

**DATE ISSUED:** March 30, 2005                      **REPORT NO. PC-05-139**

**ATTENTION:**        **Planning Commission, Agenda of April 7, 2005**

**SUBJECT:**            SALK INSTITUTE GEOTECHNICAL TESTING,  
PROJECT NUMBER 54535  
PROCESS 3, APPEAL TO PLANNING COMMISSION

**OWNER/  
APPLICANT:**        The Salk Institute Corporation, Owner  
Latitude 33 Planning and Engineering, Applicant

### **SUMMARY**

**Issue:** Should Planning Commission approve or deny an appeal on the February 16, 2005 Hearing Officer decision to approve Coastal Development Permit No. 190894 and Site Development Permit No. 190895 for geotechnical investigation work.

#### **Staff Recommendations:**

1.        CERTIFY Mitigated Negative Declaration No. 54535 and ADOPT Mitigation, Monitoring and Reporting Program; and
2.        DENY the appeal and APPROVE an application for a Coastal Development Permit No. 190894 and Site Development Permit No. 190895 for geotechnical investigation work

**Community Planning Group Recommendation:** On November 9, 2004, the University Community Planning Group voted 11-4-0 to recommended approval of the proposed geotechnical investigation work with no conditions.

**Environmental Review:** A Mitigated Negative Declaration No. 54535, 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, any potential

impacts identified in the environmental review process.

**Fiscal Impact Statement:** All costs associated with processing of this project are paid from a deposit account maintained by the applicant.

**Code Enforcement Impact:** None

**Housing Impact Statement:** This project proposes geotechnical investigation work only and does not include any residential development.

## **BACKGROUND**

The Salk Institute, an existing 26.34 acre site, is a developed biological scientific research center that consists of seven buildings, approximately 289,818 square feet total of gross floor area, parking lots, and landscape improvements located at 10010 North Torrey Pines Road. The project site is within the Coastal Overlay (appealable), Coastal Height Limit, Community Plan Implementation Overlay (Area A), and RS-1-7 Zones within the University Community Plan. The Salk Institute property is bounded to the south by residential development; the west side canyon area and City-owned open space; the east by North Torrey Pines Road; and the north side of the property by Torrey Pines Scenic Drive, City-owned open space, and University of California San Diego property. The development was originally approved by the City of San Diego in 1961 through issuance of Conditional Use Permit (CUP) No. 3841 as amended, and thereafter subsequent CUP No. 85-0589, an amendment to CUP No. 3841, and Coastal Development Permit/Hillside Review/CUP No. 90-1140, an amendment to CUP No. 3841.

The Salk Institute anticipates expansion of their facilities, consistent with the University Community Plan's allocation of 500,000 square feet for scientific research building. In order to further develop the property, the location and design of the proposed facilities is based upon the geotechnical analysis of which requires testing and data collection from the project site. The Salk Institute has applied for a Coastal Development Permit and Site Development Permit for the sole purpose of geotechnical investigations to occur on the site and would not require amendments to the existing facility's Coastal Development Permit/Hillside Review/CUP No. 90-1140, an amendment to CUP No. 3841.

On February 16, 2005, the Hearing Officer certified the project's Mitigated Negative Declaration and approved the Site Development and Coastal Development Permits for the geotechnical investigation work. Subsequently, Ms. Joanne Pearson representing the San Diego Sierra Club, filed an appeal on the Hearing Officer decision.

## **DISCUSSION**

### **Project Description:**

The proposed geotechnical investigations include two trenches and three borings as indicated on the plans (Attachment 5). The locations were selected for their ability to provide the best possible geologic information with regard to fault location and slope stability while minimizing impacts to biological resources and steep slopes.

The trenching analysis would determine the potential fault hazard for the site. The trenches would be located within the existing northwest parking lot area and would be approximately 36 inches wide and up to 25 feet deep. Soils removed from the trenches would be stockpiled next to the trench or within the parking lot and used for backfilling after the investigation is complete. These trench locations would not directly impact sensitive biological resources and would stay a minimum of 100 feet away from property's northwestern wetland area.

Three geophysical borings are required to assess the slope stability of the site. Two of the borings are proposed in the northwestern portion of the site and one is proposed in the southwestern portion of the site. These borings would be large 36-inch diameter bucket borings and drilled to a maximum depth of 125 feet. Access to the boring location on the southwestern portion of the site would require the traversing of equipment to the location, via driving through disturbed Diegan coastal sage scrub. Potential habitat disturbance from transportation would include a 26-foot diameter area to maneuver the drill rig and other equipment and an access route to drive to the drill location. The total area anticipated for all this work is approximately 5,140 square feet (0.12 acre), of which 3,900 square feet (0.09 acre) would be in native habitat areas. The access to the boring location would be from the south through very sparse disturbed coastal sages scrub. The boring itself would occur in a large bare area and would not impact any coastal sage scrub species. To prevent disturbance to native soils, tarps (or other ground covering) would be used beneath stockpiles to protect the soil, seed bank and plant material. All stockpiling of bored subsurface materials would be put on tarps. Methods would be employed to minimize impacts to the surrounding habitat in these areas such as driving through disturbed or open patches in the vegetation and using tarps to capture stockpiled soil. Each boring would take approximately four days to complete.

Each geotechnical testing location would be returned to its pre-disturbance state after trenching and boring activities. The trenches and boring holes would be backfilled using the stockpiled materials. Any excess soil, large rocks or debris would be removed from site. Native coastal sage scrub seed would be spread in all disturbed habitat and disturbed coastal sage scrub areas (at boring sites 1 and 3) to assist in the re-establishment of the native habitat and prevent invasive species from entering adjacent native habitat. Tire ruts or other signs of disturbance would be raked and seeded with native coastal sage scrub species. The crushed vegetation would be spread out over the impact area.

## **Appeal Issues:**

The appellant, Ms. Joanne Pearson, representing the San Diego Sierra Club, cites factual error, conflict with other matters, and findings not supported as reason for appeal of the Hearing Officer decision (Attachment 8). Each specific issue is identified as follows along with the City's response:

1. *CEQA:*

- a. *Hearing Officer/City failed to consider environmentally superior alternatives brought to its attention by appellant.*

Other than a letter to the Hearing Officer dated February 16, 2005 (Attachment 9), the appellant did not provide any comments on the public distribution of the project's draft Mitigated Negative Declaration (MND) or discuss alternatives with City staff. The California Environmental Quality Act (CEQA) does not require that alternatives analysis be addressed in a MND.

- b. *City failed to respond to comments in MND, or at hearing.*

City staff adequately addressed all the comments that were received regarding the MND and responded to all questions as directed by the Hearing Officer including those posed by the single opposition, Ms. Kathryn Burton, present during the public hearing.

- c. *City failed to address requests under CEQA "fair argument standard" to require EIR for geotech exploration, or to fold into full project DEIR, creating likelihood of unnecessary environmental impacts.*

The appellant is not clear as to what impacts they believe are significant and unmitigated that would require an Environmental Impact Report (EIR). The City conducted an Initial Study which determined that the proposed project could have an environmental effect upon biological resources and historical resources (archaeology). Subsequent revisions in the project proposal create the specific mitigation identified in the Mitigated Negative Declaration's, Mitigation, Monitoring, and Reporting Program. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified.

2. *Factual Error:*

- a. *City failed to address 2001 evidence of gnatcatchers on north mesa and disturbance by Institute itself of areas on north and south mesas now shown as "disturbed."*

The Initial Study and the Biological Letter Report mention that the coastal California gnatcatcher was observed on the site during the field surveys of the

property. The proposed geotechnical work has a potential for indirect noise impacts to the gnatcatcher however, implementation and mitigation measures as identified in the project's MND will be incorporated into the project as conditions of approval.

3. *Findings cannot be made:*

- a. *Per appellant's submittal Feb. 16, 2005, SDP findings A.1, B1., 2., and 5., and CDP findings A.1, 3, 4., and B1, 2, and 4 cannot be made.*

As applied for by the applicant and consistent with the City's Land Development Code, the Site Development Permit and Coastal Development Permit application is for the specific geotechnical exploratory work as proposed and does not authorize any further development on the premises.

**Community Plan Analysis:**

The University Community Plan's Resource Management Element provides for the protection of natural resources to include landform preservation, biological resources, and water quality/erosion (pages 264 and 265). The proposed geotechnical investigation work incorporates the goals and objectives of the Community Plan by minimizing grading activities, avoidance of pure native habitat and implementation of erosion control measures. Furthermore, consistent with the Open Space and Recreation Element, the geotechnical work is specifically located outside of slopes greater than 25 percent gradient (page 237) and disturbed vegetation will be revegetated with native flora (page 238). The project as proposed is consistent with the goals and objectives of the adopted University Community Plan.

**Environmental Analysis:**

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect upon biological resources and historical resources (archaeology). Subsequent revisions in the project proposal create the specific mitigation identified in the Mitigated Negative Declaration No. 54535, Section V., Mitigation, Monitoring, and Reporting Program. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified.

**Project-Related Issues:**

The proposed geotechnical investigation work will not include the construction of any structures on the project site. However, consistent with the City's Land Development Code Section 143.0110, development, including excavation and grading activities, within the Coastal Zone and Environmentally Sensitive Lands (ESL) requires a Coastal Development Permit and Site Development Permit. The applicant has provided their Test Location Analysis (Attachment 10) and the City concurs with the analysis that the proposed work is strategically located to minimize impacts to ESL habitat to include avoidance of steep hillsides, adjacent Multi-Habitat

Preservation Area's open space, and temporary impacts to on-site disturbed habitat.

**Conclusion:**

Staff recommends that you deny the appeal and approve the proposal as requested.

**ALTERNATIVES**

1. **Deny the appeal and Approve Coastal Development Permit No. 190894 and Site Development Permit No. 190895, with modifications.**
2. **Approve the appeal and Deny Coastal Development Permit No. 190894 and Site Development Permit No. 190895, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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**Marcela Escobar-Eck  
Deputy Director, Customer Support  
and Information Division  
Development Services Department**

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**Tim Daly  
Project Manager, Customer Support  
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ESCOBAR-ECK/TPD

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan(s)
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Copy of Appeal(s)
9. Joanne Pearson letter to Hearing Officer, Feb. 16, 2005
10. Test Location Analysis, Nov. 30, 2004
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Project Chronology

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