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RESOLUTION NUMBER R- 304291

DATE OF FINAL PASSAGE OCT 21 2008

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A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING COASTAL DEVELOPMENT PERMIT NO. 126996, SITE DEVELOPMENT PERMIT NO. 127002, MASTER PLANNED DEVELOPMENT PERMIT NO. 561577, MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT, AND AMENDMENT TO COASTAL DEVELOPMENT/ HILLSIDE RESOURCE PROTECTION/CONDITIONAL USE PERMIT NO. 90-1140 FOR THE SALK INSTITUTE PROJECT.

WHEREAS, the Salk Institute for Biological Studies, a California non-profit public benefit corporation, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit/site development permit, master planned development permit, Multi-Habitat Planning Area [MHPA] boundary line adjustment, and amendment to Coastal Development Permit/Hillside Resource Protection [HRP]/Conditional Use Permit [CUP] No.90-1140 for the Salk Institute Project to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet on portions of a 26.34-acre site, located at 10010 North Torrey Pines Road and legally described as Portion of Parcel 1 of Parcel Map No.14013, in the University Community Plan [UCP] area, in the R-S-1-7 zone, Coastal Overlay (Appealable), Coastal Height Limit Overlay, and Community Plan Implementation Overlay (Area A – CPIOZ-A) Zones; and

WHEREAS, on September 4, 2008, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No.126996, Site Development Permit [SDP] No.127002, Master Planned Development Permit [MPDP] No. 561577/MHPA boundary

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line adjustment, and amendment to CDP/HRP/CUP No. 90-1140, pursuant to the Land Development Code of the City of San Diego and pursuant to Resolution No.4445-PC voted to recommend to the City Council the approval of the Permits; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on OCT 21 2008, testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning same; NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego, that it adopts the following findings, with respect to CDP No. 126996/SDP No. 127002/MPDP No. 561577/MHPA boundary line adjustment, and amendment to CDP/HRP/CUP No. 90-1140:

A. COASTAL DEVELOPMENT PERMIT FINDINGS - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0708

1. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed development does not encroach on any existing physical access way that is legally used by the public or any proposed public access way identified in the Local Coastal Program land use plan.

The proposed location of buildings on the project site would prevent blockage of the public view corridors identified in the UCP. While the proposed Salk Community Center

Building would encroach into certain long-range views of the ocean and the La Jolla coastline from Torrey Pines Scenic Drive, the proposed Community Center Building would not encroach into any designated view corridor within the UCP. Furthermore, the proposed project would enhance public views by removing visual clutter caused by the existing parking lot and lighting and would create a substantial view corridor atop the proposed underground parking garage. The proposed development creating this view corridor would be consistent with local and regional land use documents protecting views, including the UCP, the North City Local Coastal Program land use plan, and the City's General Plan. Therefore, the proposed development will enhance and protect public views to and along the ocean.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project would require a conservation easement to encumber the entire south mesa of the project site to ensure that the Institute doesn't expand development into this area of the campus. This easement will minimize potential impacts to environmentally sensitive lands.

The proposed development would impact 0.08 acres of sensitive on-site vegetation, including 0.03 acres of maritime succulent scrub (Tier I), and 0.05 acres of Diegan coastal sage scrub (Tier II). In addition, impacts to 8.9 acres of non-sensitive, disturbed habitat would be less than significant according to the City's Multiple Species Conservation Program [MSCP] and the Biology Guidelines. The project would also conform to the MSCP Guidelines with regard to land use adjacency requirements. The proposed MHPA boundary line adjustment would result in dedication of a larger on-site biological open space easement than required to offset habitat removal. The proposed MHPA dedication area (Proposed Lot 3) contains sensitive native habitats. All direct impacts to sensitive species would be mitigated in accordance with the City's Biology Guidelines and the MSCP. The proposed project impacts to habitat would be less than significant and none of the project features would directly impact any City wetlands or their buffers. As such, the proposed buildings are sited in appropriate locations, best physically suited for development and will not adversely impact environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The proposed project is located in the Torrey Pines Subarea of the UCP, and is designated for Scientific Research uses. The Development Intensity Element of the UCP allows up to 500,000 square feet of scientific research facilities to be developed on this site. The proposed project is consistent with the use and intensity. The site is currently developed with 289,800 square-feet of scientific research facilities. The proposed development conforms to the University Community Plan and North City Local Coastal Program land use plan. The project

would implement the land use plans by expanding the Institute's scientific research facilities in a manner that balances the sensitive natural and historic resources with the Institute's expanding research needs. Therefore, the project is in conformity with the certified coastal program land use plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The western property line of the Salk Institute site is approximately 1200 feet from the Pacific Ocean shoreline. The first public roadway adjacent to this property is North Torrey Pines Road. The first public roadway from the Pacific Ocean is North Torrey Pines Road. There will be no impacts to public parking because the development would provide the required off-street parking spaces. The project is surrounded by development to the east and south, with city owned park land to the north of the project site. The proposed coastal development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

B. SITE DEVELOPMENT PERMIT FINDINGS – SDMC SECTION 126.0504:

1. Findings for all Site Developments

a. The proposed development will not adversely affect the applicable land use plan. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The proposed project is located in the Torrey Pines Subarea of the UCP, and is designated for scientific research uses. The Development Intensity Element of the UCP allows up to 500,000 square feet of scientific research facilities to be developed on this site. The proposed project is consistent with the use and intensity. The site is currently developed with 289,800 square-feet of scientific research facilities. Since the Salk Institute was founded, there have been changes in the scientific research field, including new technologies, shifting demographics of the scientists to a younger and more gender-mixed population, and increases in the number of employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and accommodates new and emerging research technologies. Therefore, the project will not adversely affect the adopted land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre

site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the University Community Plan and the North City Local Coastal Program. The proposed development has been designed and will be constructed to meet all applicable zoning, building, fire, and other regulations as imposed by the City of San Diego, the State of California, and all federal agencies. An Environmental Impact Report [EIR] has been prepared for the project in accordance with the California Environmental Quality Act [CEQA]. A Mitigation, Monitoring, and Reporting Program [MMRP] has been incorporated into the permit conditions and will address the following environmental issues: Biological Resources, Historical Resources (Designated Site), Historical Resources (Archaeology), Noise, Paleontological Resources, and Traffic. As such, the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed project is to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed development will provide scientific research facilities as designated within the UCP. Further, the proposed development is consistent with the scale of the existing buildings on the project site and is designed to minimize visual impacts by maintaining the spatial relationship between the buildings within the entire campus. The proposed development is architecturally consistent in terms of style and materials with the existing buildings on site and also with the surrounding development and the adjoining community.

The proposed development has been designed to comply with the Land Development Code, including requirements for zoning, setbacks, floor area ratio, street design, open space, grading, landscaping, parking, and all other development criteria, as allowed through a Planned Development Permit. Development of the Salk Community Center will require a deviation from the 30 foot height restriction of the residential base zone RS-1-7, although the entire project meets the height restrictions of the Coastal Height Limit Overlay Zone. Upon the approval of such deviation, the project will fully comply with the regulations of the Land Development Code.

2. Supplemental Site Development Permit Findings – Environmentally Sensitive Lands

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project would require a conservation easement to encumber the entire south mesa of the project site to ensure that the Institute doesn't expand development into this

area of the campus. This easement will minimize potential impacts to environmentally sensitive lands.

The proposed development would impact 0.08 acres of sensitive on-site vegetation, including 0.03 acres of maritime succulent scrub (Tier I), and 0.05 acres of Diegan coastal sage scrub (Tier II). In addition, impacts to 8.9 acres of non-sensitive, disturbed habitat would be less than significant according to the City's MSCP and the Biology Guidelines. The project would also conform to the MSCP Guidelines with regard to land use adjacency requirements. The proposed MHPA boundary line adjustment would result in dedication of a larger on-site biological open space easement than required to offset habitat removal. The proposed MHPA dedication area (Proposed Lot 3) contains sensitive native habitats. All direct impacts to sensitive species would be mitigated in accordance with the City's Biology Guidelines and the MSCP. The proposed project impacts to habitat would be less than significant and none of the project features would directly impact any City wetlands or their buffers. As such, the proposed buildings are sited in appropriate locations, best physically suited for development

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project includes a conservation easement encumbering the entire south mesa of the project site to ensure that the Institute doesn't expand development into this area of the campus. This easement minimizes impacts to environmentally sensitive lands and natural land forms that might result from the proposed development. The proposed buildings are sited in an appropriate location that will not result in undue risk from geologic and erosional forces, flood hazards or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project includes a conservation easement encumbering the entire south mesa of the project site to ensure that the Institute doesn't expand development into this area of the campus. This easement minimizes impacts to environmentally sensitive lands and natural land forms that might result from the proposed development. The proposed easement would allow more existing native habitat to remain on site. The site is located adjacent to the existing MHPA, and an MHPA boundary line adjustment is proposed to allow dedication of 1.27 acres of additional property into the MHPA to offset habitat impacts within the MHPA. In addition to increasing the size of the MHPA, this additional land area will help to prevent adverse edge effects on the adjacent MHPA areas. As

such, the proposed buildings are sited in an appropriate location that will least impact adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. A MHPA boundary adjustment and conservation easement is proposed conserve sensitive biological resources. The adjustment will increase the size of the MHPA by 1.27 acres. The MHPA boundary line adjustment would improve the overall habitat function, wildlife movement, preserve configuration, and management of the MHPA. The project would avoid or minimize all direct and indirect impacts to the MHPA through conformance to the City's MHPA Land Use Adjacency Guidelines. As such, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. [BMPs] that will be implemented both pre- and post-construction. The BMPs include, but are not limited to, on-site vegetated drainage swales and detention/desiltation basins to reduce surface water runoff and velocities, which will ensure water runoff will not increase downstream siltation or overall water runoff from the project that could cause beach sand erosion. As such, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. All mitigation measures identified within the EIR have been incorporated into the permit conditions for the proposed development.

The proposed development's mitigation measures reduce the impact of the proposed project to below a level of significance in all areas except traffic, the impacts to which are considered to be cumulatively significant and unmitigable. With respect to traffic, the project applicant has agreed to mitigation that otherwise would be appropriate to reduce the project's impact to a level less than significant. However, because the I-5/Genesee interchange project is

not formally funded, the City is not able to make this conclusion with regard to cumulative impacts. As such, all mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development has been incorporated into the permit conditions for the proposed development.

3. Supplemental Site Development Permit Findings – Historical Resources Deviation for Substantial Alteration of a Designated Historical Resource

a. **There are no feasible measures, including a less environmentally damaging alternative, that can further minimize the potential adverse effects on the designated historical resource or historical district.** The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed project is located in the Torrey Pines Subarea of the UCP, and is designated for Scientific Research uses. The Development Intensity Element of the UCP allows this site to develop up to 500,000 square feet of scientific research facilities. The proposed project is consistent with the use and intensity. The site is bound by single family residences to the south, Open Space to the north, the Pacific Ocean to the west and the University of Southern California – San Diego [UCSD] Campus to the east.

The Salk Institute was originally constructed in the early to mid-1960s and opened in 1965. 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.”

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 project 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 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.

A MMRP has been established to reduce potential historical resource impacts related to spatial relationships and the east parking lot landscaping, associated with Rehabilitation Standards 2 and 9. Proposed mitigation consists of carefully removing all healthy Chinese Fringe trees within the existing east parking lot and replanting the trees as part of the landscaping for the proposed Torrey East Building. The landscape concept plan shall restore as much of the

Institute's original perimeter plantings as possible. Final design of the Torrey East Building shall feature a ground-level, two-story transparent atrium space designed to permit limited visibility along the same axis as the courtyard of the original laboratory building. The proposed mitigation would minimize potential impacts to the historical resources on the site.

b. The deviation is the minimum necessary to afford relief and accommodate the development and all feasible measures to mitigate for the loss of any portion of the historical resource have been provided by the applicant. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed project is located in the Torrey Pines Subarea of the University Community Plan, and is designated for Scientific Research uses. The Development Intensity Element of the UCP allows this site to develop up to 500,000 square feet of scientific research facilities. The proposed project is consistent with the use and intensity. The site is bound by single family residences to the south, open space to the north, the Pacific Ocean to the west and the University of Southern California – San Diego (UCSD) Campus to the east.

An MMRP has been established to reduce potential historical resource impacts related to spatial relationships and the east parking lot landscaping, associated with Rehabilitation Standards 2 and 9. Proposed mitigation consists of carefully removing all healthy Chinese Fringe trees within the existing east parking lot and replanting the trees as part of the landscaping for the proposed Torrey East Building. The landscape concept plan shall restore as much of the Institute's original perimeter plantings as possible. Final design of the Torrey East Building shall feature a ground-level, two-story transparent atrium space designed to permit limited visibility along the same axis as the courtyard of the original laboratory building. Therefore, the project deviations are the minimum necessary to afford relief. The proposed project mitigation measures incorporate all feasible measures to reduce potential impacts to historical resources resulting from change in spatial relationships and the east parking lot landscaping.

c. The denial of the proposed development would result in economic hardship to the owner. For purposes of this finding, "economic hardship" means there is no reasonable beneficial use of a property and it is not feasible to derive a reasonable economic return from the property. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the University Community Plan and the North City Local Coastal Program. The proposed project is located in the Torrey Pines Subarea of the UCP, and is designated for scientific research uses. The Development Intensity Element of the UCP allows this site to develop up to 500,000 square feet of scientific research facilities. The proposed project conforms to the limits on use and intensity. The site is bound by single-family residences to the south, Open Space to the north, the Pacific Ocean to the west and the University of Southern California – San Diego (UCSD) Campus to the east.

The UCP allocates a total of 500,000 square-feet of scientific research uses to the project site. The site is currently developed with 289,800 square-feet of scientific research uses. Since the Salk Institute was founded, there have been changes in the scientific research field, including new technologies, the shifting demographics of the scientists to a younger and more gender-mixed population, and increases in needed employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and provides for the accommodation of new and emerging research technologies. If the Institute were not allowed to expand as proposed in this project, it would serve as an economic hardship to the Institute.

C. PLANNED DEVELOPMENT PERMIT FINDINGS – SDMC SECTION 126.0604

1. The proposed development will not adversely affect the Applicable land use plan. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The proposed project is located in the Torrey Pines Subarea of the University Community Plan, 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 is consistent with the use and intensity. The University Community Plan [UCP] allocates a total of 500,000 square-feet of Scientific Research uses to the project site. The site is currently developed with 289,800 square-feet of Scientific Research uses. Since the Salk Institute was founded, there have been changes in the scientific research field, including the introduction of new technologies, the shifting demographics of the scientists themselves toward a younger and more gender-mixed population, and increases in the number of employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and provides for the accommodation of new and emerging research technologies. Therefore, the project will not adversely affect the adopted land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed development has been designed and will be constructed to meet all applicable zoning codes, building, fire and other regulations applicable to this type of development as imposed by the City of San Diego, the State of California and all federal agencies. An EIR has been prepared for the project in accordance with CEQA. An MMRP has been incorporated into the permit conditions and will be implemented to address the following environmental issues: Biological Resources, Historical Resources (Designated Site), Historical

Resources (Archaeology), Noise, Paleontological Resources, and Traffic. As such, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The proposed development will provide expanded scientific research facilities as is designated within the UCP. Further, the proposed development is consistent with the existing scale of the current buildings on the project site and is designed to minimize visual impacts by maintaining the spatial relationship between the buildings within the entire campus. The proposed development is architecturally consistent in terms of style and materials with the existing buildings on site and also with the surrounding development and the adjoining community.

The proposed development has been designed to comply with the Land Development Code, including requirements for zoning, setbacks, floor area ratio, street design, open space, grading, landscaping, parking, and all other development criteria requirements, as allowed through a Planned Development Permit. Implementation of the Salk project will require a deviation from the height restrictions of the base residential use zone RS-1-7 for the Salk Community Center, although the entire project is consistent with the Coastal Height Limit Overlay Zone. Upon the approval of such deviation, the project will fully comply with the regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. The project site is designated scientific research within the UCP. The project area was developed in the 1960's through Conditional Use Permit No. 3841, which has been through several amendments to bring the site to its current configuration of buildings on the campus.

The proposed project would provide public benefits to the City of San Diego by realizing the preservation and dedication of land into the MHPA. The Salk project has been designed and will be developed in accordance with the UCP and the North City Local Coastal Program land use plan to assure that the theme, architectural character, development considerations, and functional concepts of the Plans are implemented. The proposed project would also be consistent with the General Plan. All new development areas have been sited in response to a range of environmental considerations including sensitive landforms, steep slopes, and sensitive biological habitats. The proposed development provides landscaping plans, architectural and landscape design guidelines to ensure creation of an aesthetically pleasing project that

complements the existing landscape and permanent structures on site, respects the site's historical integrity and landscape with high design standards and enhances publicly accessible views in the project area.

The proposed development will provide additional laboratory, research, and design facilities on the Salk Institute campus as are necessary to continue their research. Since the Salk Institute was founded, there have been changes in the scientific research field, including new technologies, shifting demographics of the scientists to a younger and more gender-mixed population, and increases in needed employees and support staff. The proposed project addresses the current inadequacies of the existing scientific research and support space at the Institute and the changing demographics and needs of the Institute scientists and employees, and provides for the accommodation of new and emerging research technologies. As such, the proposed uses are appropriate at the proposed location and the proposed development will be beneficial to the entire community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed project would demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of laboratory, research, and development facilities, for a total build out of 476,000 square feet of development on portions of a 26.34-acre site. The project site is located at 10010 North Torrey Pines Road, southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, within the UCP and the North City Local Coastal Program. 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 section 131.0444(b) for the Salk Community Center Building. Strict adherence to this section of the Municipal Code would not be consistent with the existing buildings on the site that are part of the Historical Designation as Site No. 304 by the Historical Resources Board.

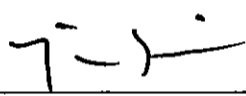
The proposed expansion of the Salk Institute campus is designed to meet the goals envisioned by Jonas Salk and Louis Kahn's original Master Plan. The original plan included space for administrative offices, meeting rooms, an auditorium, and dining facilities, all of which will be provided for by the proposed Salk Community Center Building. However, the proposed Salk Community Center Building requires a deviation from the height restrictions in the RS-1-7 zone, this deviation is necessary to accomplish the project goals and realize the vision of the Kahn/Salk Master Plan, and allow the public benefits of the project.

As an historically designated site, the proposed development is subject to specific design criteria that would be unable to be met with strict adherence to the height limit of the RS-1-7 zone under the SDMC. However, all buildings proposed in the Master Plan will comply with the City's Coastal Height Limit Overlay Zone requirements. The new Master Plan will minimize its visual impact to the maximum extent feasible and will be designed in conformance with applicable development regulations and the UCP. The UCP designates the project site for scientific research use. The proposed project is consistent with this land use recommendation and development standards in effect for the subject property pursuant to the adopted UCP.

The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, Coastal Development Permit No. 126996/Site Development Permit No. 127002/Master Planned Development Permit No. 561577/Multiple Habitat Planning Area (MHPA) boundary line adjustment, and amendment to Coastal Development /Hillside Resource Protection/Conditional Use Permit No. 90-1140 is granted to the Salk Institute for Biological Studies, a California non-profit public benefit corporation, Owner/Permittee, under the terms, and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Nina M. Fain
Deputy City Attorney

NMF:mm
10/02/08
Or.Dept:DSD
R-2007-325
MMS#6729

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Page 13 of 13

R- 304291

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3122

COASTAL DEVELOPMENT PERMIT NO. 126996/
SITE DEVELOPMENT PERMIT NO. 127002/
MASTER PLANNED DEVELOPMENT PERMIT NO. 561577/
MHPA BOUNDARY LINE ADJUSTMENT
SALK INSTITUTE [MMRP]
AMENDMENT TO COASTAL DEVELOPMENT PERMIT [CDP]/HILLSIDE RESOURCE
PROTECTION [HRP]/ CONDITIONAL USE PERMIT [CUP] No. 90-1140
CITY COUNCIL

This Coastal Development Permit No. 126996/Site Development Permit No. 127002/Master Planned Development Permit No. 561577/Multiple Habitat Planning Area [MHPA] Boundary Line Adjustment, (Amendment to CDP/HRP/CUP No. 90-1140), is granted by the City Council of the City of San Diego to the Salk Institute For Biological Studies, a California Nonprofit Public Benefit Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0708, 126.0504, 126.0604 and 125.1040. The 26.34-acre site is located at 10010 North Torrey Pines Road in the RS-1-7 zone, Coastal Overlay (Appealable), Coastal Height Limit Overlay, and Community Plan Implementation Overlay (Area A – CPIOZ-A) Zones within the University Community Plan area. The project site is legally described as Portion of Parcel 1 of Parcel Map No. 14013.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish 29,000 square feet of existing buildings and construct an additional 215,200 square feet of Laboratory and Research and Development, for a total build out of 476,000 square feet, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated OCT 21 2008, including Design Guidelines dated June 27, 2008, on file in the Development Services Department.

The project shall include:

- a. Demolition of West Buildings (20,000 square-feet) and Accessory Building (9,000 square-feet);
- b. Construction of the Torrey East Laboratory Building (94,200 square-feet), Salk Community Center Building (117,000 square-feet), North Peninsula Underground Parking Facility, and Greenhouses (4,000 square-feet);
- c. Deviation from the 30-foot height limit in the RS-1-7 residential zone (SDMC Table 131-04D and SDMC section 131.0444(b) for the Salk Community Center Building. This building, and all others proposed in the Master Plan will comply with the City's Coastal Height Limit Overlay Zone requirements within SDMC section 132.0505.
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.

4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
10. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

12. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

13. This permit incorporates CDP/HRP/CUP No. 90-1140, which amended CUP No. 3841.

14. This Permit may be developed in phases. Each phase shall be constructed consistent with the conditions and exhibits approved for each respective phase per the approved Design Guidelines dated June 27, 2008 and approved Exhibit "A" dated OCT 21 2008.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

15. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

16. The mitigation measures specified in the MMRP, and outlined in Environmental Impact Report [EIR] No. 44675, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

17. The Owner/Permittee shall comply with the MMRP as specified in EIR No. 44675, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Historical Resources (Designated Site)
- Historical Resources (Archaeology)
- Noise
- Paleontological Resources
- Traffic

18. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

19. The Master Planned Development Permit, Site Development Permit and Coastal Development Permit shall comply with the conditions of Vesting Tentative Map No. 369518.

20. The Owner/Permittee shall construct City standard sidewalk on Torrey Pines Scenic Drive, from the most westerly lot boundary to meet the existing sidewalk. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the Community Center Building.

21. The Owner/Permittee shall replace the damaged curb and uplifted sidewalk on North Torrey Pines Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the Torrey East Building.

22. The Owner/Permittee shall replace the existing pedestrian ramps with new City standard pedestrian ramps with truncated domes, at the southwest corner of North Torrey Pines Road and Torrey Pines Scenic Drive, at the northwest corner of Salk Institute Road and North Torrey Pines Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the Torrey East Building.

23. The Owner/Permittee shall replace the existing pedestrian ramp with City standard pedestrian ramp with truncated domes, at the terminus of Salk Institute Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the Greenhouses.

24. The Owner/Permittee shall close all non-utilized driveways, on Torrey Pines Scenic Drive and Salk Institute Road, with City standard curb, gutter and sidewalk. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the building adjacent to the proposed improvements.
25. The Owner/Permittee shall install three 30-foot wide City standard driveways on Torrey Pines Scenic Drive and one 30-foot wide standard driveway on Salk Institute Road. All work shall be completed and accepted by the City Engineer, prior to building occupancy of the building adjacent to the proposed improvements.
26. The Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for private storm drain systems, curb-outlets, retaining walls, landscape and irrigation locate in the public right-of-way and easements.
27. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
28. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
29. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.
30. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
31. The Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
32. This project proposes to export 250,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the processing and sale of the export material. All such activities require a separate Conditional Use Permit.
33. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

34. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99-08 DWQ.

LANDSCAPE REQUIREMENTS:

35. Prior to issuance of any construction permits, landscape construction documents for the revegetation and hydro-seeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A."

36. The Owner/Permittee shall monitor of the relocation of the Chinese fringe trees by a landscape architect to assure proper treatment. The health of the transplanted trees shall be monitored periodically by a landscape architect and any necessary remedial measures shall be taken to assure successful relocation of these historic trees. All other landscape treatment considered mitigation for historic resources shall be similarly monitored and success assured to the satisfaction of the Historical Resources Board staff.

37. Installation of slope planting and erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved landscape and grading plans is considered to be in the public interest. The Owner/Permittee shall initiate such measures as soon as the grading and disturbance has been completed. Such erosion control/slope planting and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Land Development Manual: Landscape Standards.

38. Prior to issuance of any construction permits for public right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

39. Prior to issuance of any grading permits, complete landscape construction documents, including an automatic permanent irrigation system, shall be submitted to the City Manager for approval. The plans shall be in substantial conformance to Exhibit "A."

40. Prior to the issuance of any construction permits, the Owner/Permittee shall complete a Maintenance Assessment District Agreement form for early confirmation.

41. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit

"A", Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

42. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC section 142.0403(b)5.

43. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

44. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

45. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy or a Final Landscape Inspection.

46. Prior to issuance of any construction permit for parking structures or for landscape proposed above a structure, the Owner/Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

47. The Owner/Permittee shall be responsible for the installation and maintenance of all landscape improvements consistent with the Land Development Code: Landscape Regulations and the Land Development Manual: Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

48. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Plan.

49. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412 as follows for

PROPOSED BUILDINGS: 30' Zone One and 20-30' Zone Two shall be planted and maintained per Exhibit "A," Brush Management Program, sheet L-5.

50. Brush Management for existing buildings is provided under previously recorded agreement 1992-0533322 O.R. on file with the County Recorder of San Diego California and reproduced on Exhibit "A."

51. Prior to issuance of any construction permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

52. Prior to issuance of any construction permits, a complete set of brush management construction documents shall be submitted for approval to the Development Services Department and the Fire Marshall. The construction documents shall be in substantial Conformance with Exhibit "A" and shall comply with SDMC section 55.0101, Land Development Code section 142.0412, and the Land Development Manual - Landscape Standards.

53. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted, while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the Development Services Department approval.

54. The Owner/Permittee shall be responsible to schedule an on-site, pre-construction meeting with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.

55. In Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Staff and Environmental Staff in the Development Services Department.

56. Prior to final inspection and the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.

57. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

58. No fewer than 1,046 off-street automobile parking spaces (1,086 automobile spaces provided), including twenty-one accessible spaces (twenty-six accessible spaces provided) and 143 carpool spaces (150 carpool spaces provided), shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Additionally, thirty-nine motorcycle spaces and twenty-five bicycle spaces (with shower and locker facilities), shall also be provided. All on-site parking stalls and drive aisle shall comply at all times with the SDMC, and shall not be converted and/or utilized for any other purpose.

59. Any sculpture or other standing design element shall be prohibited at the west side of the proposed Torrey East Building.

60. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

61. All signs associated with this development shall be consistent with sign criteria established by the Sign Program dated January 17, 1995, provided as Appendix 10 within the Design Guidelines, dated June 27, 2008.

62. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

63. The Owner/Permittee shall provide and maintain a Transportation Demand Management Plan. The Owner/Permittee shall provide an employee private shuttle service between the project and the regional transportation centers, and provide transit pass subsidies for the employees. The Owner/Permittee shall provide a kiosk or bulletin board displays information on transit uses, carpooling, and other forms of ridesharing.

64. The Owner/Permittee shall provide a fair-share contribution toward the construction of the interchange at Genesee Avenue and I-5 interchange, for total fair-share of \$353,000.

65. The Owner/Permittee shall provide a Rideshare Information kiosk or bulletin board that displays information on transit use, carpooling, and other forms of ridesharing, as indicated on Exhibit "A," satisfactory to the City Engineer.

66. A minimum of five off-street loading spaces (six spaces shown) shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." Further, all off-street loading space dimensions shall be in compliance with requirements of SDMC section 142.1010, and shall not be converted and/or utilized for any other purpose.

WASTEWATER REQUIREMENTS:

67. Prior to the issuance of any construction permits, the Owner/Permittee shall vacate onsite public sewer easements, satisfactory to the City of San Diego Director of Public Utilities.

68. Prior to submittal of public improvement drawings, including grading plans, the Owner/Permittee shall provide a hydrology study that shows the waste from the private onsite pump station/main is less than 4 hours old.

69. All onsite sewer facilities that serve the Salk Institute shall be private.
70. No trees or shrubs exceeding 3 feet in height at maturity shall be installed within 10 feet of any public sewer facilities.
71. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
72. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code.

WATER REQUIREMENTS:

73. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway along North Torrey Pines Road, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Director of Public Utilities and the City Engineer. All new on-site water facilities shall be private.
74. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a new irrigation water service(s) in a manner satisfactory to the Director of Public Utilities and the City Engineer. All private on-site irrigation systems shall be designed to utilize reclaimed water. The system shall be designed to allow the conversion from potable to reclaimed water service and avoid any cross connection between the two systems.
75. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each existing and proposed water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.
76. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
77. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities shall be modified at final engineering to comply with standards.
78. Prior to the issuance of any construction permits, the Owner/Permittee shall process encroachment maintenance and removal agreements for all acceptable encroachments, including, but not limited to, structures, enhanced paving, private utilities or landscaping, proposed to be

located within the public rights-of-way adjacent to the project. No structures or landscaping of any kind shall be installed in or over any vehicular access roadway.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on OCT 21 2008,
Resolution No R-304291.

Coastal Development Permit No. 126996
Site Development Permit No. 127002
Master Planned Development Permit No. 561577
MHPA Boundary Line Adjustment
Date of Approval: October 21, 2008

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Laura C. Black, AICP
TITLE: Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**THE SALK INSTITUTE
FOR BIOLOGICAL STUDIES**
Owner/Permittee

By _____
Garry Van Gerpen
Vice President of Scientific Services

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**