



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 28, 2008 **REPORT NO. PC-08-083**

ATTENTION: Planning Commission, Agenda of September 4, 2008

SUBJECT: SALK INSTITUTE - PROJECT NO. 44675
PROCESS 5

**OWNER/
APPLICANT:** The Salk Institute for Biological Studies, a California Nonprofit Public Benefit Corporation (Attachment 16).

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council approval of the phased expansion of the existing Salk Institute, located at 10010 North Torrey Pines Road, west of North Torrey Pines Road and south of Torrey Pines Scenic Drive in the University Community Plan area?

Staff Recommendations:

1. Recommend the City Council **CERTIFY** Environmental Impact Report No. 44675, **ADOPT** the Mitigation Monitoring and Reporting Program, and **ADOPT** the applicant's Findings and Statement of Overriding Considerations;
2. Recommend the City Council **APPROVE** Vesting Tentative Map No. 369518, Master Planned Development Permit No. 561577, Coastal Development Permit No. 126996, Site Development Permit No. 127002, Amendment to CDP/HRP/CUP No. 90-1140, Easement Abandonment No. 130269, Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment.

Community Planning Group Recommendation: On July 8, 2008, the University Community Planning Group (UCPG) voted unanimously (13-0-0) to recommend approval of the project with no conditions (Attachment 15).

Other Recommendations: On November 13, 2007, the San Diego County Regional Airport Authority, Airport Land Use Commission determined the proposed project is conditionally consistent with the Marine Corps Air Station Miramar Airport Land Use Compatibility Plan (Attachment 14).

On July 24, 2008, the Historical Resources Board (HRB) of the City of San Diego recommended approval, by a vote of 5-4, of the supplemental historical findings for Site Development Permit No. 127002, SDMC 126.0504(i)(1-3).

Environmental Review: Environmental Impact Report No. 44675 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, most potential impacts identified in the environmental review process. The applicant has provided their project's Findings and Statement of Overriding Consideration for significant and unmitigable impacts (Attachment 19).

Fiscal Impact Statement: No cost to the City. A deposit account funded by the applicant recovers all costs associated with the processing of the project application.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The proposed project would have a neutral impact on Housing. The University Community Plan designates this site for Industrial development. The Industrial Element of the University Community Plan further identifies this site for Scientific Research Use. The request includes the development of a total of 476,000 square feet of Scientific Research use and would not remove or add any housing to the University Community. Therefore, the proposed industrial/scientific research use would not result in an increase or decrease in existing or potential housing units.

BACKGROUND

The Salk Institute property, situated on one lot comprising a total of 26.34 acres, is located south of Torrey Pines Scenic Drive, west of North Torrey Pines Road, east of the Pacific Ocean, and north of Black Gold Road (Attachment 2) within the University Community (Attachment 3). The University Community Plan designates the subject site as Scientific Research use. Surrounding land use designations include Open Space (City owned park land) to the north, Public Facilities/Institutional to the east, Single Family Residential to the south, and Open Space (Pacific Ocean) to the west.

The project site is surrounded by institutional development and low-density residential development. Immediately north of the site is City owned park land including the Torrey Pines Golf Course. To the east, across North Torrey Pines Road, is the University of California, San Diego (UCSD) Campus. Immediately west of the site is the Pacific Ocean. To the south are single-family residences along Black Gold Road. The airfield for Marine Corps Air Station (MCAS) Miramar is situated approximately fifteen miles east of the Salk Institute site along Miramar Road.

The original Salk Institute Campus was approved by Planning Commission on March 3, 1961 under a Conditional Use Permit No. 3841, with the first buildings completed in 1965. The Salk Institute Campus has expanded since the approval of CUP No. 3841, through six amendments,

with the most recent amendment approving the East Building, which was approved on May 30, 1991. Currently, approximately 18.4 acres of the site are developed with approximately 289,800 square-feet of Scientific Research and support facilities. The entire Salk Institute property has been determined to be eligible for the National Register of Historic Places (NRHP). In August 2005, the California State Historical Resources Commission (SHRC) concurred with neighbors of the Institute (La Jolla Farms Homeowners and Friends of Salk Canyon) who nominated the Institute for listing on the NRHP. On February 27, 1991, the San Diego Historic Sites Board voted to include the Salk Institute as Historic Site No. 304 in the San Diego Historical Resources Register on the basis of its association with Louis Kahn and Jonas Salk and for its “architectural significance”. Copies of the described permits, subsequent amendments and historical designation are attached to this report (Attachments 5-7).

On November 17, 2006, the applicant was contacted by the City Attorney’s Office regarding the October 13, 2006, decision on the case of *Southwest Center for Biological Diversity v. Jim Bartel et al*, Case No. 98-CV-2234-B(JMA). The court ordered that any and all pending applications for development of land containing vernal pool habitat were included in the case. The memo concluded that the Salk Institute, Project No. 44675, was affected by the injunction in the court’s decision.

On April 17, 2008, the court ordered that City Project No. 44675 (the “Salk Project”) is exempt from the decision and injunction issued on this case on October 13, 2006, and that the Salk application for entitlements may be processed and the Salk Project may proceed to public hearings at the City of San Diego.

DISCUSSION

Project Description: The project proposes a phased expansion to the existing Salk Institute Campus. The proposed project includes the demolition of the West Buildings (20,000 square-foot) and Accessory Building (9,000 square-foot) and the phased construction of the Torrey East Laboratory Building (94,200 square-foot), Salk Community Center Building (117,000 square-foot), North Peninsula Underground Parking Facility, and Greenhouses (4,000 square-foot), for a total of 476,000 square feet of building area upon completion. The Salk Institute is located on a 26.3 acre site, currently improved with approximately 289,800 square feet of development, at 10010 North Torrey Pines Road in the RS 1-7, Coastal Overlay (Coastal Commission Appealable Area), Parking Impact Overlay, Community Plan Implementation Overlay Zone – Area A (CPIOZ-A), Coastal Height Limitation Overlay Zones, First Public Roadway, within the University Community Plan and the North City Local Coastal Program. The proposed development would provide on-site parking through the construction of two new underground parking garages near the locations of existing on-site surface parking lots.

The project is requesting a deviation from the 30-foot height limit in the RS-1-7 residential zone (SDMC Table 131-04D and SDMC 131.0444(b) for the Salk Community Center Building. However, this building, and all others proposed in the Master Plan will comply with the City’s Coastal Height Limit Overlay Zone requirements within SDMC 132.0505. Environmental Impact Report (EIR) No. 44675 has been prepared for the project.

The phased project requires the approval of a Vesting Tentative Map, an Easement Abandonment, a Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment, a Master

Planned Development Permit, Coastal Development Permit, and Site Development Permit to amend CDP/HRP/CUP No. 90-1140.

Vesting Tentative Map (VTM)

The project applicant proposes a VTM to split the existing lot into four lots, creating a conservation easement on proposed Lot 3 (7.1 acres), summarily vacate portions of existing City pump station site easement, sewer, water, drainage and public utilities easement to accommodate the proposed development (Attachment 10). The proposed lots are 3.1 acres (Lot 1), 10.1 acres (Lot 2), 7.1 acres (Lot 3) and 6.0 acres (Lot 4).

Easement Abandonment

In 2007, the City of San Diego completed construction of a pump station in the southwest corner of the south mesa of the Institute property. As a part of constructing that pump station, the City of San Diego abandoned certain pre-existing sewer facilities on the property. The Salk Institute is requesting abandonment of the easements related to such pre-existing sewer facilities. There is no present or prospective public use for such sewer easements, since the facilities for which they were originally acquired are now abandoned. There is no other public use of a like nature that can be anticipated for such easements on the project site.

Master Planned Development Permit (MPDP)

The proposed Planned Development Permit (PDP) would allow for greater flexibility in the application of development regulations for the project where strict application of the base zone development regulations would restrict design options. Also, the SDMC allows applicants to obtain a "Master" PDP (MPDP) to provide flexibility for projects in which not all of the project components are fixed at the time of approval. The SDMC allows for detailed plans to be submitted in the future. The MPDP would help to implement the City's objectives for institutional projects, such as the proposed expansion of the Salk Institute. The MPDP proposes development regulations in accordance with Section 143.0480 of the SDMC, including a conceptual site plan, architectural design guidelines (facility siting, building articulation, building materials), and landscape design guidelines (public perimeter, public entries, and restoration of historic plantings). These elements of design review are included within the project's exhibit of approval, Master Planned Development Permit (Attachment 11) and Design Guidelines for the Salk Institute (Design Guidelines) [Attachment 13].

Site Development Permit (SDP)

A SDP is required because the Salk Institute is situated in the Community Plan Implementation Overlay Zone (CPIOZ), Type "A" area of the University Community Plan. The San Diego Municipal Code (SDMC) Section 132.1401 indicates the purpose of the SDP regulations is to "provide supplemental development regulations that are tailored to specific sites within community plan areas of the City." In addition, portions of the site contain sensitive biological resources. Pursuant to SDMC Chapter 14, Article 3, Division 1 of the Environmentally Sensitive Lands (ESL) Regulations, any portion of the premises that contains, among others, steep hillsides and sensitive biological resources would be subject to ESL regulations. Approximately 0.32 acre of the Multiple Habitat Planning Area (MHPA) occurs on the northwest mesa. Direct project impact to sensitive habitat is approximately 0.08 acre, which doesn't require mitigation as the threshold to require mitigation is 0.1 acre of impact to sensitive habitat. Consistent with SDMC Section 143.0140(a) and as proposed by the applicant, the permit has been conditioned requiring

the applicant to grant a covenant easement for the entire (proposed) Lot 3 – which is the south mesa of the property.

As noted earlier, the Salk Institute has been locally designated as Historic Site No. 304. The Secretary of the Interior’s Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings (Rehabilitation Standards) provide guidance for reviewing proposed work to historic properties. The proposed expansion of the Salk Institute is consistent with Rehabilitation Standards 1, 3 through 8 and 10, but would not be entirely consistent with Rehabilitation Standards 2 and 9. In a September 2006 Historical Resources Board (HRB) Meeting, the board determined that elements of the proposed project would not be consistent with two of the Rehabilitation Standards due to impacts to historic landscaping and spatial relationships in the east parking lot; therefore, a Site Development Permit is required in accordance with SDMC Section 126.0502(d)(2)(E).

The Site Development Permit replaces the prior Hillside Review Permit contained within CDP/HRP/CUP No. 90-1140, as the SDMC no longer contains a section for Hillside Review Permits. The Site Development Permit is amending CDP/HRP/CUP No. 90-1140.

Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment

An MHPA boundary line adjustment is proposed to include more on-site habitat in the MHPA than currently exists. The proposed boundary line adjustment would remove from the MHPA approximately 0.05 acre due to project impacts related to grading and/or Zone One brush management requirements, and add 1.27 net acres of habitat in the MHPA, including an increase of 0.09 acre of vernal pools. An adjustment to the MHPA boundary would ensure that the biological value of the land added to the MHPA is greater than that subtracted from it, and would prevent significant impacts from occurring within the MHPA. Boundary line adjustment concurrence from the wildlife agencies was received in May 2008. A Habitat Management Plan (HMP) will be implemented by the Salk Institute to ensure that the integrity and habitat quality of the proposed MHPA is maintained.

Coastal Development Permit (CDP)

A Coastal Development Permit is required due to the Salk Institute being located within the Coastal Overlay Zone, appealable to the California Coastal Commission (Attachment 11). SDMC Section 126.0702(a) requires a CDP for this property. Additionally, the Coastal Development Permit is amending CDP/HRP/CUP No. 90-1140.

Community Plan Analysis:

The proposed project is located in the Torrey Pines Subarea of the University Community, and is designated for scientific research uses. The Development Intensity Element of the University Community Plan identifies that this site is able to develop up to 500,000 square feet of scientific research uses. The proposed project would result in a total of 476,000 square feet of scientific research use which is consistent with the use and intensity.

The University Community Plan provides design objectives for the Torrey Pines Subarea in order to protect the natural topography and vegetation in the area and to enhance public access to

unique panoramic vistas. The first objective is to protect and take maximum advantage of the Subarea's topography and unique natural vegetation. The project accomplishes this by limiting its development footprint over the project site and not encroaching upon designated open space areas. The project also clusters its development into the central portion of the campus where existing development has already occurred and along the north mesa which is currently utilized as surface parking. The south mesa of the campus will remain undeveloped and conserved as open space within a conservation easement.

The University Community Plan also calls for the preservation of existing mature trees where feasible and avoid destruction of native vegetation, wildlife habitats, geologic landmarks, or known archaeological resources. The project will preserve existing trees and vegetation and incorporate them into site design to the extent possible. Preservation of the south mesa as open space as well as a buffer along the western edge of the development footprint will preserve native vegetation and habitat. A net increase of 1.27 acres will be preserved as Multiple Habitat Planning Area (MHPA) along the southern and western edge of the north mesa development footprint. Mitigation included in the Environmental Impact Report would insure monitoring during grading and excavation for preservation of any archaeological or paleontological resources.

The remaining objectives for development in this Subarea include minimizing total amount of impervious services, insuring visual and physical access to natural canyons, resource areas and scenic vistas, and also insuring that massing of structures and design detail of new buildings contribute to visually coherent streetscape. The project reduces impervious services through provision of a three-level, below-grade parking structure that would be landscaped with grass or other appropriate vegetation reducing the amount of new impervious surfaces onsite. Temporary structures will be removed and new permanent buildings would be constructed on the Torrey East mesa, formalizing the streetscape along North Torrey Pines Road and creating a new sense of place for the Salk Institute. The Salk Community Center will be constructed towards the end of the north mesa and the north core facility constructed below ground, preserving views from the Torrey Pines Scenic Drive and adjacent sidewalk towards the coastal bluffs and ocean. To insure that the massing of structures and their design contribute to a visually coherent streetscape, the Master Plan contains design guidelines for new development which are consistent with existing architecture and require use of similar architectural styles, materials and massing. As stated earlier, the project is requesting a deviation from the 30-foot height limit in the RS-1-7 residential zone for the Salk Community Center Building. However, this building, and all others proposed in the Master Plan will comply with the City's Coastal Height Limit Overlay Zone requirements. The design guidelines also implement the architectural guidelines contained in the University Community Plan.

Environmental Analysis:

The Environmental Impact Report (EIR) analyzed the environmental impacts of the proposed Salk Institute Project. Implementation of the proposed Mitigation, Monitoring and Reporting Program (MMRP) would reduce the environmental effects of the project to below a level of significance with the exception of significant, unmitigated direct and cumulative impacts related to traffic and circulation. Traffic and circulation impacts are anticipated to occur as a result of causing an unacceptable delay at the intersection of Genesee Avenue/Interstate 5 interchange, which is projected to operate at levels of service (LOS) E and F without the proposed project

implementation during the Buildout Condition (Year 2030). The increased delay would exacerbate an already unacceptable condition predicted at that location. Implementation of the proposed MMRP would reduce impacts to below a level of significance in the following issue areas: biological resources, historic resources, noise and paleontological resources.

Transportation

Intersection improvements are planned for Genesee Avenue/I-5 interchange to improve LOS and decrease delays during Buildout (Year 2030). Payment of fair-share fees by the project applicant (totaling \$353,000 at project buildout) would contribute funding toward those improvements. The Salk Institute's participation in a Transportation Demand Management (TDM) program would further lessen the project's impact. The interchange improvements are not assured in terms of timing and funding; however, even when planned improvements are constructed, direct and cumulative impacts would remain significant and unmitigated for traffic/circulation.

Mitigation, Monitoring, Reporting Program (MMRP)

In an effort to reduce or avoid those direct impacts identified as potentially significant with implementation of the proposed project, the following areas of concern would be included in the MMRP: biological resources, historic resources, noise and paleontological resources. For these subject areas, mitigation would be included to reduce significant direct impacts to a level below significance.

Alternatives

None of the project alternatives analyzed in the EIR would completely eliminate the significant impacts of the project. Selection of any of the project alternatives would, however, reduce the project's contribution to one or more of the significant impacts. All of the alternatives would result in significant, unmitigable cumulative impacts to traffic and circulation. Further discussion in greater detail is provided in the final Environmental Impact Report.

Project-Related Issues:

Substantial Conformance Review - Future development of the Salk Community Center Building, north peninsula parking structure and greenhouses would be reviewed for consistency determined during a Substantial Conformance Review (SCR) – Process Two, by City staff (including Historic Resources Board Staff). City staff would have to determine that any future building permit is consistent with the proposed development regulations contained in the entitlements, design guidelines and the exhibits of approval; otherwise, the project applicant would have to apply for an amendment to the entitlements, as necessary.

Height Deviation – The Salk Institute Property is zoned RS-1-7 (single family residential) with the institute allowed to be built via Conditional Use Permit (CUP) No. 3841. The RS-1-7 requires that the building envelope for structures be angled starting at 24 feet above grade [SDMC Table 131-04D and SDMC 131.0444(b)]. The proposed Salk Community Center building is requesting a deviation from this requirement within the Municipal Code. This height deviation will allow the proposed Community Center building to conform to the other existing buildings on the Salk Institute Campus. The Community Center building or any other proposed buildings in the Master Plan will comply with the City's Coastal Height Limit Overlay Zone requirements within SDMC 132.0505 (Prop. "D" height requirement).

Conclusion:

Staff has determined the proposed Salk Institute project complies with the applicable sections of the Municipal Code and adopted City Council policies. Staff has determined the required findings would support the decision to approve the proposed project's Vesting Tentative Map, Master Planned Development Permit, Coastal Development Permit, Site Development Permit, Easement Abandonment, and Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment (Attachments 10 and 12). An Environmental Impact Report has been prepared for this project and the mitigation required would reduce any potentially significant impact to a level below significance. Findings and Statement of Overriding Consideration must be made to certify the Environmental Impact Report for potential impacts which are direct, cumulative and unmitigated.

ALTERNATIVES

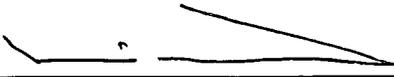
1. a. Recommend to the City Council **Certification** of the Environmental Impact Report No. 44675, **Adoption** of the Mitigation Monitoring and Reporting Program, and **Adoption** of Salk's Findings and Statement of Overriding Consideration; and

b. Recommend to the City Council **Approval** of Vesting Tentative Map No. 369518, Master Planned Development Permit No. 561577, Coastal Development Permit No. 126996, Site Development Permit No. 127002, Easement Abandonment No. 130269, and Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment, with modifications; or,

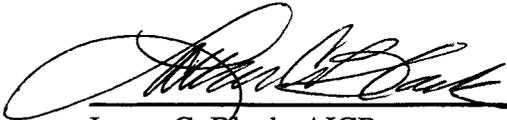
2. a. Recommend to the City Council they **Do Not Certify** the Environmental Impact Report No. 44675, **Do Not Adopt** the Mitigation Monitoring and Reporting Program, or **Do Not Adopt** Salk's Findings and Statement of Overriding Consideration; and

b. Recommend to the City Council **Denial** of the Vesting Tentative Map No. 369518, Master Planned Development Permit No. 561577, Coastal Development Permit No. 126996, Site Development Permit No. 127002, Easement Abandonment No. 130269, and Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment, with modifications, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



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Development Services Department



Laura C. Black, AICP
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BROUGHTON/LCB

Attachments:

1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Project Data Sheet
5. CDP/HRP/CUP Permit No. 90-1140
6. Conditional Use Permit No. 3841 and all Amendments to CUP No. 3841
7. Historical Site Board Resolution No. R-9102272, dated February 27, 1991
8. Vesting Tentative Map
9. Project Plans
10. Draft Map Conditions and Subdivision Resolution
11. Draft Permit with Conditions
12. Draft Resolution with Findings
13. Design Guidelines for Salk Institute (separate bound attachment)
14. San Diego County Regional Airport Authority Resolution No. 2007-0081 ALUC
15. Community Planning Group Recommendation, dated July 8, 2008
16. Ownership Disclosure Statement
17. Project Chronology
18. MHPA Boundary Line Adjustment
19. Candidate Findings of Fact and Statement of Overriding Considerations regarding FEIR No. 44675 (separate bound attachment)

