CALIFORNIA COASTAL COMMISSION
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STAFF REPORT: REGULAR CALENDAR

Application No.:	**6-17-0463**
Applicant:	**University of California, San Diego (UCSD)**
Agent:	Anu Delouri
Location:	UCSD Campus, North of Scripps Pier and Discovery Way, La Jolla, San Diego, San Diego County
Project Description:	Remodel of the existing 3-story, 3,600 sq. ft. Center for Coastal Studies building including internal ADA improvements, construction of a new external stairway, new windows, demolition of the existing 3rd floor and construction of a new 3rd floor, and new bioswales. No changes to the existing seawall are proposed.
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The primary issues raised by the proposed project include coastal hazards, water quality, and public access. Public access and water quality issues arise because the project site is immediately adjacent to the sandy beach. Coastal hazards and development siting issues arise because the project includes substantial remodeling of an existing non-conforming structure.

The existing building is being remodeled to meet current accessibility and safety standards, and allow for upgraded office facilities on the third floor. The building is

considered a legal non-conforming structure because it is located on the shoreline and requires the protection of the existing seawall, which is located on the seaward side of the structure. The applicant proposes to demolish approximately 48% of the building's exterior walls, including complete demolition of the existing third floor and construction of a new third floor. This is not considered redevelopment that would require the entire building to be re-sited in a safe location. As originally proposed, portions of the new third floor would have encroached further seaward than the existing structure, which would have increased the degree of the existing building's non-conformity. However, coordination between UCSD and staff resulted in several modifications to the originally-proposed project and led to the present proposal, which will not result in any new encroachments and will not increase the degree of non-conformity of the existing building. Staff and UCSD have worked to develop the current project proposal that represents the minimum improvements necessary to meet accessibility and safety standards, and avoid adverse impacts on coastal resources. **Special Condition #1** requires the applicant to construct the project in conformance with the approved final plans.

Additional recommended conditions include requiring the applicant to adhere to construction staging and storage plans that implement the appropriate Best Management Practices (BMPs), ensuring that runoff and pollutants are contained on site, protecting public access during construction, implementing construction BMPs related to demolition and foundation work, and minimizing the release of construction pollutants (**Special Condition #2**). As proposed, the project protects public access and recreation consistent with the Coastal Act, including parking and public accessways. It is staff's understanding that the applicant is in agreement with all special conditions.

Commission staff recommends **approval of** coastal development permit 6-17-0463, as conditioned.

Standard of Review: Chapter 3 policies of the Coastal Act with the City of San Diego certified LCP used as guidance.

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APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-17-0463 subject to the conditions set forth in the staff recommendation.*

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

Resolution:

The Commission hereby approves coastal development permit 6-17-0463 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

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Submittal of Final Plans

(a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of the following final plans:

i. Site plan, building section, and building elevation that conforms with the plans submitted to the Commission, titled "Redesign Package" dated December 1, 2017;
ii. Demolition plan that conforms with the plans submitted to the Commission, titled "Extent of Exterior wall to be removed" dated May 24, 2017, and that indicates that less than 50% of the building's exterior walls shall be demolished.

(b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. Construction and Pollution Prevention Plan.

PRIOR TO CONSTRUCTION the applicant shall submit, for the review and written approval of the Executive Director, a final Construction and Pollution Prevention Plan that substantially conforms with the application information submitted to the Commission dated August 3, 2017 and the plan and narrative by Snipes-Dye Associates dated July 7, 2017. The final Plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:

(a) **Protect Public Access.** Construction shall protect and maximize public access, including by:

i. Staging and storage of construction equipment and materials (including debris) shall not take place on the beach or in public accessways. Staging and storage of construction equipment and materials shall occur in inland areas at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible. Upon a showing of infeasibility, the applicant may submit a request for review and written approval to the Executive Director for staging and storage of construction equipment and materials closer than 50 feet from coastal water, drainage courses, and storm drain inlets. Construction is prohibited outside of the defined construction, staging, and storage areas.

ii. All construction methods to be used, including all methods to keep the construction areas separated from public recreational use areas (e.g., using unobtrusive fencing or equivalent measures to delineate construction areas), shall be clearly identified on the construction site map and described in the narrative description required by subdivision (f) of this Special Condition.

iii. All beaches, beach access points, and other recreational use areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.

iv. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.

(b) **Minimize Erosion and Sediment Discharge.** During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:

i. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.

ii. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.

iii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.

iv. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.

v. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.

(c) **Minimize Discharge of Construction Pollutants.** The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:

i. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:
   A. Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.
   B. Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.
   C. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
   D. Prompt removal of all construction debris from the beach.
   E. Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.

ii. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall not take place on the beach, and shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

(d) **Minimize Other Impacts of Construction Activities.** Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.

(e) **Manage Construction-Phase BMPs.** Appropriate protocols shall be implemented to manage all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.

(f) **Construction Site Map and Narrative Description.** The Construction and Pollution Prevention Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components:

i. A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
ii. A description of the BMPs that will be implemented to minimize land disturbance activities, minimize the project footprint, minimize soil compaction, and minimize damage or removal of non-invasive vegetation. Include a construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
iii. A description of the BMPs that will be implemented to minimize erosion and sedimentation, control runoff and minimize the discharge of other pollutants resulting from construction activities. Include calculations that demonstrate proper sizing of BMPs.
iv. A description and schedule for the management of all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training). Identify any temporary BMPs that will be converted to permanent post-development BMPs.

The permittee shall undertake development in accordance with the approved Construction-Phase Pollution Prevention Plan, unless the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The University of California, San Diego (UCSD) proposes to remodel and construct significant improvements to the existing Center for Coastal Studies (CCS) facility on the Scripps Institute of Oceanography (SIO) campus. The project site is located just north of Scripps Pier and north of Discovery Way and is adjacent to the beach (Exhibit #1). The existing Center for Coastal Studies building was constructed in the early 1960s by the United States Navy. Then a concrete tank, it was used as an experimental desalinization facility. In the 1960's the concrete tank was converted into a 2-story research facility for the Scripps Institution of Oceanography and in 1972 a third, wooden floor was added to the building. The building incorporates an existing concrete seawall on the western wall of the structure.

The Center for Coastal Studies building houses faculty and student researchers who study beaches, cliffs, waves and currents in the surf zone. The applicant has stated that the existing near-shore location is ideal for the researchers' work, as being located close to the water allows the researchers to test instruments developed for measuring beach processes. The facility is being modified and upgraded for the building's current researchers and other occupants.

Over time, the building materials have deteriorated and the building no longer meets current ADA requirements (Exhibit #2). Therefore, the applicant proposes significant remodeling of the existing CCS facility. The applicant proposes to demolish approximately 48% of the building's exterior walls, including complete demolition of the existing third floor and construction of a new third floor. In addition, the project includes construction of new internal ADA improvements throughout the building (including an elevator, wider internal hallways and new restrooms), construction of a new exterior stairway to provide access to each floor, new windows, and a new metal shade structure along the western wall of the facility (Exhibits #3, 4, & 5). In addition, the applicant proposes to construct three new bioswale areas to filter runoff from the site, and reconfigure the existing parking/loading spaces (Exhibit #6). The applicant is not proposing any changes to the existing seawall.

A Long Range Development Plan (LRDP) was created for UCSD but never certified. The City of San Diego does have a certified LCP for most of its coastal zone; however, the UCSD campus segments in La Jolla are not part of that program and the campus remains an area of deferred certification where the Commission retains coastal development permit authority. Thus the Chapter 3 policies of the Coastal Act are the standard of review with the City of San Diego certified LCP used as guidance.

B. COASTAL HAZARDS

Section 30253 of the Coastal Act states:

> *New development shall do all of the following:*
>
> *(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
>
> *(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic stability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
>
> […]
>
> *(d) Minimize energy consumption and vehicle miles traveled.*

Section 127.0104 of the City of San Diego Land Development Code (used here as guidance) governs development of previously conforming structures, including regulations for demolition, and states in relevant part:

> *127.0104 Maintenance, Repair, Alteration, or Replacement of Previously Conforming Structures*
>
> […]
>
> *(e) In the Coastal Overlay Zone, the previously conforming status for a structure located on a premises that contains or abuts a coastal beach or a coastal bluff edge shall terminate upon:*
>
> *(1) destruction, demolition, or removal of 50 percent or more of the structure's exterior walls, on a cumulative basis, which is any destruction, demolition, or removal that has occurred on or after October 13, 2016, which shall be measured in accordance with Section 127.0111, and for which the applicant shall provide sufficient evidence of the nature and extent of the cumulative changes at the time of application for any construction permit to rebut a presumption that the development is not entitled to previously conforming status, or*
>
> […]
>
> *Upon termination, the development standards applicable to new structures shall then apply to the entire structure.*

Section 127.0106 of the City of San Diego Land Development Code states in relevant part:

> *127.0106 Expansion or Enlargement of Previously Conforming Structures or of Structures on a Premises with Previously Conforming Density*
>
> […]
>
> *(c) For structures located on a premises that contains or abuts a coastal beach or a coastal bluff edge, new additions or improvements to existing structures may be permitted subject to a Coastal Development Permit, in accordance with Section 126.0707, provided that all such new additions or improvements themselves do not increase the degree of non-conformity and comply with all of the following:*
>
> […]
>
> *(2) The proposed coastal development does not alter more than 50 percent of the exterior walls of the structure as measured in accordance with Section 127.0111;*
>
> *(d) In the Coastal Overlay Zone, the previously conforming status for a structure located on a premises that contains or abuts a coastal beach or coastal bluff edge shall terminate upon:*
>
> *(1) Destruction, demolition, or removal of 50 percent or more of the structure's exterior walls, on a cumulative basis, which is any destruction, demolition, or removal that has occurred on or after October 13, 2016, which shall be measured in accordance with Section 127.0111, and for which the applicant shall provide sufficient evidence of the nature and extent of the cumulative changes at the time of application for any construction permit to rebut a presumption that the development is not entitled to previously conforming status, or*
>
> […]

Section 127.0111 of the City of San Diego Land Development Code states in relevant part:

> *127.0111 Rules for Calculation and Measurement of Exterior Walls*
>
> […]
>
> *(c) For purposes of this Division, an exterior wall shall be considered removed if the Building Official determines that the structural integrity of that wall has been lost.*
>
> […]

The applicant proposes significant remodeling of the existing CCS facility, including demolition of approximately 48% of the building's exterior walls. The existing third floor will be completely demolished and a new third floor will be constructed. A structural engineer contracted by the applicant has indicated that the building is currently in fair structural condition. Their report states that "there are localized areas where concrete cracking and spalling was observed. With proper maintenance, we would expect the structural lifespan of the structure to continue for decades." (Degenkolb, May 26, 2017)

The existing CCS facility is a legal nonconforming structure because it is located immediately adjacent to the beach and requires the protection of the existing seawall located on the seaward side of the structure. The City's LCP contains the above policies related to non-conforming structures along bluffs and beaches in order to promote the abatement of non-conforming structures in hazardous coastal areas, as well as to prohibit further non-conforming structures and encroachments.

A sea level rise analysis submitted by the applicant indicates that the seawall will not be overtopped until 2070, assuming a worst case scenario for sea level rise and with a king-tide, extreme high wave event. Nevertheless, because the structure is non-conforming within the required beach setback, development must be the minimum possible and it must not increase the degree of non-conformity. It is important that the new third floor is properly sited because it has the potential to exist for an additional 75 years in a hazardous coastal location. The sufficiency of a development's setback from the beach is vital to ensure that the structure will be safe for its economic life, combining the protection of coastal resources with that of public safety, and lessening the probability of requiring additional shoreline protection in the future. Like all new structures, if the applicant were to demolish or redevelop the existing building, the Commission would require the replacement building to be sited and designed to be safe throughout its lifespan without relying on shoreline protection. As cited above, repairs, maintenance, remodeling, etc. are typically permitted for non-conforming structures as long as the additions or improvements do not increase the degree of non-conformity.

The applicant's original proposal for a new third floor would have cantilevered out over the existing first and second floors by approximately 3 feet to the west, beyond the face of the existing structure (although within the extent of the existing roof line). However, staff directed the applicant that using the roof eave to determine the seaward extent of the existing building would not be consistent with the City's LCP and would increase the degree of non-conformity of the building by making the new structure further seaward. Rather, the existing exterior walls/windows should be used as the extent for the new third floor. Following these discussions, the applicant submitted revised plans that proposed a new third floor that encroaches no further seaward than the existing bay windows, and therefore will not increase the degree of non-conformity.

In addition, the applicant's original proposal included a balcony along the western wall of the facility to be accessed from the third floor office spaces through new "walk-out" windows. This balcony was intended to provide additional space for the offices, as well as shade for the western wall of the building. Again, staff directed the applicant that a

balcony structure that extended beyond the existing extent of the exterior walls would further increase the degree of non-conformity and thus could not be found consistent with the Coastal Act or the City's LCP. The applicant explained that one purpose of the balcony was to shade the western wall of the building in order to avoid mechanical ventilation, consistent with the University's sustainability goals of achieving net zero energy consumption. Staff requested that the applicant consider alternatives to the balcony and explore designs that could provide the desired shading without creating a new encroachment. The applicant revised the project following staff's recommendation and provided information on several shade structure alternatives.

UCSD considered several alternatives, including a drop-down sun shade and awnings, and determined that a metal grating shade structure would be able to best withstand high wind conditions and require minimal maintenance. The now proposed metal grating shade structure is the minimum necessary to shield the direct sun off the western building's second and third floors and will allow the building to be naturally ventilated without mechanical air conditioning. The metal grating will extend approximately 1 ft. 6 in. beyond the proposed third floor. The shade structure has not been designed to allow or support physical access and the third floor windows have been redesigned (from walk-out to standard height). The shade structure is considered an accessory appurtenance, and will not increase the degree of non-conformity of the existing building. The proposed shade structure is the minimum necessary to provide the level of shading and ventilation desired by the applicant to reach its sustainability goals, reduce energy consumption, and avoid adverse impacts to coastal resources.

The applicant's original proposal also included the use of shotcrete on the western wall in order to attach the proposed new windows to the existing concrete walls and to create architectural interest. Staff expressed concerns with the proposed shotcrete, as it could potentially be used to reinforce the building and could potentially be considered a type of shoreline protection. Structural reinforcement of the walls could also be considered "demolition" under the City's definition, which would result in the project being considered redevelopment.

The applicant's engineer provided evidence that the building is structurally stable and the shotcrete is not required or proposed to maintain or reinforce the structural integrity of the existing building. However, because the existing building is a concrete structure, some type of material is needed to attach the new windows to the walls after the openings are cut. Therefore, the applicant revised its proposal to use a fiberglass reinforced plastic (FRP) mesh, rather than shotcrete, to attach the windows. Approximately 12-inch wide strips of FRP will be applied around the window openings. The applicant's engineer has stated that the FRP will not increase the structural integrity of the existing walls, nor will it extend the lifetime of the building and the Commission's engineer agrees with both statements. For a concrete building, the FRP is the minimum necessary to attach the new windows to the existing walls.

The coordination and modifications previously described result in a current project proposal that represents the minimum improvements necessary to make the structure consistent with accessibility and safety standards and avoid adverse impacts on coastal

resources. Additionally, the proposed design will reduce greenhouse gas emissions associated with the structure. Therefore, **Special Condition #1** requires the applicant to construct the project in conformance with the approved final plans.

The applicant has stated that the CCS facility must be located along the ocean for its occupants to successfully perform their research and work. However, the existing facility is non-conforming and if it was to be constructed today would require a much greater setback from the sandy beach in order to minimize hazards at the site without requiring shoreline protection. Because the applicant proposes to demolish approximately 48% of the building's exterior walls, the project is not considered redevelopment under the City's standards and standards typically adopted by the Commission. However, in the future, UCSD will be limited as to what improvements can be constructed at this facility without being considered redevelopment. Therefore, future circumstances may necessitate relocation of the Center for Coastal Studies facility to a different site. To ensure that the proposed development does not exceed the threshold for redevelopment, a final demolition plan that shows that less than 50% of the building's exterior walls will be demolished is required by **Special Condition #1**.Therefore, as conditioned, the project is consistent with the coastal hazard policies of the Coastal Act.

C. BIOLOGICAL RESOURCES & WATER QUALITY

Section 30230 of the Coastal Act states:

> *Marine Resources shall be maintained, enhanced, and where feasible, restored.* […]

Section 30231 of the Coastal Act states:

> *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 wastewater discharges and entrainment, controlling runoff,* […]

The proposed project involves an existing developed site and no grading is proposed. The site is located immediately adjacent to the sandy beach and runoff from the site currently exits towards the sand by way of two outfall pipes located in the seawall without being treated. The applicant proposes to construct two new bioswale gravel filtration basins located on the north and southeast portions of the project site, as well as an approximately 200 sq. ft. sand filter located on the southwestern side of the building (Exhibit #6). Drainage from the roof will be directed into these new bioswales and treated prior to exiting the site. The Commission's water quality staff have reviewed the project and agree that overall, impervious area on site will be reduced and with the addition of the new infiltration basins, runoff from the site will be improved.

Because of the site's proximity to the beach and ocean, construction of the project represents a potential source of water quality impacts. The project proposes some construction BMPs including the use of gravel bags, fiber rolls, and temporary construction waste containers. In order to find the proposed development consistent with the water quality and marine resource policies of the Coastal Act, the Commission finds it necessary to require additional water quality measures. Specifically, **Special Condition #2** requires the applicant to implement construction BMPs related to demolition and foundation work, and minimize the release of construction pollutants. Therefore, with the implementation of the proposed BMPs and additional requirements included as **Special Condition #2**, no adverse impacts on water quality will occur and the project can be found consistent with the Coastal Act.

D. PUBLIC ACCESS

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." Coastal Act Sections 30210 through 30212, as well as Sections 30220 specifically protect public access and recreation, and state:

Section 30210 of the Coastal Act states:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

> *Development shall not interfere with the public's right of access to the sea where acquire through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation*

Section 30212 of the Coastal Act states, in part:

> *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
>
> *(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
>
> *(2) adequate access exists nearby, or,*

(3) agriculture would be adversely affected. ...

The subject property is located between the sea and the first public road paralleling the sea, in this case La Jolla Shores Drive. The site is currently developed with an existing facility, and is located within the UCSD campus. Adequate public access to the shoreline is currently available, with public beach access provided in the immediate area by two access ramps, north and south of the building along the Scripps Pier. These beach access points will not be altered by the proposed project and public access will be maintained at all times throughout construction.

In terms of parking, the building is being renovated for existing users and will not accommodate any more occupants than it does currently. Staff and researchers that use the CCS facility park in the various parking lots in the Scripps Institute of Oceanography region of the UCSD campus. The applicant has provided information to indicate that current parking supplies in this region reach a maximum occupancy of up to 85% at peak times, thereby indicating that parking is adequate to serve existing users. There are two existing parking spaces located on the southern side of the building; however, historically these have been used as loading spaces and not for parking. The project proposes to reduce the number of spaces from two to one; however, because these spaces are not used for parking and are also not available to the public, the proposed change will not adversely impact the public's ability to access the beach.

Therefore, the project as proposed will not have an adverse impact on public access, and can be found consistent with the public access and recreational policies of the Coastal Act.

E. 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. In this case, such a finding can be made.

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 a Long Range Development Plan (LRDP) for Commission review and certification. While UCSD submitted a draft LDRP, its EIR and topographic maps to the Commission staff informally, the Coastal Commission did not formally review the LRDP, and the University has not indicated any intention of submitting the LRDP for formal Commission review.

As stated previously, the 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.

F. 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. UCSD found that the project was categorically exempt because it is an existing facility (Cal. Code of Regs., tit. 14, § 15301).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Certified City of San Diego Local Coastal Program