CALIFORNIA COASTAL COMMISSION
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STAFF REPORT: REGULAR CALENDAR

Application No.:	**6-18-0977**
Applicant:	**University of California San Diego**
Agent:	Anu Delouri
Location:	8890 Biological Grade, Scripps Institution of Oceanography, UC San Diego, La Jolla, San Diego, San Diego County (APN: 344-090-07)
Project Description:	Refurbish existing approx. 27,000 sq. ft. 3-story over basement structure for classroom and office use and construct a new approx. 15,000 sq. ft. 2-story over existing basement for café and classrooms; and new pubic viewpoint on a 3.22-acre bluff top lot.
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The project site is the former home of the federally operated Southwest Fisheries Science Center, which had to be abandoned and three of the original four buildings demolished due to a history of geological instability. In September 2011, the Coastal Commission adopted federal consistency determination ND-035-11 allowing NOAA to completely demolish two the buildings, partially demolish the structure known as Building "A" above the basement level, and seismically retrofit Building "D" and install below-grade geologic stabilization –

tieback anchors – along its western side. That project also included construction of a new public view point, and returning the site to UCSD's management.

As UC San Diego continues to grow in both footprint and population, it is looking more to vacant or abandoned parcels such as the subject site for opportunities to expand. Although several of the structures previously on the site had to be removed because of geologic instability, UCSD's geotechnical studies determined that by requiring all new structures to be setback a minimum of sixty feet from the bluff edge, the site could be redeveloped in a safe manner without the need for shoreline protection in the next seventy-five years. The Commission's coastal engineer has reviewed the project, and concurs that the proposed siting is consistent with the hazards and shoreline development policies of the Coastal Act. **Special Condition No. 11** prohibits any future shoreline protection to protect the development approved herein, while **Special Condition No. 12** requires periodic monitoring of the bluff edge in order to track its recession and anticipate any potential issues so as to address them prior to an emergency situation arising. **Special Condition No. 13** places UCSD on formal notice of the risks inherent in developing on such a site.

The project includes approximately 56 spaces to serve the varied uses proposed on the site, which include laboratories, classrooms, offices, a café open the public, and event space. While UCSD has a shuttle service available to the university population, public parking on the adjacent segment of La Jolla Shores Drive sees heavy use on the weekdays from university staff and students who wish to avoid paying university parking fees, displacing parking by the public. Intensifying the uses on the site, particularly the addition of event space, may exacerbate parking shortages in the area.

UCSD is proposing to only host university-affiliated events at the MCF, with no private events allowed. With university events, many of the attendees are likely to already be on campus, either at the Scripps Institution of Oceanography (SIO) or elsewhere, and are more likely to either to walk, bike, or shuttle to the event. Furthermore, UCSD is proposing to cap attendance at all MCF events at 150 attendees. Nevertheless, the proposed operation of the Marine Conservation Facility will introduce intense uses outside of regular academic hours, and could displace public parking or access through its operation, especially if the facility becomes a popular venue, as is likely the case given its scenic location and modern amenities.

Related to the scenic nature of the project site, the past demolition of the majority of the on-site structures opened up public views across the site from La Jolla Shores Drive toward the ocean. With the reconstruction of one of these structures – Building "A" – there will be a physical encroachment into the public view, though the new structures design to be smaller and stepped back compared to the original structure will minimize the encroachment when viewed from the higher public street. Pursuant to past Commission action, UCSD is required to install a public viewpoint and related public parking to serve as the northern terminus of the existing public bluff trail along parts of the Scripps Institute of Oceanography. However, additional mitigation is proposed in the public parking opportunity that exists on the main parking area during times when the university is traditionally closed, such as weekends and holidays.

Therefore, **Special Condition No. 3** requires the northern, upper parking lot to be open to public visitors on all weekend and holidays when it is not required for a university event or academic operation that cannot be wholly accommodated on the southern, lower parking lot. **Special Condition No. 4** requires monitoring to be done for events to be held at the Marine Conservation Facility to ensure that their presence does not cause parking spillover into public parking through the adequate planning of parking resources and shuttle use, as necessary. **Special Condition No. 5** requires a final signage plan to ensure that the public is adequately informed of the public access amenities located on the site. **Special Condition No. 6** regulates the operation of the events to be held at the Marine Conservation Facility to ensure that proper attendance limits are adhered to and transit planned for in advance of the event.

Special Condition No. 1 requires that approved final plans be adhered to in order to ensure that proper setbacks are observed and the required public amenities – such as the viewpoint and public parking – are constructed appropriately. **Special Condition No. 2** requires implementation of an approved landscape plan to avoid the introduction of invasive species, replacement of all removed trees with new ones to not lessen potential raptor nesting, and avoidance of poison for pest control to prevent its introduction into the food chain. **Special Condition No. 3** regulates the parking for the finished facility to ensure that the public parking is protected and expanded on weekends and holidays when university activity is at its lowest but coastal visitation is at its highest. **Special Condition No. 4** requires monitoring of events to be held at the Marine Conservation Facility to ensure that their presence does not cause parking spillover into public parking through the adequate planning of parking resources and shuttle use, as necessary. **Special Condition No. 5** requires a final signage plan to ensure that the public is adequately informed of the public access amenities located on the site. **Special Condition No. 6** regulates the operation of the events to be held at the Marine Conservation Facility to ensure that proper attendance limits are adhered to and transit planned for in advance of the event. **Special Condition No. 7** requires a final lighting plan that will minimize the amount of outdoor lighting beyond what is required for public safety and security so as to prevent the facility from substantially contributing to ambient light and detracting from the viewshed of the expansive bluff system along La Jolla and Torrey Pines. Because the new facility will use substantial amount of glass on a bluff top site frequented by birds, **Special Condition No. 8** sets the bird-safe design standards to use in order to minimize bird strike incidents. As the vicinity of the project is frequented by raptors, who nest in the trees along the area, **Special Condition No. 9** requires that pre-construction nesting surveys be conducted to identify any active nests and implement appropriate protection measures. **Special Condition No. 10** addresses any grading spoils that may result from the development and calls for their disposal in a legal site outside of the coastal zone to protect coastal water quality. Because UCSD is redeveloping on a site that is known to have geological issues, **Special Condition No. 11** prohibits any future shoreline protection to protect the development approved herein, while **Special Condition No. 12** requires periodic monitoring of the bluff edge in order to track its recession and anticipate any potential issues so as to address them prior to an emergency situation arising. Because construction activity in the site will introduce many potential pollutants that may flow offsite and down onto the sandy beach nearby, **Special Condition No. 14** describes the construction water quality measures that must be implemented to minimize pollutant runoff. Relatedly, **Special Condition Nos. 15 and 16** address the water quality measures of the finished development

and the manner in which they must adhere to approved Best Management Practices in order to capture, treat, retain, and redirect runoff during various storm events.

Commission staff recommends **approval** of coastal development permit application 6-18-0977 as conditioned.

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APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-18-0977 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 6-18-0977 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 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.

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 construction plans that conforms with the plans submitted to the Commission, titled "4638 Marine Conservation Facility – Renovation and Addition," dated September 28, 2018, and final construction staging and storage plans that contain the following:

      i. All staging, storage, deliveries, and employee parking shall occur on university property.

      ii. The use of public parking or public right-of-way for staging, storage, deliveries, and parking is prohibited.

   (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. **Final Landscape Plan.**

   (a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for review and written approval by the Executive Director, a full size set of final landscaping plans prepared by a licensed landscape architect or a qualified resource specialist. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape plans are in conformance with the following requirements:

      i. The final plan shall include a planting schedule that indicates that the planting plan shall be implemented within sixty (60) days of completion of construction. Within ninety (90) days of completion of construction, the Permittee shall submit for the review and written approval of the Executive Director a landscaping implementation report, prepared by a licensed Landscape Architect or qualified resource specialist that certifies whether the on-site landscaping is in conformance with the

landscape plan approved pursuant to this special condition. The implantation report shall include photographic documentation of plant species and plant coverage.

ii. All cut and fill slopes shall be stabilized with planting at the completion of final grading. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils.

iii. Any trees removed from the project site will be replaced with an equal or greater number of non-invasive, drought resistant trees.

iv. To minimize the need for irrigation all landscaping shall consist of primarily native drought tolerant plants, as listed by the California Native Plant Society.
(See http://www.cnps.org/cnps/grownative/lists.php.) Some non-native drought tolerant non-invasive plants may be used within 30 feet of habitable structures. Use of turf irrigated with potable water shall be minimized and irrigated with water conserving systems. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), 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 a “noxious weed” by the State of California or the U.S. Federal Government shall be shall be planted or allowed to naturalize or persist on the site.

v. All landscaped areas on the project site shall be maintained in a litter-free, weed-free, and healthy growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements. The Permittee or successor in interest, will submit for the review and written approval of the Executive Director submit two landscaping monitoring reports for the review and written approval of the Executive Director. The first monitoring report shall be submitted three years from the date of the issuance of the coastal development permit for the Marine Conservation Facility, and the second monitoring report shall be submitted five years from the date of issuance of the coastal development permit for the Marine Conservation Facility. The landscaping monitoring reports shall be prepared by a licensed Landscape Architect or qualified resource specialist that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring reports indicate the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the Permittee, or successor in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised or supplemental landscaping plan must be prepared by a licensed Landscape Architect or qualified resource specialist and shall specify measures to remediate those portions of the approved landscaping plan that have failed or are not in conformance with the original approved plan.

vi. The use of rodenticides containing any anticoagulant compounds is prohibited, and the use of fertilizer shall be minimized to the greatest extent feasible.

vii. All irrigation systems shall limit water use to the maximum extent feasible. Use of reclaimed water for irrigation is encouraged. If permanent irrigation systems using potable water are included in the landscape plan, they shall use water conserving emitters (e.g., microspray) and drip irrigation only. Use of reclaimed water ("gray water "systems) and rainwater catchment systems are encouraged. Other water conservation measures shall be considered, including use of weather based irrigation controllers.

viii. No permanent irrigation may be installed within the 60-ft. geological setback area.

(b) The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director provides a written determination that no amendment is required.

3. **Final Parking Plan**

(a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a parking plan that shall contain the following:

i. The public viewpoint shall be provided five (5) free parking spaces open year round to the public, located by the southeast corner of Building "D" as indicated in the construction plans titled "4638 Marine Conservation Facility – Renovation and Addition," dated September 28, 2018;

ii. The five (5) free parking spaces in subsection (i) may be restricted to one hour parking between the hours of 8:00 AM to 9:00 PM March through October and 8:00 AM to 7:00 PM November through February;

iii. The northern, upper parking lot shall provide at least eight (8) visitor parking spaces during all hours of operation of the café located in Building "A;"

iv. The student and employee parking in the northern, upper parking lot shall be available for public visitor parking on all weekends and holidays, except as noted in subsection vi of this condition;

v. The public visitor parking spaces in the northern, upper parking lot may have a parking fee placed on them;

vi. When weekend university events or weekend academic and research operations at the Marine Conservation Facility cannot be wholly accommodated on the southern, lower lot, the northern, upper parking lot may be closed to the public in whole or in part for the duration of that weekend event or operation;

(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.

4. **Final Transportation Monitoring Plan**

(a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a Final Transportation and Parking Monitoring Plan that shall contain the following:

i. Annual inventory of all events and weekend academic operations held at the Marine Conservation Facility, including the type, date, and duration of each event and weekend academic operation, the total number of attendees per event and weekend academic operation, whether an attendance fee was charged, and all parking and transportation resources provided for the events and weekend academic operations;

ii. An annual monitoring report containing the data required in subsection (i) of this condition and related analysis of the adequacy of the university parking supply and alternate transit program to meet the demand of the inventoried events and weekend academic operations shall be submitted to the Executive Director of the Coastal Commission by May 1st of each year for a period of three (3) years following completion of the development approved in this permit. Should no substantial adverse impacts to public

access be identified in the monitoring reports, then the permittee shall subsequently only be required to annually submit to the Executive Director the total number of weekend events and academic and research operations that required use of the northern, upper parking lot.

iii. An agreement that the permittee shall apply for a coastal development permit amendment within 90 days of submission of any annual report required in subsection (ii) of this condition that indicates that weekend university events or academic and research operations occupied the required public visitor parking in the northern, upper parking lot more than thirty (30) weekends in a given calendar year. Said amendment shall propose a revised transportation plan that acknowledges frequent use of the site for university events that preclude weekend public visitor parking, and shall include an analysis of public access impacts and opportunities associated with the Marine Conservation Facility, as well as any necessary modifications to the site or operations to protect public access.

(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.

5. **Final Signage Plan**

(a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a signage plan that shall contain the following:

i. A sign shall be placed next to the five (5) free parking spaces serving the public viewpoint stating that the spaces are for the public viewpoint only and not for university or event parking;

ii. Appropriate directional signage for the southern public viewpoint and the northern public visitor parking shall be placed at the entrance of each driveway off La Jolla Shores Drive. The southern sign shall advertise the existence of the public viewpoint and trail, and the northern sign shall state that the northern, upper parking lot is available for public visitor parking on all weekends and holidays, unless a university weekend event or weekend academic and research operations are occurring that require use of that lot.

(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.

6. **Event Space Management Program**

(a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for review and written approval by the Executive Director, a final event space management program that contains the following requirements:

i. Only UCSD-organized events shall be held at the Marine Conservation Facility. Private, non-UCSD affiliated events are prohibited.

ii. Attendance at all events held at the Marine Conservation Facility shall be capped at 150 participants.

iii. All event materials shall encourage attendees to utilize alternate transportation and provide information regarding the university's alternate transit amenities, including but not limited to, the campus shuttle system;

iv. Two weeks prior to any scheduled event, an event parking and transit plan shall be finalized, indicating that event parking is only permitted on university property in parking spaces not otherwise reserved for the public by this or any other permit. Should parking demand exceed on-site parking supply, remote parking at other university lots – such as P014 – shall be utilized. Should it be necessary, a shuttle plan shall be implemented for the event to transport attendees between satellite parking located elsewhere on campus and the event, with signage placed at the event informing attendees of the satellite parking.

v. In order to ensure its use, the cost of the shuttle service shall be incorporated into the event fee for any event that will not be able to accommodate all parking demand on site. In no event shall event attendees be directed to park on the public street parking on La Jolla Shores Lane and La Jolla Shores Drive.

(b) The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director provides a written determination that no amendment is required.

7. **Final Lighting Plan.**

(a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit, for review and written approval of the Executive Director, a Final Lighting Plan for all night lighting impacts

associated with the proposed development. The Final Lighting Plan shall at a minimum include the following:

i. All allowed night lighting shall be minimized, directed downward, and shielded using the best available dark skies technology and pole height and design that minimizes light spill, sky glow, and glare impacts. The only outdoor night lighting allowed on the subject site is limited to the following:

A. The minimum necessary to light walkways used for entry and exit to the structures, including parking areas on the site. This lighting shall be limited to fixtures that do not exceed three feet in height above finished grade, are shielded and directed downward, and generate the same or fewer lumens equivalent to those generated by a 60 watt incandescent bulb, unless a greater number of lumens is authorized in writing by the Executive Director.

B. Security lighting attached to the structures shall use a control device or automatic switch system or equivalent functions to minimize lighting and is limited to same or fewer lumens equivalent to those generated by a 60 watt incandescent bulb. The control system shall include controls that automatically extinguish all outdoor lighting when sufficient daylight is available.

C. The minimum necessary to light communal gathering spaces in the proposed central courtyards with the same or fewer lumens equivalent to those generated by a 60 watt incandescent bulb. This lighting shall be shielded and directed downward.

D. All windows shall be comprised of glass treated to minimize transmission of indoor lighting to outdoor areas.

E. No non-security lighting around the perimeter of the site and no lighting for aesthetic purposes (such as up lighting) is allowed.

(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.

8. **Bird-Safe Building Standards.**

(a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, project plans for the proposed development that are in compliance with bird-safe building standards for façade treatments, landscaping, lighting, and building interiors, as follows:

i. The amount of untreated glass shall be less than 35% of the building façade.

ii. Acceptable glazing treatments include: fritting, netting, permanent stencils, frosted, non-reflective or angled glass, exterior screens, decorative latticework or grills, physical grids placed on the exterior of glazing, ultraviolet patterns visible to birds or similar treatments, as approved by the Executive Director.

A. Where applicable, vertical elements within the treatment pattern should be at least 1/4” wide, at a maximum spacing of 4”;

B. Where applicable, horizontal elements within the treatment pattern should be at least 1/8” wide, at a maximum spacing of two inches 2”; and

C. No glazing shall have a “Reflectivity Out” coefficient exceeding thirty percent 30%. That is, the fraction of radiant energy that is reflected from glass or glazed surfaces shall not exceed 30%.

D. Equivalent treatments recommended by a qualified biologist may be used if approved by the Executive Director.

iii. Building edges of exterior courtyards and recessed areas shall be clearly defined, using opaque materials and non-reflective glass.

iv. Trees and other vegetation shall be sited so as to avoid or obscure reflection on building facades.

v. Buildings shall be designed to minimize light spillage and maximize light shielding to the maximum feasible extent per the following standards:

A. Nighttime lighting shall be minimized to levels necessary to provide pedestrian security.

B. Building lighting shall be shielded and directed downward.

C. Up-lighting and use of event “searchlights” or spotlights is prohibited.

D. Landscape lighting shall be limited to low-intensity and low-wattage lights.

E. Red lights shall be limited to only that necessary for security and safety warning purposes.

vi. Artificial night light from interior lighting shall be minimized through the utilization of automated on/off systems and motion detectors.

vii. Avoid the use of "bird traps" such as glass courtyards, interior atriums, windows installed opposite each other, clear glass walls, skywalks, and transparent building corners.

(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.

9. **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 mature 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 nesting or breeding season of any year (January 31st – September 1st), a qualified biologist shall conduct a site survey for active nests seventy-two hours prior to any scheduled development. If an active nest is located, then a qualified biologist shall monitor the nest daily until project activities are no longer occurring within 300 feet of the nest or within 500 feet of active colonial water birds, raptors, or owls, or until the young have fledged and are independent of the adults or the nest is otherwise abandoned. The monitoring biologist shall halt construction activities if he or she determines that the construction activities may be disturbing or disrupting the nesting activities. The monitoring biologist shall make practicable recommendations to reduce the noise or disturbance in the vicinity of the active nests or birds. This may include recommendations such as (1) turning off vehicle engines and other equipment whenever possible to reduce noise, and (2) working in other areas until the young have fledged. The monitoring biologist shall review and verify compliance with these avoidance boundaries and shall verify that the nesting effort has finished in a written report. Unrestricted construction activities may resume when no other active nests are found. The results of the site survey and any follow-up construction avoidance measures shall be documented by the monitoring biologist and submitted to the San Diego office of the California Coastal Commission.

10. **Disposal of Graded Material**

All excess spoils exported from the project site must be disposed of at a legal site outside of the coastal zone. Disposal of graded materials within the coastal zone will require a separate coastal development permit or an amendment to this permit.

11. **No Future Bluff or Shoreline Protective Device**

(a) By acceptance of this Permit, the applicants agree, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 6-18-0977, including, but not limited to, the structures and elevated terrace, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under applicable law.

(b) By acceptance of this permit, the applicants agree, on behalf of themselves and all successors and assigns, that the bluff top structures will remain only as long as it is reasonably safe from failure and erosion without having to propose any shoreline armoring to protect the bluff top structure in the future;

(c) By acceptance of this Permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the permittees shall remove the bluff top structures if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. Such removal shall require a coastal development permit. In the event that portions of the development fall to the beach before they are removed, the permittees shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site;

(d) In the event the edge of the bluff recedes to within 10 feet of the foundation of the bluff top structures, the permittees shall submit a geotechnical investigation and report prepared by a licensed geologist with coastal experience or a licensed civil engineer with coastal experience. The report shall address whether any portions of the bluff top structures are threatened by waves, erosion, storm conditions, or other natural hazards. The report shall identify all immediate or potential measures that could stabilize the bluff top structure without new shoreline armoring (including caissons), including, but not limited to, removal or relocation of portions of the bluff top structures. The report shall be submitted to the Executive Director and the appropriate local government official within 90 days of the bluff edge reaching 10 feet of the foundation of the bluff top structure. If the Executive Director determines based on the geotechnical report that the bluff top structures or any portion of the bluff top structures is no longer safely sited, the permittees shall, within 90 days of submitting the report, apply for a coastal development permit or amendment to this Coastal Development Permit (CDP) to undertake measures required to remove the bluff top structure or reduce the size of the bluff top structure to eliminate the hazard potential.

12. **Bluff top Edge Monitoring**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit one printed copy and one digital copy of a bluff top edge monitoring plan to the Executive Director for review and written approval. The plan shall be prepared by a certified engineering geologist and/or geotechnical engineer familiar and experienced in shoreline processes, and it shall provide for a schedule and methodology for monitoring and reporting on the location of the bluff top edge in relation to the approved development (including but not limited to the foundation, academic structures, public viewpoint, or elevated terrace). The plan shall include, at a minimum, the following:

(a) Reference Points. Provisions for establishing, prior to construction, numbered monuments or surveyed points of measurement (reference points) to be located along the seaward edge of the approved development with a minimum of points at 25-foot increments, as well as at the most downcoast and most up coast portions of the seaward edge of the approved development.

(b) Measurement Episodes. Provisions for a licensed surveyor, in coordination with a certified engineering geologist, civil engineer and/or geotechnical engineer familiar and experienced in shoreline processes, to conduct measurements, in feet, of the linear distance (measured perpendicular from the shoreline) between the established reference points and the bluff top edge on May 1st or thereabouts every five (5) years from the date of Commission action or immediately after any event that results in the bluff top edge eroding inland 10 feet or more. The plan shall provide for a methodology consistent with standard surveying and bluff top delineation methods for determining the location of the bluff top edge and documenting distances on land.

Each measurement episode shall also be documented through identification of:

(i) the date of the measurement;

(ii) the person making the measurement and their qualifications;

(iii) tidal and weather details for the times and dates of the measurement episode, including each date/time associated with any photos (see below); and

(iv) photos (in color, and in both hard copy 8.5” by 11” and electronic jpg formats (or equivalent), and at a scale and resolution that allows for comparison by the naked eye between photos of the same location taken at different times) of:

A. the area between each reference point and the bluff top edge, providing full photographic coverage of the bluff top area between each reference point and the bluff top edge;

B. each reference point and the surrounding area; and

C. the point on the bluff top edge from which each measurement derives and the surrounding area, including photos both from a bluff top and a beach vantage so as to provide full photographic coverage of the bluff face itself and the bluff top edge. The photo documentation shall be accompanied by a site plan that identifies the location and orientation of each photo, each view of which shall be numbered. Measurement episodes shall include photos from the same vantage points each time to the extent possible, and shall include additional vantage points and coverage as necessary to document the required photographic area.

(c) **Removal and Restoration Criteria.** Provisions for assessing and documenting the removal and restoration criteria described in Special Condition No. 11.

(d) **Public Access Amenities.** Provisions for assessing and documenting the public viewpoint required pursuant to Special Condition No. 1.

(e) **Reporting.** Provisions for submittal of one printed copy and one digital copy of a report documenting and analyzing the required monitoring. The report shall be submitted to the Executive Director for review and written approval (1) every five years, starting on May 1, 2024, and (2) within one month of any event that results in the bluff top edge eroding inland 10 feet or more. The report shall provide a site plan that identifies the bluff top edge extending between the downcoast and up coast property boundaries and that identifies the established reference points. The report shall also include: (a) all of the documentation described in the previous sections; (b) a narrative description of all measurement episode activities; (c) tables showing changes over time between the bluff top edge and the established reference points as compared to all past reports, including in terms of average annual changes, largest change between reports, and any other relevant data that helps identify changes over time; (d) identification and documentation of coastal hazards in the area over the time since the last report, including any significant storm and erosion events; and (e) any additional information relevant to helping understand any changes in the distance between the bluff top edge and the approved development. Should any approved report identify next steps that involve development, such development shall be undertaken within the timeframes identified in the approved report. If the Executive Director determines that an amendment to this CDP or a separate CDP is legally required to perform such development, the permittee shall immediately, but in no event longer than 30 days, submit and complete the required application, and such development shall occur within the timeframes identified in the CDP or CDP amendment. The permittee shall undertake development, if any, in accordance with the approved Blufftop Plan.

13. **Assumption of Risk, Waiver of Liability and Indemnity.**

(a) By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, landslide, bluff retreat, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

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

14. **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 prepared and certified by a qualified licensed professional that substantially conforms with the plan submitted to the Commission titles "4638 Marine Conservation Facility – Renovation and Addition" dated September 28, 2018. 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) **Property Owner Consent.** The Construction and Pollution Prevention Plan shall be submitted with evidence indicating that the owners of any properties on which construction activities are to take place, including properties to be crossed in accessing the site, consent to use of their properties.

(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 storm water and non-storm water 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 storm water 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:

i. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.

ii. Soil compaction due to construction activities shall be minimized, to retain the natural storm water infiltration capacity of the soil.

iii. 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) **Construction In, Over, or Adjacent to Coastal Waters and Habitat.** Construction taking place in, over, or adjacent to coastal waters and habitat shall protect the coastal waters and habitat by implementing additional BMPs, including:

i. No construction equipment or materials (including debris) shall be allowed at any time on the beach.

ii. All work shall take place during daylight hours, and lighting of the beach and ocean area is prohibited.

iii. Tarps or other devices shall be used to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.

iv. All erosion and sediment controls shall be in place prior to the commencement of construction, as well as at the end of each workday. At a minimum, if grading is taking place, sediment control BMPs shall be installed at the perimeter of the construction site to prevent construction-related sediment and debris from entering the ocean, waterways, natural drainage swales, and the storm drain system, or being deposited on the beach.

v. All debris resulting from construction activities shall be removed from the beach immediately.

vi. If preservative-treated wood is used, appropriate BMPs shall be implemented that meet industry standards for the selection, storage, and construction practices for use of preservative-treated wood in aquatic environments; at a minimum, those standards identified by the Western Wood Preservers Institute, et al. in *Treated Wood in Aquatic Environments: A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and Wetland Environments* (2012) or current revision thereof (http://www.wwpinstitute.org/documents/TWinAquaticEnvironments-withLinks12.20.12.pdf.). The preservative-treated wood shall be certified by a third party inspection program, as indicated by the presence of a BMP Quality Mark or Certificate of Compliance, to have been produced in accordance with industry BMP standards designed to minimize adverse impacts in aquatic environments.

(f) **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.

(g) **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.

(h) **Construction Site Documents.** The Construction and Pollution Prevention Plan shall specify that copies of the signed CDP and the approved Construction and Pollution Prevention Plan be maintained in a conspicuous location at the construction job site at all times, and be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction and Pollution Prevention Plan, and the public review requirements applicable to them, prior to commencement of construction.

(i) **Construction Coordinator.** The Construction and Pollution Prevention Plan shall specify that a construction coordinator be designated who may be contacted during construction should questions or emergencies arise regarding the construction. The coordinator's contact information (including, at a minimum, a telephone number available 24 hours a day for the duration of construction) shall be conspicuously posted at the job site and readily visible from public viewing areas, indicating that the coordinator should be contacted in the case of questions or emergencies. The coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

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.

15. **Post-Development Runoff Plan**.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final Post-Development Runoff Plan that substantially conforms with the plan submitted to the Commission titled "4638 Marine Conservation Facility – Renovation and Addition" dated September 28, 2018. The final Post-Development Runoff Plan shall demonstrate that the project complies with the following requirements:

(a) **Low Impact Development Strategies.** The project shall comply with the following Low Impact Development standards:

i. Minimize disturbance of coastal waters and natural drainage features such as stream corridors, rivers, wetlands, natural drainage patterns, drainage swales, groundwater recharge areas, floodplains, and topographical depressions.

ii. Minimize removal of native vegetation, and plant additional non-invasive vegetation, particularly native plants that provide water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control.

iii. Maintain or enhance appropriate on-site infiltration of runoff to the greatest extent feasible. Use strategies such as avoiding building impervious surfaces on highly permeable soils; amending soil if needed to enhance infiltration; and installing an infiltration Best Management Practice (BMP) (e.g., a vegetated swale, rain garden, or bio retention system).

iv. Minimize the addition of impervious surfaces, and where feasible increase the area of pervious surfaces in re-development. Use strategies such as minimizing the footprint of buildings; minimizing the footprint of impervious pavement; and installing a permeable pavement system where pavement is required.

v. Disconnect impervious surface areas from the storm drain system, by interposing permeable areas between impervious surfaces and the storm drain system. Design curbs, berms, and similar structures to avoid isolation of vegetative landscaping and other permeable areas, and allow runoff to flow from impervious pavement to permeable areas for infiltration. Use strategies such as directing roof-top runoff into permeable landscaped areas; directing runoff from impervious pavement into distributed permeable areas (e.g., turf, medians, or parking islands); installing a vegetated swale or filter strip to intercept runoff sheet flow

from impervious surfaces; and installing a rain barrel or cistern to capture and store roof-top runoff for later use in on-site irrigation.

vi. Where on-site infiltration is not appropriate or feasible, use alternative BMPs to minimize post-development changes in runoff flows, such as installing an evapotranspiration BMP that does not infiltrate into the ground but uses evapotranspiration to reduce runoff (e.g., a vegetated "green roof," flow-through planter, or retention pond); directing runoff to an off-site infiltration facility; or implementing BMPs to reduce runoff volume, velocity, and flow rate before directing runoff to the storm drain system.

(b) **Implement Source Control BMPs.** Appropriate and feasible long-term Source Control BMPs, which may be structural features or operational practices, shall be implemented to minimize the transport of pollutants in runoff from the development by controlling pollutant sources and keeping pollutants segregated from runoff. Use strategies such as covering outdoor storage areas; using efficient irrigation; proper application and clean-up of potentially harmful chemicals and fertilizers; and proper disposal of waste.

(c) **Avoid Adverse Impacts from Storm water and Dry Weather Discharges.** The adverse impacts of discharging storm water or dry weather runoff flows to coastal waters, intertidal areas, beaches, bluffs, or stream banks shall be avoided, to the extent feasible. The project shall comply with the following requirements:

i. New coastal bluff outfalls discharging storm water or dry weather runoff shall be prohibited, and runoff shall be directed inland to the storm drain system or to an existing outfall. If no storm drain system or existing outfall is present, bluff top runoff shall be directed to an existing drainage channel. Runoff shall not sheet flow over the coastal bluff top, and may not be directed to the beach or the ocean.

ii. Runoff shall be conveyed off-site or to drainage systems in a non-erosive manner. If runoff flows to a natural stream channel or drainage course, determine whether the added volume of runoff is large enough to trigger erosion.

iii. Protective measures shall be used to prevent erosion from concentrated runoff flows at storm water outlets (including outlets of pipes, drains, culverts, ditches, swales, or channels), if the discharge velocity will be sufficient to potentially cause erosion. The type of measures selected for outlet erosion prevention shall be prioritized in the following order, depending on the characteristics of the site and the discharge velocity: (1) vegetative bioengineered measures (such as plant wattles); (2) a hardened structure consisting of loose materials (such as a rip-rap apron or rock slope protection); or (3) a fixed energy dissipation structure (such as a concrete apron, grouted rip-rap, or baffles).

iv. The discharge of dry weather runoff to coastal waters shall be minimized, to the greatest extent feasible. Use strategies such as efficient irrigation techniques that minimize off-site runoff.

(d) **Manage BMPs for the Life of the Development.** Appropriate protocols shall be implemented to manage BMPs (including ongoing operation, maintenance, inspection, and training) to keep the water quality provisions effective for the life of the development.

(e) **Site Plan and Narrative Description.** The Post-Development Runoff Plan shall include a site plan and a narrative description addressing, at a minimum, the following required components:

i. A site plan, drawn to scale, showing the property boundaries, building footprint, runoff flow directions, relevant drainage features, structural BMPs, impervious surfaces, permeable pavements, and landscaped areas.

ii. Identification of pollutants potentially generated by the proposed development that could be transported off the site by runoff.

iii. An estimate of the proposed changes in (1) impervious surface areas on the site, including pre-project and post-project impervious coverage area and the percentage of the property covered by impervious surfaces; (2) the amount of impervious areas that drain directly into the storm drain system without first flowing across permeable areas; and (3) site coverage with permeable or semi-permeable pavements.

iv. A description of the BMPs that will be implemented, and the Low Impact Development approach to storm water management that will be used. Include a schedule for installation or implementation of all post-development BMPs.

v. A description and schedule for the ongoing management of all post-development BMPs (including operation, maintenance, inspection, and training) that will be performed for the life of the development, if required for the BMPs to function properly.

The permittee shall undertake development in accordance with the approved Post-Development Runoff Plan, unless the Commission amends this permit or the Executive Director determines issues a written determination that no amendment is legally required for any proposed minor deviations.

16. **Water Quality and Hydrology Plan**.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director,

a final Water Quality and Hydrology Plan, prepared by a qualified licensed professional, that conforms with the plan submitted to the Commission titled "Drainage Study for 4638 Marine Conservation Facility – Renovation and Addition" dated September 10, 2018. The final Water Quality and Hydrology Plan shall demonstrate that the project complies with the following requirements:

(a) **Prepare Plan by a Licensed Professional.** A California-licensed professional (e.g., Registered Professional Civil Engineer, Geotechnical Engineer, Geologist, Engineering Geologist, Hydrogeologist, or Landscape Architect) qualified to complete this work shall be in responsible charge of preparing the Water Quality and Hydrology Plan.

(b) **Conduct Site Characterization.** A polluted runoff and hydrologic characterization of the existing site (e.g., potential pollutants in runoff, soil properties, infiltration rates, depth to groundwater, and the location and extent of hardpan and confining layers) shall be conducted, as necessary to design the proposed BMPs.

(c) **Address Runoff from Impervious and Semi-Pervious Surfaces.** Runoff from all new and/or replaced impervious and semi-pervious surfaces shall be addressed in the plan. For sites where the area of new and/or replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, runoff from the entire developed area, including the pre-existing surfaces, shall be addressed in the plan.

(d) **Size BMPs Using Design Storm Standard.** Any Low Impact Development (LID), Runoff Control, and Treatment Control BMP (or suite of BMPs) implemented to comply with the plan requirements shall be sized, designed, and managed to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85^{th} percentile 24-hour storm event for volume-based BMPs, or two times the 85^{th} percentile 1-hour storm event for flow-based BMPs.

(e) **Use an LID Approach to Retain Design Storm Runoff.** An LID approach to storm water management shall be implemented that will retain on-site (by means of infiltration, evapotranspiration, or harvesting), at a minimum, the runoff produced by the 85^{th} percentile 24-hour design storm (see D., above), to the extent appropriate and feasible. In implementing an LID approach, priority shall be given to the use of preventive LID Site Design strategies (such as reducing impervious surface area) to minimize post-development changes in the site's storm water flow regime, supplemented by use of structural LID BMPs (such as a rain garden) if needed to mitigate any unavoidable changes in storm water flows.

(f) **Give Priority to Earthen-Based BMPs.** Where appropriate and feasible, direct storm water runoff from all parking areas and driveways, roofs, walkways, patios, and other impervious surfaces to, in order of priority, a) landscaped areas or open spaces capable of infiltration; b) earthen-based infiltration BMPs (such as an infiltration basin); c) flow-through biofiltration BMPs (such as a vegetated swale);

d), manufactured infiltration BMPs (such as a permeable pavement system); and if infiltration is not feasible, e) proprietary filtration systems (such as an inlet filter).

(g) **Conduct an Alternatives Analysis.** If the proposed development will not retain on-site the runoff produced by the 85th percentile 24-hour design storm (see D., above) using an LID approach, an alternatives analysis shall be conducted. The alternatives analysis shall demonstrate that:

i. There are no appropriate and feasible alternative project designs (such as a reduced project footprint) that would retain on-site the runoff produced by the 85th percentile 24-hour design storm, giving precedence to an LID approach.

ii. On-site runoff retention is maximized to the extent appropriate and feasible, giving precedence to an LID approach.

iii. If (1) and (2), above, are demonstrated, some or all of the runoff produced by the 85th percentile 24-hour design storm may be retained off-site, if it is demonstrated that off-site options will contribute to meeting the development's runoff retention and treatment requirements.

(h) **Implement a Treatment Control BMP if Necessary.** A Treatment Control BMP (e.g., vegetated swale, detention basin, and storm drain inlet filter) shall be implemented if necessary to remove pollutants of concern from runoff. The project shall comply with the following applicability and performance standards for Treatment Control BMPs:

i. A Treatment Control BMP (or suite of BMPs) shall be implemented to remove pollutants of concern from any portion of the runoff produced by the 85th percentile 24-hour design storm (see C., above) that will not be retained on-site.

ii. Where infiltration BMPs are not adequate to remove a specific pollutant of concern attributed to the development, an effective Treatment Control BMP (or suite of BMPs) shall be implemented prior to infiltration of runoff, or else an alternative BMP that does not involve infiltration shall be substituted for the infiltration BMP.

iii. Where a Treatment Control BMP is required, a BMP (or suite of BMPs) shall be selected that has been shown to be effective in reducing the pollutants of concern generated by the proposed land use.

(i) **Implement a Runoff Control BMP.** A Runoff Control BMP (e.g., a structure such as a basin, pond, topographic depression, or storm water vault) is a structural system designed to minimize post-development changes in runoff flow characteristics. If the project will add a net total of more than 15,000 square feet

of impervious surface area, a Runoff Control BMP shall be implemented, sized for the appropriate design storm (as specified below), to capture and retain a portion of the anticipated increase in runoff volume after a site is developed. The project shall comply with the following applicability and performance standards for Runoff Control BMPs:

i. Implement a Runoff Control BMP that uses Flow Retention techniques, sized to capture and retain any portion of the runoff volume produced by the 85th percentile 24-hour design storm (see C., above) that will not be retained on-site using an LID approach. Flow Retention techniques shall optimize infiltration, and shall use storm water storage, harvesting for later on-site use, and/or evapotranspiration to address any of the required runoff flow retention volume that cannot be infiltrated.

ii. In addition to using Flow Retention techniques, if the development will add a net total of more than 22,500 square feet of impervious surface area, a Runoff Control BMP that uses Peak Management techniques shall also be implemented, sized to prevent post-development runoff peak flows discharged from the site from exceeding pre-project peak flows for the 2-year through 10-year storm events.

(j) **Implement BMPs for High-Pollutant Land Uses.** Appropriate Site Design and Source Control BMPs shall be implemented to keep pollutants out of storm water, and shall either use Treatment Control BMPs to remove pollutants of concern before discharging runoff to coastal waters or the storm drain system, or shall connect the pollutant-generating area to the sanitary sewer.

(k) **Design and Manage Parking Lot to Minimize Polluted Runoff.** The parking lot shall be designed to minimize impervious surfaces to the extent feasible, and to treat and/or infiltrate runoff before it reaches coastal waters or the storm drain system so that heavy metals, oil and grease, and polycyclic aromatic hydrocarbon pollutants on parking lot surfaces will not enter coastal waters. The project shall comply with the following applicability and performance standards for parking lot design and management:

i. The design of landscaped areas for parking lots shall include provisions, where appropriate and feasible, for the on-site infiltration, retention, and/or detention of storm water runoff. Where landscaped areas are designed for infiltration, retention, and/or detention of storm water runoff from the parking lot, recessed landscaped catchments (i.e., below the elevation of the pavement) shall be installed. Curb cuts shall be placed in curbs bordering landscaped areas, or else curbs shall not be installed, in order to allow storm water runoff to flow from the parking lot into landscaped areas. All surface parking areas shall be provided a permeable buffer between the parking area and adjoining streets and properties.

ii. Accumulations of particulates that may potentially be contaminated by oil, grease, or other pollutants shall be removed monthly from heavily used parking lots (e.g., fast food outlets, lots with 25 or more parking spaces, sports event parking lots, shopping malls, grocery stores, and discount warehouse stores) by dry vacuuming or equivalent techniques.

iii. Filter treatment systems, particularly for hydrocarbon removal BMPs, shall be adequately maintained to protect coastal water quality.

(l) **Manage BMPs for the Life of the Development.** Appropriate protocols shall be implemented to manage BMPs (including ongoing operation, maintenance, inspection, and training), to protect coastal water quality for the life of the development.

(m) **Content of the Water Quality and Hydrology Plan.** The Water Quality and Hydrology Plan shall include, at a minimum, the following required components:

i. All of the information required for the Post-Development Runoff Plan (see section I, above), including Site Design strategies and Source Control BMPs.

ii. Documentation of a polluted runoff and hydrologic characterization of the existing site (e.g., potential pollutants in runoff, soil properties, infiltration rates, depth to groundwater, and the location and extent of hardpan and confining layers) as necessary to design the proposed BMPs. Include a map showing the site's Drainage Management Areas, and calculations of the runoff volumes from these areas.

iii. A description of the BMPs that will be implemented, including documentation of the expected effectiveness of the BMPs. Include a schedule for installation or implementation of all post-development BMPs

iv. A characterization of post-development pollutant loads, and calculations, per applicable standards, of changes in the storm water runoff flow regime (i.e., volume, flow rate, timing, and duration of flows) resulting from the proposed development when implementing the proposed BMPs.

v. Supporting calculations demonstrating that required BMPs have been sized and designed to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs.

vi. A description and calculations demonstrating that the 85th percentile design storm runoff volume will be retained on-site, giving precedence to an LID approach. If the 85th percentile runoff volume cannot be retained on site using LID, an alternatives analysis shall demonstrate that no

feasible alternative project design will substantially improve runoff retention.

vii. A description and schedule for the ongoing management of all post-development BMPs (including operation, maintenance, inspection, and training) that will be performed for the life of the development, if required for the BMPs to function properly.

The permittee shall undertake development in accordance with the **Post-Development Runoff Plan** and the **Water Quality and Hydrology Plan**, unless the Commission amends this permit or the Executive Director issues a written determination that no amendment is legally required for any proposed minor deviations.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed development would fully renovate the existing 49-ft. tall, 3-story over basement, 27,000 sq. ft. Building "D" to provide laboratories, offices, and classrooms, while constructing a new 29-ft. tall, 2-story over basement, approximately 15,000 sq. ft. Building "A," containing lecture area/event space, a conference room, a kitchen, and a café. The site is located atop an approximately 218-ft. tall coastal bluff at the very northern end of the 179-acre Scripps Institute of Oceanography (SIO) within the University of California San Diego (UCSD) campus in the La Jolla community of San Diego [Exhibit 1]. The site is bordered by coastal bluffs to the west, single family residences to the north, La Jolla Shores Drive to the east, and the internal university road Biological Grade to the south [Exhibit 2]. The proposed Marine Conservation Facility (MCF) is designed to bring existing members of the Center for Marine Biodiversity and Conservation at SIO together in a new teaching and lab space, as well as introduce new lab space for anticipated future growth of SIO operations. The project also includes a new public viewpoint.

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. PROJECT HISTORY

The 3.22-acre project site originally consisted of four separate multi-story structures (Buildings "A" through "D") [Exhibit 4]. Leased by the National Oceanic and Atmospheric Administration (NOAA) from UCSD and constructed in 1963 to house the Southwest Fisheries Science Center (SWFSC), three of the four original structures (Buildings "A" through "C") were already experiencing structural stresses from coastal erosion and geological instability within a decade of construction, and by 2009 were as close as twenty feet of the bluff edge.

Anticipating the growing risk over the subsequent decades, NOAA worked with UCSD and the Coastal Commission's Federal Consistency Unit to analyze potential alternatives to address NOAA's future on the campus. At the August 2009 hearing, the Commission adopted the federal consistency determination CD-035-09 allowing NOAA construct a new five-story, 124,000 sq. ft. facility on a vacant 3.3-acre lot immediately to the east across La Jolla Shores Drive.

Once the relocation of the SWFSC was approved, NOAA and UCSD conferred on the future of the subject bluff top site, and at the September 2011 hearing, the Coastal Commission adopted federal consistency determination ND-035-11 allowing NOAA to

completely demolish Buildings "B" and "C" and partially demolish Building "A" above the basement level, seismically retrofit Building "D" and install below-grade geologic stabilization – tieback anchors – along its western side, construct a new public view point, and return the site to UCSD's management [Exhibit 9] .The work and transfer was completed by 2013. With return of control of the project site, UCSD is now proposing the subject renovation and additions to create the Marine Conservation Facility (MCF).

At the April 2011 hearing, the Commission approved CDP No. 6-10-041 authorizing UCSD to construct the Marine Ecosystem Sensing, Observation, and Modeling (MESOM) research and educational facility on a parking lot across Biological Grade to the southeast of the project site. Because the MESOM building would extend up into the public viewshed from La Jolla Shores Drive, that permit also included a special condition requiring the construction of a new public viewpoint and public parking on the project site whenever UCSD proposed to redevelop it. Thus, UCSD's proposed public viewpoint is in line with both the federal consistency action and the permit approved by the Commission.

C. PUBLIC ACCESS

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 30212 of the Coastal Act states:

> *(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. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Section 30252 states, in part:

> *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings…*

Section 30253 of the Coastal Act state, in part

> *New development shall do all of the following:*
>
> *[…]*
>
> *(d) Minimize energy consumption and vehicle miles traveled.*

La Jolla Shores Drive, which borders the project site on the east, is one of the primary vehicular and pedestrian access corridors to the open space and shoreline in this segment of La Jolla. There is no access to the beach from the site, although there are scenic vistas. From the high point at the northern end of SIO where the subject site is, the SIO campus slopes down from north to south, and public beach access is available approximately a third of a mile to the south of the project site. Public street parking exists within two hundred feet of MCF on La Jolla Shores Lane and within five hundred feet on La Jolla Shores Drive.

Parking

When reviewing any coastal development with anticipated parking demand, it is important to determine whether the development has sufficient on-site parking to meet anticipated visitor and employee demand so as to contain parking impacts on-site. If adequate on-site parking is not provided, visitors or employees may use public parking, decreasing the available public parking supply and limiting public access to the coast. Already, many UCSD students and staff park in off-campus public parking either to address parking shortages or avoid campus parking fees. The continuation or exacerbation of this pattern would further interfere with public access.

As of January 2018, UCSD's total La Jolla campus area contained approximately 11,171 permit parking spaces and 4,364 visitor parking spaces for a total of 15,535 parking spaces (not including the 268 parking spaces serving the Scripps Birch Aquarium). UCSD sells a wide variety of parking permits, most of which are available in daily, weekly, monthly, quarterly, annual, or custom increments. In order to limit the demand for parking, since 2016, UCSD has had a prohibition in place barring freshman students from purchasing a student parking permit unless extreme circumstances are demonstrated (fewer than two percent of applications meet this criterion). UCSD students are also provided a Regional Transit Pass for the Metropolitan Transit System (MTS) and North County Transit District (NCTD). However, according to UCSD's parking department, while none of the UCSD segments – East Campus, West Campus, and SIO – operate at full parking capacity, they do come near to it, and will have to grow to meet increasing demand, even taking the upcoming Mid-Coast Corridor trolley extension (CDP No. 6-16-0108) into account.

UCSD has a daily maximum population of approximately 50,000 students, faculty, and staff, with UCSD projected to increase the university population to approximately 42,000 students, 2,200 faculty, and 21,000 staff by 2035 (when the campus is projected to be

"built out"), an overall increase of thirty-seven percent. Thus, while the proposed project includes a sixty-one space increase in parking, in the absence of constructing new spaces or reducing parking demand, there is likely to be a significant shortfall in parking at UCSD in the future, which will adversely impact the ability of the public to access the nearby public recreational facilities.

Commission staff has long encouraged UCSD to reexamine the incremental approach it has historically taken to planning development in the coastal zone, by encouraging submittal of the university's LRDP to the Commission for certification. However, UCSD has so far declined to do so, and thus the Commission has had to evaluate projects on a case-by-case basis. Furthermore, only half of UCSD's campus lies within the coastal zone, leaving substantial campus development that does not receive Commission review. This further complicates the efforts to comprehensively analyze the long-term pattern of development on campus and identify potential, wider-ranging mitigation and systemic improvements that could further reduce reliance on vehicles and address the parking shortage on campus in a long-range manner.

UCSD has noted that is focused on consolidating academic operations and moving more students onto campus which, in conjunction with the existing and forthcoming alternate transportation offerings, should decrease reliance on vehicular travel. This is an important goal of the Coastal Act; building new parking structures may actually work against this goal, while in contrast, improvements to public transportation in and around UCSD will help to reduce energy consumption, reduce greenhouse gas emissions, and improve air quality, consistent with the energy minimization policy of Coastal Act Section 30253(d).

Building "D" is anticipated to accommodate approximately sixty faculty, staff, and students, with room for an additional ten percent growth in the future to avoid having to use a remote location. Anticipated occupants are six faculty, six staff, thirty-seven graduate students, and five postdoctoral scholars who will relocate from five other buildings on the SIO campus. In addition, undergraduate students may also utilize the MCF, depending on their class or study schedule. Building "A" will incorporate a conference room, a lecture area/event space, a kitchen, and an approximately eighty-seat café with outdoor dining area, in addition to the existing mechanical rooms in the existing building slab basement area.

The MCF will maintain the two existing vehicular access points – off La Jolla Shores Drive and Biological Grade – leading to two separate northern and southern parking lots. The parking lots will be redesigned and expanded to provide four motorcycle, eight bicycle, and fifty-six parking spaces (along with an additional five public overlook spaces), which is an increase over the existing forty-three parking spaces. The fifty-six spaces will be for use by faculty, staff, and students, as well as attendees of events hosted there. Thus, there are several concerns with regards to parking – first, whether or not the daily users of the site (faculty, staff, and students) will have sufficient parking; second, whether or not visitors to the café, which may include members of the general public, will have adequate parking; and third, the impact that events could have on adjacent public parking. In addition, it is important to ensure that the required five free public overlook parking spaces are not continually occupied by university users.

With regards to SIO specifically, according to UCSD's parking records, parking on SIO experiences on average a fifteen percent parking vacancy rate. Because some of the faculty and students occupying the MCF will be living on campus or coming from other work elsewhere on campus, aside from events, the fifty-six parking spaces are anticipated to be adequate to meet the MCF's daily parking needs and will operate as additional overall parking supply of the SIO. Furthermore, both the university shuttle system and the City's Municipal transit System (MTS) have stops adjacent to the site on La Jolla Shores Drive, which should moderate the demand for parking associated with the development. However, while SIO may not always operate at full parking capacity, the public parking on the adjacent segment of La Jolla Shores Drive sees heavy use on the weekdays from university staff and students who wish to avoid paying university parking fees, displacing parking by the public. And while UCSD does allow the public onto almost all of its property, including SIO, it can be difficult for the public to take advantage of this due to the limited public parking opportunities on most days in this area.

The proposed café will serve both university affiliated patrons and the general public, similar to Caroline's, a popular beachfront café located at the southern end of SIO and operating seven days a week from 7:00 AM to 3:00 PM. While a tenant has yet to be selected for the proposed café, UCSD anticipates the café will operate in similar fashion to Caroline's. An issue with Caroline's is that while it operates seven days a week, public parking on the southern end of SIO is offered only on weekends and holidays, meaning that public patrons visiting on weekdays occupy public street parking, displacing beach visitors and adversely impacting public access.

The MCF café is not anticipated to be as popular as Caroline's. The latter is located in a beachfront facility in close proximity to Kellogg Park and the most heavily-used stretch of La Jolla Shores, while the MCF will be located half a mile uphill on a site with no direct beach access. Nevertheless, the 218-ft. elevation of the MCF means that patrons of the café there will have an iconic panorama of La Jolla Cove while dining in a new, architecturally distinct event space. Thus, a not-insignificant level of patronage by the public is anticipated, and if adequate parking is not provided, it will create the risk of patron parking occupying public parking on the street or the parking set aside for the public view points, akin to the impacts from Caroline's.

While UCSD is located in the La Jolla community of San Diego, it is in an area of deferred certification and not regulated by the city's LCP. However, the LCP is a source of guidance. As La Jolla contains several seaside dining establishments, it is prudent to look to the city's parking requirements for guidance on how parking demand can be addressed. The proposed café and outdoor dining area will comprise approximately 3,600 sq. ft. As mapped in the certified LCP, the project site is located in *both* the Beach Parking Impact Overlay Zone and the Campus Impact Area. The purpose of either one of these zones is to identify areas that, due to a combination of existing uses and high visitation, experience acute parking demand or traffic congestion and thus warrant higher scrutiny or regulatory requirements than similar development located elsewhere in the city. For a café of the proposed size in a mixed-use development, the San Diego LCP

would require between nine and eighteen parking spaces, depending on zoning. Thus, the eight visitor spaces proposed by UCSD to serve café patrons are significantly fewer than what would be required for a typical stand-alone restaurant in a parking-impacted beach community.

Nevertheless, while the proposed project will intensify demand on this site, the site was historically developed with four large university buildings, and the new uses are not expected to significantly increase parking demand in the area on weekdays. The majority of the users of the site will be part of the university population already on campus, and UCSD has an alternate transportation program for that population. Thus, aside from events, the parking proposed should be adequate and any impacts to public parking and public access during weekdays are expected to be minimal.

However, on weekends, the SIO shuttle does not operate. There will still be some weekend use of the building by faculty, staff, and most likely use of the café. In addition, on weekends, the demand for public parking in the area is the highest. Thus, in order to conform with the Coastal Acts mandate to enhance public access, UCSD has agreed to establish public visitor parking in the proposed approximately thirty-two space northern, upper parking lot on weekends and holidays, in line with what is offered at the Scripps Seaside Forum at the south end of SIO, a similar facility with event space and Caroline's café that also serve the public.

The operations and parking management associated with events at MCF are discussed in the "Event Space" section below. However, while UCSD has not traditionally hosted many weekend events or academic operations on SIO, it wishes to retain the flexibility to do so at the proposed facility while utilizing the full site's parking capacity to be able to minimize having to utilize remote parking. In other words, while they are expected to be relatively infrequent, there may be school events or academic operations taking place at MCF during weekends or holidays where all on-site parking would be reserved for that use, and not open to public visitors.

Unlike the Scripps Seaside Forum, because there is no direct beach access available from MCF, demand for weekend public parking at the site is unlikely to be extremely high. Thus, occasional restriction of visitor weekend or holiday parking is not expected to substantially impact the ability of the public to access the coast. However, at this time, UCSD is unwilling to put a cap on the number of weekend events that might occur at the MCF. If university events were to consistently eliminate the weekend public visitor parking throughout the year, it would remove an important reservoir of public parking.

Special Condition No. 3 requires the northern, upper parking lot to be open to public visitors on all weekends and holidays when the upper lot is not required for a university event or academic operation that cannot be wholly accommodated on the southern, lower parking lot. The condition also delineates the final parking plan that will regulate parking at MCF, describing the parking that must be provided for the public view point as well as the parking on the northern, upper lot that must be provided visitors during all café hours and on weekends and holidays, unless there is a weekend university event or academic operation. Recognizing that the MCF will be a university facility with the primary

purpose of serving the university's operational needs, there may be some need to utilize the MCF on weekends, either for events or academic operations such as weekend seminars or laboratory work. Based on the information submitted by the university, fewer than nine weekend events were organized by the university during the fiscal 2015-2016 year at the nearby Scripps Seaside Forum, a similar coastal event venue located nearby on SIO. In order to balance the university's need for operational flexibility with the public access from the required visitor parking on weekends and holidays, the Commission is requiring that should the number of weekends in which the university must occupy the visitor parking in the northern, upper lot exceed thirty in any calendar year (which represents an approximately five-hundred percent increase in university weekend activity compared to the Scripps Seaside Forum and approximately sixty percent of the weekends in a year), then the university must return to the Commission for an amendment to analyze the impacts, if any, from the substantial increase in weekend activity and potential methods for compensating for the substantial displacement of the required public parking from the northern, upper lot. Relatedly, if future use clearly demonstrates that this limit is placing a substantial burden on university operations, or there is a clear pattern of disuse by the public of the northern, upper lot on the weekends and holidays, UCSD may itself propose an amendment to modify the operational requirements of this permit.

In order to evaluate the number of events and the overall parking impact the project will have, **Special Condition No. 4** requires transportation and parking monitoring such that if the popularity of the MCF leads to weekend events or academic operations requiring occupation of the public parking in the northern, upper lot more than thirty times in a calendar year, then UCSD must come back to the Commission for an amendment to more formally analyze and manage the high weekend demand and related public access impacts. In order to ensure that the passing public is aware of the public access amenities and the parking resources therein, **Special Condition No. 5** requires a Commission-approved signage plan be implemented on the MCF site that conveys the relevant parking opportunities and restrictions.

Event Space

Given that the parking needs associated with the daily university operations are expected to occupy the proposed parking spaces on a typical weekday, events will clearly require additional parking management. Building "A" is proposed to be a two-story structure with lecture room/event space, a conference room, kitchen, café, and outdoor dining patio. The lecture room/event space is designed to accommodate up to one hundred people, while the outdoor patio of the second-floor café can seat approximately eighty people. Given its size, kitchen facilities, and scenic location, UCSD anticipates hosting university-sponsored events at the MCF.

As noted, approximately half a mile south of MCF at the southern end of SIO is the Scripps Seaside Forum, a larger beachfront mixed-use facility approved by the Commission in April 2007 (CDP No. 6-06-148). The Scripps Seaside Forum shares similarities with the proposed MCF in that it, too, contains event space and a café, though unlike the MCF, the Scripps Seaside Forum contains minimal academic and office space.

Due to its scenic location and size, the Scripps Seaside Forum is booked year round, hosting primarily university events Mondays through Thursdays and private events, such as weddings, Fridays through Sundays, with up to two hundred attendees.

When approving the Scripps Seaside Forum, the Commission was concerned that an event venue located in close proximity to La Jolla Shores and the public street parking along El Paseo Grande and La Jolla Shores Drive would usurp public parking and impact public access to the beach. Additionally, the predecessor facility to the Scripps Seaside Forum had historically provided public beach parking on weekends and holidays, and the Commission wished to continue this amenity with the Scripps Seaside Forum and protect it from occupation by event attendees. Because the university is first and foremost an academic institution and operates primarily on the weekdays, in its final action, the Commission approved the Scripps Seaside Forum with the requirement that 83 of the approximately 100 parking spaces at university parking lots P002 and P003 adjacent to the Scripps Seaside Forum be set aside for the public on the weekends and holidays so as to maintain public access while not substantially impacting university operations.

In the years after the Scripps Seaside Forum was approved, there were a number of incidents reported to and confirmed by staff where the university was not in compliance with the parking and monitoring requirements of its permit. The Commission received several complaints from the public that events at the facility were occupying the required public parking, putting out incorrect signage informing the public that the parking was unavailable, and that attendees were occupying street parking normally used by beach visitors and residents. Additionally, the required parking monitoring reports documenting the use of the facility and attendee transit methods were not being submitted to the Commission. After several meetings with Commission planning and enforcement staff, UCSD worked with its event planning contractor to revise the rental agreements event hosts were required to sign and stepped up enforcement of parking requirements, and since then Scripps Seaside Forum events appear to be operating in conformance with permit requirements.

While the proposed project is not immediately adjacent to the beach, as discussed, there is nearby public street parking which could be similarly impacted by events at the site. However, UCSD is proposing to only host university-affiliated events at the MCF, with no private events allowed. With University events, many of the attendees are likely to already be on campus, either in SIO or elsewhere, and are more likely to either walk, bike, or shuttle to the event. Furthermore, due to the MCF's smaller event space compared to the Scripps Seaside Forum and to lessen the potential parking impacts on the surrounding areas, UCSD is proposing to cap attendance at all MCF events at 150 attendees. Furthermore, an issue that exacerbated the parking issue at the Scripps Seaside Forum was the fact that, after providing the required eighty-three parking spaces for the public on weekends and holidays, the events during those days were only left seventeen spaces to use for events of up to two hundred people, with no other university lots in close proximity. While UCSD does require events in such situations to utilize satellite lots elsewhere on campus, as the Scripps Seaside Forum is at the very southwest corner of the UCSD campus, the distance discouraged many attendees from utilizing satellite lots over public parking. In the case of the MCF, there is a 105-space university lot –

P014 – just across La Jolla Shores Drive, within 300 feet of the facility. UCSD has committed that for events that cannot meet parking demand on-site, this nearby lot will be utilized. Thus, the same level of public access impact is unlikely to result from the proposed project as has been seen with the Scripps Seaside Forum.

Nevertheless, during fiscal year 2015-2016, 160 university events and 144 private events were hosted at the Scripps Seaside Forum. The university events averaged 93 attendees, while private events averaged 150 attendees. Approximately 86 percent of university events were hosted on weekdays and concluded by 4:00 PM while the private events were almost split evenly between weekdays and weekends and primarily occurred after 4:00 PM. While it is possible the MCF may host events that would otherwise have been hosted at the nearby Scripps Seaside Forum, due to the historic high demand to host events at SIO, it is more likely that the events held at MCF will be additive to the events already being held elsewhere on SIO. Thus, based on this demand history, it is anticipated that the MCF, which is also located on a scenic coastal parcel, will experience heavy demand year-round, though historical data indicates that with the prohibition of private events, its use will be focused on weekdays, when coastal visitation by the public is lower.

To minimize the potential adverse impacts that event operations can have on public access in the area, **Special Condition No. 6** regulates the manner in which events are managed at the MCF by only allowing university-events of no more than 150 attendees and requiring that event parking be provided on campus, avoid public parking, and utilize shuttle services as needed. In order to establish a record of event operations and identify any issues as they arise, **Special Condition No. 4** requires that a monitoring plan be put in place that catalogs the number and type of events that occur at MCF for at least the first three years of occupation, after which, should not issues be identified, the monitoring requirement will be reduced to simply reporting the number of events that occupy the northern, upper lot.

Public Access Improvements

UCSD has an existing public trail system that traverses its reserve system located throughout its La Jolla campus. A segment of this trail traverses the SIO along portions of its bluff edge. Currently, at the project site there is a gap due to the site being fenced off for years due to its vacant status. The MCF property, like the majority of UCSD, will be open to the public, and pedestrians will be able to walk along the bluff on the MCF to utilize the viewpoint or, if they wish, the elevated terrace over the western parking lot.

Pursuant to both the Commission's consistency determination no. ND-035-11 and the Commission permit for the construction of the neighboring MESOM (CDP No. 6-10-041), the MCF project includes the installation of an at-grade bluff top public overlook area in the southwest corner of the site and installation of five public parking spaces serving the overlook. This overlook and parking will tie into the existing public scenic trail located along the bluff edge south of MCF, bridging the gap in the existing public trail system. Coupled with the visitor serving role of the nearby café in Building "A," the

MCF will introduce public access amenities where none currently exist and in an especially scenic segment of La Jolla that can otherwise be difficult to access.

Traffic

The MCF is not anticipated to substantially adversely impact local traffic, as the facility will allow the consolidation of existing faculty and staff already located elsewhere on campus. While the MCF will also accommodate growth in the overall SIO operations through the provision of additional lab and office space, because the project will be located within the campus' existing internal shuttle system and alternate transit incentives, the additional office space should not cause substantial traffic loads on La Jolla Shores Drive.

Due to the large size of the project site, construction activity would be sited on-site and occur between the hours of 7:00 AM and 7:00 PM, taking approximately one year to complete. Construction staging would be contained on-site and located east of Building "D" in the existing loading area. Because much of the existing facility will be reused and minimal grading will be needed, construction traffic to and from the site will be less than for a typical development of this size. To ensure that construction staging and storage avoids occupation of public parking or blockage of public right-of-way, **Special Condition No. 1** requires the submittal of a staging and storage plan that sites all construction related activity on campus property as close to the project as possible.

Thus, when analyzing the proposed MCF facility's potential impacts to public access in the light of parking, event operations, public access amenities, and traffic, it is evident that only as conditioned can the development be found consistent with the public access policies of Chapter 3 of the Coastal Act.

D. GEOLOGIC HAZARD

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.*

Coastal bluffs are subject to a variety of erosive forces and conditions (e.g., wave action, reduction in beach width, block failures and landslides). Section 30253 requires that new development both minimize risks to its occupants and avoid the need for structural measures to prevent destructive erosion or collapse. In order to find consistency with this

section of the Coastal Act, a geotechnical analysis is necessary to document that new or redeveloped structures on a coastal bluff top have appropriate setbacks to ensure that the structures are reasonably safe from failure and erosion over their lifetime, without having to propose any shore or bluff stabilization to protect the structures in the future.

Safe siting of development is critical not only for the occupants of the development, but also to prevent permanent impacts to coastal resources. Seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" methods designed to forestall erosion, alter natural landforms and natural shoreline processes, resulting in a variety of negative impacts on coastal resources, including adverse effects on sand supply, public access and recreation, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, including ultimately the loss of the beach.

The location where new development must be sited so that it will neither be subject to nor contribute to significant geologic instability throughout the life-span of the project (a period of 75 years) is known as the Geologic Setback Line (GSL). The GSL is determined by combining slope stability analyses with estimated bluff retreat at a site.

The factor of safety (FOS) is an indicator of slope stability, where a value of 1.5 for static analysis and 1.1 for seismic analysis is the industry-standard value for geologic stability of new bluff top development. In theory, failure should occur when the FOS drops to 1.0. Therefore, the factor of safety at increasing values above 1.0 lends increasing confidence in the stability of the slope. To establish a safe setback for slope stability, the geotechnical analysis needs to establish the distance from the edge of a coastal bluff at which the FOS is equal to 1.5 (static)/1.1 (seismic).

In addition to this landslide potential, bluffs are also subject to erosion over time. As the bluff retreats by gradual erosion, the FOS for the development will gradually decrease. Thus, establishing the required GSL includes determining the setback to achieve a FOS of 1.5 (static)/1.1 (seismic) as well as estimating bluff retreat over 75 years. It is critical to look at both slope stability and the predicted rate of erosion when determining the GSL, because as the bluff naturally continues to retreat, the location of a safe setback for slope stability will move inland.

As currently configured, the 3.22-acre project site is atop an approximately 218-ft. high coastal bluff; the bluff edge borders the site on the west, arching from the northwest to the southwest in a convex curve. The site currently contains the basement and building pad of Building "A," configured in an east-west alignment and located as close as twenty feet to the bluff edge, and the entirety of Building "D," a three-story over basement structure configured on a north-south alignment and located at least eighty-five feet from the bluff edge. In between the structures and the bluff edge are at-grade parking lots and landscaping [Exhibit 3].

As part of its abandonment of the original SWFSC and relocation to a new facility across the street, NOAA obtained Federal Consistency Determination ND-035-11 in September 2011, authorizing the demolition of Buildings "B" and "C" and the majority of Building "A," as well as installation of seismic and geologic stabilization for Building "D." The

Building “D” stabilization incorporates two essentially parallel buried anchor blocks with tieback anchors. Two rows of tieback anchors are installed through each thirty-six-inch thick, six-foot long anchor block, which are constructed of reinforced concrete and buried at least three feet underground.

Erosion Rate

In preparation for the proposed renovation and addition, UCSD commissioned a 2017 geotechnical investigation by SCST, Inc. to establish the geologic state of the project site and suitability for redevelopment. Utilizing several borings to depths of approximately 220 to 230 feet perpendicular to the bluff, the geotechnical analysis determined that the bluff at the site retreats on average between two to six inches a year, and that the bluff in the immediate vicinity of the site is protected by a three-to-five foot tall, twelve to fifteen foot thick natural revetment of andesite (volcanic rock) at its base that was embedded in the bluff and exposed by a 1954 landslide. The revetment is expected to take decades to substantially erode away and expose the toe of the bluff adjacent to the project site to the full erosive effect of the wave action. However, as a precautionary measure, a worst-case scenario of six inches of bluff retreat per year over the anticipated 75-year economic life of the structure was calculated, producing approximately 37.5 feet of erosion.

Factor of Safety

The SCST, Inc. geological survey included a slope stability analysis evaluating the stability of cross sections parallel to Building “A” at static (normal stable ground) and pseudostatic (seismic) conditions to evaluate the risk of ground failure due to landslide. Evaluating the FOS over the economic life of the development, SCST found that an approximately twenty-foot setback would be needed to achieve an adequate FOS during the economic life of the project.

Geological Setback Line Determination

As noted above, the GSL is the setback at which new development must be sited in order to avoid the need for future bluff retention devices for the life of the structure. The combination of slope stability analysis and the estimated erosion rate determines the geologic setback. On the subject property, without shoreline armoring, by combining the approximately forty feet of bluff retreat rate over the seventy-five year economic life of the structure and the approximately twenty feet needed to achieve a factor of safety of 1.5, the geological setback would be sixty feet. As Building “D” is already located eighty-five back from the bluff edge, the geotechnical analysis determined it would be safe for its seventy-five year economic life. Regarding Building “A,” the existing basement and building slab come as close as twenty feet to the bluff edge. However, the only facilities located in this structure are currently dormant mechanical rooms servicing Building “D,” and those rooms are all located in the eastern end of the structure, more than sixty feet away from the bluff edge. All of the new construction associated with Building “A” will be located inland of the sixty-ft. setback line. Therefore, there is

adequate space on the 3.22-acre site to safely accommodate the development for its economic life.

The proposed project also includes an elevated terrace area over the western, at-grade parking lot. The geotechnical analysis recommends that the terrace utilize drilled piers to a depth of thirty feet or more. While such deep footings can act as caissons – a form of shoreline protection – UCSD is proposing to also locate both the above-ground terrace and below-grade piers behind the sixty-ft. setback, where they are not expected to become exposed or undermined by erosion during the life of the project.

With regard to taking into account sea level rise, the Commission's coastal engineer held several discussions with the project geologist to discuss the geological survey. Staff's coastal engineer concurs that the bluff is currently experiencing minimal lower erosion due to the andesite revetment at its base protecting the bluff, and that it is reasonable to assume that substantial marine erosion may not begin to occur for fifty years, even with anticipated sea level rise. The SCST geological survey took several deep borings in close proximity to obtain a clear picture of subsurface conditions and conservatively modeled the upper fifty feet with greater groundwater infiltration than is present. In actuality, a fifty-four foot setback would capture the full FOS for the site, but the project is adhering to a sixty-foot setback as a precautionary measure. Because of this, it was determined that the site design is adequate for the life of the structure and that it was not relying on the buried anchors along Building "D" to be found safe. However, given the height of the bluff and the issues experienced by the original SWFSC, the Commission's staff coastal engineer recommended that a bluff edge monitoring program be implemented in order to document the bluff retreat rate and anticipate any potential future issues.

Runoff

Because bluff stability is adversely impacted not just by wave action at its base but by water infiltration at from above, the proposed development has been designed to limit infiltration of runoff on the site. To protect the structural integrity of the bluff and prevent runoff from accelerating erosion of the bluff edge, UCSD will install bioretention basins at various locations of the project site into which runoff will be directed. Two of the basins will be located wholly or partially within the sixty foot geologic setback. Because infiltration of the runoff into the soil would adversely impact the bluff, the bioretention basins will be lined with an impermeable liner, such that once the water infiltrates through the filtration media in the basins, it will enter diversion pipes that will connect to existing storm water systems and direct the water away from the bluff edge.

The presence of permanent irrigation in a geologic setback area increases risk of geologic instability, as permanent irrigation can experience leaks, causing steady infiltration of water into the bluff, as well as encourage overwatering and saturation of the bluff top. UCSD is proposing native, drought-resistant landscaping within the geologic setback to reduce the amount of irrigation needed, and has agreed to not install permanent irrigation within the setback area.

Finally, while UCSD is located in a seismically active area, there are no active faults located on the campus. Coupled with the dense nature of the underlying formation materials and lack of near surface groundwater, the potential for liquefaction on the site is low.

To ensure that the approved development adheres to the required setback, **Special Condition No. 1** requires the project to adhere to approved plans locating all major structural components sixty feet or greater from the bluff edge. **Special Condition No. 2** requires final landscaping plans that utilize native, drought-resistant plantings to reduce water use and only has at grade ancillary development within the geologic setback. While the proposed MCF will be sited back enough to be safe for its economic life, because the project site has a long history of geological issues affecting the previous development, **Special Condition No. 11** requires a waiver of future shoreline protection for the site. **Special Condition 12** requires a bluff edge monitoring program to document the erosion of the bluff edge over the life of the development in order to anticipate any unforeseen issues. Because coastal bluffs by their nature experience multiple erosive forces and periodic collapse, **Special Condition No. 13** gives formal notice to the permittee of the risks inherent in such a site. Thus, as conditioned, the proposed development can be found in conformance with the hazard policies of Chapter 3 of the Coastal Act.

E. WATER QUALITY

Section 30231 of the Coastal Act is applicable to the proposed development and 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 waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

The half-mile long segment of SIO located between La Jolla Shores Drive and the ocean slopes north to south, descending from the 218-ft. height of the project site in the north to approximately 20 feet in height at the Scripps Seaside Forum on the south. The majority of SIO is served by a storm water system that flows through a concrete outfall in the bluff face and onto the adjacent sandy beach a short distance north of the Scripps Pier.

While the areas of Buildings “A” and “D” and their related parking lots are relatively flat, the 3.22-project site is generally sloped and terraced, sloping from east to west. As such, runoff on the site currently flows away from La Jolla Shores Drive and toward the bluff edge. Due to its location, the project site is serviced by a separate storm water system from the rest of SIO. Before the project site was developed by NOAA in 1963, it was bisected by a relatively shallow south flowing coastal canyon. The northern half of this canyon was filled in as part of the development of the SWFSC, and a storm water system

was installed that that conveys runoff from the project site to an outlet at the head of the southern half of the truncated coastal canyon, from which the runoff continues approximately 350 feet to the bluff edge and the sandy beach some distance below. While NOAA demolished the majority of the SWFSC when it abandoned the site, the original storm water system was left in place and still operates to this day.

UCSD commissioned a September 2018 Drainage Study to analyze the existing and proposed drainage conditions on the site and the impact the changes in the impervious and pervious surfaces would have on storm flows and water treatment. Currently, site runoff flows east to west and is directed into a series of curb inlets that direct to the aforementioned outlet in the adjacent coastal canyon. This outlet contains a concrete headwall that acts as an energy dissipation device on flows exiting the system and entering the canyon so as to lessen erosive effects.

As part of the storm water improvements proposed with the project, three lined biofiltration basins will be installed at various locations in the site [Exhibit 5]. Basin 1 will be located southwest of Building "D", Basin 2 will be located northeast of Building "A," Basin 3 will be located southeast of Building "A." A fourth basin will be located southeast of Building "D" and will use a proprietary biofiltration system to treat only runoff from the loading area and adjacent disposal bin area. The biofiltration basins will be lined to prevent percolation of the runoff into the soil. Once in the basins, the runoff will be treated by filtration through mixed-media, sand layers, and plantings in the basins before being channeled through perforated pipes to the existing storm drain system serving the site. Runoff exiting this site enters a neighboring coastal canyon, where it is directed into an energy-dissipating concrete headwall before flowing down the canyon and onto the beach.

While the overall square footage of impermeable surface area will increase, mainly due to the expansion of the on-site parking, the Drainage Study determined that the treatment of the runoff will be superior to the current storm water system. Furthermore, the basins will be able to retain more runoff on site within the lined basins, such that even though the project will increase the amount of impermeable area and related 100-year 6-hour storm flow rate from 8.13 cubic feet per second (cfs) to 9.02 cfs, the biofiltration basins will have improved retention capacities, able to handle 100-year storm events, such that the total site flow rate from the existing storm system will decrease by one percent to 8.05 cfs. In order to address concerns about potential blockages, UCSD will install an additional inlet in Basin 1, the largest basin and the closest to the bluff edge. The Commission's water quality staff was involved with discussions with UCSD regarding the Drainage Study and concurs with the findings.

While the proposed development will better treat runoff flowing off site and maintain or reduce flows from current rates, its direction through an outlet located in a coastal canyon that drains onto the beach is still a situation that should be avoided if possible to avoid accelerating erosion elsewhere on the bluff and avoid impacts to the public beach. Commission staff inquired with the project's hydrological engineer to see if the site's runoff could instead be directed into the storm system servicing the rest of SIO. While that system also exits onto the beach, it does so with less erosive effect due to its

beachfront elevation. In response, the project engineer stated this would cause the storm flow out of the southern outfall to increase dramatically, which the County of San Diego does not allow. Furthermore, the increased capacity would require upsizing over 1,100 feet of existing storm system and installation of a sump pump and 700 feet of related piping throughout SIO. Thus, the redirection of the project sites runoff into another outfall is not feasible at this time.

To ensure that the final project implements the proposed water quality improvements, **Special Condition No. 15** requires UCSD to adhere to the approved post-development runoff plan that contains the proposed biofiltration basins and related improvements. **Special Condition No. 16** requires the project to adhere to the approved hydrology plan showing that, despite increasing the amount of impermeable area on the site, the aforementioned water quality improvements will maintain or reduce the amount of runoff flows from the project site.

Because the project site is a bluff top lot adjacent to coastal waters, construction and grading activity could adversely impact coastal water quality through runoff of chemicals or spoils. Fortunately, because UCSD will be substantially reusing the existing facilities, minimal grading is required to redevelop the site, though the grading activity will be located around the perimeter of the site to the north and south for the public overlook and parking improvements. However, while the grading will be fairly minimal, UCSD still anticipates that some export will be required. As such, **Special Condition No. 10** requires that all graded material exported outside of the project site be disposed of at a legal site outside of the coastal zone. Relatedly, to control runoff during construction and limit impacts to adjacent coastal waters, UCSD has submitted a construction erosion control plan utilizing BMP measures such as drain inlet covers, sand bags, fiber rolls, and stabilized construction entrances. To ensure these measures are implemented, **Special Condition No. 14** requires UCSD to adhere to the approved construction runoff plan to avoid construction runoff from impacting adjacent waters. Thus, as conditioned, the project can be found in conformance with the water quality policies of Chapter 3 of the Coastal Act.

F. VISUAL RESOURCES

Section 30251 of the Act states, in part:

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

The east and west halves of SIO are bisected by La Jolla Shores Drive, which serves as one of the main access and visual corridors of this segment of the coast. The La Jolla Shores Community Plan, the certified Land Use Plan for this segment of San Diego, identifies this portion of La Jolla Shores Drive as an area that "contains scenic overlooks,

intermittent or partial vistas, and is also considered to be a road from which the Pacific Ocean can be seen." Because all but one of the structures at the bluff top project site were demolished, there are existing coastal views from La Jolla Shores Drive across the proposed building site to the coast.

The most significant view impacts result from the elevational differences from La Jolla Shores Drive, across the subject site, and to the ocean. The western boundary of the site is bordered by coastal bluffs averaging 218 ft. high, with La Jolla Shores Drive elevated approximately 20 to 30 feet higher above the site on the east. Additionally, to the south, the bluffs and remainder of SIO descend down to sea level at La Jolla Cove, resulting in additional views that expand south from the subject site, across the entire La Jolla Shores and La Jolla Cove area.

This particular section of La Jolla Shores Drive provides significant ocean views while travelling both north and south along the roadway. While travelling south along La Jolla Shores Drive the street curves westward at the new SWFSC and then straightens out east of the project site. It is during the curve where vantage points begin and then open into a 270° view of the ocean to the west and the white water and La Jolla Cove to the south. This unobstructed view remains while travelling south past the project site and then becomes partially interrupted by a other SIO development and mature eucalyptus trees that periodically line the road. South of this point views across SIO become intermittent and less expansive due to a decrease in elevation of the road and an increase in the amount of vegetation obstructing views.

As one travels north on La Jolla Shores Drive, views are predominantly obstructed due to a combination of the low elevation of La Jolla Shores Drive, vegetation, and SIO development located west of the roadway. However, as one travels north toward the subject site, the elevation increases and the obstructions due to vegetation and development are eliminated. Blue water views begin immediately south of the subject site and these blue water views continue for a couple hundred feet and then again begin to become obstructed by development and vegetation. The view opportunities then terminate as the roadway curves inland. The proposed development will result in partial view blockage of these significant views from these vantages.

The bluff edge on the western boundary of the project site averages approximately 218 feet above Mean Sea Level (MSL). The bulk of Building "D" reaches 238 feet above MSL, while an elevator tower at its north end reaches 263 feet above MSL. The proposed Building "A" will reach 246 feet above MSL. In comparison, as La Jolla Shores Drive begins to curve west toward the project site, it is approximately 250 feet above MSL. This means that the bulk of the MCF will be located below the elevation of the scenic roadway.

The footprint and height of Building "D" will be substantially the same at it exists today. While some exterior stairs will be enclosed to create new interior space, the rehabilitation of the building will not significantly alter its footprint or bulk and scale. However, Building "A" will be completely new, and even though it will be shorter and smaller than the original structure and start lower in elevation than the road, it will still encroach into

existing ocean view across the site. Partly in response to the encroachment, the structure is designed in such a way that the encroachment will be minimized. Because of the geological setback, only the eastern half of the Building "A" pad farthest back from the bluff edge will be built upon. Additionally, the second-floor café will only occupy the eastern half of the structure; the western half of the second floor closest to the bluff will be an open-air dining patio with a forty-seven foot long shade structure. This will increase the visual permeability of Building "A" and preserve the majority of the views across the project site [Exhibit 8].

Additionally, the site contains several trees of different type and height that partially obstruct the coastal view across the site. As part of the proposed landscaping plan, UCSD will remove, among others, the eucalyptus trees along La Jolla Shores Drive so as to enhance the ocean view from the road.

In addition to the coastal views that exist across the site, public visual access to the coast will be enhanced through the provision of a new public view point and related five free parking spaces in the southwest corner of the site. The viewpoint will serve as the northern terminus of the public trail that SIO has along portions of its bluff edge that contains other viewpoints along its length. From this viewpoint, the public will be able to look out over the entirety of SIO, La Jolla Shores, and La Jolla Cove.

Because of the towering bluffs, low-scale development, and copious open space from UCSD's preserve system and nearby Torrey Pines State Beach, the stretch of La Jolla coast extending north from La Jolla Shores through SIO and toward Torrey Pines State Beach is a visually scenic and aesthetically important area. The construction of large scale development in close proximity to the bluff edge would encroach into the scenic vista, detract from the natural character of the towering bluffs and bluff top open space, and not be subservient to the visual character of the coastline. As proposed, the exterior of the MCF would use wood, glass, and cement elements in its exterior design so as have a relatively subdued appearance and be in line with other recent development on the SIO campus. In addition, with the required sixty-foot geologic setback, the MCF will have a stepped back design from the bluff edge and not substantially alter the site's appearance from what it currently is today when viewed from the open water below.

Regarding nighttime impacts, while residential and academic facilities are present, the area is generally quiet at night, with residents in their homes and the academic facilities closed. Combined with the aforementioned nearby open space, the amount of ambient light in this stretch of coast is substantially lower than other areas farther south in the city. To preserve this character and limit light impacts, UCSD proposes to use shielded, directed exterior lighting and avoid lighting along the perimeter of the site along the bluffs, as well as timed, motion sensitive internal lighting.

To ensure that the visual protections and enhancements are properly implemented in the final development, **Special Condition No. 1** requires that approved final construction plans are adhered to that will construct the development in a bulk and scale that does not substantially alter Building "D" and steps back "Building "A" from the bluff edge. The special condition also requires that only earth-tone colors be used on the façade so as to

limit the visual encroachment the facility will have into the scenic vista. **Special Condition No. 2** will require implementation of the approved landscaping plan that will remove many of the existing trees currently obstructing public views across the site. **Special Condition No. 7** requires that a final lighting plan be approved by the Commission in order to limit exterior lighting to only that lighting that is required for safety and security reasons and that such lighting be designed in a manner that avoid excessively bright bulbs and shields them to minimize spillover. Thus, as conditioned, the development will be consistent with the visual resource policies of Chapter 3 of the Coastal Act.

G. HABITAT IMPACTS

Section 30230 of the Coastal Act states:

> *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. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

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 waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30240 of the Coastal Act states, in relevant part:

> *(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.*

Due to its long history of development, the bluff top project site does not currently contain much native vegetation, or any sensitive habitat. The site housed four large structures of the SWFSC from 1963 until 2013, after which the majority of the structures were demolished and replaced with parking lots and landscaping, in addition to the

multiple native and non-native trees that were planted when the SWFSC was first built. Site vegetation consists of trees and other ornamental plantings in landscaped areas and dense brush and trees on the slope separating the two parking lots.

Vegetation surrounding the project site consists of Diegan coastal sage scrub located off-site to the northwest and southwest along the bluffs, and southern mixed chaparral off-site to the northeast of Building A. Diegan coastal sage scrub is considered sensitive by state and federal agencies, and the federally listed coastal California gnatcatcher is dependent upon high quality Diegan coastal sage scrub habitat for foraging, nesting, rearing of young, roosting, and shelter. Southern mixed chaparral is typically considered a sensitive vegetation community because it provides important wildlife habitat. A gnatcatcher survey was conducted in 2016 across the UCSD campus to identify potential habitat; no gnatcatchers were observed within or immediately adjacent to the project site. As proposed, the development will be confined to the previously developed, disturbed bluff top area and will not encroach into the vegetated bluff face.

The proposed development will increase vegetated area along the bluff edge, mainly in the area of the new public overlook, and landscaping will consist of non-invasive, drought-tolerant plant species. However, while the on-site vegetation will substantially consist of landscaping, the project site has potentially suitable nesting habitat for raptors in its trees, and the bluffs can provide nesting sites for coastal birds. The project includes the removal of six eucalyptus trees, six cheesewood, and one Torrey Pine near the northern driveway entrance. As part of the proposed landscape plan, eleven Torrey Pines will be planted on site, in addition to six marina strawberry trees, five Tonyon trees, and eleven Catalina cherry trees, and four miscellaneous trees. Thus, no long-term impacts to sensitive habitat or raptors are expected to result from the project. To ensure that no active or historic raptor nests are disturbed during development, **Special Condition No. 9** requires that pre-construction surveys be conducted by a qualified biologist to identify any existing nesting activity and implement appropriate buffers and work adjustments until the nests are no longer active. **Special Condition No. 2** will require adherence to the approved landscaping plan to ensure that the trees proposed to be removed will be replaced on site so as to not substantially alter the nesting opportunities for raptors on this sizeable bluff top site.

While the existing and proposed structures will be partially built into the existing slope on the project site, portions of them will still extend up to 49 feet above adjacent grade. Furthermore, in order to maximize the scenic views of the ocean from the structures, the rehabilitation of the structures will incorporate substantial floor-to-ceiling glass panels in its façade. The project site is located atop a tall coastal bluff in close proximity to open space habitat utilized by coastal birds and raptors. The sheer nature of the bluffs in the La Jolla and Torrey Pines areas create updrafts that make the area suitable foraging grounds for birds, as they use the wind currents to glide along the bluffs. The presence of tall structures and glass surfaces in close proximity to the bluff increases the risk of bird strikes and resulting impacts to avian populations, as the windows may reflect the ocean, sky, or vegetation and create the appearance of open area. In order to reduce the chance of bird strikes and make the proposed development more compatible with its surroundings, **Special Condition No. 8** delineates effective bird strike prevention

measures to incorporate into the development's final design, such as glass that is reflective to light spectrums visible to avian vision, or glass treatments and lighting design to minimize the attractiveness of the buildings to birds.

Because the project site is adjacent to substantial open bluff space and the habitat therein, there is the potential for animals foraging in the adjacent sage scrub areas to wander into the project site in the search of food. In order to protect wildlife from inadvertent poisoning, **Special Condition No. 2** prohibits the use of rodenticides, which can have adverse impacts on other creatures that may mistakenly consume the poison or, in the case of predators, consume the poisoned rodents, in turn becoming poisoned.

While the development will not encroach beyond the currently disturbed site and into the adjacent habitat areas, its operation could still cause impacts that extend beyond the site boundaries in the form of light spillover. Despite its status as a large public university, approximately a third of UCSD consists of parkland and ecological reserve space consisting of tree groves, wetlands, upland brush, and canyons. Because the proposed development is located within the Pacific Flyway, the route followed by migratory birds along the California Coast, and the aforementioned campus park space extends all the way to the nearby Pacific Ocean, birds of various species forage and breed here during the year. Light spillover from the MCF could adversely impact species in the adjacent coastal bluff areas by disrupting sleep cycles, increasing predation, or potentially misdirecting birds traversing the Pacific Flyway if, during foggy nights – which are common on the coast – the lighting is mistakenly interpreted as a natural marker such as the moon.

As proposed, the structures will incorporate various outdoor lighting fixtures to provide visibility and security during darker hours. Internal lighting for the project is proposed to operate from dawn until approximately 9:00 PM, and will be designed to dim or shutoff after thirty minutes of inactivity. Exterior lighting would operate from dusk until dawn and will be shielded and downcast to limit light spillover. No lighting will be installed along the bluff edge coastal trail or overlook to prevent light spillover into the adjacent bluff area. While the UCSD campus already houses a substantial student population in existing development, contributing to the existing ambient light, the project site itself is located adjacent to the coast, in an area with substantial open space and lower density development. Nearby sensitive habitat that houses various species whose behaviors could be adversely affected by substantial ambient light, such as disruption of wake and sleep cycles or increased predation levels at night due to lighting. It is important that any lighting incorporated into the project the lowest wattage necessary to provide sufficient visibility, be shielded, and aimed toward the ground so as to reduce light encroachment. **Special Condition No. 7** requires the submittal of a final lighting plan that minimizes the use of outdoor lighting beyond recognized security and safety needs and limits the potential for ambient lighting – both exterior and interior – from spilling outside of the project site or contributing to local glare and sky glow, which has the potential disorient birds utilizing the aforementioned Pacific Flyway.

With the above habitat protection measures in place, the potential impacts to local habitat and wildlife can be minimized to the greatest extent feasible, and the development can be found in conformance with Chapter 3 of the Coastal Act.

H. 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 Institute of Oceanography is located the La Jolla segment of the City's LCP. UCSD currently has an uncertified Long Range Development Plan (LRDP) from 2004 that it is currently in the process of updating. However, while UCSD does have the option of submitting its LRDP for Commission review and certification, UCSD does not intend to at this time and thus it cannot serve as a standard of 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. Because 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

I. 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 completed a Draft Mitigated Negative Declaration (MND) in June 2017. The MND identified potential significant impacts, and also identified and adopted mitigation measures including shielded lighting, alternate transit systems, pre-construction raptor surveys, and bioretention basins to reduce all impacts below significance.

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 landscaping, staging, construction and permanent water quality, outdoor lighting, bird strike, sensitive species monitoring during construction, and disposal of grading spoils 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.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Initial Study – Mitigated Negative Declaration for the Scripps Institution of Oceanography Marine Conservation Facility – June 2017
- Appendix B SCST (2017) Geotechnical Investigation – May 3, 2017
- Drainage Study for 4638 Marine Conservation Facility – Renovation and Addition – September 10, 2018
- Consistency Determination CD-035-09
- Consistency Determination ND -035-11