**CALIFORNIA COASTAL COMMISSION**
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| Staff Report: | 1/23/2020 |
| Hearing Date: | 2/14/2020 |

## STAFF REPORT: CONSENT CALENDAR

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| **Application No.:** | **6-19-1072** |
| **Applicant:** | **University of California, San Diego** |
| **Agent:** | Anuradha Delouri |
| **Location**: | UCSD Parking Lot P510, Gilman Drive and Voigt Drive, La Jolla, San Diego, San Diego County (APN: 342-010-24) |
| **Project Description**: | Construction of a 1-story, 3,414 sq. ft. electrical switch station on an existing 206-space, 40,749 sq. ft. parking lot, including the permanent loss of 11 spaces. |
| **Staff Recommendation:** | Approval with Conditions |

## SUMMARY OF STAFF RECOMMENDATION

The proposed new electrical switch station is located within a developed 206-space university parking lot that also contains a 1,150 sq. ft. storage building. Reconfiguration and restriping of the lot will limit the loss of parking to 11 spaces. The construction of the switch station is intended to increase the efficiency of power distribution on the West Campus and enable it to operate independently of East Campus in the event of an emergency.

Because the site is adjacent to sensitive coastal canyons, **Special Condition No. 1** requires final plans in order to confirm all work will occur at least 50 feet away from the surrounding sensitive coastal canyons. **Special Condition No. 2** requires submittal of landscape plans with non-invasive and drought tolerant species. **Special Condition No. 8** requires the applicant to submit a Construction and Pollution Prevention Plan, which will

require the identification of all work areas and appropriate BMPs to minimize potential impacts from construction-related pollutants.

To ensure construction noise impacts to nesting birds are avoided, **Special Condition No. 4** requires the applicant to complete bird nesting surveys prior to any construction as well as every month during construction for the duration of the nesting season. **Special Condition No. 5** requires the applicant to conduct a pre-construction survey for raptor nests. If raptor nests are found within 500 ft. of construction activities, construction activates may not commence until a qualified biologist determines the nest is no longer active. **Special Condition No. 10** delineates effective bird strike prevention measures to incorporate into the development's final design. **Special Condition No. 3** requires the submittal of a final lighting plan that memorializes the use of LED lights not to exceed 3,000 Kelvins, as well as minimal use of nighttime lighting in order to minimize impacts.

The project proposes to incorporate appropriate BMP's, including pervious pavement and biofiltration basins, in order to create an overall improvement in the water quality on-site. To ensure water quality impacts associated with the project are minimized, **Special Conditions Nos. 6** and **7** list the measures and best management practices to be incorporated into the final design of the development and its future maintenance. Additionally, **Special Condition No. 8** lists the required temporary control measures to be implemented to prevent off-site water quality impacts from construction activity, while **Special Condition No. 9** requires that all exported materials be deposited at a legal site outside of the coastal zone.

Finally, while the project will result in the temporary displacement of 88 parking spaces during construction and the permanent loss of 11 spaces, UCSD has shown that adequate replacement parking exists within a 10-15 minute walk of the subject parking lot. Specifically, the occupancy rate of a nearby parking structure indicates 214 parking spaces are free for use at the time of construction, and additional parking is available at a newly opened parking structure on the East Campus as well. Additionally, both a large 1,800 space parking structure as well as the campus light rail transit stations are expected to be in use by late 2021, providing more assurances that any permanent losses associated with the project will be offset.

Commission staff recommends **approval** of coastal development permit application 6-19-1072 as conditioned.

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## APPENDICES



## EXHIBITS

# I. MOTION

**Motion:**

*I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

# 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. **Final Plans. 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 final plans that are in substantial conformance with the plans prepared by P2S Engineering dated 9/3/19 and date-stamped 9/26/19.

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 Plans. 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 that are in substantial conformance with the plans prepared by P2S dated 9/29/19 and date-stamped 9/26/19. The consulting landscape architect or qualified landscape professional shall certify in writing that the final Landscape plans are in conformance with the following requirements:

   (a) It 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 implementation report shall include photographic documentation of plant species and plant coverage.

   (b) 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.

   (d) All landscaping shall be drought tolerant, non-invasive (preferably 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.

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

   (f) 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 may only use water conserving emitters (e.g., microspray) or drip irrigation. Use of reclaimed water ("gray water "systems) and rainwater catchment systems is encouraged. Other

water conservation measures shall be considered, including use of weather based irrigation controllers.

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 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 full size plan for all night lighting impacts associated with the proposed development that are in substantial conformance with the Lighting Site Plan prepared by P2S dated 12/20/19 and received by our office on 1/3/2020. 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. Light poles within the parking lot shall have fixture heads not to exceed a correlated color temperature of 3,000 Kelvins (K) color.

      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.

   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 at the project

edge, 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. Monthly surveys for nesting birds shall also be conducted during excavation of the site as well as exterior construction of the switch station and improvements to the parking lot that occur within the nesting season. If during preconstruction or monthly 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. Monthly surveys shall not be required when remaining work includes interior work to the switch station only; however, noise monitoring will continue to ensure that activities do not go above 60 dB(A).

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. **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.

7. **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.

8. **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 outside of the limits of work. 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.

9. **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.

10. **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 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

The proposed project is the construction of a 1-story, 3,414 sq. ft. electrical switch station on a 40,749 sq. ft., 206-space university parking lot known as P510 (Exhibit 2). The project will result in the reconfiguration and restriping of 88 of the existing parking spaces, with the permanent loss of 11 parking spaces, and the rebuilding of an adjacent staircase that connects the parking lot to a public sidewalk. A 1,150 sq. ft. storage building adjacent to the parking lot is not included in the limits of work. The new switch station will be connected to two nearby utility manholes through installation of a new electrical conduit, which will require minor cutting and trenching of the road within P510 as well as Gilman Drive and Voigt Drive. Construction staging will occur within the project limits, with approximately 1,262 cubic yards of material to be exported from the site. **Special Condition No. 9** requires that all exported materials be deposited at a legal site outside of the coastal zone. The construction of the switch station is intended to increase the efficiency of power distribution on the West Campus of the University of California, San Diego (UCSD) and mitigate excessive heating in the utility tunnels beneath the Interstate 5 (I-5) and in the I-5 East and West Vaults. With the construction of the switch station, all of UCSD's West Campus would be allowed to operate independently, including in the event of an emergency.

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.

The project is located in the north central portion of the UCSD West Campus within the Campus Services Complex (Exhibit 1). The project site is bordered by coastal canyons to the north and west, Gilman Drive to the east, and Voigt Drive to the south. The coastal canyons that surround the site are part of a 179-acre contiguous canyon system known as North Canyon and are part of UCSD's on-campus ecological reserve. In recent permit actions, the North Canyon area has been designated as environmentally sensitive habitat area (ESHA) by the Commission's staff ecologist (CDP #6-19-0212) (Exhibit 3).

As proposed, no work will occur within 50 feet of the adjacent ESHA. The Campus Fire Marshal reviewed the proposed project and determined that because the switch station abuts an established paved parking lot on three sides and existing paved street on the fourth side, no brush management beyond the site boundaries will be required. As part of the proposed project, six Torrey pine trees will need to be removed due to the replacement and reconfiguration of the parking island and construction of the switch station. These Torrey pines will be replaced at a 1:1 ratio upon completion of the project (Exhibit 5). The existing Torrey pines to be removed are 8 to 14 inches in caliper and the replacement trees will be approximately 6 inches in caliper. While the replacement trees will be a smaller caliper than the existing ones, UCSD states that this will allow for healthy tree establishment, and also points to the fact that the existing Torrey pines to be removed were planted in conjunction with the initial construction of parking lot P510. Otherwise, the project will include minor landscaping improvements that will be made adjacent to the new switch station and within the reconfigured parking medians.
The Commission's ecologist has reviewed the project and determined no impacts to ESHA will occur. **Special Condition No. 1** requires final plans that will confirm the project is sited at least 50 feet away from the adjacent ESHA. **Special Condition No. 2** requires submittal of landscape plans indicating that all new planting will be native, drought tolerant landscaping, and prohibits the planting of invasive species and 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.

Currently, runoff from the parking lot is directed into a 12-inch PVC at the northeast edge of the parking lot that directs flow out of the site into the canyon. The proposed project would not significantly alter existing drainage, but three new biofiltration basins will be added to the site. Two of the new biofiltration basins will be included in the new parking island and the third will be located at the rear of the proposed switch station. To accommodate the new station and revised parking configuration, the project will reduce the amount of pervious (i.e. landscaped) area on the site by approximately 1,652 sq.ft. To help offset this, approximately 3,000 sq. ft. of permeable paving will be placed under 21 spaces of the redesigned parking area (Exhibit 6). UCSD has stated that permeable pavement has been incorporated to the maximum extent feasible and notes that permeable pavement is best utilized beneath parking spaces instead of in drive aisles in order to reduce the need for additional maintenance and repair.

The Commission's water quality staff have reviewed the project and determined that the proposed BMP measures are adequate to address water quality concerns. **Special Conditions Nos. 6** and **7** 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. **Special Condition No. 8** 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 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.

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 as well as every month afterwards during project construction. An exception to the requirement for monthly surveys will be made for interior work to the switch station only, although noise monitoring will continue. If an active California gnatcatcher 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 requires a pre-construction survey for raptor nests, and if raptor nests are found within 500 ft. of construction activities, construction activates may 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.

Additionally, the introduction of a new structure adjacent to ESHA with a clerestory consisting of windows up to approximately 7 feet tall 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. 10** delineates effective bird strike prevention measures to incorporate into the development's final design.

The proposed switch station will prompt the addition of nighttime lighting, which 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. In the case of the subject project, lighting for the switch station will be shielded and directed downwards and away from the canyon, and will be minimized as much as possible. Security lighting attached to the Switch Station shall use a control device or automatic switch system or equivalent functions to minimize lighting. No non-security lighting or aesthetic lighting around the perimeter of the project is included.

The site also currently contains four light poles in the parking lot that will be relocated/reinstalled due to reconfiguration of the center parking island and construction of the switch station and new staircase. UCSD has proposed to retrofit these lights with light-emitting diode (LED) lights, as well as 8 additional parking lot/street light poles in the project vicinity. 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. Accordingly, UCSD has agreed to retrofit the fixture heads with LED lights with a color temperature of 3,000 K (Exhibit 4). **Special Condition No. 3** requires the submittal of a final lighting plan that memorializes elements of project lighting as described above, including use of minimum amount of light for walkways, a control system for security lighting and general outdoor lighting, windows that utilize treated glass to minimize transmission of indoor lighting, and a restriction on non-security and aesthetic lighting around the perimeter of the site. The condition will also require that fixture heads for the light poles both within the subject work limits as well as 8 nearby light poles will be retrofitted with LED lights not to exceed 3,000 K.

The proposed project would include the permanent removal of 11 parking spaces and the temporary displacement of 88 parking spaces. New development must ensure that adequate parking is provided 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.

UCSD has stated that it has sufficient parking to compensate for the temporary loss of 88 parking spaces and permanent removal of 11 parking spaces associated with the proposed project. As of Fall 2018, UCSD's existing campus parking campus operates at 83% capacity, and the permanent loss of the 11 spaces would constitute 0.07% of UCSD's parking reservoir. To specifically mitigate for this loss, UCSD has cited the additional 523 parking spaces on East Campus in a parking structure known as the Nuevo West Parking Structure, which recently opened in Fall 2019 and has a current utilization rate of 42%. Additionally, a 1,800 space parking garage on the east campus outside of the coastal zone is planned to go to construction in early 2020 and be completed in Fall of 2021. This parking garage, known as the Voigt Transit Operations Center, is approximately a 5 minute walk from P510. Other nearby parking structures in close proximity to the aforementioned parking reservoirs include the Campus Point Parking

Structure West (68% of spaces utilized), Campus Point Parking Structure East (93% of spaces utilized), and the Athena Parking Structure (78% of spaces utilized) (Exhibit 7). In addition, UCSD has cited two Light Rail Trolley Stations that will open in late 2021 and be located at an approximately 5 and 10 minute walking distance from P510 (Exhibit 8). These future light rail transit stations are expected to result in an approximate 10% increase in alternative transportation use.

During construction of the project, the university will post signs directing P510 users to the nearest larger parking reservoir, the Gilman Parking Structure, which is located within a 10-15 walk of the parking lot. The Gilman Parking Structure has an occupancy rate of approximately 75%, leaving about 214 spaces free, a more than adequate number to accommodate the 88 temporarily displaced parking spaces. Thus, the proposed project will not adversely impact public access.

## B. BIOLOGICAL RESOURCES

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate drainage controls will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

## C. COMMUNITY CHARACTER/VISUAL QUALITY

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. The proposed switch station will be approximately 21 feet above ground ground level, and will be built into a sloped landscaped area in between P510 and Greenhouse Lane. The development is not located in an area with public views of the coast or any coastal resources, and tucking of the structure into the slope further reduces any potential visual impacts. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

## D. PUBLIC ACCESS/PARKING

As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

## F. LOCAL COASTAL PLANNING

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, Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter

3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

## G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

UCSD found the proposed project categorically exempt from CEQA requirements (for new construction or conversion of small structures) on February 11, 2019. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

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