Condition #5 requires that the applicant follow the noise mitigation measures outlined in the certified Mitigated Negative Declaration regarding pre-construction surveys of Coastal Sage Scrub habitat where nesting Gnatcatchers might occur and noise mitigation measures if construction occurs during Gnatcatcher breeding season (February 15- August 30).

Additionally, the proposed on-site vegetation removal will include removal of 16 non-native trees that may support nesting raptors during raptor breeding season. To avoid potential direct and indirect impacts to nesting raptors, grading and limited tree removal is planned to occur outside of the raptor breeding season (February-July). However, should the project schedule change and grading, site preparation, or tree removal occur during the breeding season, potential impacts to nesting raptors could occur. In order to avoid such impacts, preconstruction surveys for raptor nests on site and within 500 feet of major construction activities should be conducted in accordance with LRDP EIR mitigation measure Bio-2D, which requires that a qualified biologist make the determination that no active raptor breeding nests are present before the subject trees are removed. To further ensure no impacts to nesting raptors occur as part of the proposed project, Special Condition #6 is recommended, which requires that a qualified biologist conduct a site survey for evidence of historic or active colonial water bird, raptor, or owl nests in all on-site trees that are proposed to be removed and provides directives on what must occur if evidence of active raptor nests is detected.

Additionally, to mitigate for potential edge effects associated with the subject project the applicant has also included buffer areas on their development plans that separate the subject development and all adjacent offsite Diegan Coastal Sage Scrub habitat (CSS). Even though the subject CSS habitat to the east and west of the site does not constitute ESHA, the applicant is proposing to include buffer areas in their project proposal to protect the existing natural habitat from edge effects and further degradation. The buffers surrounding the project site vary in width, with a minimum buffer area of 18 ft. in width and the maximum 76.7 ft. in width. The proposed buffers also include two bioswale planting areas on the east and west of the site, which will accommodate storm water runoff on the development site and serve as water filters. The buffer areas will function

to maintain the habitat function of the CSS areas nearby and provide protection from construction activities associated with the proposed project.

b. Hazards.

Establishing buffer areas is particularly important for development sites bordering CSS habitats, as they are ecological communities more adapted and prone to periodic fires. As such, the proposed buffer areas will help prevent against future brush clearance activities or necessary fuel modification that could directly impact the subject areas of CSS habitat to the east and west of the subject site. Structures west of I-5 (where the project lies) are rated lower in terms of fire hazard severity due to favorable geographic proximity to the coast as compared to locations further east, and for this reason, UCSD does not have a formally adopted brush management program. The proposed project will replace dilapidated wooden structures, with pre-engineered metal buildings that are less prone to fires. The proposed buildings will include sprinklers and the proposed improvements to the access road will improve emergency fire truck ingress and egress, and enhance truck turnaround provisions on the site. In addition, a new 8 inch water line would be constructed in a continuous loop to provide service for two new fire hydrants to the serve the project site and vicinity.

In terms of fuel management for fire safety, the UCSD campus Director of Environment, Health & Safety in collaboration with the Fire Marshall, has determined that the proposed buffer areas, the type of landscaping that is being proposed between the building and the native vegetation, access and utility improvements, and the type of building materials that will be utilized in the structure itself will be adequate to provide fire safety for the proposed building.

Although the Commission is supportive of fuel management proposals that are designed to protect existing development so as to minimize any adverse impacts to ESHA, the Commission does not support new development if it results in additional impacts to ESHA as a result of necessary fuel management for fire safety for new development. However, in this particular case, no such impacts will occur as there is no identified ESHA habitat in close proximity to the subject site. However, to help assure direct impacts to adjacent CSS habitat that could result from brush clearance are eliminated or minimized, staff is recommending Special Condition #4, which requires the applicant to submit a plan including requirements that no modifications, changes, encroachments, removal, or pruning occurs in the CSS habitat areas nearby the subject site, that proper brush management occurs, and that specific guidelines for irrigation systems are followed on site.

While, typically, a minimum 100-foot fuel management zone is required for projects within the City of San Diego, the proposed buffer zones for the subject development can be found acceptable for a number of reasons. First, the City of San Diego fuel management regulations are not directly applicable to the Seaweed Canyon site located on UCSD property because the UCSD campus is an area of deferred certification and is not subject to the City of San Diego's certified LCP. As such, UCSD can make its own

determination with regard to proposed fuel management. Nevertheless, UCSD has indicated it is supportive of proposed Special Condition #4, and will submit an appropriate Brush Management program prior to issuance of a CDP for the proposed development. Second, UCSD has indicated that there will be no modification of the adjacent naturally vegetated hillsides in order to achieve the required level of fire safety for the proposed project. In addition to the requirement for submittal of a brush management program prior to issuance of a the CDP, the proposed siting and design of the development, establishment of buffer areas, installation of new fire sprinkler systems in the proposed buildings, use of non-combustible roof covering material, improvement to the existing access road to accommodate fire trucks, installation of a new 8 inch water line that provides for placement of two fire hydrants on site, and routine on-site maintenance, which will include the removal of dead plant material, will be adequate to address fire safety concerns in the canyon.

In summary, Section 30240 of the Act requires new development sited adjacent to ESHA and park and recreation areas be done so in a manner to prevent impacts which would significantly degrade those areas. In addition, Section 30240 requires that ESHA be protected against significant disruption of habitat values. In this case, the proposed new development will not result in any impacts to nearby sensitive habitat areas, consistent with the requirements of Section 30240. As such, the proposed project will not have any direct impacts to environmentally sensitive habitat area and mitigation measures are proposed to address any potential indirect impacts. The proposed new development will also minimize risks to life and property in areas of high fire hazard with the installation of the fire prevention and fuel modification measures as detailed above. Therefore, the proposed project, as conditioned, is consistent with the sections 30240 and 30253 of the Coastal Act.

6. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP), although geographically the Scripps Institution of Oceanography (SIO) campus is within the La Jolla Shores segment or the City's LCP. UCSD does, however, have the option of submitting an LRDP for Commission review and certification.

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

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

The Physical and Community Planning Department of the University of California, San Diego (UCSD) is the lead agency for the purposes of CEQA review. On December 30, 2011, UCSD approved the project for the Scripps Institution of Oceanography Research Support Facilities and certified the associated Mitigated Negative Declaration. Furthermore, the proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing landscaping, construction/water quality BMP's, fire hazard minimization, sensitive species protection and installation of buffer strips to filter runoff will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

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

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

ORANGE

REGIONAL LOCATION MAP

SIO Research Support Facilities Project

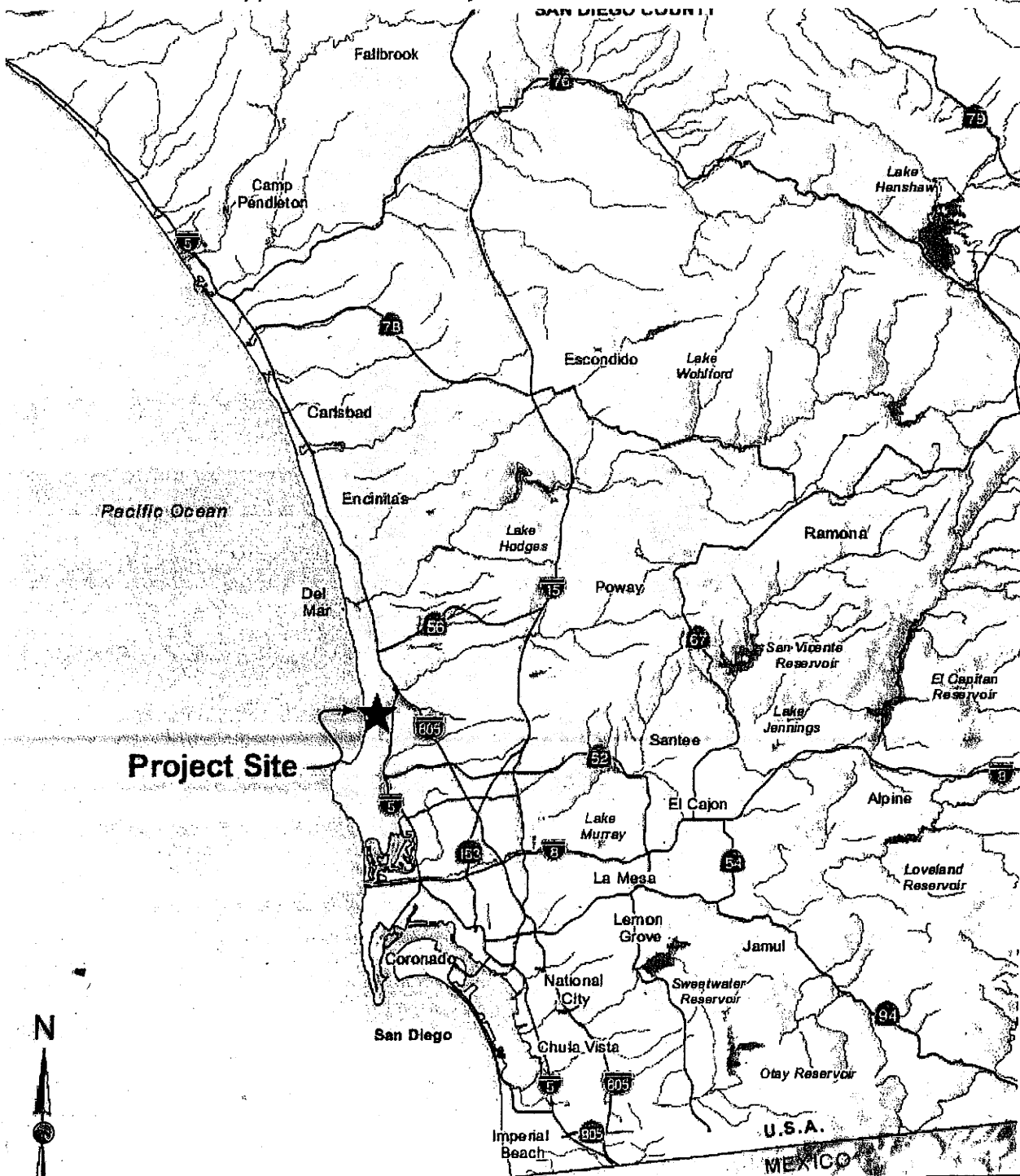


EXHIBIT NO. 1
APPLICATION NO.
6-11-89
Location Map

UCSD Physical and Community Planning



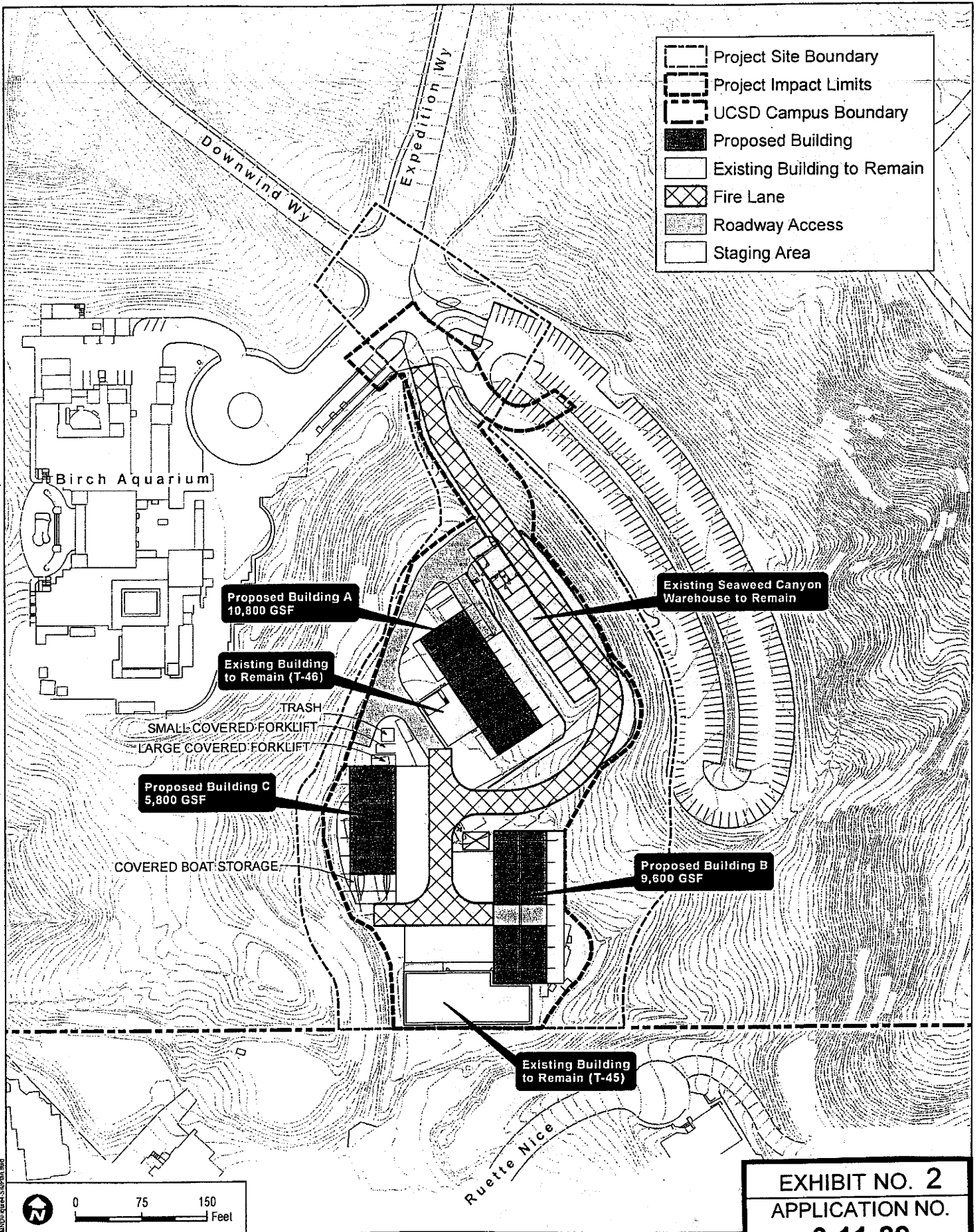


EXHIBIT NO. 2
APPLICATION NO.
6-11-89
Site Plan

DUDEK

SOURCE: Project Site: UCSD Physical Planning 02/2011; Site Plan: Roesting Nakamura Terada Architects August 8, 2011

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SCRIPPS INSTITUTION OF OCEANOGRAPHY RESEARCH SUPPORT FACILITIES IS



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