CALIFORNIA COASTAL COMMISSION
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STAFF REPORT: REGULAR CALENDAR

Application No.:	**6-19-0212**
Applicant:	**University of California, San Diego**
Agent:	Anu Delouri
Location:	Lot P502, Voigt Drive, La Jolla, San Diego, San Diego County
Project Description:	Demolition of existing 355 stall parking lot and construction of a 191,500 sq. ft., 4-story engineering facility with basement and landscaping on a 3.1 acre lot.
Staff Recommendation:	Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project is the demolition of an existing surface parking lot, approved by the Commission in 1987 (CDP No. 6-87-233), and construction of an engineering facility, referred to as Franklin Antonio Hall, containing offices, an auditorium, classrooms, labs, a café, and meeting and work space in the north central portion of the University of California, San Diego (UCSD) west campus within the Warren College neighborhood (Exhibit 1). The project site is a peninsula surrounded by coastal canyons to the north, west, and east, and Voigt Drive to the south (Exhibit 2). The coastal canyons that surround the site are part of UCSD's ecological reserve and are collectively known as North Canyon. North Canyon has been designated as an environmentally sensitive habitat area (ESHA) by the Commission's staff ecologist, Dr. Laurie Koteen, because the habitat that composes it supports plant and wildlife species that are rare, and as such, is especially valuable in the service of conservation goals (Exhibit 6).

Protecting ESHA requires not only avoiding any direct encroachment into the habitat, but also providing a native vegetation buffer between the ESHA and the development to serve as a transitional area. The buffer provides distance and a physical barrier to human intrusion, and minimizes indirect impacts from noise, lighting, pollutants, shading, and other forms of habitat intrusion. The original project did not include an ESHA buffer (Exhibits 3 and 4). However, after a significant amount of coordination with Commission staff, the applicant agreed to modify the project to include an ESHA buffer that varies in width from 25 to 50 ft. (Exhibit 5).

Initially, the Commission's staff ecologist recommended a 50 ft. ESHA buffer to protect the adjacent ESHA. However, the applicant contended that the recommended buffer was not feasible due to site constraints, fuel modification requirements, and an inability to redesign or shift the position of the proposed building. In this case, Commission staff agreed that a variable ESHA buffer ranging from 25 to 50 ft., but no less than a minimum of 25 ft., would be acceptable; however, the applicant submitted several alternatives that did not meet the 25 ft. minimum buffer and incorporated large firewalls separating the ESHA buffer from the adjacent habitat. Finally, on August 15, 2019, the applicant submitted Alternative 5, which eliminated the eastern firewall and pulled back the western firewall closer to the building and outside of the ESHA buffer by incorporating an exterior fire sprinkler system; eliminated the emergency fire access road to the east of the building by providing alternative access on the west side of the building in order to provide a 25-40 ft. ESHA buffer on the east side of the site; reduced the size of the service area at the southeast portion of the site to meet the minimum emergency fire access requirements; and increased the ESHA buffer in the southwest corner of the project site as well as in the southeast corner (Exhibit 5). In areas where a 25 ft. ESHA buffer is not feasible due to requirements for emergency fire access, the applicant proposes to plant low-growing native species (e.g., native grasses and forbs) that are present within the adjacent ecological reserve and to only conduct temporary irrigation while the vegetation establishes. Thus, these constrained emergency fire access areas will be compatible with the adjacent ESHA buffer while still providing adequate emergency access for fire vehicles, if needed. The overall ESHA buffer around the building has been increased from no buffer in the original proposal, to approximately 25,000 sq. ft. in Alternative 4, and nearly 32,000 sq. ft. in Alternative 5.

Special Condition No. 1 requires revised final plans incorporating the 25-50 ft. ESHA buffer, as shown on Exhibit 5. **Special Condition No. 2** identifies the types of species and activities permitted in the ESHA buffer, including the planting of vegetation consisting of native species that are found within the adjacent ESHA, temporary irrigation to support plant establishment, and maintenance. Special Condition No. 2 further requires the submittal of landscape plans with native, drought tolerant landscaping; prohibits non-native or invasive species to ensure the project landscaping does not negatively impact ESHA; and prohibits the use of fertilizers, herbicides, and chemical pest controls in the ESHA buffer and in the emergency access habitat buffer. To further ensure that no impacts to biological resources occur during construction, **Special Condition No. 9** requires the applicant to submit a Construction and Pollution Prevention Plan that includes a Construction Staging and Storage Plan and **Special Conditions No. 4**

and **5** address pre-construction surveys for nesting birds as well as minimization of construction noise during the nesting season. In order to reduce the chance of bird strikes and make the proposed development more compatible with its surroundings, **Special Condition No. 11** requires effective bird strike prevention measures be incorporated into the development's final design. Finally, **Special Condition No. 3** requires the submittal of a final lighting plan that conforms to the recommendations contained in the lighting approach memo prepared for the project, with the exception that 2,700 Kelvin lighting be used if feasible to further reduce lighting impacts on adjacent sensitive species.

Because the UCSD campus is located near the coast, any parking impacts caused by the proposed project could cause the school's employees and students to park off campus on public streets that connect with popular beaches, such as La Jolla Shores, and visitor-serving recreational facilities, such as the Torrey Pines Gliderport. The proposed project would include the removal of 355 parking spaces and the construction of a building that would expand capacity at the college for additional students and faculty, therefore increasing parking demand; however, no replacement parking is proposed as part of this project. To ensure the loss of 355 parking spaces does not cause parking to spill over into the public right-of-way and to provide the Commission with a comprehensive understanding of transportation issues at UCSD, **Special Condition No. 6** requires the applicant to submit a Transportation Demand Management (TDM) Program and provide annual monitoring reports until one year following the opening of the East Voigt Parking Structure or the Light Rail Transit Project (trolley extension), whichever comes first, both of which are anticipated to offset the subject project's parking loss. The TDM Program requires UCSD to monitor commuter surveys, as well as the capacity, structure and performance of its parking, shuttle, and alternative transportation programs. These monitoring reports will be used to inform parking needs and/or potential shuttle system improvements (e.g., increased number of shuttles or larger capacity shuttles) that may be considered as part of future UCSD projects within the coastal zone.

The proposed project would reduce impacts to water quality by decreasing the amount of impervious surfaces from 84% to 50% and adding new bioretention basins or structural filtration systems to capture trash, debris, sediments, and hydrocarbons. In order to ensure that the proposed development implements all required and recommended water quality measures, **Special Condition Nos. 7** and **8** list the measures and best management practices to be incorporated into the final design of the development and its future maintenance. Finally, **Special Condition No. 10** requires that all exported materials be deposited at a legal site outside of the coastal zone.

Commission staff recommends **approval** of coastal development permit application 6-19-0212, as conditioned.

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EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-19-0212 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 6-19-0212 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. **Revised Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, final plans that are in substantial conformance with the plans prepared by Perkins + Will dated 3/8/19, except that they shall be revised as follows:

   (a) The plan shall include an ESHA buffer that substantially conforms with the plans submitted to the Commission, titled Franklin Antonio Hall – Alternative 5 and dated 8/14/19. Within the ESHA buffer, no development shall be permitted except for restoration and maintenance of native habitat and temporary irrigation.

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

2. **Final Landscaping and Fuel Modification Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, full size sets of final landscaping and fuel modification plans, prepared by a licensed landscape architect or a qualified resource specialist. Said plans shall be stamped and approved by the Fire Department. The consulting landscape architect or qualified resource specialist shall certify in writing that the final landscape and fuel modification plans are in conformance with the following requirements:

   (a) ESHA Buffer:

      i. Species to be planted and seeded within the ESHA buffer shall consist entirely of native species that are found in North Canyon, and if available, obtained from local stock. Such planting or seeding shall be adequate to provide 90 percent coverage within two (2) years.

      ii. A planting schedule shall be included 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 implementation report shall include photographic documentation of plant species and plant coverage.

iii. Only restoration activities and temporary irrigation to establish habitat are allowed within the required ESHA buffer.

iv. No brush clearing or fuel modification, built or maintainable structures, permanent irrigation, water quality best management practices, or use of chemical pesticides, herbicides, and fertilizers, or rodenticides is permitted.

(b) Habitat buffer with emergency access:

i. Species to be planted and seeded within the habitat buffer with emergency access shall consist entirely of low-growing drought tolerant native species compatible with the adjacent ecological reserve.

ii. The following activities are allowed within the required habitat buffer with emergency access: planting and maintenance of native plants, temporary irrigation, and emergency access.

iii. No built or maintainable structures, permanent irrigation, water quality BMPs (e.g., bioswales, bioretention basins, etc.), or use of chemical pesticides, herbicides, and fertilizers, or rodenticides is permitted.

(c) All other landscaping:

i. All landscaping shall be drought tolerant, native plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. No cultivars shall be utilized within the property. If using potable water for irrigation, the project shall use water-conserving emitters (e.g. microspray) and drip irrigation. Use of weather-based irrigation controllers and reclaimed water for irrigation is encouraged.

ii. The use of rodenticides containing any anticoagulant compounds is prohibited and the use of chemical pesticides, herbicides and fertilizers shall be minimized to the greatest extent feasible

(d) A written commitment by the applicant that 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 shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

3. **Final Lighting Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the permittee shall submit, for the review and written approval of the Executive Director, a Final Lighting Plan for all night lighting impacts associated with the proposed development that are in substantial conformance with the memo prepared by Dark Light Design dated 4/9/19. The Final Lighting Plan shall, at a minimum, include the following:

   (a) All 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:

      i. The minimum necessary to light walkways used for entry and exit to the structures. This lighting shall be limited to fixtures that do not exceed three feet in height above finished grade, are shielded and directed downward.

      ii. Lighting shall be of a correlated color temperature at or below 2,700 Kelvins (K) color, if feasible; however, lighting shall not exceed a correlated color temperature of 3,000 K.

      iii. Security lighting attached to the structures shall use a control device or automatic switch system or equivalent functions to minimize lighting

      iv. The control system shall include controls that automatically extinguish all outdoor lighting when sufficient daylight is available.

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

      vi. No non-security lighting around the perimeter of the site and no lighting for aesthetic purposes 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.

4. **Timing of Construction and Bird Nesting Surveys.** By acceptance of this permit, the applicant agrees to avoid, to the maximum extent feasible, construction activities that generate noise greater than 60 dB(A) during bird nesting season, from February 15th through September 15th. If project construction is necessary during the bird nesting season, a qualified biologist with experience in conducting bird nesting surveys shall conduct a minimum of one survey within 72 hours of initiating construction activities. Weekly surveys for nesting birds shall also be conducted during any work occurring within the nesting season. If during preconstruction or weekly surveys, active California gnatcatcher nests are identified within 500 feet of the project site, or active nests of any passerine species are identified within 300 feet, noise monitoring shall be conducted and construction activities shall not occur until a qualified biologist determines that the young have fledged, the nest has been abandoned, or noise monitoring indicates that noise levels remain below a 60 dB(A) equivalent continuous noise level at the location of the nest. If this level is exceeded,

feasible noise attenuation measures shall be implemented to reduce noise levels at active nests to at or below 60 dB(A) (except as necessary for emergencies with written approval by the Executive Director of the Commission after consultation with the California Department of Fish and Wildlife and U.S. Fish and Wildlife). 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, (2) installation of temporary sound barriers or sound blankets, and (3) utilizing alternative construction methods and technologies to reduce the noise of construction machinery. 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 the biologist confirms no active nests are found. Bird nesting surveys shall be provided to the Executive Director of the Commission and to the California Department of Fish and Wildlife and U.S. Fish and Wildlife offices within 72 hours of locating any nests.

5. **Raptor Nesting Survey.** By acceptance of this permit, the applicant agrees to comply with the requirements of the Environmental Impact Report (UC San Diego Project No. 962800/5088 adopted May 2019) which include the following: In order to avoid impacts to raptors, a preconstruction survey for nesting raptors shall be conducted if major construction is to occur within 500 feet of suitable nesting trees (such as tall Eucalyptus trees) during the raptor breeding season (generally February through July). Construction activities within 500 feet of active nests shall not be allowed to resume until a qualified biologist determines that the nest is no longer active and any young birds in the area have adequately fledged and are no longer reliant on the nest.

6. **Final Transportation Demand Management Program and Monitoring 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 Transportation Demand Management (TDM) Program and Monitoring Plan that shall include, but not be limited to, the following:

    a) The actual student and employee population for the previous school year and the projected student and employee population for the upcoming school year.
    b) Current commuter survey results and a comparison to the previous year's survey results.
    c) The capacity, structure, and performance of UCSD's parking program, including a campus wide inventory of the number of parking stalls (by type, location, and neighborhood), parking utilization (by location and neighborhood) including during summer and peak periods, the number of parking permits sold (by type), the number of exemptions given to students under parking restrictions (e.g., first year students currently and second year students starting in 2020), a comparison to the previous year's data. Projected changes to the parking program or inventory shall also be included.

d) The capacity, structure, and performance of UCSD's shuttle program, including the number of shuttles (by route), shuttle schedule, scheduled and actual headways (by route), capacity of each shuttle, average number of shuttles that reach capacity (by route and time), and a comparison to the previous year's data. Projected changes to the shuttle program or inventory shall also be included. The program shall also identify whether shuttle service with a minimum of 12.5 minute average headways is maintained throughout the Voigt Drive corridor.

e) An inventory of UCSD's alternative transportation programs and initiatives (e.g., transit subsidies, Coaster shuttle, Zimride, etc.), and projected changes to the alternative transportation program.

f) Annual monitoring reports that contain the information described in sections a) through e) above shall be submitted to the Executive Director within 90 days of the beginning of the academic school year, starting once the subject permit is issued and ending one year following the opening of the East Voigt Parking Structure or the Light Rail Transit Project (trolley extension), whichever comes first.

The permittee shall undertake the development in conformance with the approved program unless the Executive Director determines that no amendment is legally required for any proposed minor deviations.

7. **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 demonstrates 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 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 Stormwater and Dry Weather Discharges.** The adverse impacts of discharging stormwater 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. 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.

ii. Protective measures shall be used to prevent erosion from concentrated runoff flows at stormwater 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).

iii. 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 stormwater 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 issues a written determination that no amendment is legally required for any proposed minor deviations.

8. **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. 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 or replaced impervious and semi-pervious surfaces shall be addressed in the plan. For sites where the area of new 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 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs.

(e) **Use an LID Approach to Retain Design Storm Runoff.** A Low Impact Development (LID) approach to stormwater management shall be implemented that will retain on-site by means of infiltration, evapotranspiration, or harvesting, at a minimum, the runoff produced by the 85th percentile 24-hour design storm, 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 stormwater flow regime, supplemented by use of structural LID BMPs (such as a rain garden) if needed to mitigate any unavoidable changes in stormwater flows.

(f) **Give Priority to Earthen-Based BMPs.** Where appropriate and feasible, direct stormwater runoff from all parking areas and driveways, roofs, walkways, patios, and other impervious surfaces to, in order of priority, (1) landscaped areas or open spaces capable of infiltration; (2) earthen-based infiltration BMPs (such as an infiltration basin); (3) flow-through biofiltration BMPs (such as a vegetated swale); (4), manufactured infiltration BMPs (such as a permeable pavement system); and if infiltration is not feasible, (5) proprietary filtration systems (such as an inlet filter).

(g) **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 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.

(h) **Implement BMPs for High-Pollutant Land Uses.** Appropriate Site Design and Source Control BMPs shall be implemented to keep pollutants out of stormwater, 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.

(i) **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.

(j) **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, 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 stormwater 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.

9. **Construction and Pollution Prevention Plan. PRIOR TO COMMENCEMENT OF 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. The final Plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:

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

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

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

(b) **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.

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

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

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

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

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

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

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

i. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:

A. Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.

B. Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.

C. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.

D. Prompt removal of all construction debris from the project site.

E. Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.

F. 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.

(e) **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 stormwater 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.

(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 and adjacent ESHA.

(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, ESHA, 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.

(j) **Notification.** The permittee shall notify planning staff of the Coastal Commission's San Diego Coast District Office at least three working days in advance of (1) commencement of construction or maintenance activities, and immediately upon completion of construction or maintenance activities, and (2) of any anticipated changes in the schedule based on site conditions, weather, or other unavoidable factors.

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.

10. **Disposal of Graded Material.** By acceptance of this permit, the applicant agrees that 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. **Bird-Safe Building Standards. 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:

    (a) The amount of untreated glass shall be less than 35% of the building façade.

    (b) 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.

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

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

        iii. 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%.

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

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

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

    (e) Buildings shall be designed to minimize light spillage and maximize light shielding to the maximum feasible extent per the following standards:

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

        ii. Building lighting shall be shielded and directed downward.

        iii. Up-lighting and use of event "searchlights" or spotlights is prohibited.

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

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

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

(g) 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.

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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND HISTORY

The proposed project is the demolition of an existing 355 space, 135,964 sq. ft. surface parking lot, approved in 1987 (CDP No. 6-87-233), and construction of a 191,500 sq. ft., 4-story engineering facility with a basement, referred to as Franklin Antonio Hall, that would contain offices, an auditorium, classrooms, labs, a café, and meeting and work space, with landscaping in the north central portion of the University of California, San Diego (UCSD) west campus within the Warren College neighborhood (Exhibit 1). The 3.1-acre project site is a peninsula surrounded by coastal canyons to the north, west, and east, and Voigt Drive to the south (Exhibit 2). The coastal canyons that surround the site are part of UCSD's ecological reserve and consist of environmentally sensitive habitat areas (ESHA).

Originally, the applicant proposed an event lawn north of the structure, a larger service area to the southeast, a larger innovation plaza to the southwest, a pathway around the building adjacent to the canyons (Exhibit 3), and a fuel modification zone with two, two to six foot-tall heat deflection walls directly adjacent to the ESHA, including a 20 ft. long wall to the west and a 200 ft. long wall to the east (Exhibit 4). However, after a significant amount of coordination with Commission staff, the applicant has redesigned the development in order to incorporate a 25 to 50 ft. ESHA buffer (Exhibit 5), discussed in more detail in the Environmentally Sensitive Habitat findings, below.

A Long Range Development Plan (LRDP) was created for UCSD but never certified by the Commission. The City of San Diego does have a certified Local Coastal Program (LCP) for most of its coastal zone; however, the UCSD campus in La Jolla is 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.

B. ENVIRONMENTALLY SENSITIVE HABITAT

Section 30240 of the Coastal Act states:

(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.

Section 30250 of the Coastal Act states, in relevant part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it…

Sections 30240 and 30250 of the Coastal Act provide for the siting of new development within previously developed areas, as well as the protection of environmentally sensitive habitat areas (ESHA). The subject site is a completely developed parking lot surrounded on three sides by a 179 acre contiguous canyon system known as North Canyon, which is part of UCSD's ecological reserve and is designated as ESHA by the Commission's staff ecologist, Dr. Laurie Koteen.

As noted in the Biological Resources Letter Report prepared for the project, the subject site is surrounded on three sides by a contiguous canyon supporting predominantly native habitats. North Canyon is made up of several native plant communities, including Southern mixed chaparral, Southern Willow Scrub, and Diegan Coastal Sage Scrub (CSS). While none of these habitat types are rare, they are considered ESHA by virtue of the rare species they support. At North Canyon, these rare species include four plant species that are identified as rare by the California Native Plant Society, including Nuttall's scrub oak (*Quercus dumosa*), San Diego barrel cactus (*Ferocactus viridescens*), western dichondra (*Dichondra occidentalis*), and ashy spikemoss (*Selaginella cineracens*).

Southern Maritime Chaparral, also found in North Canyon, is considered a rare plant community by the California Department of Fish and Wildlife (CDFW). This habitat is characterized by nutrient-poor, well-drained, sandy or gravelly soils. High rates of urban development along the entire California coast have resulted in direct loss of large areas of maritime chaparral habitat, with losses especially significant in southern California. Maritime chaparral meets the Coastal Act definition of ESHA due to its rarity, and because it supports numerous individual rare plant species (those listed by the state or federal government as threatened or endangered or plants designated "1B" or "2" by the California Native Plant Society in coordination with CDFW).

CSS also provides foraging and nesting habitat for the coastal California gnatcatcher (CAGN), which has been found in the canyon, most recently in a 2017 survey. The

CAGN, a federally listed species that is protected under the Endangered Species Act, relies on the CSS habitat of the North Canyon. Because the CSS provides habitat for CAGN and can easily be disturbed by development, it is considered ESHA. Finally, the yellow-breasted chat, *Icteria virensa*, a species of special concern[1], has also been observed in the North Canyon ecological reserve. Therefore, due to the continuity of the habitat occupied by the CAGN, and the presence of these rare plant and wildlife species, the Commission's ecologist has designated this entire canyon as ESHA.

Protecting ESHA requires not only avoiding any direct encroachment into the habitat, but also providing a buffer between the ESHA and the development. This buffer serves as transitional habitat, provides distance and a physical vegetation barrier to human intrusion into the protected habitat, thereby minimizing indirect impacts from noise, lighting, pollutants, shading, and other forms of habitat intrusion. The proposed ESHA buffer would help ensure that impacts to the adjacent ESHA are avoided or minimized, and is necessary to comply with the resource protection policies of the Coastal Act. Specifically, Section 30240(b) requires that development in areas adjacent to ESHA be sited and designed to prevent impacts to ESHA. No development (i.e., roads, walls, water quality BMPs, lighting, etc.) is allowed within the ESHA buffer, except for temporary irrigation which must be removed following native vegetation establishment.

As noted in the Project Description findings above, the applicant originally did not propose to provide a buffer to the adjacent ESHA (Exhibit 4). Instead, the applicant contended that a dedicated ESHA buffer was not needed because the existing parking lot does not currently provide a buffer and the proposed fuel modification zone would serve as an adequate buffer from the ESHA. While the existing parking lot does not provide a buffer, redevelopment of the site is the appropriate time to ensure that any new development is adequately sited to protect ESHA in compliance with Section 30240 of the Coastal Act. In addition, fuel modification activities are not allowed within an ESHA buffer. The purpose of a fuel modification zone is to provide a zone around the building that is sparsely vegetated with fire tolerant plants to prevent the structure from catching fire in the event that a fire occurs; a wholly different purpose than an ESHA buffer, which is specifically to protect the habitat. In this case, the fuel modification zone, as originally proposed, would also contain heat deflection walls, emergency fire access roads, paved pedestrian walkways, event space, and decomposed granite, none of which are allowed within an ESHA buffer.

After a significant amount of coordination with Commission staff, the applicant agreed to modify the project to include a 25 to 50 ft. ESHA buffer. Initially, the Commission's staff ecologist recommended a minimum 50 ft. ESHA buffer in order to best protect the North Canyon ecological reserve area. Fifty feet is a typical buffer width for upland protected areas that are ESHA, although the direction given by Local Coastal Programs (LCPs) differs across the state. For example, the County of San Diego requires a 100 ft. ESHA buffer, which may be reduced to a minimum of 50 ft. with approval by Planning & Development Services and the Fire Marshal in consultation with the CDFW, USFWS,

[1] A Species of Special Concern (SSC) is a species, subspecies, or distinct population of an animal native to California that currently satisfies one of several criteria of risk.

and CCC when conditions of the site show that a smaller buffer would provide adequate protection; and the City of Solana Beach requires a 100 ft. ESHA buffer or a minimum of 50 feet with approval by the Planning Department and Fire Marshal. However, the applicant contended that the recommended 50 ft. buffer width was not feasible due to fuel modification requirements, site constraints (including its irregular shape and its ridgetop exposure to the canyons on multiple sides of the site), and an inability to redesign or shift the position of the proposed building. In this case, Commission staff agreed that a variable ESHA buffer ranging from 20 to 50 ft., but no less than a minimum of 25 ft., would be acceptable (see Exhibit 6 for Dr. Koteen's memo on the ESHA buffer); however, the applicant submitted several alternatives that did not meet the 25 ft. minimum buffer and incorporated large firewalls separating the ESHA buffer from the adjacent habitat. Finally, on August 15, 2019, the applicant submitted Alternative 5, which eliminated the eastern firewall and pulled back the western firewall closer to the building and outside of the ESHA buffer by incorporating an exterior fire sprinkler system; eliminated the emergency fire access road to the east of the building by providing alternative access on the west side of the building in order to provide a 25-40 ft. ESHA buffer on the east side of the site; reduced the size of the service area at the southeast portion of the site to meet the minimum emergency fire access requirements; and increased the ESHA buffer in the southwest corner of the project site as well as in the southeast corner (near the service area) (Exhibit 5). Finally, in areas where a 25 ft. ESHA buffer is not feasible due to requirements for emergency fire access, the applicant proposes to plant and seed low-growing native species (e.g., native grasses and forbs) present within the adjacent ecological reserve and to only conduct temporary irrigation while the vegetation establishes. Thus, these constrained emergency fire access areas will be compatible with the adjacent ESHA buffer while still providing adequate emergency access to fire vehicles, if needed. The overall ESHA buffer around the building has been increased from no buffer in the original proposal, to approximately 25,000 sq. ft. in Alternative 4, and nearly 32,000 sq. ft. in Alternative 5.

Special Condition No. 1 requires revised final plans incorporating the 25-50 ft. ESHA buffer, as shown on Exhibit 5 and **Special Condition No. 2** identifies the types of species and activities permitted in the ESHA buffer. The only permitted activities within the ESHA buffer include planting of native species that are found in the adjacent ESHA, temporary irrigation to support plant establishment, and maintenance. In the emergency access habitat buffer, these same activities are permitted, with the addition of grasscrete, decomposed granite, or similar pervious materials to support an emergency fire vehicle. Project landscaping outside of the ESHA buffer has the potential to introduce non-native plant species into the adjacent ESHA, which could alter the species composition of native habitats by reducing native species diversity and affecting wildlife dependent on native plant species. To ensure the project landscaping does not negatively impact the ESHA, Special Condition No. 2 requires submittal of landscape plans with native, drought tolerant landscaping and prohibits invasive species.

In addition, the use of chemical pesticides, herbicides, and fertilizers on project landscaping could have a potentially significant impact on offsite habitat and terrestrial

wildlife if not adequately controlled. As such, Special Condition No. 2 prohibits the use of fertilizers, herbicides, and chemical pest controls in the ESHA buffer and in the emergency access habitat buffer and requires their use to be minimized to the greatest extent feasible in all other areas. Finally, in order to protect wildlife from inadvertent poisoning, Special Condition No. 2 further prohibits the use of rodenticides, which can have adverse impacts on other creatures that may unintentionally consume the poison or, in the case of predators, consume the poisoned rodents, and in turn become poisoned.

To further ensure that no impacts to sensitive vegetation or biological resources occur, **Special Condition No. 9** requires the applicant to submit a Construction and Pollution Prevention Plan (CPPP) that includes the submission of a Construction Staging and Storage Plan. The Construction Staging and Storage Plan will require the identification of all work areas and ensure that staging and storage areas do not occur in the ecological reserve or in the ESHA buffer. The CPPP will ensure that appropriate BMPs are utilized during construction and that any potential discharge of construction-related pollutants, sediment, or associated runoff will be minimized in order to protect sensitive habitats.

In addition to the CAGN, suitable nesting locations for raptors occur within 500 feet of the project site. Noise from construction related activities such as demolition and grading could also impact nearby species by causing breeding birds to temporarily or permanently leave their territories. Such an outcome could lead to reduced reproductive success and increased mortality. To ensure noise impacts to nesting birds are avoided, **Special Condition No. 4** requires the applicant to avoid, to the maximum extent feasible, construction activities that generate noise greater than 60 dB(A) at the location of the nest during bird nesting season, from February 15th through September 15th. If project construction is necessary during the bird nesting season, a qualified biologist with experience in conducting bird nesting surveys shall conduct a survey within 72 hours of initiating construction activities. If an active CAGN nest is identified within 500 feet of the project site, or if passerines are found within 300 feet, noise monitoring shall be conducted and construction activities shall not occur until a qualified biologist determines that the young have fledged, the nest has been abandoned, or noise monitoring indicates that noise levels remain below 60 dB(A). In regards to raptor nests, the Environmental Impact Report (EIR) conducted for the UCSD Long-range Development Plan contains mitigation measure Bio-2D, which requires a pre-construction survey for raptor nests. If raptor nests are found within 500 ft. of construction activities, construction activates shall not commence until a qualified biologist determines the nest is no longer active. **Special Condition No. 5** requires the applicant to comply with the requirements of the EIR, including Bio-2D.

Additionally, the introduction of a new structure up to 75 ft. in height increases the risk of bird strikes and resulting impacts to avian populations. In order to reduce the chance of bird strikes and make the proposed development more compatible with its surroundings, **Special Condition No. 11** delineates effective bird strike prevention measures to incorporate into the development's final design.

Finally, the addition of nighttime lighting may have the potential to cause indirect impacts on adjacent native habitats. Adverse impacts from artificial night light can take several forms including light trespass or spill, sky glow, and glare. Light trespass occurs when unwanted artificial light spills onto an adjacent property lighting an area that would otherwise be dark.[2] Sky glow is the bright halo that appears over urban areas at night, a product of light being scattered by water droplets or particles in the air and from reflectance of lights on objects or the ground. Glare is created by light that shines horizontally. The site currently contains sixteen 30 ft. tall light poles with two high output linear fluorescent lamps on each fixture. Due to the linear shape of the lamps, the quality of the site's lighting is poor, and the existing lighting does not minimize impacts of lighting such as spill, sky glow, and glare. The applicant proposes to replace all lighting with light-emitting diode (LED) lights. Because of their reported long life and energy efficiency, LEDs are rapidly coming into widespread use, replacing other types of lighting in many cities. However, LED lighting contains high blue light frequencies that have been shown to disrupt natural circadian rhythms in humans and wildlife, leading to disruption in sleep and wildlife behaviors (e.g., breeding, foraging). Lighting with lower color temperatures has less blue in its spectrum and is referred to as being "warm." As such, environmental studies, dark sky advocates, and the American Medical Association recommend a correlated color temperature (CCT) of 3,000 Kelvins (K) or less, a range that contains less blue light.

In this case, the applicant has submitted an Exterior Lighting Approach Memorandum prepared by Dark Light Design, revised on April 9, 2019. The memo recommends lighting be selectively placed, shielded, and directed away from habitat areas, a maximum of 3,000 K lighting be used, and that only lighting serving security purposes be used. **Special Condition No. 3** requires the submittal of a final lighting plan that conforms to these recommendations with the exception that 2,700 K lighting be used if feasible to further reduce lighting impacts on adjacent sensitive species.

During construction, the proposed project would minimize the effects of any construction lighting on adjacent habitat by limiting construction to daylight hours, or, if night lighting is determined to be necessary during construction, lighting would be temporary and be shielded and directed away from adjacent habitats, and any construction lighting next to the canyon will be of the lowest illumination allowable for human safety.

With the above habitat protection measures in place, the development can be found in conformance with Sections 30240 and 30250 of the Coastal Act.

C. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act states:

2 Chepesiuk, R. 2009. Missing the Dark: Health effects of light pollution. Environmental Health Perspectives. v. 117 (1): A20-A-27

> *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.*

The proposed project would include the removal of 355 parking spaces and the construction of a building that would expand capacity at the college for additional students and faculty, therefore increasing parking demand; however, no replacement parking is proposed as part of this project. Because the UCSD campus is located near the coast, any parking impacts caused by the proposed project could cause the school's employees and students to park off campus on public streets that connect with popular beaches, such as La Jolla Shores, and visitor-serving recreational facilities. Already, many UCSD students park in the nearby Torrey Pines Gliderport, which is located on the bluff-top overlooking Black's Beach, and walk to campus. The continuation or exacerbation of this practice would further interfere with the visitation of these areas by the public. As such, it is important to determine whether the development has sufficient on-site parking to meet anticipated student and employee demand. New development

must contain parking impacts on-campus to avoid spillover effects into public right-of-ways, where the occupation of public parking can interfere with public access by decreasing the available public parking supply and deter visitation to this segment of the coast.

As of fall 2018, UCSD's total La Jolla campus contained approximately 16,376 parking spaces. UCSD sells a 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 prohibited freshman students from purchasing a student parking permit unless extreme circumstances are demonstrated (fewer than two percent of applications meet this criterion). UCSD also provides each student, through quarterly student fees, a regional transit pass for the Metropolitan Transit System (MTS) and North County Transit District (NCTD). UCSD also subsidizes discounted regional transit passes for faculty and staff. According to UCSD's parking department, the existing campus parking supply currently operates at 83% capacity.

UCSD also operates an extensive alternate transit program, directly overseeing or partnering with outside entities to provide various options to students, faculty, and staff that travel to campus. UCSD partners with "Zimride," an online portal whereby commuters can upload their schedule and find commuters going to and leaving campus at similar times; with Zipcar, to provide car sharing services to students who may occasionally require a vehicle to get to campus; and with the ride sharing service Lyft to allow students, faculty, and staff to receive special rates or discounts when traveling to and from campus. UCSD also operates a fleet of campus shuttles that not only circulate within the main campus but also transport commuters between UCSD's satellite campuses, hospitals, and nearby transportation hubs, such as the Sorrento Valley train station. Currently, MTS operates nine bus routes including two SuperLoop routes that serve the university community.

UCSD has a daily maximum population of approximately 50,000 students, faculty, and staff, but is projected to increase student 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 37 percent. As part of that build out effort, UCSD is also currently planning for the expansion of several other facilities in the coastal zone that may increase the demand for parking, including redevelopment of the Scripps Marine Conservation Facility (CDP No. 6-17-0512) and construction of the North Torey Pines Living and Learning Neighborhood (CDP No. 6-17-0929). Thus, 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 would adversely impact the ability of the public to access nearby public beaches and recreational facilities.

Furthermore, while there are numerous surface parking lots throughout the campus, there are limited areas that could easily accommodate a large new parking structure, without encroaching on one of the university's natural open space areas. Commission staff recently reviewed an application to build a new parking structure with 840 parking spaces

(CDP No. 6-17-0812, Voigt parking structure) across the street from the subject project. As proposed, this building would have been located in an open space area containing ESHA and wetland habitats. The application was withdrawn by UCSD due to Commission staff's concerns regarding habitat impacts.

UCSD now contends that it has sufficient parking to compensate for the loss of parking and increase in parking demand associated with the proposed project. Specifically, UCSD has cited the completion of a trolley system extension on campus and plans to construct new parking facilities, including a 1,800 space parking garage at the east campus outside of the coastal zone, which would directly connect to the project site by shuttle. In addition, UCSD has indicated that it will be implementing a second year parking restriction starting fall 2020, which would further reduce parking demand. However, the trolley extension and parking garage are not scheduled to be completed until the end of 2021, which is two years after parking at the project site would be lost due to construction of the proposed project. In addition, while UCSD does operate a shuttle system, it is unclear if the shuttle system is functioning at a level of service that will encourage employees and students to use the shuttle system. For example, currently, the shuttle that services the project site operates at 12.5 minute headways. During the peak hours of 7am to 10am, approximately 25% of the North Campus shuttles, which serve the project site, reach capacity, meaning the riders that are unable to ride on the full shuttle are left waiting for another 12.5 minutes to ride the next shuttle. Too many missed or delayed shuttles could discourage students and faculty from utilizing the shuttle.

Commission staff have long encouraged UCSD to reexamine the incremental approach it has historically taken to planning development in the coastal zone, by encouraging either submittal of the university's LRDP to the Commission for certification or submitting related or proximate projects as a single coastal development permit application. 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.

To ensure the loss of 355 parking spaces does not cause parking to spill over into the public right-of-way and affect public access and recreation, and to provide the Commission with a comprehensive understanding of transportation issues at UCSD campus, **Special Condition No. 6** requires the applicant to submit a Transportation Demand Management (TDM) Program and provide annual monitoring reports until one year following the opening of the East Voigt Parking Structure of the Light Rail Transit Project (trolley extension), whichever comes first, both of which are anticipated to offset the subject project's parking loss. The TDM Program requires UCSD to monitor the capacity, structure, and performance of its parking, shuttle, and alternative transportation programs. The TDM Program also requires UCSD to provide the results of annual commuter surveys and projected changes to the parking, shuttle, and alternative

transportation programs. Finally, reports will also identify whether shuttle service with a minimum of 12.5 minute average headways is maintained throughout the Voigt Drive corridor. These monitoring reports will be used to inform parking needs and/or potential shuttle system improvements (e.g., increased number of shuttles or larger capacity shuttles) that may be considered as part of future UCSD projects within the coastal zone.

In conclusion, although UCSD does not propose to replace the existing 355 parking spots onsite; the entire campus has adequate parking, demonstrated by the current parking utilization rate of 83%, which is connected by a comprehensive shuttle system. Therefore, the subject project, as conditioned, is consistent with the applicable public access and recreation policies of the Coastal Act.

D. WATER QUALITY

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.*

The drainage at the project site was designed for water to be directed towards the parking lot's four corners due to a controlling high point near the center of the parking lot. Each receiving corner has a storm drain outlet which drains into the surrounding canyon where it then drains into a creek which is routed to the Pacific Ocean. The proposed project would maintain the existing drainage pattern. As such, the proposed project has the potential to result in both short- and long-term water quality impacts, related to construction activity and permanent academic operations, respectively.

While the existing drainage pattern would be maintained, aspects of the project would reduce impacts to water quality over that of existing conditions. Specifically, because the existing site is a parking lot, 84% of the project site is currently impervious surfaces. With the development of the proposed project, the site's impervious area would be reduced to 50% or below. To maximize on-site infiltration and minimize downstream alterations, runoff from the project will be directed into new bioretention basins or structural filtration systems to capture trash, debris, sediments, and hydrocarbons to prevent them from being released into the waterway. The Commission's water quality staff have reviewed the project and determined that the proposed BMP measures are adequate to address water quality concerns. In order to ensure that the proposed development implements all required and recommended water quality measures, **Special**

Conditions Nos. 7 and **8** list the measures and best management practices to be incorporated into the final design of the development and its future maintenance. **Special Condition No. 2** also requires the use of native, drought-tolerant plants in conjunction with low-flow and recycled water systems to further limit the amount of runoff flowing off site.

During construction, activities such as demolition, clearing, grading, stockpiling, concrete pouring, painting, and paving have the potential to impact surrounding water quality. As such, **Special Condition No. 9** lists the required temporary control measures to be implemented to prevent off-site water quality impacts from construction activity, while **Special Condition No. 10** requires that all exported materials be deposited at a legal site outside of the coastal zone.

Therefore, the project, as conditioned, is consistent with Section 30231 of the Coastal Act.

E. LOCAL COASTAL PLANNING

Section 30604(a) 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 UCSD campus is not subject to the City of San Diego's certified LCP, although geographically West Campus is located in the La Jolla segment of the City's LCP. UCSD currently has an uncertified Long Range Development Plan (LRDP) that was approved by the UC Regents on November 15, 2018. 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 the 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 LRDP for its campus.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. UCSD completed Addendum No. 1 to the 2018 Long Range Development Plan Environmental Impact Report (LRDP EIR) (SCH No. 2016111019) in May 2019, which found the proposed project was entirely consistent with and covered by the environmental analysis included in the 2018 LRDP

EIR. The LRDP EIR found that impacts related to air quality, population and housing, and transportation and traffic would be significant and unavoidable.

However, the standard of review for the coastal development permit is Chapter 3 of the Coastal Act. 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 biological resources, water quality, and public access 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.